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

H. Con. Res. 406. Concurrent resolution authorizing the printing of additional copies of "Our Flag" as a House document, and providing for additional copies.


H. Con. Res. 416. Concurrent resolution to print as a House document the publication entitled "A Veteran's Benefits Calculator;" and to provide for the printing of additional copies.

H. Con. Res. 419. Concurrent resolution providing for additional copies of hearings on "Small Business Problems in the Poultry Industry," 87th Congress, and that there be printed one hundred thousand additional copies of said committee and thirty-five thousand shall be for the use of the Committee on Government Operations, five thousand additional copies of the committee print 

THE JOURNAL

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGE REFERRED

As in executive session.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the
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 1984

A letter from the Secretary, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, a report on Title I agreements under the Agricultural Trade Development and Assistance Act of 1984, concluded during February 1983 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON REAPPORTMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Justice for "Fees and expenses of witnesses" for the fiscal year 1982, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

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

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

WHITE HOUSE POLICE FORCE

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the White House Police Force Act of 1915, which was passed on September 25, 1915 (with accompanying papers); to the Committee on Public Works.

REPORT ON GRANTS TO NONPROFIT INSTITUTIONS FOR BASIC SCIENTIFIC RESEARCH

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

REPORT OF ATTORNEY GENERAL

A letter from the Attorney General, transmitting, pursuant to law, a report on the activities of the Department of Justice, for the fiscal year ended June 30, 1961 (with an accompanying report); to the Committee on the Judiciary.
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 to comply with the things we understand will happen today.
Mr. MANSFIELD. Mr. President, will the Senator from Florida seek recognition?
Mr. HOLLAND. I have already been recognized.
The VICE PRESIDENT. No; the Chair did not hear the Senator from Florida address the Chair first. The Senator from Georgia first addressed the Chair, and the Senator from Georgia has been recognized.
Mr. RUSSELL. Mr. President, inasmuch as this matter 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 positions taken on various issues on the floor of the Senate by the majority leader; but in order to retain my standing in the Democratic Party, I support him on matters of procedure. [Laughter.]
Mr. HOLLAND. Mr. President, will the Senator from Florida yield?
Mr. RUSSELL. Yes, I yield.
Mr. HOLLAND. I am very happy to follow any course of action which will be satisfactory to the majority leader and to the Senator from Georgia. I was simply seeking advice as to whether the two distinguished Senators had agreed on some point. 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 disclaimer thereof.
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 address Senator from Florida could now be recognized.
Mr. RUSSELL. Very well; I shall withdraw my recognition for the present, and also my request for the quorum.
Mr. HOLLAND. Mr. President—
The VICE PRESIDENT. The Senator from Florida is recognized.
Mr. DIRKSEN. Mr. President, does the Senator from Florida wish to have a quorum call at this time?
CONGRESSIONAL RECORD — SENATE

March 27

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. RANDOLPH. I yield.

It is appropriate to add that Senators are deeply conscious by citizens not only as a right and an opportunity granted by law, but also as an expression of a responsibility which stems from the law. So, to vitiate in any case an eligible of the American ballot would weaken the system under which we operate as a democracy.

For the record, I commend wholeheartedly the leadership which has been exemplified over and over again in this vital matter, and I applaud the worthy efforts of the diligent senior Senator from Florida. I do not desire to overpaint the picture of a situation inherent in the subject about which we are talking, and which causes me to characterize the measure as "an abridgment of freedom," but I urge that we do everything necessary to guard against forfeiture of our freedom. We would even drift, rather than be driven, into a dictatorship. We could lose democracy by default if, in this Nation, we should fail to encourage maximum use of the ballot. The Senator from Florida proposes a method by which the number of persons qualified to vote would be increased. The attainment of this end result would be wholesome.

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

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

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

Mr. President, in the amendment are minor changes from Senate Joint Resolution 58, which I explained, and was produced every year since 1953, and as approved by a yea-and-nay vote of 72 to 16 in the Senate, the resolution included two provisions which are not now in the proposed amendment. They were as follows:

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

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

However, at the suggestion of the majority leader, and after a conference with the distinguished gentleman from New York [Mr. Cellers], the leader in amendment, Senator from Ohio, I am happy to yield to the distinguished Senator from Ohio.

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

Mr. HOLLAND. Mr. President, I am happy to yield.

The proposed amendment covers the subject of possible disqualification to vote by nonpayment of any other tax in exactly the same words that it covers the poll tax requirement.

The Senator makes the information from the fact that, as originally introduced this year, as introduced every year since 1933, and as approved by a yea-and-nay vote of 72 to 16 in the Senate, the resolution included two provisions which are not now in the proposed amendment. They were as follows:

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Mr. HOLLAND. Mr. President, I am happy to yield.
now imposing a property qualification. Congress had not imposed a property qualification when it adopted the Five Per Cent Revenue Act of 1894 in the distant past, and some time or other have been found in the laws of nearby every State in the distant past, and there have been none enacted thereon. Any legislature confronted with such a situation would have to realize that it was disqualifying many of its people, of all colors, and of humble situations in life, from voting.

Senators will recall that in this same period 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 hearings which have been held. While the record on 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 recommitted proposals 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. 

Mr. JAVITS. I should like to state that what needed to be done has been done with respect to the Alexander Hamilton resolution, as the Senator from New York [Mr. JAVITS and Mr. KEATING], who were the cosponsors of the original Alexander Hamilton resolution, I understand, are also the cosponsors of the substituted Alexander Hamilton resolution, which is now on the calendar.

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

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

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voting. The abolitionists, like New York Senator Sewell, are less interested in removing the poll tax than in arguing the right of Congress, by legislative act, to control State elections. 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 Senator Jarvis, State Senator to get credit for abolishing the poll tax. That would mar their fabricated image of the Fourteenth Amendment. Only the oppressed can be delivered only by the freethinkers of New York and Chicago.

The cloud shooters for civil rights had thrown their support behind Senator Holland's amendment when he first introduced it well-behaved political machines would encourage the elections of Alabama, Arkansas, Mississippi, Texas, and Virginia. But they preferred to keep the issue.

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

So it is. The poll tax is not only a device to discourage the Negro from voting; it is also a handy implement of fraud by which courthouse gangs often perpetuate themselves. In many a county, Florida's experience in the years before the poll tax was abolished by the legislature in 1940 demonstrates arguments for its repeal was the corruption of elections it made possible through bloc payment of taxes by well-behaved 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 poll tax should be made directly constitutional within the Constitution.

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

Mr. HOLAND. Mr. President, I now wish to read a paragraph:

And so it is. The poll tax is not only a device to discourage the Negro from voting; it is also a handy implement of fraud by which courthouse gangs often perpetuate themselves. In many a county, Florida's experience in the years before the poll tax was abolished by the legislature in 1940 demonstrates arguments for its repeal was the corruption of elections it made possible through bloc payment of taxes by well-behaved political machines.

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

In 1936, when Florida repealed its poll tax, the Democratic primary was 328,749. In 1940, the primary was 481,437, an increase of 152,688. Comparing that increase with the gain in population in the 5 years from 1930 to 1935, we shall find an increase in the participation in our elections was 46-plus percent, whereas the percentage of census gain from 1930—1940, according to the findings of the Census, was only 18 percent. So the increase in voting was almost three times as great as the increase in Florida's population. This was
principle that the way to change the constitutional practices is to change the Constitution by the prescribed method of submitting amendments to the States for ratification.

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

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

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

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

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

THE WAY TO OUTLAW POLL TAXES

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

It's not that the poll tax is such a terrible thing in itself. It once was a respectable form of levy by which the man who exercises his right to vote contributed to the cost of maintaining the government; 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 way of helping defray the tremendous costs of campaigning on the theory that citizens, who receive the prime benefit of officials unhampered by financial commitments to backers, have an obligation to replace special privilege contributions with tax funds.

All that is beside the point, though. The poll tax has come into disrepute partly because it was abused by making payment of the tax for members of a voting bloc a means of controlling elections; and partly because of a relentless campaign based on the argument that it is a method of keeping blacks and poor whites from voting. A cursory glance at the States which have polls was enough to make pay taxes for all the years he failed to pay from the year he became voting age before he can vote.

This makes voting prohibitive for many.

The result is evident when one examines the votes cast in those States which have poll taxes. It was, in fact, a bad dose for the nation, 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 Recosn, 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 percentage of negroes 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 newspaper editors are people who have lived and worked in Florida, 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 giving all the way, and thus urge elimination of poll taxes for all purposes; and it may be suggested that if the poll tax could be abolished, then 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 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 other property owners whose votes have been effective in controlling those who participate in millage elections where the taxpayers fix millages on themselves. I have known of instances in States, which have referendum or recall procedures, in which there are specific limitations of this sort, depending upon the type of proposed legislation sought to be referred to the people for their approval or their rejection; and there are similar requirements in many other cases where action is to be taken by the local people.

For instance, in Florida we have set up large numbers of drainage districts; and the question of establishing such a district is addressed to the conscience of the people who have to pay taxes. If there are instances of that kind which come up in connection with the handling by States of affairs important to them and important to their various localities, and in connection with which the poll tax is imbedded either in their constitutions or in their statutes, or in both.
So I do not think it would be wholesome or would bring about good results in one's own with this matter. I attempted to go all the way at the same time, as we have in Florida, went all the way in 1937.

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

When the time comes that the will of the Senate can be thwarted, instead of furthered, by the inaction in a committee for 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 measure has there.

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 all of us know what the issues in Alabama were, and all of us know that they were hard fought—were 31 percent of the total shown by the census as those who were entitled by age to participate.

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

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

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

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

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

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

I think the evidence, not only that I have seen with my own eyes, but that which has come to me by the mails and by wires from the two States which are concerned, 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, in those two States, shows abuses have grown up under the imposition of the poll tax. When the election figures themselves speak louder than all 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 has been low. In fact, I think, considering the amount here shows abuses have grown up under the imposition of the poll tax. When the election figures themselves speak louder than all 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 has been low. In fact, I think, considering the amount here shows abuses have grown up under the imposition of the poll tax. When the election figures themselves speak louder than all 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 has been low. In fact, I think, considering the amount of the payment was February 1, whereas the general elections were 9 months later.

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

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

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

ABOLISHING THE POLL TAX

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

The method 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 Congress has decided to settle for the more cumbersome and more cumbersome some 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. Thus it may seem hopeless, the 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 nowous possibility. Even after the proposal gets through Congress, it faces a weary wait for ratification by the States. The controversies were involved in the 22d amendment barring a third Presidential term. Yet it took almost 4 years from passage to effective date. A start on abolishing the poll tax is already long past due.

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

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

QUESTION OF DEMOCRACY

Some people are getting a good deal of wry satisfaction out of the clash between southern Senators on an anti-poll-tax amendment to the Constitution. It is something of a novelty to observe a mild-mannered son of the South rub salt into the wounds of his colleagues. And it can only be denied that it is amusing to listen to their spouting retorts and personal insults. Yet it is not the deepest interests of the little dramas which the country and especially the Congress ought not to miss.

In pointing to the (Continued on next page)
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 session of Congress marks a new era of eyewash. I noticed with particular gratitude an editorial in the Washington Star of yesterday. I remember that 10 days ago, when we started this debate, there was an editorial in the Star which indicated that this was a "phony" issue. That is the word they used. This is the Star the better has written a whole debate of 10 days. I read it:

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

There is no issue of States rights—I want to come back to that in a moment.

There is no issue of States rights. There is no issue of the blame of anything of the sort involved. No claim can be successfully maintained that an intolerant and intermittent majority is trying to force something down the throat of the South. It is simply a proposal to amend the Constitution—a proposal which must be approved by both Houses of Congress and by the States. It is not a proposal to impose its will on the majority. It is not a proposal to impose its will on the majority.

Returning to the matter of States rights, a great deal has been made of that, or sought to be made of it. I do not think there is any person who has fought for States rights or for the statesmanly doctrine and with the rights protective feature of the Constitution. Such a proposal could not be submitted to the States unless two-thirds of the Senate and of the House had voted for it first. Then that proposal would sail through the gauntlets which we know it has to run in the States. I believe the conscience of the Nation is sufficiently aroused so that we will have speedy ratification, because we find no willing to defend a program of poll tax

The men who have spoken in defending it are fine men, fine lawyers, and fine orators. There is one thing, I consider, that length on any subject, and they have spent much time in asserting and proving that this is a constitutional matter. I know the Senator from Alabama (Mr. Hill), who made one of the finest speeches on the poll tax I have heard, spent probably nine-tenths of his 5-hour speech asserting that this is a constitutional matter. Therefore, in his conclusion, if it is embedded in the Constitution, as it is, it is a matter which can be taken up only by constitutional principles, and we have changed nothing but have pursued it for 13 years, without any apology of any kind and without any castigation by the people of my own State and by the people of the States which have joined in introducing this proposal. We are proceeding constitutionally because we know it is a constitutional question, and I shall not dwell on that part of the argument. Those who are seizing the opportunity to oppose our proposal and have attacked it have proven conclusively in the Record that this is a constitutional question and must be handled by constitutional means.

Mr. President, their demonstration that that fact fails so short of proving that it should not be disturbed at all. There are now 45 States which have entirely eliminated requirements of this sort. In the beginning every State of the 14 which came into the Union after the ratification of the Constitution—the States of the 14 which the Constitution 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 any substantial conditions for qualifications for voting which existed in the Commonwealth of Virginia at the time of the adoption of the Constitution.

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

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

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

Mr. HOLLAND. Mr. President, I believe that to be correct but, so far as the Senator from Florida is concerned, I cannot so state definitely. I state definitely that 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. There are cases where the States have had poll tax requirements and in many other cases there have been requirements which went much further than the poll tax requirements. There 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 finally.

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 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 116,000 votes for the next; when the 116,000 votes which prevailed, thus controlling the entire electoral vote of Mississippi, represented a little less than 10 percent which do not have poll taxes had qualified to vote, if only they chose to do so, by paying poll taxes and doing the other required things—how can we declare that that is voice of expression? Should not other States be deeply concerned about expressions from my State, or from the State so ably represented by the present Presiding Officer, the Senator from Illinois (Mr. Douglas), or from every other State, as representative of the thought of the people of those States? How else may we be satisfied that the righteous verdicts are being reached?

Mr. President, claim has been made on the floor that some of these States have sought to eliminate poll taxes in recent years and have failed to do so. That is a highly erroneous view, and I humbly think it through. It has been proposed as a measure of broadening the participation in voting, and then has been voted upon by all the people but by the people who have paid poll taxes and who have some interest in the perpetuation of the poll tax system.

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

I observe that the Senator from Tennessee (Mr. Kefauver) is in the Chamber. The Senator from Tennessee has been of great assistance as chairman of the subcommittee which, in the last two or three Congresses, has heard the question. We have joined together in seeing that we do all we can to give to that people generally an opportunity to be heard in this matter.
Mr. President, I do not believe I have any further comments to make at this time. I repeat that I am not in any way castigating any State, and I am not castigating any brother Senator. I am merely stating 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. President, to the House of Representatives, and each has two Members to which the United States, as the seat of the Government of the United States, has no representation in Congress. The Members of Congress authorized to vote in Federal elections are hereby proposed as amendments to the Constitution, regardless of their subject matter, are referred to this subcommittee. Senate Joint Resolution 58, which was introduced by 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 today, its address has been logical and persuasive, and he has made an excellent and fair presentation of the issue and the problem dealt with by the proposed amendments to the Constitution.

Mr. President, I have the honor of serving as chairman of the Subcommittee on Constitutional Amendments, which is a standing subcommittee of the Committee on the District of Columbia. The proposed amendments to the Constitution, in my opinion, are as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of their adoption by the Congress.

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

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

"The people of the District constituting the seat of the Government of the United States shall be entitled to elect two Members to the Senate and a number of Members to the House of Representatives equal to the number of Members of the House of Representatives to which a State having the same population as the District of Columbia would be entitled. The Members authorized by this article shall be elected at such time and in such manner, as the Congress may direct, and in such manner, and the electors of such Members shall have such qualifications, as the Congress shall provide by law." Amend the title so as to read: "Joint resolution proposing amendments to the Constitution of the United States, relating to the qualifications of electors, and the granting of representation in the Congress to the people of the District of Columbia."

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

Mr. Holland. Mr. President, I thank the distinguished Senator from Connecticut.

MESSAGE FROM THE HOUSE

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

S.J. Res. 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.

S.J. Res. 154. Joint resolution to provide for the reappointment of the distinguished Senator from New Hampshire [Mr. Hays].

S.J. Res. 155. Joint resolution to provide for the reappointment of the distinguished Senator from Delaware [Mr. Styles].

S.J. Res. 156. Joint resolution to provide for the reappointment of the distinguished Senator from South Dakota [Mr. Bagby].

S.J. Res. 157. Joint resolution to provide for the reappointment of the distinguished Senator from Idaho [Mr. McCarran], and the Senator from Wyoming [Mr. P. A. Teague], and the Senator from South Dakota [Mr. Bagby], and the Senator from Montana [Mr. dating in the absence of 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 today, its address has been logical and persuasive, and he has made an excellent and fair presentation of the issue and the problem dealt with by the proposed amendments to the Constitution.

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cutline briefly the recent legislative his-
tory of this amendment and the past
efforts which have been made in its
behalf in the Subcommittee on Consti-
tutional Amendments.
In the 82d Congress, Senator Joint
Resolution 39, sponsored by the Senator
from Florida, was reported favorably
by the committee on May 23, 1950, after
public hearings had been held. On June 2, 1950, the Committee on the
Judiciary voted to postpone its con-
sideration indefinitely.
In the 83d Congress the subcommittee
again held public hearings on this sub-
ject, and on May 23, 1954, it again re-
ported this amendment to the full Com-
mittee 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, 1955, it again re-
ported this amendment 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 an unrelated pending consti-
tutional amendment, under consider-
ation.
Mr. President, the rather unusual pro-
cedure which attended this amendment
in the 86th Congress is set forth in last
year’s annual report made by the Sub-
committee on Constitutional Amend-
ments for the Committee on the
Judiciary. This is Senate Report No. 130
of the 95th Congress, and the unanimous
consent of the portions of
that report setting forth this legislative
history on pages 2, 3, 4, and 10 be printed
at this time, Senator.
There being no objection, the portions
of the subcommittee’s annual report were
ordered to be printed in the Record, as
follows:

**ANTIPOLL TAX**

On August 6, 1959, Senator HOLLAND
introduced Senate Joint Resolution 126; by
the end of the session, it had the co-spon-
sorship of 67 Senators.
The text of the operative part of the
proposed amendment is so brief that it can
be more successfully quoted than described:

**ARTICLE**

"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 Repre-
sentative in Congress, shall not be denied
or abridged by the United States or any State
by virtue of any poll tax or any other tax or
to meet any property qualifi-
cation.

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

"SECTION 3. The Congress shall have power to
enforce this article by appropriate legisla-
tion."
CONGRESSIONAL RECORD — SENATE  
March 27

"Sec. 1. The Congress shall have power to enforce this article by appropriate legislation."

"Amend the title so as to read: Joint resolutions proposing amendments 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 a House amendment, and on June 17, 1960, Senate Joint Resolution 58, as amended, was presented to the Administrator of General Services for presentation to the several States for ratification.

Mr. KEFAUVER. Mr. President, when Senate Joint Resolution 58 was referred to the Committee on Constitutional Amendments last year, I felt that it could be favorably reported by the subcommittee without further hearings. My feeling was due to the numerous hearings which had been held on the amendment in the past, its wide support among the Members of the Senate, and the relatively simple and straightforward nature of the amendment. The subcommittee was not unanimous in this opinion, however, and as a matter of courtesy hearings were again held on the subject. Both Senate Joint Resolution 58 and Senate Joint Resolution 81 were included in the extensive hearings which the subcommittee held during the 1st session of the 86th Congress on proposed amendments concerning the Federal elections system. The printed record of the hearings reached 5 volumes and 1,069 pages. The subjects dealt with were electoral college qualifications for voting, including 18-year-old voting, residence requirements, and poll taxes. After the hearings were initially completed, supplemental hearings were held at the request of some Senators in order that they might present views in opposition to the poll tax amendment. It was not until September 28, 1961, that the subcommittee 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, Republican, 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. The United States in urging swift approval and ratification of the constitutional amendment proposed by Senate Joint Resolution 58.

When the 2nd session of the 86th 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.

However, Mr. President, I believe the committee system has served its legitimate purpose several times on this particular subject. No useful purpose would be served by voicing my objection to 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 in voting in favor of the adoption of this amendment, for 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 the subject.

Although Tennessee's poll tax was not totally and officially eliminated until an amendment to the State constitution was adopted in 1953, it had been dead as a practical matter for a number of years before. Since 1871, Tennessee's constitution had required a poll tax but it authorized the legislature to make exceptions to its payment and by 1937 its payment was subject to several exemptions and limitations as to age. In 1943, the legislature attempted to repeal the poll tax in its entirety but the Supreme Court of Tennessee held the repealing act to be unconstitutional. In 1949, the Tennessee Legislature greatly diminished the practical importance of the poll tax by laws which abolished its payment as a requirement for voting in primary elections, exempted women and former servicemen from its payment and which made the poll tax collectible only for 1 year following the primary election. A further act of the legislature in 1951 provided that only poll taxes which were lawfully assessed for the year 1971 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 to constitute the Federal franchise and remove obstacles to the exercise of suffrage. I believe it is repugnant to our democratic principles to refuse a franchise which shows that the vitality of our democracy has increased in direct proportion to participation in voting and the effectiveness of the people's voice in the election of their public officials. The constitutional amendments following the War Between the States, women's suffrage, the direct election of Senators and the recent extension of the vote in presidential elections to citizens of the District of Columbia, are all milestones on the road to the fulfillment of our ideal of government of, by, and for the people. The nature and character of the amendment under consideration will be another advancement toward a more full and perfect democracy.

Mr. President, the Committee on the Judiciary, in its report 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. Mr. Roosevelt. He is now counsel for the Subcommittee on Constitutional Amendments and has done excellent work on all of the proposed constitutional amendments.

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

The following is an excerpt from the annual report of the Committee on the Judiciary on constitutional amendments, was ordered to be printed in the Record, as follows:

"POLL TAXES"

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

"ARTICLE -

Section 1. The right of citizens of the United States to vote in presidential and other elections for President or Vice President, or for Senator or Representative in Congress, or other election to which the right of suffrage has been denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax or to meet any property qualification.

"Section 2. Nothing in this article shall be construed to invalidate any provision of law denying the right of suffrage to any person supported at public expense or by charitable institutions.

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

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

The principal difference in the two resolutions is that Senate Joint Resolution 58 applies to presidential primary elections only if the primary is a presidential election, whereas Senator Joint Resolution 81 goes further and applies to such primaries whether elected or rejection delegates, or the candidates themselves are on the ballot. Neither proposed amendment would apply to State and local elections.

A resolution identical to Senate Joint Resolution 58 (S.J. Res. 126) was approved by the Subcommittee on Constitutional Amendments during the 86th Congress. While it was pending in the Committee on the Judiciary, the Senate voted to add its proposal to the pending resolution concerning appointment of Representatives (S.J. Res. 69). This was done by a vote of 72 yeas to 18 nays. The resolution, after it was amended to contain three separate articles of amendment to the Constitution, was voted to by a vote of 70 to 18. However, the House of Representatives approved only the article of amendment concerning primary elections in the District of Columbia.

Both Senate Joint Resolution 88 and Senate Joint Resolution 81 were included in the hearings conducted by the Subcommittee on Constitutional Amendments. Senator Holland, Senator Clark, Senator Keating, and Senator Kefauver are in support of one or both resolutions. Sena-
Mr. HOLLAND pointed in particular to the increased effort of the Senate in the face of the desire of Florida after elimination of its poll tax. Senator YARROBOROUGH pointed that his State of the Nation speech emphasized the need for participation, a fact which he attributed in part to its poll tax.

Mr. Breding, the director of the American Civil Liberties Foundation, introduced figures which showed that the five States which still have poll taxes are among the seven lowest in voter participation, and also indicated that poll tax deadlines are generally months ahead of election day when interest in voting is highest.

Chairman John M. Bailey, of the Democratic Party, and Chairman William E. McCormack, of the Republican Party, expressed their support of a constitutional amendment to eliminate poll taxes. Mr. Breding, speaking for the Department of Justice, said that the issue of poll taxes and their relationship to the constitutional amendment is preferable.

Mr. HOLLAND. I greatly appreciate the Senator's comments.

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

Mr. HOLLAND. I greatly appreciate the kind things that the Senator has said 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 14th and 15th amendments for ratification, 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 Republicans to show my appreciation.

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

1 The Commission's finding of fact upon discriminatory application of voting qualifications does not specifically mention poll taxes. Its conclusion is as follows:

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"A common technique of discriminating against would-be voters on racial grounds involves the discriminatory application of legal qualifications for voting. Among the qualifications used in this fashion are requirements that the voter be able to read and write, that the voter possesses a certain amount of income, that he be able to calculate his age to the day, and that he be able to select certain things from a list of three or four."

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"The Commission's finding of fact upon discriminatory application of voting qualifications was a general finding that the 14th and 15th amendments do not specifically mention poll taxes. Its conclusion is as follo
and fourth clauses in the ninth section of the first article, and that no State without its consent, shall be deprived of its equal suffrage in the Senate.

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

Senator RUSSELL. Then the leadership made a careful search of the Senate Calendar. They were seeking a Joint resolution so that the Senate could at least, perhaps, get inside the legislative measure dealing with a new constitutional amendment. And when they found on the Senate Calendar a Joint Resolution calling for the submission of a constitutional amendment, they could at least, perhaps, get inside the procedure as this one, in order to get such a joint resolution before the Senate. Therefore, the Senate did not adopt a rule in that connection.

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

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

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

But I think that in order to justify our positions, sometimes, and our rather irrational action, we might follow rule XL—I believe we now have 40 Senate rules—by a rule XI, stating as follows: Provided, That none of these shall be considered to apply in any case in which an organization of professional do-gooders claiming a membership of a million or more declare that any resolution, motion, legislation, or other proposal involves a question of minority rights. In such cases, neither any rule, precedent, law, nor any general principle of order shall be cited in an effort to restrain the Senate from an immediate vote on
the President Office from declaring all post 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 be assembled, may by joint resolution propose amendments to this Constitution.

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

Mr. RUSSELL. Yes, there is, because the proposal the Senator from Florida is undertaking to amend does not deal with an amendment to the Constitution. Instead, it deals with a proposal to purchase a memorial to Alexander Hamilton. Therefore, the Senator from Florida is seeking by legislative legerdemain to change a joint resolution which had, in fact, been into a joint resolution which proposes an amendment to the Constitution of the United States. But the Constitution does not provide that 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 various things, there has been no occasion ever conceived that there could be such an undertaking as this to amend the Constitution in any such fashion.

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

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

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

The Holland amendment, if properly offered, is not a constitutional amendment for the purpose 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 proposed. Suppose, very hypothetically, that it is possible that a Member of this body could be placed in the difficult position, in which he would want to vote for the constitutional amendment, but be confronted with the legislative matter in the joint resolution, to which the constitutional amendment had been offered as an amendment?

Let me go one step further—and this, also, is purely a hypothetical question. Suppose the original bill or joint resolution were one of substance which might be controversial; and suppose a constitutional amendment were offered as an amendment to the measure, and the measure as thus amended were passed by both Houses and were sent to the President of the United States. Let us assume that the President found that he could approve of the legislative matter but that he was very seriously opposed to the constitutional amendment, or vice versa. Would not the President be placed in a difficult position—if he desired to veto the measure because of 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 legislation. In general, there is no 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 man to be completely out of order—in other words, that an attempt to deal in one part of a piece of general legislation with an ordinary statutory enactment, and in another part to deal with an amendment to the Constitution, would be out of order.

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

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

Mr. COOPER. My question is this: If I should be opposed to the legislative matter in such a resolution as is before us, and offered a constitutional amendment, will it be out of order if I think it is an unconstitutional 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, if it is out of order in amending the Constitution is employed, the President could be asked to sign or veto a measure, the legislative part of which he opposed and the constitutional amendment which he has no power to sign. It seems to me my question is an extension of one of the points the Senator from Georgia has made.

Mr. RUSSELL. 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 insist that if any Senator seeks to amend the Constitution, 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 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.

It would also be contrary to any rule of procedure of which I have any knowledge. I do not think that condition could possibly arise. We have it here today in this proposal; only the proponents are not proposing to leave in Alexander Hamilton at all; they are wiping him out completely and entirely, but are undertaking to take the Alexander Hamilton joint resolution and in another part of a hypothetical question, whether it could 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 consent to it one of us to find constitutional 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 yield so I may ask the Senator from Florida a question?

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

Mr. MILLER. May I ask the Senator from Florida if he is of the 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 impression 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. 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. Mr. President, two-thirds of the States, and 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.

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The Senator from South Dakota [Mr. Case] is absent because of illness. If present and voting, the Senator from Utah [Mr. Bennett] would vote "aye."

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

[No. 31 Leg.]

YEAS—58

Allott—and the aver age unemployment rate is 33
Buie
Byrd; Va.
Curtis
Cooper
Douglas
Dodd
Dirksen
Beall
Aiken
Cannon

NAYS—34

Alken
Byrd, Va.
Chafee
Cooper
Cotton
Curts
Dowdahak
Eastland
RiIender
Roth
Fulbright
Goldwater

NOT VOTING—8

Bartlett
Bennett
Butler
Carroll
Case, S. Dak.

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

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

STANDBY AUTHORITY TO ACCELERATE CERTAIN PUBLIC WORKS PROGRAMS—AMENDMENT

Mr. CHAVEZ. Mr. President, at the request of the President of the United States, I submit an amendment to Senate bill S 2695, 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 the 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 underemployment, and have failed to share fully in the economic gains of the recovery from the recession of 1960-1961. It is necessary, therefore, that the President shall prescribe rules, regulations and procedures which will, among other relevant factors: (1) the severity of the rate of unemployment in eligible areas and the duration of such unemployment, and (3) the income levels of families and the extent of underemployment in eligible areas."
is not primarily designed to provide immediate relief of distress caused by unemploy-
ment, but to expand the facilities for the cre-
ation and improvement of public facilities. I be-lieve that a further Federal effort is neces-
sary, both to provide immediate relief, as well as to achieve a permanent end to the unemployment and to help those and other hard-
pressed communities, through improvement of their facilities, to become better places to live and work.

Accordingly, I urge that we initiate as soon as possible the capital improvements pro-
gram in the redevelopment areas and in the communities which have been designated for 13 months or more as areas of unemployment. Appropriations for these expenditures will depend upon the timing of congressional action. If legislation and the appro-
priation are enacted promptly, expenditures under this program would be approximately $25 million in the remaining months of fiscal 1962, $850 million in fiscal 1963, and $225 million in the early months of fiscal 1964.

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

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

State and local capital improvements under this program would include such projects as water improvements; parks and other recreational developments; sewage systems and water pollution control; construction, rehabilitation, and modernization of public buildings as homes for civic facilities; and road, street, airfield, and port improvements. Examples of Federal projects in this program would include neighborhood service activities to improve our public land, water, timber, fish and wildlife resources; soil conservation improvement of laboratories, research and training facilities, and other public buildings.

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

Sincerely,

JOHN F. KENNEDY.

THE ALEXANDER HAMILTON NA-
TIONAL MONUMENT—AMEND-
MENT 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 as a substitute for the pending amendment an amendment in the nature of a sub-
stitution. An original amendment was identified as "9-15-62-B." The VICE PRESIDENT. The amendment will be stated.

The Chief Clerk proceeded to state the amendment.

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

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

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

"That the Congress finds that the require-
ment that a poll tax or other tax be paid, or that any property qualification be met, as a prerequisite for voting or registering to vote at primaries or other elections for President, Vice President, elector for Senator or Representative in Congress or Member of the House of Representatives, is not and shall not be deemed a qualification to prevent the voter from voting in elections for said officers, within the meaning of the Constitu-
tion, shall be deemed an interference with the manner of holding primaries and elections for said national officers, an abridgment of the rights and privileges of citizens of the United States, a tax on such rights and privileges, an obstruction of the operations of the Federal Government, contrary to the principles of the republican form of government.

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

Amend the title so as to read: "Joint reso-

lution to protect the right to vote in na-
tional elections by making unlawful the requirement that a poll tax be paid as a prerequisite to voting in such elections, and for other purposes."

MR. JAVITS. Mr. President, the amendment is offered on behalf of myself and Senators DOUGLAS, KEATING, BUSH, HART, NEWBERGER, CASEY of New Jersey, PASTORE, SCOTT, ALLOTT, MORGAN of New Mexico, WILLIAMS of New Jersey, and KUCHEL.

Mr. President, the amendment I would substitute for the constitutional amend-
ment offered by the Senate, is substantially 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 way we have always gone through in these matters, let us do something now instead of deferring the day when we will do something.

Aside from every other argument on this subject— and there has been a matter of dispute for a very considerable period of time—the argument which seems to be the most persuasive is this: If we pass a constitutional amendment and it is approved by this body, we shall have to be back here to pass a statute, because no amendment to the Constitu-
tion is self-operative. We must pass a law to implement it. Therefore, I 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.

We actually passed it in the last Congress, but nothing has happened. So here we are again with the same constitutional amendment at this session.

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

Mr. President, the first point of argu-
ment is the tenacity of those who favor 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 ques-
tion later.

The same matter was debated and discussed and voted upon in 1960, at which time the Senate voted to table this statutory approach by a vote of 59 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 no-
where. I do not know what will happen to this, but I do know that if we pass it as a statute now we have assurance that it will be passed by the House, by reason of the fact that on five suc-
cessive occasions in the other body such a provision has been adopted and enacted. Consequently, a provision outlawing the poll tax is more likely to be enacted this time as a statute than as an additional amendment to the Constitution.

I repeat, first, the most important point is that we will have to pass a statute anyhow sooner or later; there-
fore, we might as well do it now, since we have the power to do it.
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 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 poll tax. It seems to me that the poll tax is an attempt to interfere with the right to vote in the presidential elections, over which article I, section 4, of the Constitution gives Congress power. It is not within the term used of qualifications, but as a prerequisite of voting.

I respectfully submit that treated as a prerequisite, as a condition precedent to voting, it is treated as a prerequisite with respect to the time, place, and manner of holding elections, over which article I, section 4, of the Constitution gives Congress power, than it does within the term qualifications, as in article I, section 2, it 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 committee of this Senate, in which the main thrust of his testimony was with respect to literacy. The Attorney General, when he argued the question with respect to the poll tax, said that the statutory method by which the poll tax was in his opinion just as valid an exercise of congressional authority as it was with respect to literacy. However, he said that the administrative method for outlawing the poll tax was just as effective and valid as it was with respect to literacy.

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

A very important aspect of that case—and it is true of a whole series of cases—is the proposition that under article I, section 4, of the Constitution, the States can 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 which I mentioned, where it 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 this 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, States can regulate in an effect and may, indeed, be constitutional without contravening the power of Congress, when Congress chooses to exercise it.

In fact, the case of Davis v. Ohio (241 U.S. 565), which dealt with disfranchising 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 has exercised that power through the Court, the State retained the power. A similar case was *Smiley v. Holm* (265 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 the poll tax, under which convictions were upheld under a Federal statute prohibiting the denial of rights secured by the Constitution for altering ballots cast in a primary election. The question was whether constitutional guarantees applied to primary elections.

In that case, the Court said, at page 310:

"Such right as is secured by the Constitution to qualified voters to choose Members of Congress is not to be exercised in conformity to the requirements of State law subject to the restrictions previously conferred on the power by the Constitution. The power conferred on Congress by section 4, to regulate times, places, and manner of holding elections for Representatives in Congress is not restricted by the "politics" power under the 15th Amendment to the Constitution. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

Madam President (Mrs. Neuberger in the chair), it has also been argued—and quite properly, I think—that under present conditions the poll tax is an abridgment of the rights and privileges of citi- zens to vote. One of the rights and privileges is 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 time has come when the Court feels that the voting right should not be encumbered either by a property qualification or by any financial consideration, and that Congress can assert that the developments in our whole social order now result in making what may formerly have been considered tolerable as an institution, an encumbrance under present conditions, an abridgment of the rights of citizens to exercise their rights and privileges as citizens of the United States.

And finally there is the constitutional provision that has often constituted a restraint, 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 hasp and places, and manner of holding Federal elections, which are clearly within the power of Congress, and upon the obstruction of, or imposition of a burdensome law on, the registration of citizens in order to exercise the 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, we have evidence from two citizens who they were not considered as tolerable witness. A drawback to the exercise of the privilege,

He also says that in the case in terms of the contrast between the situation of the people today and the situation 20 years ago, he can see that a cumulative poll tax, and upon the operation of, or imposition of a burdensome law on, the registration of citizens in order to exercise the right, so that Congress has power to act under the 15th amendment.

And finally there is the constitutional provision that has often constituted a restraint, which relates to the duty of the Federal Government to provide for every State a republican form of government.

That is in central Mississippi. The county seat is about fifty miles from the State capital, which is Jackson, where I live, and it is a small country town. It is not the most well educated. She has traveled around the world and knows her way around.

Mr. Smith. 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 to pass the constitutional amendment route, 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.

Nevertheless, a constitutional amendment is a realistic and commendable path to the same goal. There should be little doubt that speedy ratification of such an amendment, since 46 of our 50 States already do not have such useless legislation. I therefore endorse this method of eliminating poll taxes as a condition for voting in elections for Federal officers.

In short, the Attorney General found the statutory method perfectly constitutional. He said that the constitutional amendment route to be perfectly valid. In view of the fact that the administration's proposal was the amendment route, he adopted that. It therefore seems to me unconstitutionally the power to proceed by the statutory route, and the whole point of my argument today is that it ought to be eliminated.

Again by way of summing up, the power, in my opinion, is derived from the authority of Congress to determine the times, places, and manner of holding elections for Federal officers. 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 fix the amendment, with situations which tend to create discrimination in voting, or under the 14th amendment with deprivations of the privileges and immunities of citizens.

Finally, the provision that States shall have the authority over qualifications for voting is not a provision which defeats the power of Congress in respect of the matter we are discussing now, because I point out that in the leading case on that point, the case which sustained a poll tax statute as constitutional, the Attorney General, Suttles, the court at no point referred to the poll tax as a qualification for voting, but spoke of it as a prerequisite.

We recognize that the 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 opinion 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, as within the majority, which emphasizes 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 demise 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 Times is a pretty avuncular example to stare at, and there is no fault to be found with this. The Times says: "It would be a mistake to true majority rule would be through a simple law prohibiting the States from maintaining a statutory means for voting in Federal elections. But the southern Democrats are not ready to move with such directness, and the administration has decided to settle for the less 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 mists of procrastination. The quickest way of doing away with the poll tax is by act of Congress, which I have said a long time ago by Senator Chase, to make the poll tax useless. An amendment to the Constitution which it has already long past due."

In short, in view of the totality of the expediency which I have had with the constitutional amendment route, it seems clear to me that we should take the most direct statutory route, particularly in view of the fact that notwithstanding the strong support for the constitutional amendment, the administration's representative, the Attorney General, who represents the administration, has decided to settle for the less cumbersome method of a constitutional amendment.

If 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 mists of procrastination. The quickest way of doing away with the poll tax is by act of Congress, which I have said a long time ago by Senator Chase, to make the poll tax useless. An amendment to the Constitution which it has already long past due.
resume," I say the same in respect to this problem. The way to outlaw this anachronistic poll tax is to outlaw it now, by statute in the Congress, especially since we have every encouragement from the fact that the other body, having passed such a provision five times, is far more likely to adopt a statutory provision than to adopt a constitutional amendment, which the Senate has passed once and which never got anywhere in the other body.

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

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

Mr. JAVITS. I yield.

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

Mr. JAVITS. I must say to my colleague that I would not wish to say precisely that—and I am sure my colleague knows my love and respect for him—but I would wish 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 far the preferable approach.

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

As the Senator knows quite well, I do not believe there have been many legislative issues upon which we have disagreed as to the measure which shall be presented, but there are 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 such 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 prohibited 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 voters.

Nevertheless, the Congress of the United States can move against this discrimination only in a constitutional way. What is the best way the poll tax can be ended? It 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. 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 fails to be one of avoiding legislative action. Little progress made in the field of civil rights, except in the continuation and extension of measures already undertaken in the administration of President Eisenhower. No legislation has been passed. Emphasis seems to be placed upon the appointment of able and outstanding members of the Board of Education of the United States. 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 more nearly assure equal rights for all Negroes and all people in this country.

In addition to appointment to offices, the administration has made much of the issue whether a Negro can belong to some club. I have no fault with this, but the administration on either approach, assuming enactment and implementation, would bring about an end to the poll tax.

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

In 1954 the Supreme Court ruled upon the Brown case. It has been 8 years since the ruling. If the administration wishes to make progress in this field it can have introduced in the Congress a legislative proposal to enable the Attorney General to intervene upon behalf of Negroes 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 in, as I often do, with the Senator from New York, a strong fighter for constitutional and civil rights, the Senator from New York.

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

Madam President, I think we are not with the Senator from New York who is playing around. I do not say this for a moment in any sense of derogation of the efforts of our friend from Florida.

Mr. COOPER. I do not either.

Mr. JAVITS. I must say to my colleague that I have understood his position and his sincerity on this question for many years. In relation to the substance of what we are accomplishing, I say we are still playing around. Both are with respect to voting. It has never been passed. I believe that the only way the measures can be taken, not get a civil rights measure of any kind for only two measures. They are by no means earth shattering civil rights measures. Both are with respect to voting, in which the path has been thoroughly opened. After the same time Mr. JAVITS, from New York and I have introduced proposed legislation to which I am urging, nonetheless, be it said, the Governor General to start suits in relation to the substance of what we are accomplishing, I say we are still playing around. 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. As he has with respect to voting 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 measures to be agreed upon by the Senate and the House. We have it here in the Senate, and debating it today because I do not want us to play around. If we really want to get to the fundamental issues, let us at least do something which can be taken rather than in the closing stages of the Congress. It would be an additional step in the right direction. It would not involve merely giving people power to do something about something later when they start a suit or when they ratify a constitutional amendment. If we should today pass the statutory approach which I have proposed, the House passes it, and the President signs it—as he will, because the Attorney General has said that the measure is constitutional—then we would have done something. We would have outlawed the poll tax, and that would be the end of it in the five States. We would have stopped playing around.

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

Let it never be forgotten that we cannot get a civil rights measure of any kind
passed unless the administration in authority asks for it. This was true with the Eisenhower administration; it is true with the Kennedy administration. I take a very dim view of the prospects, indeed, regarding the great fights which will be put up by my colleague Senator Kasine on the subject of voting, by myself on the subject of education, and by others with whom I was assigned various aspects of the new civil rights package which was introduced on March 13. Notwithstanding everything we do, it will take the administration to do more. We understand that. Hence my effort today at least to make what the administration is asking for, limited as it is, meaningful by making the measure a statute which could accomplish something, instead of a constitutional amendment which would go to the other body, where it has never succeeded before, then make the rounds of the States, and then ask for our help to pass the kind of implementing statute, I say let us do it now.

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

Mr. JAVITS. I yield.

Mr. HOLLAND. I am sorry I have not heard all the able argument of the distinguished Senator. I wonder how he has dealt with the question of choice of electors for President and Vice President. Mr. Holland, Assistant Attorney General. I notice that even the distinguished Attorney General, who testified on this question, testified that it presented very serious problems which the constitutional amendment as applied to this particular field of the Federal Constitution is with respect to the particular voter and his ability to vote when he is called upon to do so.

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

Mr. JAVITS. I yield.

Mr. HOLLAND. I refer the Senator again to the words—Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors,

How does the Senator get away from the point that that provision, together with the later provision which I have already read, defines 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 manner in which the legislature has chosen for the designation as electors, a voter shall not be subject to the requirement of a poll tax. I do not see where there is any inconsistency in the scheme of control when we deal solely with what shall enable the voter to vote, or what shall prevent him from voting, and then come back for us to pass some kind of implementing statute. I say let us do it now.

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

Mr. JAVITS. I yield.

Mr. HOLLAND. I call to the Senator's attention a statement of Mr. Katzenbach, the very able Assistant Attorney General, page 389, paragraph 2 of the hearings on Constitutional Amendments. I shall read only one sentence:

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

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

The Senator from Florida thinks that the constitutional provisions with reference to the promise of the United States, Mr. Katzenbach, the very able Assistant Attorney General, and the learned Assistant Attorney General, the Kentucky Senator, who testified very properly before the Senate's committee on Constitutional Amendments, stated that it was a still more difficult question. He stated that it was more difficult to determine the election of its own electors.

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

Mr. JAVITS. I do not quote the authority of the Attorney General as being supreme and conclusive and superior in legal judgment to that of Mr. Katzenbach. I was only giving the facts about the difference between the election of Senators and Representatives, which I personally believe the Constitution is designed to perform, stated that it was a still more difficult question. He stated that it was more difficult to determine the election of its own electors.

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

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

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

Mr. JAVITS. I should like to read it into the Record so we all know what we are talking about. It is the second volume of the hearings before the Subcommittee on Constitutional Amendment 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 12, 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 effective means of putting into practice of the Senator's constitutional amendment to reach the voter when, as, and if the voter is exercising his privilege of voting. At that point I say he shall not be in any way subjected to the requirements of a tax, to wit, the poll tax.

Mr. HOLLAND. The question as to which is the superior as between the Attorney General and the learned Assistant Attorney General might be the subject of some argument in debate, but I will not debate that with the former attorney general of the State of New York, who may be prejudiced in favor of attorneys general. I merely wished to comment that the Assistant Attorney General had made a very scholarly statement on this subject, as is shown by his testimony, and I merely wished to comment that the difference between the election of Senators and Representatives, on which I personally believe the Constitution is designed to perform, stated that it was a still more difficult question. He stated that it was more difficult to determine the election of its own electors.
have tried to do by this statutory approach—to be subject to any taxes.

Mr. HOLLAND. I thank my distin-
guished friend from New York. I am sorry that we are not of the same opinion. I do not believe he is making this 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, because a vote 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 this 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 believe that the opposition to the abolition of poll tax should also be bipartisan in nature. We were very happy, therefore, when the Senator from New York, with his great gifts of effective persuasion and many other efforts in which he has engaged—his place in history is absolutely secure in this field by the acclamation of the nation 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, in-
cluding myself.

Mr. DOUGLAS. Madam President, I thank the Senator from New York for his gracious comments, of which I am un-
derserving. The Senator from New York is the most able colleague. It has been a great pleasure to work with him. I am not interested in staking out any claim in this field for this great Senate, 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 Sena-
tor from New York will be able to muster as large a proportion of his colleagues in this cause as I hope we will be able to muster on our side.

I. THE LEGISLATIVE QUESTION BEFORE THE SENATE

Madam President, it is not my pur-
pose, 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 constitu-
tional. At least it may be said that there are very strong grounds upon which the Supreme Court could declare such statutes constitutional, and that the members should 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 be-
lieve, we of the legislative branch should instead center our efforts upon the legis-
lative questions as to whether, first, it is good public policy for us to try to abolish the poll tax, and, second, what is the most effective method of accomplishing it?

I know it is always a temptation for legis-
lators to discourse at length on the constitu-
tional questions 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 his-
tory 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 and proper function for the Federal Government. The members of Congress. The Supreme Court held otherwise. When the Fair Labor Standards Act was introduced it was ve-
heavily contended that this was a manifest measure to raise rates of wages, as well as a violation of the fifth amend-
ment which prohibits the Federal Gov-
ernment 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 con-
stitutionality of outlawing the poll tax by statutory enactment. We may more appropriately center our attention upon the proper ends to be sought and the best means to be employed.

This morning, at an early hour, I was reading some Gilbert and Sullivan. I came to a verse in "Iolanthe" in which W. S. Gilbert wrote about the House of Lords. In the early part of the 19th century that 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 Sena-
tors 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 appro-
priate:

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 day.

II. POLL TAX UNSUPPORTED BY POLITICAL THEORY OF DEMOCRACY

Despite the recent speeches by certain Senators, not many will now openly de-
fect the imposition of a poll tax as a requirement for voting. It was put into statute many years ago by the late Senator of Illinois, and the Supreme Court decided unani-
medly after the Civil War, not immedi-
ately after 1877, when the Federal troops were withdrawn, but between 1885 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 ballot. Terms clearly were contained in the first speech on this subject by the erudite junior Senator from Arkansas [Mr. Fulbright].

But if the history of the United States and of modern democracies teaches any-
thing it is that while the proper pro-
tection of property is a function of government, it is not the only one. Gov-
ernments should also protect the lives and liberties of its citizens, and in the Declaration of Independence, the found-
ers of our Republic boldly declared that one of three basic rights of the individual is the right to cast a vote. To secure to vote was less 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 might use its taxing and spending powers not merely for "the common defense" but also for "the general welfare."

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

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

III. POLITICAL REFORM—ADOPTION OF THE POLL TAX

So much for political theory. But the political realities which caused the poll tax to be accepted in the South were of a different order.

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

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

In fact, some of my best friends have been Oxford men. I submit, therefore, that Mr. Woodward is qualified, raised, not educated, and almost his entire life has been spent in the South. If his credentials should be further question­ed, let it be recorded that one of his grandfathers fought in the Confederate Army for 4 years, and it is my impres­sion that he was wounded defending the Stars and Bars. Certainly, as a good southern soldier, he showed his patriotism by trying to kill as many northerners as he could.

In view of all this, I think it must be admitted that Mr. Woodward comes to us with an impecable 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 White House plan­ter aristocracy, the big merchants, the bankers, the manufacturers, and the railroads. We sometimes think of the Farmers' Alliance as a reactionary movement, but it was merely a western movement; but it was probably stronger in the South than it was in the West. The Farmers' Alliance sought to put the land in the hands of the farmers, to provide for better credit, for a credit system, and other features of curtailing the franchise not only among the Negroes but also among the whites. Well, (Woodward, "The Strange Case of Jim Crow," p. 67).

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

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

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It will be seen that the Populist movement and the Republicans carried North Carolina at that time the Georgia movement was led by Tom Watson, who worked very closely with the Negroes.

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

This device therefore weakened 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 Hayes. But there were other states 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 constitu­tionlal convention, Georgia in 1900, and Oklahoma in 1910.

Other States which adopted the poll tax were Florida, Tennessee, Arkansas, North Carolina, South Carolina, with relatively short time the whole South with the poll tax provisions, as well as with a web of other provisions.

Professor Woodward's comments on this development are:

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

A number of other restrictions, such as property, literacy, ability to pass so-called citizenship tests, the "white primary" and so forth, was also woven and still further restricted Negro suffrage; but it is fair to say that the two main changes in the laws of the states: the leaders of opposing parties encouraged them to vote and earnestly solicited their votes. Qualified Negroes voted in large numbers. White leaders, who went to the polls decreased sharply. Thus the decrease of 69 percent; Arkansas, 50 percent; and Virginia, 60 percent—Woodward, "Origins of the New South," pages 342-343.

Following these measures of disenfranchisement, the percentage of voters who went to the polls decreased sharply. In Virginia, between 1892 and 1902, the vote for Congressmen fell off by 56 percent; in Alabama, the decrease was 60 percent; in Mississippi, 69 percent; in Louisiana, 80 percent; and in North Carolina, 94 percent. Florida showed a decrease of 69 percent; Arkansas, of 75 percent; Tennessee, of 50 percent; and Georgia, of 80 percent—Woodward, in the work cited, page 345.

The net effect of all these restrictive provisions, of which the poll tax was only one, was therefore to disenfranchise a large number of the voters, who were poor, black and white, but of course primarily black, for—as I have said—there were always escape hatches, under the literacy and property tests, through which the whites could be allowed to pass. But these restrictions, combined with the white primary and the one-party system, operate to reduce the percentage of those voting in the Southern States to the lowest levels in the country. Senators and Representatives from the South came to be elected by relatively small constituencies.

IV. POLL TAX STILL AN INSTRUMENT OF DISENFRANCISMENT

In the 1930's and 1940's strong movements developed throughout the country to abolish the poll tax. National action was proposed and defeated, but some states, Alabama and Mississippi, held the line. A number of states, and the South, was in response to this and was an attempt to head off further northern efforts to outlaw the poll tax; by national legislation. South Carolina and Alabama had already led the way in 1939. Huey Long was instrumental in getting the poll tax repealed in Louisiana in 1939; and I have often felt that the memory of Huey Long has perhaps been somewhat unjustly attacked, for a large part of his program was an attempt to help those who had been stripped of that power by the restrictive legislation of some 35 years before.

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

But, Madam President, this is not a small matter, because in 1950 those 5 States had a total population of 21 million, or approximately 12 percent of the population of the United States.

Some few weeks ago, I asked unanimous consent to have printed at this point in the Record a table which I have prepared, which shows the present poll tax provisions of these States.

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

<table>
<thead>
<tr>
<th>State</th>
<th>Amount of poll tax per year</th>
<th>Is tax cumulative and do you have to pay for how long (yes or no)</th>
<th>Maximum State charge</th>
<th>How long before election must poll tax be paid</th>
<th>In receipt required to prove eligibility at election</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>$1.00</td>
<td>No</td>
<td>$1.00</td>
<td>4 years before election</td>
<td>Yes</td>
</tr>
<tr>
<td>Mississippi</td>
<td>$2 plus $1</td>
<td>No</td>
<td>$2</td>
<td>5 years before election</td>
<td>Yes</td>
</tr>
<tr>
<td>Texas</td>
<td>$1.50</td>
<td>No</td>
<td>$1.50</td>
<td>3 years before election</td>
<td>Yes</td>
</tr>
<tr>
<td>Virginia</td>
<td>$1.50</td>
<td>No</td>
<td>$1.50</td>
<td>3 years before election</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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


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. That there is no one so poor, it is contended, that he cannot afford to pay from $1 to $2 for the privilege of voting. And if one does not pay it, the failure to do so is said to be proof that he is so disinterested in this privilege, and hence does not deserve to be accorded it.

It is no doubt true that the rise in the real incomes of southern people during the last 25 years has made the mere size of the poll tax less onerous than it was; we of the North are very happy that there has been that increase. The Democratic Members of Congress from the North and from the West have consistently voted for measures which would develop the economy of the South. We should realize, however, that between 20 and 25 percent of the population of the country is still on a poverty level of existence, and can be accurately described as "ill fed, ill housed, and ill clothed." The percentage in this class is, of course, approximately double the one-third of the population of 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 rich to the point that 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 $4.50. Since a very large proportion of the citizens have not paid their poll tax, and are at present disqualified, they must therefore make a very sizable initial payment to acquire eligibility. The cumulative requirement is therefore a further substantial deterrent.
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Added to this is the fact that in three of the
States—Alabama, Mississippi, and Tennessee—the poll tax must be paid 9 months, and in Virginia 6 months, before the election. It is difficult for the average citizen to remember that the payment is due well 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 the poll tax. It is particularly true because of the fact that this requirement tends to be obscured and not emphasized, so that it may be far more absentminded also missed out.

A final hurdle is set up in the three States which require the prospective voter to bring his poll tax receipt with him before he can vote. This is not only true in Texas and Arkansas, where no other registration is required, but also in Mississippi, where it is. It is very easy, therefore, for people who have paid the poll tax to forget that they must keep on record the paper 12th place in the proportion of those of voting age who vote in general elections.

I ask unanimous consent that a table showing the percentage of citizens of voting age who voted in the presidential election of 1960 be printed at this point in the Record.

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

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

<table>
<thead>
<tr>
<th>State</th>
<th>Civilian population of voting age</th>
<th>Total vote</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>36 Kentucky</td>
<td>1,876,000</td>
<td>1,324,422</td>
<td>59.26%</td>
</tr>
<tr>
<td>37 Arizona</td>
<td>600,000</td>
<td>396,401</td>
<td>66.01%</td>
</tr>
<tr>
<td>38 Maryland</td>
<td>1,818,000</td>
<td>1,065,349</td>
<td>58.57%</td>
</tr>
<tr>
<td>39 Massachusetts</td>
<td>3,088,000</td>
<td>2,006,704</td>
<td>64.80%</td>
</tr>
<tr>
<td>40 North Carolina</td>
<td>3,312,000</td>
<td>2,252,739</td>
<td>68.12%</td>
</tr>
<tr>
<td>41 Ohio</td>
<td>2,964,000</td>
<td>1,330,724</td>
<td>44.92%</td>
</tr>
<tr>
<td>42 Florida</td>
<td>3,066,000</td>
<td>1,444,190</td>
<td>47.28%</td>
</tr>
<tr>
<td>43 Indiana</td>
<td>2,652,000</td>
<td>1,329,379</td>
<td>49.77%</td>
</tr>
<tr>
<td>44 Texas</td>
<td>3,156,000</td>
<td>2,311,620</td>
<td>73.47%</td>
</tr>
<tr>
<td>45 Missouri</td>
<td>5,919,000</td>
<td>4,026,967</td>
<td>68.22%</td>
</tr>
<tr>
<td>46 Oklahoma</td>
<td>2,244,000</td>
<td>771,949</td>
<td>34.27%</td>
</tr>
<tr>
<td>47 South Carolina</td>
<td>3,066,000</td>
<td>1,111,687</td>
<td>36.31%</td>
</tr>
<tr>
<td>48 Georgia</td>
<td>2,342,000</td>
<td>733,349</td>
<td>31.32%</td>
</tr>
<tr>
<td>49 Alabama</td>
<td>1,626,000</td>
<td>564,242</td>
<td>34.87%</td>
</tr>
<tr>
<td>50 Mississippi</td>
<td>1,163,000</td>
<td>386,174</td>
<td>33.28%</td>
</tr>
</tbody>
</table>

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

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

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

While the percentages of participating voters is still low in all of the six non-poll-tax Southern States, it is higher. Certainly it would create a far more effective than that of the non-poll-tax States. But they are still very much below those of the Northern, Middle Western, and Western States.

It is certain that the mere removal of the tax will not work wonders overnight, but ratification of the 21st amendment took less than a year, while final ratification of the 22d amendment required 4 years.

Moreover, since the Homeland 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 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 never be ratified at all.

Let us consider the delay which a constitutional amendment would bring about. Thus, the 18th amendment took 3 1/2 years to be ratified by the States after it was submitted to them by Congress.

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

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

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

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

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

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

I submit that the method of statutory enactment, once it were passed, would be far more effective than that of the proposed constitutional amendment submission by the citizenry 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, a slow process. It would, however, create far less opposition to the removal of this inequity and the act of the Congress of the United States through its legislation might indeed cause the amendment to be ratified at all.

Let us consider the delay which a constitutional amendment would bring about. Thus, the 18th amendment took 3 1/2 years to be ratified by the States after it was submitted to them by Congress.

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

Moreover, since the Homeland 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 never go into effect, no matter how small might be the population of the States or how restricted the numbers who actually took part in the electoral process.

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

Mr. DOUGLAS. I am glad to yield.

Mr. HOLLAND. I note that the Senator has not referred to the District of Columbia as one of the States.
Columbia voting amendment, which, as I recall, was about 9 months.

Mr. DOUGLAS. Yes.

Mr. HOLLAND. That involved some-what 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 omis-sion. 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 representatives have so consistently opposed any method or amendment to meet the problem of disfranchisement, would not vote to give the Government in Washington the power to do that which they will not do for themselves. What, then, about the other six States? I am very glad to tell the Senators that in this proposed amendment, I have provided that in view of the sentiments that are expressed by the people of the Southern States, whose presently eligible voters have re-treated as indicating a disbelief in the subject, it would be defeated because the amendment would not pass Congress, or not do the poll-tax requirement? We can be quite certain that powerful and moving appeals will be directed at them in the name of their common past and their present sectional groupings. They will be asked if they are willing to allow the northerners and westerners in Washington, D.C., to dictate to their sister States. Would they do so? May or 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 will be our fate to be followed inside our own States."

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

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

It will be almost impossible to resist such appeals. What they should do, as these, and it is doubtful whether a single one of the six remaining States of the Old South will have the temerity to ratify the Holland amendment. Almost certainly not more than one or two would do so. This would mean that the re-fusal to act of only two or a few more States would be sufficient to kill the amendment. In view of the sentiments of some of the border States and the close alliance of some of the smaller States with the South, this would be likely to happen. Therefore I strongly doubt whether the amendment would ever get the necessary ratifications. States which cast only about one-sixth of the vote in the presidential election of 1900 would be able to defeat the will of States with five-sixths of the voters.

Madam President, I now come to a delicate matter, but I think I am in conformity with the established usages of the Senate when I say that some 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, within the amendment. I want to bring to the notice of the Senate a conversation which I had on this constitutionality of the literacy test provisions of the act of 1907, which are not 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 not do what it was intended to do, but would be defeated because as would be that of statutory enactment. It should also be remembered that there is a considerable body of opinion among the Members of Congress which, as we have mentioned, is conclusively 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 approval might 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 constitu-tional 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 likely that our southern friends will 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 statutory enactment might be more likely to be passed in the Senate because the Holland amendment, itself, is very objectionable to the members of the Senate, and the Senate would be likely to have a majority for it to be passed. In addition, the Javits substitute has been precisely tailored to meet the structural defects of the Holland amendment.

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

VI. DEFECTS IN THE ORIGINAL HOLLAND AMENDMENT

This brings us to the crucial defects within the original Holland amendment itself which were not detected when this proposal was first introduced. I ask Senators to read the original section 2:

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

When this section was first included in the Holland amendment a few years ago, I thought it referred to the largely inoperative pauper laws of nine States,
primarily in New England, and which are no real barrier to voting.

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

Mr. DOUGLAS. I am glad to yield. I thought that at the time that they were nine. Apparently there are 12. Mr. HOLLAND. There are 12 States, 3 in the South and 9 in other parts of the country.

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

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

Mr. DOUGLAS. Yes.

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

I think it is accurate to say that this provision was not included in the original 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 has not had an opportunity to read the record of the hearings. The Senator from Florida has very carefully explained at the various hearings before the subcommittees of the Senate Committee on the Judiciary, the origin and the reason for the inclusion of that section.

Mr. DOUGLAS. I was referring to the time when the measure was originally introduced. I was not aware of the fact that the Senator had given the reasons for its original adoption. When I studied the provisions of the bill, there 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 intent of Senators 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.

Furthermore, 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 304,490 cases in the country as a whole. Of those, 39,669 were in the 11 Southern States, and 13,429 were in the five poll tax States. Also, in November 1961 there were 2,378 cases in the five poll tax States. These were also supported at public expense, both State and national, and hence could be disfranchised. No less than 891,645 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 908,083 families in the country receiving aid to dependent children. Of those 54,000 were in the Old South and 77,961 in the poll tax States. The mothers in those States could clearly have been made ineligible to vote. While it is probable that those in receipt of old-age assistance, old-age pensions to which the aged persons had themselves contributed could not be held to be "supported at public expense," this section could have been read as an extension of the Holland amendment. It specifically stated that it did not apply to paupers, to those receiving public assistance, or to those supported by charitable institutions. So I should say the handkerchief was dropped, so to speak, and the legislature could take the hint very readily.

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

Mr. DOUGLAS. I yield.

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

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

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

Mr. DOUGLAS. I yield.

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

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

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

Mr. DOUGLAS. I yield.

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

Mr. DOUGLAS. I was more naive in 1960 than I am today. I talked with several of the 72 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 Senator from Florida has such a disarming manner and such a gentle and genteel approach, with which he is quite happy in the cloakroom that it is very hard to resist the seductive arguments which he advances.

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

Mr. DOUGLAS. I yield.

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

The Senator from Florida had a good amendment. He has retained more than 90 percent of its reasonableness and omitted the part that he did omit against the specific request of the Department of Justice, because the Department preferred that other States be covered by the provisions of the laws of those States.

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

Mr. DOUGLAS. I yield.

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

The Senator from Florida had a good amendment. He has retained more than 90 percent of its reasonableness and omitted the part that he did omit against the specific request of the Department of Justice, because the Department preferred that other States be covered by the provisions of the laws of those States.

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

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

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

Mr. DOUGLAS. I yield.

Mr. MANSFIELD. I wish to say to my distinguished friend, the Senator from Illinois, that he should disable his mind thoroughly and completely of any such idea, because, as one who was very vitally concerned in that project, I find prepared 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 "consciously parallelism," I said it might well have been "unconscious parallelism."

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

Mr. DOUGLAS. I yield.

Mr. HOLLAND. Just as the Senator has confessed that he did not know that the Senator from Florida had amended his amendment until it was presented to the Senate, so the Senator from Florida did not know that the Senator from Illinois was considering such a proposal as he has prepared. As he finds it impossible to use the words of the amendment in question, I find prepared a proposal which would have eliminated the explicit encouragement which the original text of the Holland amendment gave to those devices.

Mr. DOUGLAS. 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. JAVITS. The present draft is a distinct improvement.

There is a point which I wish to emphasize strongly. While the new language does not encourage disqualification on all of these grounds, it most certainly does not forbid them. It is silent on these matters. It leaves, therefore, a constitutional vacuum into which States which want to restrict the franchise could move. Could they not impose rather severe property qualifications, since this is not forbidden in the amendment? Could they not disqualify those on relief, since this is not forbidden in the amendment? Could they not disqualify those receiving old-age assistance, because this is not forbidden in the amendment? The same would apply with respect to those receiving payments for dependent children or those living in old people's homes. Disqualification on these grounds is not forbidden in the amendment. I believe such disqualification would be against the spirit of the amendment, but would it be technically forbidden?

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

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I call the Senator's attention to the fact that exactly the same situation would exist if the Javits amendment were adopted.

Mr. DOUGLAS. Not quite.

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

Mr. DOUGLAS. I yield.

Mr. JAVITS. I am glad the Senator has brought up this very important point, and I am very glad that we can clarify the situation. In the first place, my amendment contains the words "or otherwise disqualified." The language is found at page 2, lines 15 and 16. That is forbidden as a prerequisite for registering to vote or voting.

That is the first point, and it is a very important point.

In the second place, let us remember that we are not to give us the flexibility of statutory routes. That is the abuse we can move into and act on it; whereas what the Senator from Florida would have us do is take the constitutional amendment route. Then we are lashed to two propositions: First, that we then can implement whatever it says, and whatever it does not say we cannot implement. If we want to change it, we can only move by way of a constitutional amendment, because we have moved, in the first instance, by the constitutional amendment route.

I respectfully submit that here is a very powerful reason why we should proceed by the statutory route and not by the constitutional amendment route. I am very grateful to the Senator for bringing up this point.

Mr. DOUGLAS. Madam President, I believe the Senator has made a very powerful argument.

With the limited amount of time at our disposal, I certainly am not ready at this moment to accept the amendment to the Holland amendment, which would specifically outlaw such attempts. I believe the Constitution may be drafted which would grant here is the opportunity to move into it and act on it; whereas what the Senator from Florida would have us do is take the constitutional amendment route, which would specifically outlaw such attempts. I believe the Constitution may be drafted which would grant the opportunity to move into it and act on it; whereas what the Senator from Florida would have us do is take the constitutional amendment route, which would specifically outlaw such attempts. I believe the Constitution may be drafted which would grant the opportunity to move into it and act on it; whereas what the Senator from Florida would have us do is take the constitutional amendment route, which would specifically outlaw such attempts.

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

Now, Madam President, if I may finish, I would say that those of us who have been careful to say that we are going to give all literate Americans the right to vote, whether they be black or white, and who desire that everyone may be treated as a child of the Divine Spirit, and consequently given an adequate opportunity to develop educationally, economically, culturally, and politically, are always subject to two sets of criticism. On the one hand, we are accused of violating the rules, customs, and procedures of the Senate, which, as an eminent southern writer has correctly said, are the South's revenge for Appomattox. Then close behind this criticism follows the charge that we are antisouthern and are trying to heap indignity and disarray upon that section of the country. We are presented to the world and to the South as those who are giving an adequate opportunity to move into it and act on it; whereas what the Senator from Florida would have us do is take the constitutional amendment route, which would specifically outlaw such attempts. I believe the Constitution may be drafted which would grant the opportunity to move into it and act on it; whereas what the Senator from Florida would have us do is take the constitutional amendment route, which would specifically outlaw such attempts.

All this despite the fact that at no time has any member of the civil rights groups which I have spoken for 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 emend 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 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 to say that they are in a worse prison 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. We know that many of what are upheld as basic institutions of the South are not really supported by the majority of the southern people but are supported by a relatively small uppercrust who are dominant and who control overwhelmingly the agencies of information and propaganda. We want to set free the economically disfranchised majority of the South, both white and black alike. We want to open up the doors of more adequate education for the disfranchised, both white and black alike. We want to open up the gates of opportunity so that the abilities of white and black alike may function more effectively. To do all these things will mean a realignment in the North are willing to pay more taxes. For we know that in this Nation, we are brothers, one of another, and should help to bear the burden of the States which have a low income per capita.

Yes, and we believe that if we can but put these programs into effect and arrange a reconciliation between presently conflicting groups, we can free even those who now despise us from the obsessions which now possess them and so enable their natural and generous emotions and abilities to be devoted to construct a nation seek to the thing in the true spirit of friendship and without any sanctimonious self-righteousness.

Perhaps we cannot convince our friends that this is so. There are vested interests in misunderstanding which are hard to supersede and it is difficult to keep on a friendly course when one’s movement is regarded by everybody who are dominant and who control overwhelmingly the agencies of information and propaganda. We want to set free the economically disfranchised majority of the South, both white and black alike. We want to open up the doors of more adequate education for the disfranchised, both white and black alike. We want to open up the gates of opportunity so that the abilities of white and black alike may function more effectively. To do all these things will mean a realignment in the North are willing to pay more taxes. For we know that in this Nation, we are brothers, one of another, and should help to bear the burden of the States which have a low income per capita.

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The motion to lay on the table was agreed to.

So Mr. MANSFIELD's motion to lay the Javits amendment on the table was agreed to.

Mr. MANSFIELD, Madam President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM

Mr. DIREKSEN. Madam President, I should like to query the majority leader at this time because he has canvassed the situation so far as other amendments are concerned, and what the Senate may expect by way of business for the rest of the day.

Mr. MANSFIELD. Madam President, in response to the question raised by the distinguished minority leader, to the best of my knowledge I believe there will be only one other amendment, that to be offered by the distinguished Senator from Connecticut [Mr. BUSH], and I am under the impression that will not take too much time.

It is hoped, with the cooperation of the Senate, that it might be possible to finish consideration of the pending business tonight, and I ask Senators to help the distinguished minority leader and me in trying to bring about that sort of conclusion.

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

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

Mr. BUSH. Madam President, I call Nevada, with a population of 285,000, approximately one-third as many as the District of Columbia. States with less populations than that of the District of Columbia.

In response to that, Mr. President, I comment that the population of the District of Columbia in the latest census was 675,000. States with lesser populations than that included the following:

- Hawaii, with 680,000
- Alaska, with 226,000
- Wyoming, with 330,000
- Idaho, with 667,000
- Montana, with 674,000
- North Dakota, with 632,000
- South Dakota, with 680,000
- Nevada, with 285,000, approximately one-third as many as the District of Columbia.

Each of these States which has a smaller population is represented in the U.S. Senate by two Senators and in the House of Representatives by at least one Representative.

A year or two ago the Senate passed a resolution considered by many members of this body to be a substitute for the Holland amendment. Congress has been without a substitute for the Holland amendment within seven years from the date of their submission by the Congress.

branch of this Government is concerned. I think in simple equity the citizens of the Capital of the United States should have representation in the Congress. I believe this is a solution to the political problem that is facing us, a great many people, including, I think, a large majority of voters in the District of Columbia.

I have discussed this proposal with representatives of the District Government, with some of the Members of the Senate of the United States, with the distinguished minority leader, to the attention of the Senate. More than three-quarters of a million citizens of the United States in the Nation's Capital have no representation whatever in the Congress. It seems to me to be an appropriate time to bring the measure before the Congress, in the hope that if we do not get satisfactory action on it today at least we can focus our eyes on the importance of this question, and perhaps get a hearing on the bill as a separate proposal, so that it may receive the consideration to which I so firmly believe it is entitled.

This is not a home rule bill, Mr. President. I do not believe that the Congress is in the mood to pass such a proposal, or that the Congress thinks well of the idea of granting so-called home rule to the District of Columbia. I have reservations about that subject. At the present time I should not favor it.

On the other hand, I see no reason why such a large body of our citizens, larger than the body of citizens in each of 11 States which have smaller populations than the District of Columbia, should be disfranchised and not represented in the Congress of the United States.

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

Mr. BUSH. I yield to the Senator from Florida.

Mr. HOLLAND. I have great respect for the distinguished Senator, but I hope that he will not insist upon his amendment for the following reasons:

In the first place, this proposal would be a radical departure from anything else in this Nation. It would give to the Government of the District of Columbia a State, which does not have a Governor, which does not have home rule, which cannot even pass its own ordinances— the same number of Senators and Representatives as every other State in the Nation has.

I am told by the staff member who handles the personnel operations of the Senate that the staff member who handles the personnel operations of the staff member who handles the personnel operations of the Members of the House of Representatives as every other State in the Nation has.

I have discussed this proposal with representatives of the District Government, with some of the Members of the Senate of the United States. Congress has been without a substitute for the Holland amendment within seven years from the date of their submission by the Congress.
conducted very careful hearings on my proposal, not only in this Congress but also in prior Congresses. Many points of view have been aired upon the subject.

Because this is such a far-reaching provision, so completely different from anything now existent in this country, I hope the Senator will not insist upon his amendment, but will permit the subject to be studied, as it deserves to be, by a committee in this Congress or in the next Congress.

Mr. BUSH. Mr. President, I thank the Senator. I know his position is sincerely taken.

Frankly, I do not see any reason why the citizens of the District of Columbia should be deprived of representation in the Congress merely because it is a district and not a State. There are more than fifteen million citizens in this city. They now can vote for President and Vice President of the United States, thanks to the action of the Congress, but they lack any way of expressing themselves in the halls of the Congress. It seems to me that is a perfectly ridiculous situation.

Mr. HOLLAND. Mr. President, the Commonwealth of Puerto Rico is the only territorial possession of the United States which 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 Puerto Rican citizens and does not have representatives in the House or in the Senate.

I suggest that first there should be a little trial run, to see how the million citizens of the District of Columbia, after such a long term of nonparticipation, show their attitude toward the National Government.

I trust that a measure of such far-reaching consequence should be submitted to hearings. I commend to the Senator the careful hearings which are given uniformly by the Senator from Tennessee [Mr. KEFAUVER] and his able subcommittee.

Mr. BUSH. I thank the Senator from Florida.

Mr. President, I shall yield at this time on this point to the Senator from Tennessee, who has asked me to yield.

Mr. KEFAUVER. The Senator has said that the proposal was referred to the Judiciary Committee, which is correct. I think an amendment was referred further to the Subcommittee on Constitutional Amendments. In the 86th Congress there were very full hearings on amendments concerning representation in the District of Columbia, and the amendment with respect to having representation of the District of Columbia in the House of Representatives was presented by the distinguished Senator from New York [Mr. KEATING]. Extensive hearings were held. As I recall, the amendment was reported favorably by the subcommittee, and later it was joined with a constitutional amendment. I had proposed and the poll tax amendment, and then passed by the U.S. Senate.

All the proposals lost out in the House of Representatives, except the part relating to voting for presidential electors.

In principle I agree with the Senator from Connecticut. I think the people of the District of Columbia should have some representation. I think, however, that perhaps it ought to be first in the House of Representatives, with the pending joint resolution, rather than the U.S. Senate initially.

I say further to the Senator that there are other electoral reforms which I should like to see voted upon and approved by the House, as well as by the Senate, and approved by three-fourths of the States, but I fear that if they were added to the pending joint resolution it might mean the defeat of the whole resolution.

So I think it is the part of wisdom to take this step alone.

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

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

Mr. KEATING. Mr. President, I commend the senior Senator from Connecticut for his initiative in presenting this amendment. He has had a long-standing interest in extending the franchise to people in the District of Columbia and in other measures to strengthen voting rights for all Americans.

He was very much interested and expressed concern that the Senate was not referred to by the distinguished Senator from Tennessee when the opportunity came to present in behalf of myself, the Senator from South Dakota [Mr. CASWELL], and the Senator from Maryland [Mr. Blal] the constitutional amendment which for the first time allowed Americans residing in our Nation's Capital to participate in the election 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 as the 20 States 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 method of apportionment would have been entitled to at least four, and possibly five, electors if it were a State, the final amendment in effect made three-fourths or three-fifths citizens of the District of Columbia. I strongly objected at the time to this concept of "fractional" citizenship, which I still find abhorrent, but that the denial of three-fourths citizenship is better than none, and for that reason no one who had the interest of the District of Columbia residents at heart could vote against the final resolution.

The amendment offered by the Senator from Connecticut [Mr. BUS] would provide for representation in the House of Representatives for the District of Columbia. 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, the original amendment did not provide for Senate Members, and no hearings were held on this specific issue.

I believe that we should have such representation for the District of Columbia in the Senate from Connecticut, 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 of Columbia. As the chairman of the subcommittee, the Senator from Tennessee [Mr. KEFAUVER], has been a strong supporter of the 23d amendment in the past. I have every reason to believe that he will be sympathetic to the point of view presented by the distinguished Senator from Connecticut. I have an almost morbid interest in hearing the views presented by the distinguished Senator from Connecticut, who has focused our attention today on a pressing problem in the Nation's Capital.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. BUSH. I am glad to yield to the Senator from Ohio.

Mr. YOUNG of Ohio. The distinguished Senator from Connecticut has made a very interesting argument. He has offered a very interesting amendment. However, I feel that despite his fine presentation, we should bear in mind that doubling up at 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 enlarging representation in the House of Representatives on the basis of population, I might have an open mind on that question and, following hearings, I could see some merit to it. But in view of the situation of 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. Kautz) 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 will be made to convert 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 that it will be done as soon as 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, the committee of the Senator from New York (Mr. Keating) also, as well as my own belief that a measure of the importance of the one before the Senate should have public hearings and that witnesses who have an equal and important interest in such an amendment should be heard before the Senate is asked to vote upon it, I will not ask the Senator to withdraw the amendment, and I now formally withdraw it.

The PRESIDING OFFICER. The Senator from Connecticut withdraws his amendment.

The question is on agreeing to the amendment of the Senator from Florida (Mr. Holland).

The amendment was agreed to.

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

Mr. DIRKSEN. Mr. President, I thought some confusion developed today on the vote to table the point of order. I think I am correct in summarizing the whole subject for the Record about as follows:

First, the motion to consider Senate Joint Resolution 29 to provide a monument for Alexander Hamilton. That motion was roundly discussed. That was the motion to consider.

Then, a Holland amendment in the nature of a substitute for all after the resolving clause. With respect to that amendment, a point of order was made by the distinguished Senator from Georgia (Mr. Russell).

That point of order was laid on the table by the vote of the Senate. That left the Holland proposal pending before the Senate. The Senator from New York (Mr. Javits) then offered a substitute, which changed the whole proposal from the status of a constitutional amendment to the status of a legislative proposal. That proposal, however, was voted down by the Senate. So the Holland proposal is before the Senate in the proper form.

It is not the number that counts. It is not the fact that we took the Holland proposal from the floor and substituted another proposal. That proposal, however, is not the fact that we took it out of the amendment that is presented before us. There is no requirement for a presidential signature.

There has been some question about all this, but I think I have stated the true state of affairs with respect to it. I now refer the Senator from Connecticut to the Parliamentarian to see whether the minority leader is correct in his statement.

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

Mr. DIRKSEN. I wish to add one further thing. The opinion of the Attorney General has been very freely in a discussion on the Senate floor. I wish to read from the report of the Committee on the Judiciary entitled "Constitutional Amendments," at page 12:

The Constitution provides that "qualifications" for voting for Senators and Representatives shall be the same in each State as those for electing the most numerous branch of the State legislature, but Congress is empowered to regulate the "manner" of such elections. Is poll tax payment a "qualification" for voting or does its payment go only to the "manner" of elections? This question was discussed at length in the printed hearings and the preponderance of legal opinion there would categorically state 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 from Illinois feels that 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 mặc in the manner in which they are 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 which the Speaker just used, which at best is a stretching of the rules of the Senate to an extreme to which they have never before been stretched in 173 years. It was the first time that this method had ever been employed in 173 years.

I assure the Senate that this is not the first time Members of the Senate have been eager to submit constitutional amendments to the people, and 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 urged us 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 advising the Senate if I have any information to transmit to the Senate, I transmit it before the vote, and do not wait until after a third reading of the bill, and after a number of amendments have been passed on the Senate floor, to call on the Parliamentarian to say that I was correct in the position I took.

The last vestige of the legislative proposal was extripated, dug up, thrown away, and burned with the thorn in the effort of the proponents of this unheard of procedure to give life, vitality, and meaning to this lame procedure that we have followed today.

When the Senator from Illinois retires to his beautiful estate along the banks of the Shenandoah or Potomac, where the Senator lives, and picks up the pruning hook and prunes the bushes and burns the trash, he can imagine that he is also burning the last remnant of the legislative proposal that was called up and used as a vehicle to transmit a proposal to the Senate.

I hope the Senator from Illinois feels better. I have no feeling of resentment, but I must comment on the fact that this has been a day of extremely unusual and remarkable events in the Senate.

Mr. DIRKSEN. Mr. President, I am deeply distressed by the infelicity and pain that I have caused my distinguished friend and brother in the Senate.

Mr. RUSSELL. The Senator has caused me no pain. The only pain I felt was when the Senator voted wrong.

Mr. DIRKSEN. I believe I detected a note of pain and distress. However, I thought I should first invite my distinguished friend from Georgia to come and share with me the beauties of what
he calls my estate, but which in reality is a very humble property on which I have grown some flowers, some of which I obtained from Atlanta. I hope they will bring great comfort to me. So I hope the Senator from Georgia will come and share that comfort with me. I believe it is written in the Good Book, as my distinguished friend from Georgia knows, that one man clad in righteousness shall inherit the earth for all the hosts of error. I believe that today we see righteousness triumphant, and the doing of a job that should have been done a long time ago. I know it brings pain. It is not unlike the labor that produces a new child in the world. Perhaps if this process is finally consummated, both in the House and in the Senate, the new child in the form of a world without a poll tax will have been born. Obviously that will be of some importance.

So I am sure, Mr. President, that I have violated no rule. I am sure that my presentation of this motion has been quite circumspect. I am equally sure that I detected some confusion earlier in the afternoon. I hope that now the vote will be the correct one, and that we can send this proposal off to the other branch of the Congress and wish it well. So I apologize if I have offended my affectionate friend.

Mr. RUSSELL. Mr. President, I assure the Senator from Illinois that I was not offended. I was shocked, astonished, and surprised, but I felt no offense. I have been around the Senate too long to take any offense whatever at any position which any other Senator takes. I hope the other 99 Members of this body will be as kind to me in not being offended at any position I may take.

I thank the Senator for his very kind invitation to visit him at his cottage. I will accept the Senator's modification. I thought it was a lovely home when I was privileged to visit it.

Mr. DIRKSEN. But modest.

Mr. RUSSELL. Perhaps by some standards of beauty, but when one comes down in the country, the Senator has an elegant home. But I will accept the Senator's standard concerning his home. I appreciate the invitation to visit it and to share the glory of the flowers, the flora, and the fauna that may be on his lands. I appreciate the invitation, and I shall accept it sometime.

I will share with the Senator from Illinois almost anything except an increase in the confusion that he has caused by the statement of his colleagues. I have made in seeking to clarify the situation.

Mr. DIRKSEN. Come with me tonight.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. Was the amendment offered by the Senator from Florida adopted by a voice vote?

The PRESIDING OFFICER. The Senator is correct. Before the third reading was had, the Senator's amendment was adopted by a voice vote.

Mr. HOLLAND. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. Has the joint resolution been read the third time?

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. At what stage in the proceedings will the yeas-and-nays 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, "yea" or "nay." 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. BROWER], 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. BROWER] 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:

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majority and minority leaders. We obviously would not have been able to accomplish what we have today without the great assistance of the majority leader of the Senate, which I appreciate.

UNITED NATIONS BONDS PURCHASE

Mr. DIRKSEN. Mr. President, while Senators are in the Chamber in considerable numbers, I should like to ask the distinguished majority leader about the program for tomorrow and the ensuing week.

Mr. MANSFIELD. It is the intention of the leadership to have Calendar No. 1246, Senate bill 2768, authorizing the purchase of United Nations bonds, laid before the Senate.

Mr. President, I move that the Senate now proceed to the consideration of Calendar No. 1246, Senate bill 2768.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 2768) to promote the foreign policy of the United States by authorizing the purchase of United Nations bonds and the appropriation of funds therefor, which had been reported from the Committee on Foreign Relations, with amendments.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I now renew my request in regard to the programs for tomorrow and the ensuing week.

Mr. MANSFIELD. Mr. President, we intend tomorrow to have the Senate consider the nominations on the Executive Calendar, and also the Treasury Post Office appropriation bill. In order to do that, we shall temporarily lay aside the United Nations bond bill.

As we proceed, we shall try to arrive at an appropriate procedure for the remaining items on the calendar.

Mr. DIRKSEN. I should like to ask the majority leader another question. Some Members on both sides, I am sure, will be absent from the city, beginning with the end of the week. The question of when a vote will be taken on the United Nations bond proposal and on the amendments thereto is of some concern. Perhaps that can be determined later, or perhaps the majority leader can advise us now on that point.

Mr. MANSFIELD. Mr. President, it is my guess that there will be several days of debate on the United Nations bond issue bill. There are now on the calendar other measures to which we can attend. I hope that after consultation with the distinguished minority leader and what we have interested Senators, if need be, and, that if at all possible, we can arrive at some sort of reasonable limitation of time for Monday next.

UNITED NATIONS BONDS PURCHASE

Mr. RUSSELL. Mr. President, I send to the desk and ask to have printed and to lie on the table amendments in the nature of a substitute for the United Nations bonds bill.

The PRESIDING OFFICER. The amendments will be received, printed, and will lie on the table.

Mr. RUSSELL. Mr. President, I shall make a brief statement about the nature of the proposed substitute. To do the issuing of reserves 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 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 order the participation of any person serving in the Armed Forces of the United States in any military action by the United States unless and until such use or participation has been authorized by a joint resolution of the Congress or 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 under the United Nations Conventions if the President finds and so declares that such loan is necessary and in the interests of the security of the United States.

I shall not labor this subject at length this evening. My objection goes to the fact that the committee bill and the substitute so ably argued by the Senator from Vermont would give the United Nations too much money. I have seen time and time again, from articles in the press, that the sale of bonds of $200 million would provide an advance reserve to use for situations similar to that in the Congo.

It so happens that I was opposed to what took place in the Congo. I think military action there was ordered prematurely and before all the procedures through which the United Nations has delegated the authority and which it was supposed to carry on had been exhausted. I regarded the first attack, at least, as an unnecessary act of aggression. I shall discuss that subject later.

I have nothing against the officials of the United Nations, but I am one of the old-fashioned people who believe in the Constitution. We have had people engaged in war in the Congo. Call it what you please, it has been war. People have been killed and they have been shooting at each other with all the instruments they could get.

I do not like to see men like Conor Cruise O'Brien have authority to commit this country's resources to military action if Congress is in session. I think Congress ought to pass a joint resolution on the subject. That is the heart of my substitute, and I shall discuss it at length some time later.

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

Mr. MANSFIELD. I yield to the Senator from Alabama.

Mr. SPARKMAN. I will complete the question I started to ask the majority leader earlier. Can he give us some idea when we may expect to take up the bond bill Thursday, Friday or sometime tomorrow or Thursday?

Mr. MANSFIELD. My guess is that it will be Thursday, because in the meantime there will be other business to attend to.

Mr. SPARKMAN. Will it probably be taken up tomorrow?

Mr. MANSFIELD. Probably other business will be taken up tomorrow, and if any attention is given to the U.N. bond tomorrow, it will be of short duration.

Mr. SPARKMAN. Will there be a morning hour tomorrow?

Mr. MANSFIELD. There will be.

GREEK INDEPENDENCE DAY

Mr. JAVITS. Mr. President, the Greek people in commemoration of the 141st anniversary of its independence on Sunday, March 25. On that day tribute was deservedly paid to the brave men who wrested liberty from the Ottoman Empire in 1821, and the people of Greece have remembered again the many crises and hardships they have had to undergo in order to maintain their freedom.

This determination to be free is a heritage also of ancient Greece which in many ways has become an integral part of Western civilization. Today Greece lives for its future, not its past, and its people are industriously building a nation with strong economic roots and a stable political base. The United States has contributed in substantial measure to the economic recovery of Greece from the ravages of World War II and the bloody civil war that the Communists subsequently waged, and today Greece is a firm pillar of support for NATO. I am happy to join the Greek people in commemorating this 141st anniversary of Greek independence and to assure them of continued support for their historic efforts to strengthen the structure of their social and economic life.

SUPREME COURT DECISION ON APPOINTMENT

Mr. KEATING. Mr. President, the Supreme Court's decision in the Tennessee apportionment case will meet with the approval of everyone who believes in giving full significance to the equal protection clause of the 14th amendment. The arbitrary setting of election districts by the State legislatures dilutes the right to vote as effectively as other more obvious examples of disfranchisement. Such practices violate not only the U.S. Constitution, but in many cases the constitutions of the very States in which such practices are most aggravated.

This problem has been long neglected by the courts and the Congress, and for that reason many may have wrongly believed that these unfair practices would be forever condoned. The Court's land-
Mr. Keating. Mr. President, the history of our efforts to save South Vietnam will reveal some lost opportunities. One of the saddest of these lost opportunities came to my attention recently, for it was a program which, if vigorously supported a year ago, might have contributed immeasurably to the will and determination and ability of the people of South Vietnam to put up a strong defense against the guerrilla invaders.

What I am referring to is this: Between 40 to 70 percent of the people of South Vietnam are afflicted with an eye disease called trachoma. Unless treated, the disease leads to blindness, perhaps one of the most fearful afflictions that can befall a person. Yet trachoma can be treated and cured at relatively little cost. It can be cured or arrested with drugs and vitamins.

For the last 2 years, a most successful eye clinic has been operated by the Catholic Relief Services with the services of four American volunteer ophthalmologists. These ophthalmologists, one of whom was Dr. Elliott B. Hague of Buffalo, reported great success in curing trachoma and treating its complications. Dr. Hague has been in touch with me about his experiences. He served as a volunteer, with his wife who is a trained nurse, for several months at the eye clinic near Brigadoon. 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—this program to assist the refugees of the Hill-Burton, or ICA, and formally submitted to the Peace Corps. What was the result? Nothing. Absolutely nothing. I am informed that no formal response was ever received by Dr. Hague or by the Catholic Relief Services.

Mr. President, I can only speculate on the reasons for missing out on a program that could have done so much for the South Vietnamese people. A new tendency seems to be developing in government deliberately to exclude religious agencies from any participation in foreign aid projects and even from useful and important volunteer services. The Peace Corps has publicly announced its plans not to work through any existing religiously affiliated group. It is most disturbing to think that foreign aid programs or Peace Corps projects are being judged not on their own merits but merely on the issue of whether a religious or church-affiliated group may, however remotely, be in the project.

This approach is unworthy of a great and free nation. To send American soldiers to fight and die in South Vietnam, yet neglect an agency which might have a tremendously beneficial impact through the critical area merely because it was first set up by missionaries is shocking. It is widely resented and is self-defeating. I am asking both AID and the Peace Corps for a full report as to why we let another significant opportunity slip by us in South Vietnam and whether or not it was for such an ignominious reason.

Finally, Mr. President, it is my understanding that there will be another submission of this project directly to AID representatives. Another attempt made to break through the maze of bureaucracy and perhaps prejudice that has beclouded the issue. I sincerely hope that this proposal will be given fair consideration and that the administration will do everything possible to give this program its own considerable merits and not on the scale of politics or prejudice.

CIVIL RIGHTS—REPORT OF THE SOUTHERN REGIONAL COUNCIL

Mr. Keating. Mr. President, careful reading of the report of the Southern Regional Council provides little basis for satisfaction in the progress being made in the field of civil rights. It does credit the administration with a strong sense of obligation to civil rights and this has led to widespread press reports and statements by President Kennedy and the President's accomplishments. This is not a fair appraisal of the council's statement. On the contrary, it will be apparent to those who study the report that there is much more criticism of unfulfilled promises and inadequate measures than there is praise of new policies and practices.

The council points out, for example, that the same administration which requires every Government contractor to practice nondiscrimination, "spends enormous sums for university centered research, without care as to whether the institutions deny admission to Negro students and scholars." It describes the Office of Education in the Department of Health, Education and Welfare as a "aloof" to the educational crisis in the Nation. It criticizes the failure of the administration to challenge the construction of segregated hospital facilities under the Hill-Burton Act. It observes the refusal of the Department of Defense to take steps to desegregate the National Guard as a "national scandal." It notes critically that the administration has failed to support legislation to strengthen its "severely restricted" ability to assist in efforts to desegregate our schools.

It is true that the council gives the President abundant credit for some accomplishments, good intentions and noble sentiments. This is encouraging, but it is no substitute for the full scope of the council's conclusions. This report tells us how our citizens their rights under the Constitution.

The Commission on Civil Rights has outlined the Executive and legislative decisions which have initiated the civil rights in America. The report of the Southern Regional Council in no way contradicts the Commission's recommendations, but rather underscores their validity and necessity. I would hope that the council's review of civil rights in our Nation will be an impetus for renewed action rather than an excuse for complacency on this vital subject.

RIGHT AND LEFT EXTREMISTS

Mr. Humphrey. Mr. President, I wish to call to the attention of my colleagues a sensible and balanced comment on certain extreme statements recently made by former Vice President Nixon in a speech to the John Birch Society on the extreme right and the Americans for Democratic Action on the extreme left.

Mr. President, I ask unanimous consent to have printed in the Record the editorial from the Minneapolis Star, dated March 16, 1962, entitled "Extremists, Right and Left."
There being no objection, the article was ordered to be printed in the Record, as follows:

EXTREMIST, RIGHT AND LEFT

Labels are often used carelessly by both sides in the current debate over political extremism and its counterpart, the Communist apparatus.

One of the examples of such carelessness is the effort by some politicians to equate the deviations of the John Birch Society with the supposed leftist extremism of the Americans for Democratic Action.

Former Vice President Nixon is the latest to make this comparison in a recent look at the political spectrum in this country.

Yet is this a fair comparison?

Those who read the writings of Robert Welch, the founder of the John Birch Society, quickly come to the conclusion that Welch favors a totalitarian society of the right with himself as the leader. As Nixon pointed out, Welch's words are those of a would-be dictator, and they leave members no choice but to agree with Welch and what he stands for or to quit the society.

But what about the Americans for Democratic Action? Are we to regard this extremist organization that is as far from democracy on the left as the John Birch Society is on the right?

We know that the two organizations are comparable. The Americans for Democratic Action is itself strongly anti-Communist and anti-Bircher, as was its predecessor, the John Birch Society, which 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 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 the right-wingers and right-wingers, and it has even spoken out against the Americans for Democratic Action as an extreme in its leftwing philosophy as the John Birch Society is in its rightwing philosophy.

But there is a significant difference that is frequently overlooked: The Americans for Democratic Action is in favor of working within the present democratic system in the United States and it seeks social reform through democratic processes. The same respect for democratic process cannot be claimed for a rightwing organization headed by a man who wants to be an American dictator.

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

The Birchers may be their mouthpieces on the extreme left thus become the counterparts of the Birchers on the extreme right.

Mr. HUMPHREY. This continued effort by the right-wingers 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 must precede the prerequisites for making mature, sound judgments of national policy. Mr. Nixon's attempt to smear the Americans for Democratic Action has been rightly challenged by a newspaper which can in no sense be termed a spokesman for the Democratic party.

Mr. President, in my mind 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 judgment and responsibility. We have the right to expect better of a former Vice President. He should, and I believe, does, know better than what his words would indicate.

Mr. President, in my mind the editorial will be very helpful to people who seek to have a better understanding of some of the political forces at work in our country. As I said, the editorial has come from a newspaper that is relatively independent, but more often than not supports Republican candidates.

PUBLIC WORKS TO STIMULATE ECONOMY

Mr. HUMPHREY. Mr. President, the President of the United States in a letter to the chairman of the House Appropriations and 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 by letters from the able Senator from Pennsylvania [Mr. CLARK].

In addition to the President's request for $600 million, the distinguished Representative John Blatnik, from Minnesota's Eighth Congressional District, and from the able 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 the bill introduced in the Senate by Representative Blatnik and the Senator from Pennsylvania [Mr. CLARK], have both been very active in promoting long-term public works programs as a part of the overall national program to stimulate our economy to full employment and to maximum production.

I quote from the President's letter, as follows:

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

SEVERE 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 the fact that this country is facing serious problems of prolonged large-
scale unemployment and economic distress in hundreds of communities in all sections of the country. The roster of these communities includes small cities, small towns, and rural areas. Three causes of their troubles are manifold—exodus of industry, displacement of labor by technological change, and decline of urban population. The result is a high and persistent unemployment rate, urban and rural area, and depression in whole communities. The result is that these areas face the problem of reducing unemployment and economic distress in their borders, and the development of new enterprises which would provide employment for their unemployed.

The area redevelopment program, however, is not primarily designed to provide immediate relief of distress caused by unemployment, but to provide the leadership and fundamental changes in the participating areas. I believe that a further Federal effort is necessary, both to provide immediate useful work for the unemployed and the underemployed, and to help these and other hard-pressed communities through improvements of their public facilities, to become better places to live and work.

Accordingly, I urged that we initiate as soon as possible an accelerated program of public improvements in the depressed areas. The program is less than a year old, assistance has already been extended to 38 communities in 35 States. The program gutted momentum, more and more communities will be added in their efforts to build a durable foundation for their communities through improvement and improvement of public facilities.

The area redevelopment program, however, is a continuing effort to help communities to attract new and permanent jobs to solve their long-term economic problems. It is not primarily designed to provide immediate relief of distress caused by unemployment, but to provide the leadership and fundamental changes in the participating areas. I believe that a further Federal effort is necessary, both to provide immediate useful work for the unemployed and the underemployed, and to help these and other hard-pressed communities through improvements of their public facilities, to become better places to live and work.

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The equal protection of the laws accorded to a litigant under a given state constitutional or federal constitutional standard does not impose a duty upon the courts to invent a design for reapportionment of the State's legislative bodies. It is generally true that state legislative bodies, especially those of the larger states, do not provide representation in the State legislature adequate to the needs of the people. The Constitution, however, requires that the State legislative bodies be consolidated with federal census reports in the reapportionment of the State's legislative bodies. In reapportioning the State's legislative bodies, the district courts may not invent a district plan of representation that is consistent with the federal constitutional and state constitutional standards. The district courts may not deviate from the constitutionally mandated representation plan in order to provide additional representation for the minority group.
Delusions 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 ground that the duty asserted can be frivolous, it should not have dismissed the complaint for want of jurisdiction of the court. Article III, 2, of the Federal Constitution provides that Congress shall be made, under their authority, vestigial must be tend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made or concluded with foreign nations, to be absolutely devoid of merit. Mr. Justice Black joined by Mr. Justice Douglas and Mr. Justice Murphy stated: "It is my judgment that the court had jurisdiction," citing the predecessor of 28 U.S.C. 1348 (3), and Bell v. Hood, supra (328 U.S. at 569). Mr. Justice Rutledge, writing separately, expressed agreement with this conclusion (328 U.S.). Indeed, it is even questionable that the opinion of Mr. Justice Frankfurter, Burton, doubted jurisdiction of the subject matter. Such doubt would have been inconsistent with the professed willingness to turn the decision on either the majority or concurrence views in Wood v. Broom, supra (288 U.S. at 565).

SIMILAR CASES NOTED
Several subsequent cases similar to Colegrove have been decided by the Court in summary per curiam statements. None was brought to bring the assertion of the subject matter of the case into submission. Under the plain heading of "Jurisdiction of the Subject Matter" we hold only that the matter set forth in the complaint does arise under the Constitution and is within 28 U.S.C. 1343.

Article III, 2, of the Federal Constitution provides that Congress shall be made, under their authority, vestigial must be tend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made or concluded with foreign nations. It is clear that the cause of action is one which arises under the Federal statute which affords an appointment that deprives the appellants of the equal protection of the laws in violation of the 14th amendment. Dismissal of the suit as being without jurisdiction of the subject matter would, therefore, be justified only if the complaint so attenuated and unsubstantial as to be absolutely devoid of merit (Newberry Water Co. v. Newburyport, 193 U.S. 561, 578), or "trivialous" (Bell v. Hood, 327 U.S. 678, 685). That the claim unsubstantial must be "very plain" (Hart v. Keith Vauderie Exchange, 263 U.S. 271, 274).

Since we cannot say that the appellees correctly did not deem the asserted Federal constitutional claim unsubstantial and trivialous, we have dismissed the complaint for want of jurisdiction of the subject matter. And of course no further consideration is given to the appellees' challenge as irrelevant to a determination of the court's jurisdiction of the subject matter.

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 struck down (for reasons given in Article I, 4, of the Federal Constitution, we affirmed on the merits and expressly refused to dismiss for want of jurisdiction "in view of the subject matter of the controversy, the Federal character and under the Federal characterizations which inhere in it" (Ohio ex rel. Davis v. Hildebrandt, 241 U.S. 678, 681). That the claim unsubstantial must be "very plain" (Hart v. Keith Vauderie Exchange, 263 U.S. 271, 274).

Since we cannot say that the appellees correctly did not deem the asserted Federal constitutional claim unsubstantial and trivialous, we have dismissed the complaint for want of jurisdiction of the subject matter. And of course no further consideration is given to the appellees' challenge as irrelevant to a determination of the court's jurisdiction of the subject matter.

We hold that the district court has jurisdiction of the subject matter of the Federal constitutional claim asserted in the complaint.

STANDING
A Federal court cannot "pronounce any statute, either of a State or of the United States, ... constitutional " (Plessy v. Ferguson, 163 U.S. 537, 540). The appellees refer to Colegrove v. Green (328 U.S. 459), as authority that the district court lacked jurisdiction of the subject matter. Appellees misconceive the holding of that case. The holding was precisely contrary to their reading of it. Seven members of the Court participated in the decision. Unlike any other case in which we have assumed without discussion that there was jurisdiction, all three opinions filed in Colegrove so far as the appellees' concern with the opinions expressing the views of four of the Justices, a majority, cast held that the case was not one in which the court had jurisdiction," citing the predecessor of 28 U.S.C. 1349 (3), and Bell v. Hood, supra (328 U.S. at 569). Mr. Justice Rutledge, writing separately, expressed agreement with this conclusion (328 U.S.). Indeed, it is even questionable that the opinion of Mr. Justice Frankfurter, Burton, doubted jurisdiction of the subject matter. Such doubt would have been inconsistent with the professed willingness to turn the decision on either the majority or concurrence views in Wood v. Broom, supra (288 U.S. at 565).

We hold that the appellants do have standing to maintain this suit. Our decisions plainly support this conclusion. Many of the cases have assumed rather than articulated the premise in deciding the merits of similar claims. And Colegrove v. Green, supra, squarely held that voters who allege facts showing disadvantage to themselves as individuals have standing to file suit. An attenuated number of cases decided after Colegrove recognized the standing of the voters there involved to file suit.

These appellants seek relief in order to protect or vindicate an interest of their own, as individuals or as a class, in the enforcement of an constitutional claim is, in substance, that the 1901 statute constitutes arbitrary and capricious State action, offensive to the 14th amendment. Article III, 2, of the Federal Constitution provides that Congress shall be made, under their authority, vestigial must be tend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made or concluded with foreign nations. It is clear that the cause of action is one which arises under the Federal statute which affords an appointment that deprives the appellants of the equal protection of the laws in violation of the 14th amendment. Dismissal of the suit as being without jurisdiction of the subject matter would, therefore, be justified only if the complaint so attenuated and unsubstantial as to be absolutely devoid of merit (Newberry Water Co. v. Newburyport, 193 U.S. 561, 578), or "trivialous" (Bell v. Hood, 327 U.S. 678, 685). That the claim unsubstantial must be "very plain" (Hart v. Keith Vauderie Exchange, 263 U.S. 271, 274). Since we cannot say that the appellees correctly did not deem the asserted Federal constitutional claim unsubstantial and trivialous, we have dismissed the complaint for want of jurisdiction of the subject matter. And of course no further consideration is given to the appellees' challenge as irrelevant to a determination of the court's jurisdiction of the subject matter.

We hold that the district court has jurisdiction of the subject matter of the Federal constitutional claim asserted in the complaint.

It is, of course, a question of Federal law.

The complaint was filed by residents of Davidson, Hamilton, Knox, Montgomery, and Rutherford counties in Tennessee. They are individually qualified to vote for members of the general assembly representing their county. These residents, therefore, have standing to file suit on behalf of all qualified voters of their respective counties, and further, on behalf of all qualified voters of the State who are similarly situated. The appellees are the Tennessee secretary of state, attorney general, coordinator of elections, and members of the board of election commissioners of the State board are sued in their own right and also as representatives of the election commissioners whom they appoint.

We hold that the appellants do have standing to maintain this suit. Our decisions plainly support this conclusion. Many of the cases have assumed rather than articulated the premise in deciding the merits of similar claims. And Colegrove v. Green, supra, squarely held that voters who allege facts showing disadvantage to themselves as individuals have standing to file suit. An attenuated number of cases decided after Colegrove recognized the standing of the voters there involved to file suit.

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We hold that the district court has jurisdiction of the subject matter of the Federal constitutional claim asserted in the complaint.
participant in a separate one by Mr. Justice McKenna with textually demonstrable constitutional authority. The doctrine of which we treat makes it clear that a deprivation of the right to vote in a municipal election is a question denominated political exceeds constitutional justiciability. That doctrine. constitutional amendment's due process guaranty, and - held on the merits that they had. And only last term, in Gomillion v. Lightfoot (364 U.S. 339), we applied the 15th amendment's right to an equal protection claim as to whether some action denominated political exceeds constitutional justiciability. We now turn, finally, to the ultimate inquiry whether our precedents as to what constitutes a nonjustifiable political question bring us under the umbrella of that doctrine. A natural beginning is to note whether any of the common characteristics which we have been able to identify and label descriptively are present. We find none: The question here is the consistency of State action with the Federal Constitution. The question is whether the decision, or to be decided, by a political branch of government coequal with this court. Nor do we see any dependence of claim on enforcement of an agreement, or grave disturbance at home. If we take issue with Tennessee as to the constitutionality of her action here challenged. Nor need the appellants, in order to succeed in this action, ask the court to enter upon policy determinations for which judicially manageable standards are lacking. Judicial standards under the equal protection clause are well developed and familiar, and the argument that the question here is one of the enactment of the 14th amendment to determine if on the particular facts they must, that a controversy of importance is present, but simply arbitrary and capricious action.

**Deprivation Asserted**

Gomillion was brought by an Negro who had been a resident of the city of Tuskegee, Ala., until the municipal boundaries were so recast by the State legislature as to exclude practically all Negroes. The plaintiff claimed deprivation of the right to vote in municipal elections. The district court's conclusion for the State was that failure to state a claim upon which relief could be granted was affirmed by the court of appeals. That result is reversed. This court's answer to the argument that States enjoyed unrestricted control over municipal boundaries was:

"Legislative control of municipalities, no less than other State power, lie within the scope of relevant limitations imposed by the U.S. Constitution. The opposite conclusion, urged upon us by respondents, would sanction the achievement by a State of any impairment of voting rights whatever so long as it acted within the framework of constitutional subdivisions. It is inconceivable that guarantees embedded in the Constitution can thus be manipulated out of existence. (364 U.S. 344-346)."

Since, as has been established, the equal protection claim tendered in this case does not require decision of any political question, and since the presence of a matter affecting State government does not render the case nonjusticiable, it seems appropriate to examine again the reasoning by which the district court reached its conclusion that the case was nonjusticiable.

We have already noted that the district court's holding that the matter of this complaint was nonjusticiable relied upon Colegrove v. Green, supra, and later cases. Some of the chief considerations in members of a State legislature, in this case; others, like Colegrove itself and earlier precedents (Smiley v. Holm, 285 U.S. 355, Heart v. Becker, 285 U.S. 580), concerned the choice of Representatives in the Federal Congress. The case of Colegrove although over the dissent of three of the seven justices who participated in that decision. On the issue of justiciability, all the judges for whom there was a result upon Smiley v. Holm, but in two opinions, one for three justices, 328 U.S. 566, 568, and a separate one by Mr. Justice Rutledge, 328 U.S. 594. But we have found that not to be the case here.

We conclude then that the nonjusticiable character of the guaranty clause claims which arise from their embodiment of questions that were thought political, can have no bearing on the justiciability of an equal protection claim presented in this case. Finally, we emphasize that it is the invalidity given to the guaranty clause claims nonjusticiable as actually to present a political question itself. But we have found that not to be the case here.

We conclude that the refusal to award relief in Colegrove resulted only from the controlling view of a want of equity. Nor is anything contrary to be found in those per curiam that cannot be found in the appeals in Cook v. Fortson and Turner v. Duckworth (320 U.S. 675, as moot, McDowell v. Green (394 U.S. 121). Thus that in that case equity would not to void the State's requirement that there be at least one member of the Board of Education for statewide office, over at least a minimal area of the State. Problems of timing were critical in the issue in Smith (342 U.S. 916), favoring mandamus for want of a constitutional question a three-judge court's dismissal of the suit as prematurely brought (102 F. Supp. 709) and in Hartfield v. Slocum (357 U.S. 916), denying mandamus sought to compel the convening of a three-judge court - evants urged the court to advance consideration of their case "inasmuch as the mere lapse of time before this case can be reached in the normal course of business may defeat the cause, and insomuch as the time the problem is due to the inherent nature of the case." In the case of Peters (339 U.S. 276), like Colegrove, appearing a function of equity's power; see the statement of the holding, quoted, supra, page 17.

The case of Board of Education (339 U.S. 940), indicates solely that no substantial Federal question was raised by a State court's refusal to respect the State's view of de facto officers, and not on any view that the normal course of business may defeat the cause, and insomuch as the time the problem is due to the inherent nature of the case." In the case of Peters (339 U.S. 276), like Colegrove, appearing a function of equity's power; see the statement of the holding, quoted, supra, page 17.
The judgment of the district court is reversed and the cause is remedied 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 is an equal protection violation of the Constitution. However, it refuses to award relief here—although the facts are undisputed—and fails to give any guidance to the case at hand. One dissenting opinion, bursting with words that go through so much and conclude the court's decision 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.

1

I take the law of the case from McDaniel v. McRae (1957), which involved an attack under the equal protection clause upon an Illinois election statute. The court decided that case on its merits without by way of example from the political question doctrine. Although the statute under attack was upheld, it is clear that the court passed upon the merits of the determination that the statute represented a rational State policy. It stated:

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...
to the principle of right, the form of government must be representative." That is the keystone upon which our Government was built. This, an idea which has been enshrined in the Constitution and has been held sacred by us, our forefathers never ventured to relinquish, and this is the principle under the keystone upon which our Government has been built. The decision today is in the greatest tradition of those rights rather than by rending where the national rights of so many a distressingly inaccurate impression of what history have those principles received sanctions.

The separate writings of my dissenting and concurring brothers stray so far from the subject of today's decision as to convey, if not a distressingly inaccurate impression of what history have those principles received sanctions, a distressingly inaccurate impression of what the Court decides. For that reason, I think it appropriate, in joining the opinion of the Court, to emphasize in a few words what the opinion does and does not say.

The Court today decides three things and no more. It does not pass upon, nor express any opinion upon, the jurisdiction of the subject matter; (b) that a justiciable cause of action is stated upon which the appellants would be entitled; and (c) that the appellants have standing to challenge the Tennessee apportionment statute.

The case asserts that Tennessee's system of apportionment is utterly arbitrary—without any possible justification. The district court did not reach the merits of that claim, and this Court quite properly expresses no view on the subject. Contrary to the suggestion of my Brother Douglas, the Court does not say, or imply that "State legislatures must be so structured as to reflect with approximate equality the population of every county." The Court does not say or imply that there is anything in the Federal Constitution "to prevent a State, acting not irrationally, from choosing any legislative structure it thinks best suited to the interests, temper, and customs of its people." And contrary to the suggestion of my Brother Douglas, the Court most assuredly does not decide the question, "May a State weight the vote of one county or one district more heavily than it weights the vote in another?"

RECALL RECENT RULING

In MacDougall v. Green (383 U.S. 75), the Court held that the "equal protection" clause of the "due process" clause of the Fourteenth Amendment requires a State to assure a proper diffusion of political initiative as between its thinly populated counties and those which, because of the size of their populations, have practical opportunities for exerting their political weight at the polls. This is a matter of the fact that the latter have practical opportunities for exerting their political weight at the polls, and that this Court, in fact, has held that the political weight of the people in that State is not to be measured by the number of voters therein. In case after case arising under the equal protection clause of the Fourteenth Amendment, the Court has said again and again that the States are entitled to make legislative apportionments which, in their discretion, best suit their own "interests, temper, and customs of its people." And contrary to the suggestion of my Brother Douglas, the Court most assuredly does not decide the question, "May a State weight the vote of one county or one district more heavily than it weights the vote in another?"

TRADITIONAL TEST

The traditional test under the equal protection clause has been whether a State has made an invidious discrimination, that is, whether it has made an apportionment invidious discrimination exists, if any decision or line is drawn that would have the effect of making a group identifiable as a race or national origin more or less eligible for the benefits and protection of the laws than the group as a whole. As in other cases, the proper place for the trial is in the trial court, not here.

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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 others' interests in the intricate realms of governmental action while keeping in mind that underlie these mathematical puzzles is to attribute, however flattering, omniscience to the judicial process. The Constitution persistently rejected a proposal that embodied this assumption and Thomas Jefferson never entertained it.

ATROCITY OF INEQUITY

Recent legislation, creating a district appropriately described as an atrocity of inequity, is not unique. Considering the growing demands for legislative units within almost every State, the Court naturally shrinks from asserting that in districting at least substantial equality is a constitutional requirement enforceable by courts. Room continues to be allowed for weighting. 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 legislative plans. To insist—aye, there's the rub. In effect, today's decision empowers the courts of the country to rewrite the Constitution by constituting the composition of the legislatures of the 50 States. If State courts should for one reason or another choose to discharge this task, the duty of doing so is put on the Federal courts or on this Court, if these 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 effective representation which would arise once the abstract constitutional right to have courts pass on a statewide system of electoral representation was recognized. Avoiding 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 redressing political mischiefs, for every undesirable exercise of legislative power. The framers carefully and with deliberate forethought refused so to enthrone the Constitution as to provide for judicial determination of the respe ctive districts for the election of Representatives to the Congress.

REPRESENTATION UNDER THE EQUAL PROTECTION CLAUSE

The practical effect of today's decision empowers the courts of the country to rewrite the Constitution by constituting the composition of the legislatures of the 50 States. If State courts should for one reason or another choose to discharge this task, the duty of doing so is put on the Federal courts or on this Court, if these views do not satisfy this Court's notion of what is proper districting.

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Decided by the Court

The broad applicability of these considerations—summarized in the terse shorthand phrase, "political question"—in cases involving a State's apportionment of voting power among its numerous localities has led the Court, since 1946, to recognize their controlling importance. (In all these cases decision was by a full court.) The political question principle as applied in Colegrove v. Green, 328 U.S. 549 (1946), that a Federal court should not entertain an action for declaratory and injunctive relief with respect to the apportionment statute of a State under the equal protection clause of the Constitution is not under our Constitution nonjusticiable. It is, in effect, a guarantee clause claim masquerading under a different label. By making the case more fit for judicial action that appellants invoke the 14th amendment rather than article IV, 4, where, in fact, the rub is the same—unless it can be found that the 14th amendment speaks with greater particularity to their situation than the Federal constitution and that the State's "a republican form of government," so en forcible through the courts.

IV

The present case involves all of the elements that distinguish it from other classic cases nonjusticiable. It is, in effect, a guarantee clause claim masquerading under a different label. By making the case more fit for judicial action that appellants invoke the 14th amendment rather than article IV, 4, where, in fact, the rub is the same—unless it can be found that the 14th amendment speaks with greater particularity to their situation than the Federal constitution and that the State's "a republican form of government," so enforceable through the courts.

The Colegrove doctrine, in the form in which repeated decisions have settled it, was far from novel. It represents long judicial thought and experience. From its earliest opinions this Court has consistently held that the Federal courts do not lend themselves to judicial standards and judicial remedies. To classify the variables as political questions is rather a form of stating this conclusion than revealing of analysis. Some of the cases so labeled were not more than applications of principles that emerge unifying considerations that are compelling.

The influence of these converging considerations is most clearly seen in a decision where standards for judicial judgment are lacking, the reluctance to interfere with another's decision empowers the courts of the country to rewrite the Constitution by constituting the composition of the legislatures of the 50 States. If State courts should for one reason or another choose to discharge this task, the duty of doing so is put on the Federal courts or on this Court, if these views do not satisfy this Court's notion of what is proper districting.

At first blush, this charge of discrimination based on legislative underrepresentation
is given the appearance of a more private, less impersonal claim, than the assertion that the discrimination relied on is the proportionate share of political influence. This, of course, is the practical effect of the assertion that the political advantage of others, within the body politic. It would be ingenuous not to see, or consciously to deny, that the real battle over the initiative and referendum, or over a delegation of power to local rather than Statewide authority, is the battle between forces whose influence is disparate among the various organs of government to whom power may be given. No shift of power but works a corresponding shift in political influence among the groups composing a society.

**NOTES VOTES ARE COUNTED**

What, then, is this question of legislative apportionment? It is the question of representation as to what a vote should be worth.

In a certain sense, I feel I am repaying a debt. It is a debt owed to the many Canadian leaders who have graciously assisted our U.S. Senate subcommittee during the past 3½ years. Great officials and laymen, researchers and practitioners, responded to the invitation of our subcommittee and shared with us their helpful suggestions for international health action.

By its own health activities on the domestic and foreign scenes, Canada has more and more of its high credentials for making such recommendations.

Now, may I, as one U.S. Senator—not attempting to speak for my Government—submit a few reactions in return.

**ADDRESS BY SENATOR HUMPHREY**

Mr. HUMPHREY. Mr. President, one of the great pleasures of a Member of the U.S. Senate is to write with his opposite number in a great Allied nation.

On March 13, 1962, it was my privilege to have such an opportunity. I met in Ottawa with members of the Health Committees of the Senate and House of Commons.

In attendance were present and past parliamentarians and other officials, including the Minister of Health and the former Minister.

At that time, I submitted a series of suggestions for common action in the cause of health.

I expressed the hope that there might open and parallel Fact of Ottawa. Under it, the two North American neighbors might set up a joint program of collaborative research as well as teamwork in experiments in preventive, curative and restorative medicine.

I ask unanimous consent that the text of my address in Ottawa be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

**A 10-YEAR PLAN FOR HEALTH: A PROPOSAL FOR NORDIC-NORTH AMERICAN DISEASE PREVENTION AND CONTROL, INCLUDING ANTINUKE MISSILES TESTED AGAINST KILLER VIRUSES AND BACTERIA ON CANADIAN-UNITED STATES FLOWING GROUNDS**

By Senator Hubert H. Humphrey, Demo­

crat, of Minnesota, before the health committees of the Canadian House of Commons and Senate, Ottawa, Canada, (March 13, 1962)
Medical science, like other science, has
years ago, that
ern Europe in late 1958, I found
instance
scientists, because of irrelevant ideological
for several days, join me because

Third, this is an age of ideological com-
BARRIERS
abstracting, indexing, reviewing, and

canadian cancer specialists will, for
in its visa policies toward

differences.

Here, I salute Canada for the wisdom it has
Crisis in Science. Many

In July 1962, there will be a great cancer

Aiding the Emerging Nations

Fourth, this is an age of revolution in the
people since World War II, preponderantly with-

We, of the industrialized nations, should,

BOLD INNOVATIONS IN COMMUNICATIONS

That a U.S. exhibit, "Medicine, U.S.A."

The struggle, that medical science alone, over 250,000 articles appear in
over 30,000 issues each year of the world’s

MEDICAL SCIENCE, LIKE OTHER SCIENCE, HAS

ONE OF THE CHARACTERISTICS OF THE PRESENT AGE

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

One is the age of science. It is a
nuclear-age— an age of unprecedented
advances in the physical sciences. Each of the
principal, industrialized nations is
apparently reviving all of its resources on
scientific efforts for national security, In-
cluding mammoth engineering projects.

But there is another age of science, the
age of travel, the age of communications—
a new eagerness to help solve a problem
simultaneously to its citizens to help
them realize the fullest health which the
general public health and medical sciences
provide and which national capabilities may
permit.

Second, this is an age of communications.
Every society must, therefore, make sure that
the new health knowledge generated by its
own or by other scientists does not become
buried on library shelves.

Knowledge must be communicated, as
promptly as appropriate, to scientists, to
medical educators, to medical practitioners,
and to laymen. Above all, new research
knowledge, as promptly as it is validated,
must be put into clinical practice—must be
made available to patients.

Our Senate subcommittee expects to issue
in the coming year a report, titled "The
Opportunity and Scientific and Technical
Information."

The fact, that medical science alone, over 250,000 articles appear in
over 30,000 issues each year of the world’s

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

Bold innovations in communications
tools are necessary.

There are other communications prob-
lems, involving more than published ma-
teials.

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 com-
munications between our respective
scientists.

Here, I salute Canada for the wisdom it has
learned, some years ago, that U.S. visas for Soviet cancer
specialists be held up by the Department.

We could each do better in telling the
facts about our system, about the respective

EASING INTERNATIONAL TENSIONS

Pifth, this is an age of nuclear peril. A
sword of Damocles hangs over the world—
the threat of a nuclear holocaust. Inter-
national medical cooperation between the
free world and the Sino-Soviet bloc can help to
ease this international misunderstanding,
to improve the atmosphere for discussion on
nonhealth issues between the great adversary
powers.

I have long believed that we can break
through the present stalemate over arma-

SHORTAGE OF TRAVEL FUNDS

Still another barrier is the critical short-
agacy in travel, and in conference funds.

When I toured medical facilities in
Western Europe in late 1962, I found
instance
scientists were frustrated in their research because of in-
ability to get in person-to-person touch with their colleagues abroad. Governments

did not provide sufficient funds for travel,
and did not encourage or support travel by foreign scientists.

COMPETITION WITH STATE-CONTROLLED MEDICAL

In July 1962, there will be a great cancer

A KICKOFF YEAR

I propose that—at the earliest convenient
time, perhaps commencing in 1964—we
launch a decade against disease and disabi-
abilty. This means that each industrialized

tensions

The toll of the Smallpox Epidemic in England

Consider the fearful price that Great Brit-
in paid for the smallpox epidemic which was
currently imported by plane from Pakistan.

It is far cheaper to wipe out small-

Similarly, it is far cheaper, far more hu-

The Cost of Health and Disease

Can we afford it? What is the price in
health—what is the cost in dollars and
in lives? We all know that the price in
the prevention of a disease or disability is
far less expensive than the prevention of the
disease or disability itself. The price is
far less expensive than the cure of a

disease or disability. The price of a cure
is far more expensive than the price of
prevention.

The Cost of Health and Disease

Will this cost more money? Of course it
will.

But can anyone here point to a single goal
other than national security itself which is
more important than health of the people?

Current Costs of Health and Disease

Can we afford it? What is the price in
health—what is the cost in dollars and
in lives? We all know that the price in
the prevention of a disease or disability is
far less expensive than the prevention of the
disease or disability itself. The price is
far less expensive than the cure of a
disease or disability. The price of a cure
is far more expensive than the price of
prevention.
And if the other nations feel that they can end their decades of expanded health operations, let them at least support the concept of comprehensive planning for health programs. For I doubt that the decade of the emerging countries, the United Nations and its specialized agencies, particularly those agencies which they already have done, in devising national plans for health programs; now, let them examine this plan, 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 properly foreseen is perinatal research. Perinatal care is the child before 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 could also benefit from collaborative planning; from pediatrics to geriatrics.

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 Academy of Sciences have given to the Congress an almost month-by-month, year-by-year, 10-year plan and timetable for Project Apollo. Project Gemini, etc.

The climax will come in 1968 or 1969 when three men are scheduled to land on the moon and then return. Ambitious as this is, I do not believe that this is all that my country can and should plan for.

I know that it is not the only plan that my countrymen want.

The fact is that U.S. public opinion polls have confirmed that the American people would far rather learn that mankind has conquered cancer than that we had landed on the moon.

I have no reason to believe that the attitude of your people is any different.

BILLIONS FOR OUTER SPACE

None of us can prophesy whether the first visitors to the moon will be Soviet or American citizens. But if the present state of affairs continues, statistics reveal this fact: If we are to land on the moon, one of our men shall wear the space suit; he will die.

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

Yet, some officials of the two countries may unerringly contend that their nations “cannot afford” to spend more for civilian medical science. This planet could be saved by such efforts. Unlocking the mysteries of the aging process, for example, would have a universal value, indeed, a necessity for the common man who lives 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 disease, perhaps of heart disease. They will not be around to cheer the first successful expedition to another planet.

Time for them—for all of us—is “tick, ticking away.”

SCIENCE’S FINDINGS CANNOT BE PREDICTED

Of course, science, unlike technology, cannot proceed on a rigid plan or timetable. The essence of research is that it is an adventure into the unknown.

No one knows whether the answer to the riddle of the ages is a year, 5 years, 10 years, or 60 years away.

Forecasts on possible unraveling of this or that medical mystery are possible. But there is firm reason to believe that if we increase our investment in pure and applied research, if we give them the resources to do the job—then as certain as is man’s conquest of space, is man’s conquest of his own diseases.

The whole structure of NATO and of related efforts has been built by successful planning.

THE CANADIAN AND UNITED STATES ROLES

But what of Canada’s and the U.S. roles?

Our two nations represent, as we know, the largest combined mass of allied, democratic nations on the face of the earth. We have, therefore, a special responsibility to all the world, in the words of the Good Book: “Let our light so shine before men that they may see our good works.”

Let a light—not of atomic firebombs; but a Canadian-United States “light of healing”—shine before the nations everywhere.

I am reminded of the heartwarming lesson of the people of Peru in another Commonwealth country, Australia. When Col. John Glenn, Jr. ‘went up in 1 capsule circled above them, all of the inhabitants of Peru turned on their lights so that the orbiting ship might be really plainly land below.

Let us turn on our health lights for all the world to see. Let this continent become a great proving ground for the greatest health efforts of all time.

At this very moment, 1,200 miles south of Hawaii, on a 30-mile-long coral atoll, owned by the United Kingdom, in the South Pacific, known as Christmas Island, U.S. Task Force 8 is preparing a series of atomic tests.

Let us prepare a series of joint tests of a different kind on the North American Continent, tests of the latest Canadian and American concepts in preventive, therapeutic, and restorative medicine.

ANTIMISSILE MISSILES AGAINST KILLER MICRO-ORGANISMS

Against the onslaught of bacteria and viruses, let us test medical antimissile微型微生物; let us stop the killer micro-organisms in their tracks.

Bacteria have already been used against other bacteria; man can predict how some forms of life, detectable only under an electronic microscope, can be used by man to attack hostile forms of life, of similar tiny size.

A NEW “BMEWS” SYSTEM

Canada and the United States have the “BMEWS” —ballistic missile early warning system. Let us make a different kind of “BMEWS” —“bacteria microbe early warning systems.”

We have Norad—The North American Air Defense Command. Let us have a Norad—a North American Disease Intelligence Command. Let the highest health authorities of Canada and the United States work scientifically, not spasmodically, not unsoundly, but at present, once a year, or every 2 years, but on the same continuous basis that the Canadian and U.S. Joint Chiefs of Staff work together in common military defense.

Western Europe has a Common Market; let us have a “CAH”—a common area of health.

PROPOSED “OTTAWA PACT” AND NORTH AMERICAN REGIONAL CENTERS

The Soviet bloc has the Warsaw Treaty, dictated by the U.S.S.R. to the satellite states. Let us, by contrast, have an ‘Ottawa Pact’; written freely, voluntarily on the part of equals—Canada and the United States—and agreeing on joint health efforts.

We have many of the necessary ingredients for these efforts. Canada has great medical research facilities; my own country likewise has—at the National Institutes of Health, at university teaching hospitals, at foundations and independent centers everywhere.

Lately, the U.S. Congress has authorized regional research centers comparable to NIH.

I shall propose to the Congress once again that there be established regional North American research centers, joint United States-Canadian centers—on the same principle as the centers of research excellence, setting a standard for both countries and for the world.

In the field of experiments in medical care, this continent is ideal for across-the-board and across-the-border medical collaboration. Our two peoples are alike enough, and yet some of our patterns of health are different enough to serve as a school of “controls,” in the experimental sense.

Let us, in effect, seize the medical offensive.

The fact that we will contribute different proportions to the common effort is not significant.

I am proud of my own country’s medical prowess as you are of yours. But it is individual men who really count—men and ideas, men and will, men and skill.

CANADA’S SCIENTIFIC ACHIEVEMENTS

Canadian scientific talent has put the proud imprint of the Maple Leaf on some of the greatest scientific pages in the last century. Science in the world is the epic story of Drs. Best, Banting, insulin and diabetes unknown.

Among the many Canadian scientists who have opened new vistas for mankind, I should like to mention but one other—your famous Dr. Wilfred Penfield, of the Montreal Neurological Institute, now retired. I have heard it said by scientists and laymen that Dr. Penfield’s work in neurosurgery, in mapping the human brain, in the study of man, proves of greater benefit to mankind than the discovery of atomic energy.

For the brain—the mind—is our highest organ system; it is what we shall and must use to make of this earth a paradise rather than atomic rubble.

THE HEALTH LEAGUE OF CANADA

It is Canadian brains and Canadian hearts which have brought the remarkable Health League of Canada into fruition. Tomorrow, when I have the pleasure of addressing the First World Congress, I shall, I must in detail my sincere tribute to that organization—to what it has achieved for your people and what it is striving for, on behalf of peoples everywhere.

I know of no similar voluntary group in the world which has made such an impact to the cause of the World Health Organization. No group has worked harder to activate citi-
I ask unanimous consent that the text of my address in Toronto on March 14 be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

AN INTERNATIONAL CITIZENS’ CRUSADE FOR HEALTH

BY CITIZENS’ ORGANIZATIONS INCLUDING AN INTERNATIONAL CITIZENS’ CONGRESS OF HEALTH TOGETHER WITH A PROPOSAL FOR EXPANDING THE USE OF TELEVISION FOR HEALTH EDUCATION AND PROFESSIONAL COMMUNICATION

(Proclamation of Hon. Hubert H. Humphrey, Democrat of Minnesota, before the First Canadian National Health Forum sponsored by the Health League of Canada, Toronto, Canada, March 14, 1962)

It is customary in an address such as this to pay tribute to one’s host, the sponsoring organization, as well as to the audience. I am going to pay that tribute, but I want to assure you that it is not offered in a spirit of mere formality.

I regard the observance of the 18th Canadian National Health Week— and this, the First Canadian Health Forum—both commemorative occasions.

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, a statement of appreciation and, with gratitude, the initiative of the National Health Council of the United States in inviting me to address an annual National Health Forum in the United States.

AN INTERNATIONAL CHAIN REACTION

Here we see an international chain reaction of the finest kind. Citizen inspires citizen: American inspires Canadian, and Canadian sets a high standard for American.

The fact is that you, of Canada, and, in particular, of the Health League of Canada, have been first and foremost in pioneering in many phases of voluntary activity.

THE HEALTH OF ONE COUNTRY AND OF ALL COUNTRIES

It is a happy fact, for example, that the Health League of Canada is also the Canadian Citizens Committee for the World Health Organization. This has enabled, in my judgment, to be in the vanguard. It has demonstrated to the world organization the value of and the health of one’s own people and of the health of other peoples.

In the same spirit, President Kennedy, in his February 23rd message to 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 Department of Citizenship and Immigration 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 each other.

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 measures.

That there be established North American regional research centers which would be centers of excellence, setting high standards for public and private hospitals, physicians, nurses, and other members of the healing arts professions who have played their vital role in the health field.

THE HEALTH AND THE FAMILY OF MAN

The beginnings of the decade against disease and disability are present.

Let us set as future generations may say of us, as they shall say, in Winston Churchill’s words, of the United Kingdom, in World War II: “This was their finest hour.”

Let this be the hour, the day, the month, the year that the finest program of history was devised for the benefit of the family of man.

ADDRESS BY SENATOR HUMPHREY BEFORE THE FIRST CANADIAN NATIONAL HEALTH FORUM

Mr. HUMPHREY. Mr. President, one of the distinguishing characteristics of American society has long been voluntary action on the part of private citizens.

As far back as 127 years ago, the first American Senator, Alexander H. Stephens, of Georgia, in 1835, pointed to voluntary action as a unique contribution by the American system.

On March 14, it was my privilege to see voluntarism in action in another great and free nation. I met in Toronto with citizen leaders, participating in the First Canadian National Health Forum.

INTEREST IN WORLD HEALTH

One of the most heartwarming elements of the program was that these Canadian leaders demonstrated their interest, not only in ever-improved health for Canada, but in improved health for peoples everywhere.

The sponsoring organization, the Health League of Canada, has been in the forefront of international citizen activity on behalf of the World Health Organization.

Much of the individual credit for Canadian organizations’ cooperation on health and for Canadian interest in international health is due to a human dynamo named Dr. Gordon Bates, General Director of the Health League of Canada.

TELEVISION FOR PUBLIC HEALTH

In my address, I took as one of my themes the subject of television and health.

In my judgment, neither the United States, Canada, nor any other land, has as yet realized a fraction of the contributions which television, including educational television can make to public health.

And so, I am in communication now with leaders of television throughout the land, including the National Educational Television and Radio Center, the Council on Medical Television and other groups. I am urging increased collaboration with U.S. Federal Government and with the medical and allied professions in imaginative new uses of television for health, including the staging of “Health Spectaculars.”
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 National Citizens Council. It is concerned primarily with the health needs of our citizens. It comprises most of the leading private organizations in the United States. Fortunately, the Council is a Member of NCCWHO.

In my opinion, there are a series of other "federated-type" nongovernmental organizations, with some health interests overseas. These include:

- The National Social Welfare Assembly—primarily concerned with welfare programs in the United States, but also having some health-related interests abroad.
- The American Council of Voluntary Agencies for Foreign Service which represents religious, ethnic, nonsectarian and other groups, rendering outstanding aid of all types—not merely in health—abroad.

BRINGING CITIZEN GROUPS INTO HEALTH FOLD

To this list, I would also add still other groups because I feel that there are a great many voluntary organizations in the United States, in Canada, and in fact throughout the world, which approach the problem of international health from varying, specialized backgrounds and interests.

Some of these groups are primarily concerned with welfare programs in the United States and in other countries which approach the problem of international health from varying backgrounds. This circumstance deprives some of our opposite numbers overseas. But, certainly, dedicated private citizens should have a national citizenship role to play, if it can be possibly avoided.

For most of these organizations are directly engaged in medical science; others have a more general interest. The World Medical Association, represented here today by its distinguished executive secretary, Dr. Gear, is an outstanding example of a professional body working actively in conjunction with WHO; the World Federation of United Nations Associations is a fine example of a more general type of interest on the part of an international organization.

I believe that it would be both WMA's and the WFUNA's sentiments that WHO has only scratched the surface, so to speak, in its relations with nongovernmental organizations.

ENCOURAGING VOLUNTARY ACTIVITY IN EMERGING AREAS

The results have been two:

1. WHO has not benefited as it should have in its official program, and
2. WHO has tended to act largely through official, governmental channels in the developed and, particularly, the less developed countries.

But, if freedom is to thrive, nongovernmental communications could be stimulated and stimulated to the greatest possible extent.

We of the West are well aware of the attitude of our fellow citizens, here and abroad, toward their government contact. But we of the West generally believe in a healthy balance between government and private roles. We believe in strong, independent medical and allied professions—with others of like mind, strong, in fact, to their private, opposite numbers overseas.

In our assistance to the developed areas, we want to strengthen voluntary groups. We of the West do not want—intentionally or inadvertently—to foster state medicine; state-controlled, state-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 the chairman, we have been in close contact with many of the international NGO's. We have been gratified with their fine work under article 71 on the part of many of them. In all frankness, however, we have also found that many private international organizations, active in health, have had no relationship with WHO. The lack of contact may perhaps be the fault of the private group, or of WHO; but there are also some groups which are nominally in official relationship with WHO but which have allowed their affiliation to become inoperative.

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. Gro Harlem Brundtland and her staff. But WHO must still exist on a relatively low plateau of financial resources. If the private sector of the health field can, I will require citizen action to urge governments to make this possible.

WHO feels that it cannot and should not lobby among citizens to urge their governments to do more for WHO.

But, certainly, dedicated private citizens are our own best messengers or, if you will, our own best ambassadors, able 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 make certain that the Agency for International Development (the successor International Cooperation Administration) strengthens, rather than weakens, its programs of health assistance abroad.

HEALTH AND ECONOMIC DEVELOPMENT

Thinking Americans, like thinking Canadians, want bilateral and multilateral agencies to make the fullest contribution to the health of every man. We want to improve mankind's health because we know that only people cannot feed themselves or house or educate themselves, much less, serve others. Health is the indispensable basis for economic and social development.

Probably no single official has more ably proved the case for health in economic and social development than the distinguished Director of the Pan American Health Organization, Dr. Abraham Horwitz, who will be addressing this forum. Thanks in large part to his efforts and those of his colleagues, the American Focus on Progress among the 21 American Republics is forging ahead in public health programs.

What is being achieved in Latin America must likewise be attained in Africa, in the Middle East and in 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.-supported support of medical research—here in Canada and in other countries. The United States is utilizing increased sums of dollars for the development of particular health research. This alone is a strong new factor in the development of the world's health effort.

But international research teamwork is still undervalued. At present and at foreseeable levels of support, decades will go by before teamwork reaches the levels which would allow of us 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 goals will be achieved more promptly.
FOUR RECOMMENDATIONS ON MEDICAL TELEVISION

I submit four suggestions for (1) expansion and upgrading of medical TV programming; (2) alleviation of equipment needs in commercial stations, including the staging of "health spectacles" on national and international television; (3) United States (where educational television exists as a separate entity, or, in Canada, under CBC) greater use of adult education and health-oriented programs which should include, in cooperation with Public Health authorities, the testing of the effects of films; (4) expanded circuit facilities for professional communications; and (4) increased international cooperation in medical television.

First, I want to pay tribute to the television stations in the United States which have generously afforded countless hours for original medical programs and for telecasting prints of the many films produced by voluntary health agencies and by other sources.

In my own country, the advertising counsel has offered invaluable cooperation in public service campaigns for health objectives. Network and individual stations have generously donated time. They have, moreover, spent considerable sums in preparing and in providing panel-type discussions, in featuring health interviews and in other types of telecasts.

Yet, there is vast room for further service. For more than 16 million women who had cervical smear; 16 million of adult women who knew nothing about the test; 16 million who had the test but have never had it done; 6 or 7 million who have had the examination over a year ago. The test should be taken at least once a year in adult women. And only about 7 or 8 million had the smear in the last year. And most of the women who had the test 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 of all voluntary health agencies—the American Cancer Society. Similar situations exist in other disease areas—both in your country and in mine.

COMMUNICATION AND TELEVISION

I should like now to offer a series of specific proposals for improved communication. I shall refer to the use of what is undoubtedly the most powerful single communication medium available to society today. I refer, of course, to television.

I know that Canada has its separate pattern of educational operations, differing considerably from that in the United States. The outstanding work of the Canadian Broadcasting Corporation is familiar to all of you. In the United States, who are interested in educational programming, issues involving U.S. originated network shows have know, been a subject of much debate here. My remarks on television are, therefore, submitted from a different perspective—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 offered by our friends and to get their best TV products as well.

In addition, ETV can serve ideally for research and demonstration purposes to a much greater extent than heretofore. The U.S. Public Health Service should be supported with a broad-based-gage series of community, regional, and national experiments designed to test and improve ETV's role as a tool for education of the young or older.

Expanded research is essential; we cannot assume that the medical films now available is good enough in the United States or in Canada. We know that some medical films only bore the designation "some"; shock him into inaction. Some programs are far too serious; offer some a message too difficult to recall; some are ideal, but are not tied in to readily available facilities. With the result that the citizen cannot easily follow up.

Third, the present beginnings in closed-circuit television (not broadcasting) between professionals must be expanded upon. In the United States the Council on Medical Television has done much good work. Much remains to be done, however, to link—through color television, especially—researchers in their respective laboratories, as well as medical educators and practitioners.

And here my focus is exclusively international—we need to exploit as rapidly as possible the miracles made possible by international television in Europe. "Eurovision" is already a reality. In a few years, orbiting communication satellites will make international television economical and practical. The greatest opportunity in history will confront medical science and health-interested laymen. It will be a three-century opportunity to bring laboratories throughout the world; to provide international health education to both the developed and the less developed countries; and to inform the industrialized countries of the medical problems of the emerging areas.

International medical television could show medical assistance at work in the hands of doctors, in the Middle East, in South Asia. We could see—live—the type of humanitarian work performed by Dr. Albert Schweitzer at Lambarene, or by Medico's physicians, or by Canadian physicians—under the Cobram plan.

CONCLUSION

These, then, comprise my respectful suggestions. Most of them, I believe, will go forth from this marvelous assembly, reinforced in your drive to build a healthier Canada and a healthier world.

A Citizen's Crusade for Health should be launched. It is our world, our lives, and our consciences which are at stake.

URBAN RENEWAL RESTORES A COMMUNITY

Mr. HUMPHREY. Mr. President, in Minneapolis, Minn., we are now completing our first urban renewal project, an $8 million redevelopment program in Glenwood, which was considered the 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 PRESIDENT PRO TEMPORE. 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 articles which show that urban renewal is not just a matter of better housing. It also means lower crime rates, less juvenile delinquency, better health conditions, a better community spirit, improved schools and park facilities. This is a heartening story.

As a longtime advocate of urban renewal, it thrills me to be able to report on the international television broadcasting in our city.

In fact, the fight for urban renewal. I am happy to say, started during my pe-
district, as well as in others, that we made plans for the improvement of our city and for the betterment of those areas.

What is happening in the city of Minneapolis is happening in countless other cities throughout the country. Ugly slum areas are being turned into pleasant, wholesome communities where people take pride in their surroundings. In fact, these ugly slum areas in many cities have become some of the finest residential apartment areas, near the heart and core of the city.

In the country as rich and powerful as ours there can be no excuse for the decay of our cities and for Americans having to live in despairing conditions. We have the wherewithal to abolish slum areas and to restore our cities.

The urban renewal program is not only a good sound social practice in organization and good solid constructive economics, but the urban renewal program also adds national vitality and strength of the Nation.

The urban renewal program is not only a good sound social practice in organization and good solid constructive economics, but the urban renewal program also adds national vitality and strength of the Nation.

EXHIBIT 1
[From the Minneapolis (Minn.) Morning Tribune, Feb. 20, 1962]

GLEWON'S REDEVELOPMENT MULTIPLES ITS USEFULNESS

(By Charles Hanna)

From the squallor and decay that once was Minneapolis' Glenwood area, there has been created a truly new neighborhood.

The improvements constitute the city's third project. It was the city's first public housing complex that was made into a neighborhood that was to be an absolute asset to any city in the country.

The city's $2,785,000 investment in capital improvements will be returned in tax dollars at least 3 or 4 years.

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extends north of Olson Highway, and includes Olson Homes (264 units), Sumner Field Homes (466 units) and Golden Age Homes (263 units).

The public housing ranges from efficiency units in highrise buildings to five-bedroom units in apartment buildings.

Rents are based at about 30 percent of tenants' incomes. Maximum salary limits to qualify for occupancy range from a month for single persons to about $375 a month for families of five.

There are other financial restrictions that restrict public housing units to persons of limited means. These include maximum personal assets ranging from $3,000 to $6,000. Cleveland has 14 blocks of private cooperative housing at the west end of the Glenwood area. They are to be opened April 1.

The 184-unit project is expected to be completed in July. The cooperative housing—Giral Tower, East—will be owned and operated by the tenants.

The two- and three-bedroom units will cost from $13,000 to $18,000. Monthly charges for the cooperative is formed will range from $85 to $105.

The cooperative housing project is the largest of several the city is believed to have the first in Minneapolis started as cooperative housing.

The individually owned units are being built by Community Development Corp., Cleveland, Ohio. A sales office was recently opened at Humboldt Avenue North and Olson Highway.

The Cleveland firm also is planning three 6-story rental apartment buildings of 164 units for the site on Cleveland South and Cleveland North Avenues North and just south of Olson Highway.

Project planners reserved 12 acres in the Glenwood area for commercial development. About half of that reserve has been used for the construction of a $1 million shopping center.

A new supermarket was built on a quarter of a block site at Girard Avenue and Glenwood Avenue.

The redevelopment plan also provided a 62-acre light industrial district, east of Lyndale and along Glenwood Avenue, which will contain more than half of the area's new tax gain.

Development of the light industrial area was closely supervised by the redevelopment authority to be attractive to investors that would complement nearby housing projects.

There was strong emphasis on expanded parking facilities for these nonresidential districts, calling for parking space proportionate to square footage of the buildings.

There also were restrictions on construction methods, prohibition of billboards and requirements for buffer areas to screen the industrial area from housing.

Several of the single family districts elected to stay in the area by rebuilding and making various improvements.

Brown's Twin Ice Cream Co., and Northland Milk Co. agreed to expand parking facilities. Insulation Sales Co. and several other stores made similar agreements.

Others like Crane Ordnay Co., Northwest Automatic Products Co., Gopher News, Tri-State Displays, and Tienken Bearing Co. were interested in the area.

Two church buildings—Glenade Seventh Adventist and a former Catholic church were purchased by Ohio Prince of Peace Lutheran congregation—were preserved by the developers.

From the verge of social and economic collapse, the Glenwood is moving boldly ahead. It has new life for its institutions, business, industry, and for its people.

The final article of this series will explain the social impact of urban renewal on Glenwood.

[From the Minneapolis (Minn.) Morning Tribune, Feb. 22, 1962]

FROM NEIGHBORHOOD OF DEPRESION, GLENWOOD SERVICES SMALL TOWN AID (By Charles Hanka)

Glenwood was a neighborhood of afterhours joints, prostitution, bootlegging, and gambling. But developers started clearance in March 1966.

The crime rate was the highest in Minneapolis. There were knifings, shootings, and assaults.

Juvenile delinquency in the area was almost obscured by adult crime. Health conditions often were frightening.

Many of the buildings had been condemned or were on the verge of condemnation. Residents lived under the most adverse conditions. Settlement houses at best were dealing only with the surface problems. There wasn't enough time or staff to do much more.

The area was in physical and social decay. It seemed as if it had been trapped by its own habits and depression.

Glenwood had fallen pitifully from what it had been. The neighborhood had been proved to be the nerve center of the program, Hanson said.

"Redevelopment," Hanson said, "enabled us to build more sensitive to the surrounding area and have a better sense of their role in the community."

The community center at 800 Fifth Avenue North is the nerve center of the program, Hanson said.

"The Glenwood residents now have decent themselves positions in the neighborhood and have a better sense of their role in the community," he said.

The community center -improved community facilities— the new Salvation Army in the Harris­ son School and the new 8 -acre park—also have had an important effect on the neighborhood.

Almost all residents of Glenwood are satisfied with their new housing and neighborhood. A few are fearful, however, that its quality will be difficult to maintain.

"Already some people are neglecting to care for their property," Saari said. "Our property is pretty good, but some of the others are taking a beating." 

Saari, a mining engineering student at the University of Minnesota, lives in a six-unit building about a block west of Lyndale Avenue. He was one of the first to bring his family of five children to the development, because the area is near where his work is shared by several other tenants in the two-story row housing units.

Mrs. Emma O'Connor, 78, said she is "extremely happy" with her efficiency apartment on the 12th floor of the Glenwood Houses high-rise building.

"It's lovely here. Just a wonderful place for an older person to live. You don't have to be alone if you don't want to, and there's privacy, too."

"From my window I can look right into the loop. And in the mornings when the sun comes up, it's beautiful."

Mrs. O'Connor is one of those persons displaced by the clearance program. She lived at 303 Lyndale Avenue North for 6 years. She first moved to the area in 1902 with her mother and lived then at Fourth and Aldrich Avenues, North.

It was a very nice neighborhood back then. There were lovely homes and many fine people who lived near the little lake, Oak Lake, where the city market is now.

"The old rock chair has got me now, but I'm happy here," Mrs. O'Connor said.

Mrs. Arthur Longton, 73, 2121 Glenwood Avenue, has serious doubts about the future of Glenwood. She said she is afraid the property will not be adequately maintained.

Mrs. Longton admits, however, that the redevelopment has solved many of the neighborhood's problems. She's watched Glenwood in its various stages of life for more than 70 years.

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

Goodwin used to live in a five-room apartment over a bar at 1055 Glenwood Avenue. "It was terrible before. My place was in a cheap lofted building. It was all I could afford," he said.

Jefferson Livingston, 80 Fifth Avenue North, likes living in the area because he doesn't have "so many chores to do" and the rent is still moderate.

Random inquiry among Glenwood area residents brought many similar reactions. Thus, the human side of the Glenwood redevelopment is important in the success story. 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. 3097. A bill for the relief of Dr. George E. Poulias; to the Committee on the Judiciary.

By Mr. JOHNSTON (by request):
S. 3068. A bill to permit variation of the 40-hour weekwork of Federal employees for educational purposes; and
S. 3099. A bill to amend title 28, 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 Hijadet Danish Nakashidze; to the Committee on the Judiciary.

By Mr. JAVITS (for himself and Mr. EASTLAND):
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.

(Signed on back of Mr. Javits when he introduced the above bill, which appear under a separate heading.)

By Mr. H. BODD (for himself and Mr. BUSR):
S. 3073. A bill to provide for holding terms of the Superior 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. Doo), when he introduced the above bills, which appear under a separate heading.)

By Mr. BIBLE:
S. 3075. A bill to amend the Mineral Leasing Act of 1920 in order to authorize geothermal steam leases under the provisions of such act; and
S. 3076. A bill to amend the Mineral Leasing Act of 1920 in order to authorize lithium, rubidium, cesium, or bromine leases and permits under the provisions of such act; to the Committee on Interior and Insular Affairs.

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

By Mr. EASTLAND:
S. J. Res. 17. A joint resolution proposing an amendment to the Constitution of the United States defining the application of certain provisions thereof; to the Committee on the Judiciary.

By Mr. DOGGS (for himself and Mr. Doo):
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. Bonos when he introduced the above joint resolution, which appear under a separate heading.)

CONCURRENT RESOLUTION
DESIGNATION OF WEEK OF MAY 20 TO 26, 1962, AS NATIONAL HIGHWAY WEEK

Mr. CHAVEZ submitted a concurrent resolution (S. Con. Res. 65) designating the week of May 20 to 26, 1962, as "National Highway Week"; which was considered and agreed to.

(See the above concurrent resolution printed in full when submitted by Mr. Chavez, which appears under a separate heading.)

REMOVAL OF COST CEILING FOR IMPROVEMENT OF NEW YORK STATE BARGE CANAL

Mr. JAVITS. Mr. President, for myself and with Senator Johnston, 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 $50 million over the original estimate. 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 monies actually spent.

However, in view of the existing cost ceiling, the Corps of Engineers cannot guarantee reimbursement of the entire additional $23 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 $23 million in Federal funds already spent will be wasted. I hope, therefore, that the Congress will take prompt action on this bill to assure completion of this project.

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

The bill, introduced by Mr. Javits (for himself and Mr. Keating), was received, read twice by its 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. My bill would permit the Secretary of the Interior to lease the public lands of the United States for exploration and development of geothermal steam.

In the past years, considerable research has been accomplished in an effort to harness this great source of energy. Only recently a breakthrough was made, so that now there is in operation in Sonoma County, Calif., a steam plant which has a capacity of 12,500 kilowatts utilizing geothermal steam as an energy source to generate this electricity. This cheap source of energy will indeed play a major part in further developing the western section of our country.

At the present time, development of this vast untapped source of energy is
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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. Bostic, 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 result of the investigations of such act. My bill merely would clarify the existing act and expressly set out that leases on the public domain may be granted to explore for lithium and other related products.

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

The bill (S. 3075) to amend the Mineral Leasing Act of 1920 in order to authorize lithium, rubidium, cesium, or bromine leases and permits under the provisions of such act, introduced by Mr. Bostic, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

PROPOSED JOINT COMMITTEE ON NATIONAL SECURITY STRATEGY

Mr. BOGGS. Mr. President, on behalf of myself and the distinguished Senator from Connecticut (Mr. Dorn), 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 1963—to file a report with the Senate and House of Representatives containing its findings and recommenda-

tions 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 cope with the national security strategy problems as they relate to the preservation of freedom and world peace. I have come to the conclusion that since World War II national security strategy has become so complex and interrelated that it cannot be handled by a single governmental or nongovernmental instrumentality or by the activities of governmental and nongovernmental instrumentalities used by the activities of governmental and nongovernmental instrumentalities used by the national strategy.

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 comprehension of man.

The complexity and unknown significance of these fast-changing times in relation to the scientific, economic, social, political, diplomatic, and military considerations have made increasingly difficult the formulation of a sound and effective strategy for national security and world peace.

Consequently, our Government has come more and more to rely upon privately organized and operated organizations and instrumentalities for advice and solution of much of our national security policy. As a result, the development, design, and direction of our national strategy for survival have been increasingly influenced by institutions and personnel outside of the executive and legislative branches of our Government.

It is said that the justification for this is that our strategy goes beyond that which might be determined by military or diplomatic considerations alone.

I would give great credit to private organizations and personnel who have been working in this field and who have undoubtedly contributed tremendously to the formulation of our national security policy and strategy.

However, it seems urgent, essential, and fundamentally important that the Congress should move to organize immediately in an effective manner to discharge its vital function in the formulation of our national security strategy.

Under the present organization of the Congress the various aspects of the problem of national strategy are committed to different committees within each body with the result that no means presently exist within the Congress for evaluating the problem in its entirety or for effectively helping toward evolving a well-considered, unified national strategy.

By establishing such a committee, it believes it would not only be of great assistance to the regular functioning committees of the Congress in their respective fields involved with national security, 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 it today 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 on obtaining 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, manned by 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 this front.

One major problem is fragmentation. The Congress is hard put to deal with national security policy as the problem difficulty starts with the executive branch. Except in the case of the Union and the budget messages, it presents national security information and program requests to the Congress in bits and pieces.

The present mode of operation of the congressional system compounds the problem. The authorization process treats as separable
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All of us are highway users, directly or indirectly. The national highway network, how­

ever, is the responsibility of the Congress, the Senate and the House. The resources needed on their behalf, are consigned under different jurisdic­

tions.

There is no place in the Congress, short of the process, for the Senate and the House, where the requirements of national security and the resources needed on their behalf, are consigned under different jurisdic­

tions.

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 over­
simplified it. It is my hope, however, that, as a result of its brevity, 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 Senate yield?

Mr. BOGGS. Mr. President, I am more than happy to yield to the distin­
guished Senator from Connecticut [Mr. Dodd]. I am very grateful, indeed, for his encouragement, his interest, and his help in the presenting of the Senate joint resolution.

Mr. DODD. I thank my colleague for his kind remarks. However, I do not seek to take credit for this presentation. The distinguished Senator from Dele­
wore, I believe, has done enough to bring the resolution to my attention. I thank 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 review it. It is part of the most important matters which has been sug­
gested to the Senate in a long time. I hope we shall get favorable committee action, and that favorable action in the Senate and favorable consideration by the other body.

Mr. BOGGS. I thank my distin­
guished colleague. As I say, I am very grateful, indeed, for his encouragement, his interest, and his help in the presenting of the Senate joint resolution.

Mr. President, I ask unanimous con­

sent 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 ap­

propriately referred; and, without ob­

jection, 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 the Congress to study all matters relating to national strategy, introduced by Mr. Boggs (for himself and Mr. Dodd), was received and referred, by its title, to the Committee on Armed Ser­

vices, and ordered to be printed in the Record, as follows:

Whereas the fundamental advances in hu­

man knowledge concerning the physical sciences made during and subsequent to World War II have produced a technological revolution of unprecedented scope and implications.

Whereas that revolution has been responsi­

ble for the development of new and largely unprecedented means of mass destruction never before within the com­

petence of man; and

Whereas the complexity of the resulting weapons systems has necessitated reliance upon personnel specially trained in new and advanced scientific disciplines, not only for the research and pro­

duction of such weapons systems, but also for the determination of basic doctrine with respect to the deployment and their interrelationship for the establishment of an effective capacity for national de­

fense; and

Whereas the United States Government has come to an increasing degree to rely upon privately organized and operated organiza­

tions and instrumentalities for the solution of those problems; and

Whereas in consequence the development, design, and direction of our national strategy for survival has been increasingly influenced by institutions and instrumentalities outside the executive, legislative, and judiciary branches of the Government; and

Whereas such strategy is no longer deter­
m­

mined by military and diplomatic considera­
tions alone, but by complex economic, scientif­
cal, social, political, and psychological considera­
tions as well, thereby creating the difficulty of formulating a sound and effective strategy; and

Whereas under the present organization of the Congress, and because of the pro­

tem of national strategy are committed to differ­
tent committees within each House, with­

out the advantage of its vital function of formulating national policy, no means presently exist within the Con­
gress for such a design in either House for the joint resolution; 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 that constitutional obligation, Congress, should provide effective means for a con­
tinuous study of all the various and com­
plicated matters that are involved in our na­tional strategy: Now, therefore, be it

Resolved by the Senate and House of Rep­

t­

resentatives of the United States in Congress assembled, That (a) there is es­
	
tablished 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 Pres­
ident of the Senate and nine Members of the House of Representatives who shall be ap­

pointed by the Speaker of the House of Rep­
	
t­

resentatives, in such manner that 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 continu­

ous study of all matters relating to the national strategy of the United States;

(2) to study means and methods whereby the United States, in conjunction with other nations, may improve the efficiency of our national strategy may be improved in a manner consistent with the constitutionally established function of the Congress; and, thereby 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 in­
terest; and

(c) for the information of the several committees of the Congress, and for their guidance in framing legislation which relates to or affects the national strategy, not later than March 1, each year, or as soon as possible thereafter, submit a report with the joint committee and the House of Representatives containing its findings and recommendations with respect to national strategy matters, strategies, and foreign policy;

and to file a report with the Senate and the House of Representatives containing its findings and recommendations with respect to national strategy matters, strategies, and foreign policy, not later than March 1, each year, or as soon as possible thereafter, submit to the Congress:

The joint committee shall select a chairman and a vice chairman from among its members upon its initial organization, and at the beginning of each Congress. The chairmanship shall alternate between the Senate and the House of Representatives and shall be selec­
ted from the nominees of the majority party in the Senate and the House from which the chair is selected.

A majority of the joint committee shall constitute a quorum except that a Jeffersonian, to be in 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 author­
ized to sit and act at such places and times and to hold such hearings, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and docu­
ments, to administer such oaths, and to take such testimony as it deems advisable.

Sec. 4. The expenses of the joint com­

mittee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee upon vouchers ap­

proved by the chairman of the joint com­

mittee.

NATIONAL HIGHWAY WEEK

Mr. CHAVEZ. Mr. President, I wish to call to the attention of the Senate that National Highway Week will be ob­

served during the period May 20-26.

All of us are highway users, directly or indirectly, and the progressive ad­

vance of our American economy would not have been possible without the Fed­
eral-aid highway program which Congress authorized in 1916. This program has been carried on during the intervening years under a unique partnership be­

 tween the Federal Government, repre­

sented by the Bureau of Public Roads, and the State and local governments, re­

respect State highway departments.

As a result of this partnership effort, the United States now has the world's best road network. This network, how­

ever, needs continual rebuilding to keep pace with the needs of a growing popu­

lation, an expanding economy, and our national defense requirements.
In 1937, after passing of the Civil Works Administration and the birth of the public welfare department, Kemp became one of the department's pioneers. After passing the written and oral examinations, Kemp was asked to accept the position of welfare supervisor for Roosevelt County, a position he held from April 1937 until retirement March 15, 1962.

During the years of public work Kemp has been responsible for expenditure of approximately $10 million. He said the office has been understaffed throughout most of his tenure due to the unavailability of qualified workers.

An overtime load averaged 12 hours per week was necessary during his first 27½ years of public service, he said, "but I slowed down after a heart attack in 1959." He noted overtime worked while welfare supervisor would amount to 20 years or $50,000 in value donated to Roosevelt County and Montana taxpayers.

During World War II Kemp was assigned to the job, along with regular welfare work, of making special investigations for the Selective Service System. He was required to attend confidential reports to the Armed Services on every draftee. At the war's end he received citations from President Truman and General Eisenhower, Gov. Sam Ford and General Mitchell.

Other praised papers in Kemp's collection include certificates of appreciation for volunteer work from the National Foundation for Infantile Paralysis. Recently he received a citation from Gov. Tim Babcock for 25 years distinguished service with the welfare department, from the date of its organization, March 4, 1937, through March 4, 1962.

This citation was issued to only seven department employees.

Kemp has also received letters recently from the State administrator of the Montana Department of Public Welfare, the director of the division of public assistance of the department of welfare and from the board of commissioners of Roosevelt County. All three thanked him for devotion to duty during his 30 years with relief and welfare agencies in Montana.

RECOMMENDATION BY MILWAUKEE ASSOCIATION OF COMMERCE ON TRADE EXPANSION ACT

Mr. WILEY. Mr. President, the proposals for modifying U.S. trade agreements with other nations, still before the Ways and Means Committee, involve major changes that will be required during this session of Congress.

Throughout history, trade has played a major role in the progress of, and relations among, nations.

However, we have learned that trade must be a two-way street.

With an ever-expanding agricultural and industrial capacity, often exceeding domestic consumption or utilization, we will need more and more new markets for the future.

If possible, then, we need to design a trade policy that will perform the seemingly contradictory dual job of promoting export trade but, at the same time, guarding against too great harm to our domestic industries from expanding volume of imports.

Recently I was privileged to receive from Harry Hoffman, president of the Milwaukee Association of Commerce, a detailed analysis and evaluation of H.R. 9909, the "Trade Expansion Act of 1962."

The analysis, I believe, deserves the consideration of Congress.
I am well aware, of course, that, with H.R. 6900 still in the Ways and Means Committee undergoing hearings, it is impossible to determine just what kind of bill will come up for a vote. Nevertheless, I believe that the time for consideration of the various stages, not after positions have hardened and the ink is dry on the bill.

I therefore respectfully invite the attention of my colleagues on the Finance Committee, and other Members of Congress, to these views, and request unanimous consent to have them printed in the Record as follows:

H.R. 6900: Trade Expansion Act of 1963

1. Milwaukee, the Nation's 11th largest city, ranks high in the value of its exports. As such, the city and its commercial enterprises are vitally interested in expanded foreign commerce. The Milwaukee Association of Commerce has consistently advocated reduction of impediments to increased foreign commerce. The Milwaukee Association of Commerce's proposed Trade Expansion Act of 1963, known as H.R. 6900.

2. The proposal is comprehensible, however, that H.R. 6900, as presently written, is a hasty effort to reach a greater degree of free trade with the world. Furthermore, it is true that the bill has the primary responsibility for trade policies of our country and the right to exercise fiscal and economic policies. The administration would be required to publish an expanded trade, and therefore agrees in principle with most of the provisions of the administration's program. The Milwaukee Association of Commerce is apprehensive, however, that H.R. 6900 fails to recognize that Congress has the right to exercise its constitutional checks and balances provided in the Constitution as a necessary part of the Government.

3. The Common Market has brought to other European countries of diverse history, the common market is shaped into an integrated economic unit to gradually eliminate trade barriers, including customs tariffs, between them. In these countries living standards and labor rates vary but are not too widely diverse to discourage economic integration. To ease the process of economic unity, members of the EEC have accelerated their move to develop through careful study a mutually agreed timetable or a longer timetable. May it be obtained as part of the negotiations.

4. The United States Government proposes that in the event definite distress is encountered by segments of its farm or manufacturing industries, in an impossible obstacle for many important U.S. industries to overcome in the period designated by the President.

5. The Milwaukee Association of Commerce recommends: (a) Modification of the 5-year provision during which tariffs on "80-percent" articles would be eliminated. The modification to permit substantial time extension for threatened U.S. industries to adjust to new international market situations.

6. Summary: While in accord with the general purpose of H.R. 6900, the Milwaukee Association of Commerce recommends: (a) Modification of the 5-year provision during which tariffs on "80-percent" articles would be eliminated. The modification to permit substantial time extension for threatened U.S. industries to adjust to new international market situations. (b) Congress should be allowed to determine the degree of distress which may result from a further 50-per cent cut in the "50-articles" tariffs within the period of time stated in H.R. 6900. A smaller percentage of reduction within such a timetable, or a longer timetable, may be found to be desirable. (c) Congress should not abrogate its final authority over tariffs in favor of final authority being placed in the hands of the President. Whether this can be done by retaining the present authority exercised by the Tariff Commission, or whether some new formula should be developed through careful study, is at this time a matter of grave and utmost importance and worthy of additional consideration before any new trade agreement legislation is enacted.

NEEDED: ACTION IN DAIRY PRICES

Mr. WILEY. Mr. President, the dairy industry, confronted with a serious price inaction and lack of sound administration policy, faces a serious income drop, unless immediate efforts are made to avert such a drop.

Earlier this session, the administration presented its dairy recommendations to Congress. In Congress, and on the farm, these proposals have been largely unacceptable.

Particularly, the administration's attempt to use "economic coercion," by threatening to drop price supports if the Congress and the farmers did not buy the control program, represented poor judgment, and, to me, undesirable tactics.

At this time I ask unanimous consent to have printed at this point in the Record two items: First, a supplemental statement on the dairy price support situation; and second, an editorial from the Milwaukee Journal on "Dairy Action in Dairy Crisis, Not Political Maneuvers."

There being no objection, the statement and editorial are ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR WILEY

As things look now, the dairy farmer may well be caught in a political—as well as economic—squeeze. How? The agriculture committees in both the Senate and House of Representatives, for example, have failed to favorably report a resolution for maintaining price supports at $3.40 per hundredweight for manufacturing milk. The administration, $500 million below itself into a corner. On record as interpreting that the law requires a drop in price supports—unless Congress would pass a support resolution—the administration, then, has backed itself into this corner. Unless there is a change in the situation, then, it would appear that price supports will fall to $3.22-$3.30 per hundredweight on April 1, the beginning of the new marketing year.

In my judgment, however, the dairy farmer must not be required to suffer (1) for errors in policy by the administration, or (2) by the inaction of Congress.

In view of the supply-demand situation, involving substantial dairy surpluses, it is truly to be hoped that this $3.40 level will get approval of either the administration or Congress.

Dropping the level to $3.11 per hundredweight, however, would result in an estimated $50 million per year income loss for the dairy farmers.

For these reasons, I believe the Congress can, and should, enact a compromise bill, authorizing the maintenance of price support but raising the price support level to $3.22-$3.30 per hundredweight, perhaps at the $3.22-$3.30 level. This would, I believe:

1. Prevent too great a drop in income for the dairy farmer—still caught in a cost-price squeeze;
2. Serve to remedy the supply-demand situation; and
3. Serve the taxpayer by holding down the costs of the price-support program, without rendering as much of a blow to the dairy farmer.

Recognizing the need for expeditious action, I am urging the Senate Agriculture Committee to consider, as quickly as possible, such a compromise.

[From the Milwaukee Journal]

NEED ACTION IN DAIRY CRISIS, NOT POLITICAL MANEUVERS

"... there will be a severe blow not only to Wisconsin, but the whole State. The economy If the Federal milk support price is allowed to drop from $3.40 a hundredweight (per hundredweight) to around $3.11 by April 1. This threatens an income drop of perhaps $60 million a year for our dairy farmers."

The law says that the Secretary of Agriculture shall maintain dairy supports at between 75 percent and 90 percent of parity (January-February). This parity is an adequate support. (Parity is a formula figure based on relationship of prices in some past period.)
percent of the present parity base), the minimum. The House Agriculture Committee has rejected an administration request for a resolution directing Freeman to maintain the present (90 percent of present parity) until January.

Some members of both parties blame the administration for the situation, but with the gold program running in the red and the dollar losing ground, the administration almost immediately boosted it again to $3.40. Milk supply seemed more than adequate then, the critics said, but now the dollar is a very persuasive and persuasive. I commend it to the attention of my colleagues.

I ask unanimous consent that Congressman Johnson's statement be printed in the RECORD, as follows:

STATEMENT OF HON. HAROLD T. JOHNSON, SECOND DISTRICT, CALIFORNIA, BEFORE MINERALS SUBCOMMITTEE, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. SENATE, MARCH 15, 1962

Mr. Chairman, the Second Congressional District of California contains the mother lode and major California gold-producing counties, which now are our State famous in the days of the forty-niners. For myself and on behalf of the gold-mining industry of California, I believe the Nation approved the opportunity to be heard and discuss with you the critical conditions which endanger this industry today and to join our good friend, Senator Clair Engle, in urging the favorable consideration of this matter, which we believe would be a major step forward in helping this distressed industry.

Gold was one of the first metals used by man and has been valued above all others because of its beauty, scarcity, and imperishability. It has become the standard of our world monetary system. The search for gold has led to the setting of new lands. As I mentioned a moment ago, discovery of gold in California gave tremendous impetus to the great westward movement in our own country.

During the last half of the 19th century, the United States was the leading producer of gold in the world. Yet today it produces only 3 percent of the world’s gold.

What happened to change the picture so drastically? Several things happened. The goldfields of Africa developed rapidly, and our world’s leading producer of gold in 1905. The United States held on to second place until about 1910, but then a few years later the Soviet Union became the world’s second largest producer of gold, followed by South Africa.

This was a relative comparison, because the U.S. production continued to climb through the years spurred by President Roosevelt’s proclamation of January 31, 1934, increasing the price of gold from $20.67 to $33 per ounce. Production reached an all-time, peacetime low for this century, with our domestic mining industry was given the opportunity.

Gold mining became a casualty of World War II. Production of the late 1930s and other official restrictions denied gold mines equipment, supplies and manpower. Mining for gold closed down. When Order 1–208 was lifted on July 1, 1945, two and a half years of idleness had left its toll. Many of the mines which had been forced to close due to lack of use and rehabilitation required great investment. Companies with closed mines had suffered financially and were temporarily unable to recover. Higher prices for equipment, and supplies for high-cost operations increased with the difficulties of recruiting efficient labor forces made former operators reluctant to reopen mines especially when profit margins were even lower than those existing in 1940.

During the war years of 1943 to 1945, for the first time since about 1910, the domestic gold output was recovered from base-metal ores and a pattern was established today, 28 percent of domestic production still is the byproduct harvest of the base-metal industry. The Nation’s second largest individual gold producer is a copper mine.

In spite of these difficulties, production staged a modest comeback from the depths of 1945 when the yield was only 97,116 troy ounces in the year 1945, until the critical year of 1947 when domestic production reached 37,000 troy ounces. Since then the trend has been downward due to continuously rising costs of gold mining operations and setback in base metal production.

Today production has plummeted to the lowest peacetime levels of the century. The 1961 production of gold declined to 1,525,761 troy ounces. This is approximately 150,000 troy ounces less than 1960, and month-by-month pattern throughout 1961 was a declining one.

Mr. Chairman, we hear much of depressed industries. I think you would have to agree that the gold for the eight years since 1953 was 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, whereas there are no signs of the industry going out of business. Two decades ago there were 9,000 idle and placer mines in operation in this country. By 1960 there were only 1,663, 1959 was following the opposite trend—upward. In 1961, the year in which the United States reached an all-time, peacetime low for this century, all-time record yields were realized throughout the world. World output of gold continued to rise for the second year, 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>
<th>World production</th>
</tr>
</thead>
<tbody>
<tr>
<td>1946</td>
<td>1,574,565</td>
<td>27,500,000</td>
</tr>
<tr>
<td>1947</td>
<td>1,616,186</td>
<td>28,900,000</td>
</tr>
<tr>
<td>1948</td>
<td>1,748,949</td>
<td>30,800,000</td>
</tr>
<tr>
<td>1949</td>
<td>1,991,783</td>
<td>31,600,000</td>
</tr>
<tr>
<td>1950</td>
<td>2,313,100</td>
<td>32,100,000</td>
</tr>
<tr>
<td>1951</td>
<td>1,960,512</td>
<td>29,300,000</td>
</tr>
<tr>
<td>1952</td>
<td>1,803,265</td>
<td>28,800,000</td>
</tr>
<tr>
<td>1953</td>
<td>1,510,000</td>
<td>22,900,000</td>
</tr>
<tr>
<td>1954</td>
<td>1,450,000</td>
<td>22,300,000</td>
</tr>
<tr>
<td>1955</td>
<td>1,379,000</td>
<td>21,300,000</td>
</tr>
<tr>
<td>1956</td>
<td>1,293,000</td>
<td>20,300,000</td>
</tr>
<tr>
<td>1957</td>
<td>1,250,000</td>
<td>19,600,000</td>
</tr>
<tr>
<td>1958</td>
<td>1,233,000</td>
<td>19,600,000</td>
</tr>
<tr>
<td>1959</td>
<td>1,215,000</td>
<td>19,300,000</td>
</tr>
<tr>
<td>1960</td>
<td>1,156,000</td>
<td>19,400,000</td>
</tr>
</tbody>
</table>

Source: Minerals Yearbook; Department of the Interior, Bureau of Mines.

You will note that when our national production of gold started its postwar downturn, gold production continued to climb. But at the same time other major gold producing nations realized the seriousness of this situation and took action. Canada, for instance, adopted a subsidy program which went into effect January 1, 1948. The immediate result was a 15 percent increase in gold production. Production of gold in Canada has been stable throughout the postwar years with the result that today the United States is in fifth place in the world’s mining capabilities of Canadian gold. The United States imports as much gold as it produces domestically, which is not surprising, since the Amalgamated Mining Co. of Canada is the largest producer in the world. Since 1960 our gold imports have been approximately 150,000 troy ounces. In this country, however, the opposite approach was taken. In 1947, the Treasury Department...
Gold imports to United States

<table>
<thead>
<tr>
<th>Year</th>
<th>Ounces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1955</td>
<td>2,930,000</td>
</tr>
<tr>
<td>1956</td>
<td>3,730,000</td>
</tr>
<tr>
<td>1957</td>
<td>3,730,000</td>
</tr>
<tr>
<td>1958</td>
<td>3,409,000</td>
</tr>
<tr>
<td>1959</td>
<td>3,495,000</td>
</tr>
<tr>
<td>1960</td>
<td>3,293,000</td>
</tr>
</tbody>
</table>

Consumption in this country is increasing steadily. The stabilizing and established uses of gold in jewelry, watches, and decorative articles, and in dental supplies, scientific, chemical, and other equipment continued to absorb a large portion of the world's annual production. The steadily increasing amounts of gold being imported into this country are proof of this.

<table>
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<th>Ounces</th>
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</thead>
<tbody>
<tr>
<td>1961</td>
<td>3,293,000</td>
</tr>
<tr>
<td>1962</td>
<td>3,495,000</td>
</tr>
<tr>
<td>1963</td>
<td>3,938,000</td>
</tr>
</tbody>
</table>

The rate of assistance factor is the sum of the annual output, to which an adjustment has been made for the amount of gold available for consumption in domestic markets. The quantity of gold thus absorbed by domestic consumers exceeded production from domestic mines by 1.3 million ounces.

<table>
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<tr>
<th>Year</th>
<th>Ounces</th>
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<tbody>
<tr>
<td>1964</td>
<td>4,395,000</td>
</tr>
<tr>
<td>1965</td>
<td>4,093,000</td>
</tr>
</tbody>
</table>

The rate of assistance factor is determined by taking two-thirds of the amount by which the cost of production of gold exceeds $26.50 per ounce. The number of assistance ounces factor is equal to the cost of production of gold minus the cost of production of gold in the United States, which is approximately $26.50 per ounce.
cans in mine operation. Ghana also is re-
ported continuing a subsidy program.

Colombia, the major South American gold
producer which had a $333,947-ounce yield in 1962, received $10 million in aid last year.

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

Certainly in our own national picture, sub-
sidies are being paid for many common agricultural subsidies, there are Federal assistance programs for many industries, including transportation by air,

rail and sea, and many others.

The Joint Economic Committee prepared
a report on "Subsidies and Subsidylike
Programs in Transportation" during the 2d session of the 86th Congress. In report-
ing the scope of subsidies, this report in-
cluded a list of the types of subsidies granted
by the Federal Government. These cover
seven full pages, listing everything from school lunch programs to disaster loans for small businesses.

So broad and complex is the scope of
the subsidy program, as the committee report (p. 18) states: "It is probably impossible to make an estimate of the total subsidy pay-
ments in one year due to the multifaceted nature of each single year that would receive general acceptance."

The committee did, however, attempt to
make an estimate of the total subsidy pay-
ments in transportation. "Recent evidence
in testimony before the Joint Economic Committee" states, "indicates that the Federal Government during any single year that would receive general acceptance, the subsidy payments in transportation have approached $700 million approximately."

In the minerals subsidy review, the Joint
Economic Committee listed many commodi-
ties which receive Federal assistance.
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 committee's work that, in the case of our history, the Federal Government has engaged in a great variety of subsidy and subsidylike programs. Originally they were limited substantially to assistance to transpor-
tation 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. Many subsidy programs are unrealistic either to condemn or to praise Federal subsidies as such. Each particular program is intended to serve an element of subsidy must be judged inde-
dependently, 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 economics 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 ap-
proved agreement with Brazil whereby that nation acquires some $70 million worth of grain from the United States. Also, the Brazilians are able to buy $100 million worth of U.S. cotton, which is a direct grant for economic development. Sixty-five percent——47,800,000——will be reserved to Brazil for economic development.

A similar situation exists in India where $1 billion will be paid under a bill recently passed by Congress. Of the $1 billion, India is paying for these farm commodities, $420 million. India is also receiving $580 million for economic development grant. Another $427 million is being loaned to India for similar economic development.

The cost of this gold mining incentive pro-
gram, which would benefit one of our own
industries, would help our own economy, would be slight compared to these tremen-
dous and great grants and loans.

In return for our investment, this country would receive a stable and expanding industry, a more secure market for our own products, and a new opportunity for the mining companies.

INDIFFERENCE IN HIGH PLACES
TOWARD COMMON CARRIERS

Mr. COTTON. Mr. President, an edi-
torial in the latest issue of Traffic World
accurately reflects, in my view, a grow-
ing impatience with the administration's failure to send a timely message to Con-
gress dealing with the serious problems
in transportation.

To New Englanders like myself who contemplate the plight of the New Haven Railroad, for instance, the problems of our transportation system are real and pressing. They cannot be ignored in the hope that they will disappear, and long delays are not going to make their solutions any easier.

It was more than 8 months ago when the President asked the Secretary of Commerce to prepare recommendations for submission to Congress dealing with transportation.

The President feels and we feel that there have been enough studies.

Secretary Hodges said, referring to more than a $1 million worth of transpor-
tation studies already available——

What we need now is a program of ac-
tion.

He declared.

Unfortunately, we are still waiting for
action from the President. His transpor-
tation message is still due next week probably, according to the information I have if it is not delayed still more.

Frankly, I think the delay has seriously hurt the chances for effective action at this session of Congress. The time which will be required to process any major measures before the end of the

session is perilously short.

I ask unanimous consent to have in-
serted at this point in the Record the 24 editorial pages of the February 15, 1962 issue of Traffic World entitled "Indifference in High Places Toward Common Carriers."

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

INDIFFERENCE IN HIGH PLACES
TOWARD COMMON CARRIERS

In the weeks since the convening of the current (2d) session of the 87th Congress, many Members of many sections of the American transportation system have sought vainly for an answer to the question, "When is the President going to send his transportation message to Congress?"

Last Tuesday, March 20, as reported in this issue, the President's press secretary, Pierre Saliotter, lighted a very small candle for the spokesmen of the railroads, "I am told that no specific transportation message will not be sent to Congress this week (i.e., the week ending March 24), he said.

Mr. Saliotter explained that the President wouldn't provide more definite information as to when the message would be transmitted to Congress. His an-

nouncement is all the more significant by the transportation association people and others who are on edge because they hope for action this year by Congress on needed transportation legislation and because they know that too-long-delayed delivery of the President's recommendations could nullify chances for enactment this year of bills embodying such recommendations.

Mr. Hodges, Secretary of Commerce who, in testimony before the Joint Economic Com-
mittee of the Senate and House in Congress, on February 13, of this year, "recently" had submitted recommendations to the President "for Improvement and en-
forcement of transportation subsidies in our transportation industry and that "it is anticipated that the President will be submitting a message to Congress on this subject shortly." (Traffic World, Feb. 10, p. 56).

It was Secretary of Commerce Hodges who, in the annual report of the De-
partment of Commerce, transmitted to Con-
gress February 8, said that "the keystone of transport progress is a strong common carrier industry and that "present trends, if continued, portend" that common carriers will be driven out of business by 1975 (Traffic World, Feb. 8, p. 56).

As we go into the last week of March, the fact that the President's transportation message is still being held up darkens the prospects for passage of bills in Congress to fortify the common carrier indus-
tory. That Secretary Hodges calls "the keystone of transport progress," that of that comes the further bad news that Chair-
man Owen Harris, of the House Committee on Interstate and Foreign Commerce, "does not anticipate that any transport legisla-
tion of a major nature will be passed by Con-
gress this year (see elsewhere in this issue).

We don't know of anyone who is in a better position to forecast the fate of transporta-
tion legislation than the chairman of the House Interstate and Foreign Commerce Committee or the chairman of the Senate Commerce Committee.

One of the speakers at a meeting of the Southern Shipper and Motor Carrier Council in Birmingham, Ala., March 15, was an ex-
perienced and reliable observer of legislative developments on the Hill—James E. Pink-
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ing transportation in 1963, but that lack of action with the administration evidence was present and could be expected to continue during the remainder of this Congress. It would be unwise to make unreasonable conclusions as to what is really happening to our transportation system have sought vainly for an answer to the question, "When is the President going to send his transportation message to Congress?"

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Mr. HARRIS said he did not believe that "we can characterize the present condition of the transportation industry as being in a crisis." We assume that in using the "transportation" slips he was referring to the regulated, for-hire carriers. Last Monday, addressing the Western Railway Club in Chicago, he was describing the differing facets of the railroad situation; some railroads appeared to be getting along very well, while certainly 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 any industry. And it's far from being the only critical development in transportation. It is necessary to call internally on 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 the revenue loss by the regulated common carrier industry last year to illegal carriers totaled approximately $53 billion.

Is there, in the name of commonense, any valid reason for putting off action on legislative measures desperately needed to stem the tide of lawbreaking into this industry, until the crises now apparent become calamities? Must the aid that Congress is able to give be delayed until, as Secretary Hodges warns, the continuance of the presently apparent trends results in elimination of the Nation's common carriers? By 1973, Secretary Hodges says, there is all this stalling, hereinbefore discussed, a part of an undisclosed plan to kill private enterprise, and all this, when the Government ownership of all public transportation media in the United States?

KING CRAB: ALASKA'S MARVELOUS MONSTER AND NEW RESOURCE

Mr. GRUENING. Mr. President, a most gratifying development in Alaska's fishing industry, sadly depleted of its salmon under Federal mismanagement as long as Alaska was a territory and was denied the right to manage its own resources, has been the rise and development of a great new economic marine resource unique to Alaska—king crab.

This is a spectacular animal weighing at times as much as 10 pounds, and occasionally reaching a diameter of 5 or 6 feet. King crabbing is a relatively new industry. Its development is due to the imagination, initiative, and pioneering enterprise of Lowell and Howard Wakefield. These two brothers have approached this natural resource with determination and vision, so that 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 hibernation industry there he was referring to the regulated, for-hire carriers. Last Monday, addressing the Western Railway Club in Chicago, he was describing the differing facets of the railroad situation; some railroads appeared to be getting along very well, while certainly in the East, were in financial difficulty.

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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 the revenue loss by the regulated common carrier industry last year to illegal carriers totaled approximately $53 billion.

Is there, in the name of commonense, any valid reason for putting off action on legislative measures desperately needed to stem the tide of lawbreaking into this industry, until the crises now apparent become calamities? Must the aid that Congress is able to give be delayed until, as Secretary Hodges warns, the continuance of the presently apparent trends results in elimination of the Nation's common carriers? By 1973, Secretary Hodges says, there is all this stalling, hereinbefore discussed, a part of an undisclosed plan to kill private enterprise, and all this, when the Government ownership of all public transportation media in the United States?
but being too stupid to know I couldn’t make it, I convinced them I could.” A re-construction finance loan tided him over.

Then, in 1962, Wakefield’s Deep Sea Trawlers, Europe’s largest long-line trawler, continued to prosper. And though its output increased by half each year—the total from 2,400,000 pounds in 1960 to nearly 6 million pounds last year of which Wakefield’s share amounted to a solid 10 percent—the company was quite caught up with the explosive demand.

In an attempt to keep pace, Wakefield did what had been tried by the Japanese before: on January 1, he sent the Deep Sea Bering 500 miles down the Aleutian chain, then north through Unimak as far as St. Lawrence Bluffs and onto 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 one of them. Independent fishermen joined the crab fleet, canneries towns, once shuttered and ghostly from October through May, burst into life happy as the winter through. And all Alaska, historically beset by the boom and bust of a seasonal economy, became the newest, most promising all-year industry.

It is hard to overestimate its importance to the new multi-million-dollar salmon runs. A wharfinger pointed out, “they have to bring in outside help, and those paycheck go back to Seattle in September.” Wakefield had a large crew and a happy one.

More, a basic change in the crabbing operation has greatly broadened its base. When the boat had been built, the G. A. P. had not been conceived, and the most economical way was to work the Deep Sea as both trawler and processing plant, Wakefield converted, had his own fleet of local fishermen to supply her with crabs. The other five major packers followed his example. Half a dozen shore processing plants have brought new life to places like Kodiak, Seldovia, Sand Point, and Squaw Harbor.

In 1959 Wakefield added a second mother- ship, the Beefer King, which, with its brood of four trawlers, promised quickly to become the nation’s most important seafood fleet. In 1962, the Big Sea, last year, the Deep Sea Bering, the Big Sea Bering and the Beefer King, together, made more than $5 million in landings, a figure which, in our opinion, while not exceptional, should be regarded as a minimum for the entire fleet. The Big Sea Bering has been turned into a 2,000-tonner, one of only a score of vessels in the world the size of which can be considered a ship. The Beefer King has been in the dry dock for repairs, and the Big Sea Bering has been brought back into full-time service.

“Room enough,” said another of the major packers, “and King crab is going to be as important an industry as salmon are as big a resource.” This is the way the future looks to the Big Sea Bering, which, in 1962, brought in a total of 12,800,000 pounds of King crab, equal to that of a million and a half doves.

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"The fish are there," said the fishermen, and the fishermen were right. And the fishermen have thrown open again the knotty question of national rights and natural resources in the great North Pacific fishery.

The Japanese, however, the great crab ships and spawning grounds are on the high seas, and the vastly accelerated harvest of, first the red king and, now the baird, has cast a threatening shadow. Their heedless harvesting threatens the entire crab fishery and there is no end to the matter. The question of national rights and natural resources in the great North Pacific fishery.

This agreement worked well for a while. When an American fisherman spotted a like-sized chunk of a far-flung crab, he identified it to the Japanese fleet by radio and he no longer needed to worry that a tangle-net field would be set between the different vessels. He continued, however, to be a bus within ten miles of a Japanese set.

Then in 1959, without signing the treaty, the Japanese sent three vessels into the Bering Sea. Japan reacted violently, dispatched three new crabs, and threatened to “aggressively increase” the size of its catch. The agreement makes no sense any more, they declared, in effect. We have to take what we can before the Russians leave us nothing.

Off to Tokyo flew Lowell Wakefield, now an advisor to the U.S. section of the three-party commission. “If we don’t bring some wrongs never added up to a right,” he has said, “that if we all went at the resource end of the negotiations the next was not the shape of the future, we could be darn sure there wouldn’t be.”

The Japanese were persuaded to stick to the agreement, at least until the treaty came up for renegotiation in 1969, but no headway has been made in trying to reach an agreement with the Russians.

In the interests of conservation, Alaska has banned the trawl net in most waters, and though enforcement is difficult over so vast an area, the penalty is severe—loss of license for a year—and few violations have been recorded. And so today’s fishermen use the crab in large and small, as lures are caught off the New England coast.

The crab pot is circular or rectangular in shape, is 6 or 8 feet long and 30 inches high, attached to perhaps 60 fathoms of line and tunneled on two sides so the crab, intent on this chunk of meat, is cut off in an instant. Next day he is back. Up comes each pot in turn, its contents—as many as 20 or 30 crabs jammed in a pot together, as on deck and sorted: females and undersized males are thrown back to assure the continued growth of the stock. The females are rushed to the nearest mothership or shore processing plant. There the crab is boiled in fresh water and the meat from the legs and feet are cleaned for the table—shucked and packed for the market. If the market is good, the meat is vacuum-packed and shipped to distant lands.

Mr. Humphrey. Mr. President, I have here an article from the Portuguese language newspaper Estadão de São Paulo, of São Paulo, Brazil, February 16, 1963, discussing how a small injection of U.S. Public Law 480—food for peace—counterpart funds enabled a Brazilian benevolent society, the Association for the Protection of Children, to dedicate a new orthopedia appliance section and to begin a 4-month course of training for makers of orthopedic braces. I ask unanimous consent that this article be printed in the Department of Interior Recheck?

REHABILITATION OF THE DISABLED

THROUGH PUBLIC LAW 480 FUNDS

Mr. HUMPHREY. Mr. President, I have here an article from the Portuguese language newspaper Estado do São Paulo, of São Paulo, Brazil, February 16, 1963, discussing how a small injection of U.S. Public Law 480—food for peace—counterpart funds enabled a Brazilian benevolent society, the Association for the Protection of Children, to dedicate a new orthopedic appliance section and to begin a 4-month course of training for makers of orthopedic braces. I ask unanimous consent that this article be printed in the Department of the Interior Recheck?
here we have a perfect example of what can be accomplished in the way of orthopedic appliances when there is a need and we have available men and equipment to take care of the problem. The orthopedic appliance section and technicians training course are the key to our achievement. We have been able to produce the right appliances in the right quantities and in the right time.

The orthopedic appliance section was established with the help of the Government of the United States through the Department of Health, Education, and Welfare. It also received a grant from the World Rehabilitation Fund. This grant was used to purchase the necessary equipment and to train the technicians.

The technicians are the key to our success. They are trained in the latest techniques and are able to produce the right appliances in the right time. This has been possible because of the support of the government and the World Rehabilitation Fund.

The orthopedic appliance section is now ready to start producing the appliances that are needed. We have already produced a number of appliances and are on our way to producing many more.

To make sure that we are producing the right appliances, we have established a quality control system. This system is designed to ensure that the appliances are of the highest quality and that they are produced in the right time.

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raged and turned the tide against the
Turks and set free from their bondage. To
people all over the world in celebrating
the first years of the revolt the
powers intervened, finally
Greeks, aided by many volunteers, fought
Empire. In 1824 disciplined Egyptian
autumn of 1827, the major European
event of tremendous importance. The
Greek Independence Day. and I would
Mary E. Sweitzer,
GREEK INDEPENDENCE DAY
Mr. HUMPHREY. Mr. President,
April 25 was the 141st anniversary
Greek Independence Day, and I would
salute our good friends and allies, the
Greek people, as well as all those
Americans for whom this day has special
significance. In 1821 and ended
3,000 years ago.
Thomas Jefferson and our Founding
Philosophers were steeped in the classic
works of the Greek philosophers, and the
emphasis on the dignity of man and
freedom of the human mind, is strongly
etched in our Declaration of Independ­
ence.
The contribution of Greece did not
come to an end with classical times. From
the Battle of Thermopylae, through the
Greek resistance against the
invasion, through the hard
struggle for independence that termi­
nated 140 years ago, through the heroic
resistance to the Fascist and Nazi inva­
sions of World War II, through the
counter-insurgency of Communist
guerrilla forces that were massively sup­
ported by the Cominform, through all of
these battles, both in victory and defeat,
the Greek people have given testimony
of man's unceasing spirit, his eternal
will to freedom.
Through our mutual membership in
NATO, Greece, and the United States
are now associated in a community of
freedom. Through this historic alli­
ance, we have committed ourselves to
defend the independence of Greece against all.

On this occasion, therefore, I feel that
it is all the more fitting that we should
join with the 1½ million Americans of
Greek descent and with the people of
Greece in celebrating the anniversary of
their independence. I know we all hope
that the ensuing decades will enable the
people of Greece to enjoy a greater meas­
ure of political and economic well-being
in peace and in freedom,

REEACTIVATION OF THE FEDERAL
FLOOD INSURANCE PROGRAM

Mr. DODD. Mr. President, less than
a month ago, the violent storm which
ragged the eastern sea coast destroyed
the properties and livelihoods of thou­
sands of Americans living in that area.
The enormous damage caused by the
violent storms could now be alleviated
by the Federal Flood Insurance Act of 1966
Act established an agency to administer insurance in areas
exposed to the danger of flooding. The Administrator of the Act would be
able to use funds and, out of a fund pro­
vided for that purpose, pay the differ­
ence between the rates set by him and
the rates charged by private insurance
companies. After 3 years, the States
participating in the program were to
pay one-half of that difference, while
the Administrator was to pay the other
half.

The Federal Flood Insurance
Act of 1966 has been on the books for
a year now, no program ever made
available to potential flood victims,
for the purpose of rehabilitating their
property. Since such loans were to be repayable and carried at modest interest rate, people
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ernment.

In order to understand this failure,
itis necessary to go back to the history
of the statute and the subsequent fail­
ure to get its provisions into operation.

Members of this body may recall the
violent storm which, raging along the
eastern seaboard in the late summer of
1965, creating unprecedented damage
to coastal property. In view of the fact
that the cost of the flood was not insu­
ured, and could not be insured because
of prohibitive insurance rates, some of
us proposed a federally administered and
subsidized insurance program to prevent similar disasters in the future.
The results of thorough research into
the problems involved were eventually
consolidated in the Federal Flood Insur­

In the first year, that is to say in 1966,
the sum of $5,000,000 was appropriated
in order to make possible the very com­
plicated actuarial studies necessary for
the initiation of such an insurance pro­
gram. The Administration studied
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 insur­
ance rates and insurability of particular
coastal areas.

During the following year the Senate
passed a $14 million appropriation for
the administration of the Flood Insur­
ance Act.

Meanwhile, there was less than lukewarm support for the flood insurance program on the part of the Adminis­
tration. Indeed, the Administration, as was the case when the executive branch were sharply di­
vided on the desirability of the program.

It was believed that only those people
who would buy insurance whose property
was particularly endangered by poten­
tial floods, and that only those who
owned houses or commercial property in
close proximity to the ocean, or to river­
banks would buy insurance. While people whose property was on higher
ground would feel no need of insurance.
In consequence, the Administration believed that there were only two alternatives: either the rates would be so high that the property owners would not be able to afford them, or they would be quite low, in which case the Government would have to subsidize them and neither situation was considered desirable.

However, the Administration set up no pilot program to test the situation; no plan was made for variable insurance rates by which those properties which were relatively safely situated would pay a smaller rate than those built in hazardous areas.

The result of this lack of support on the part of the Administration was that in 1957 the House Committee on Appropriations disregarded the Senate vote for establishment of a $14 million fund. By a vote of 218 to 186 the House finally turned down the Senate appropriation and thereby killed the entire flood insurance program.

It is unfortunate that legislation for the relief of flood victims should have been on the books for more than 6 years, while the relief provided by the law can be alleviated as far as is reasonably possible. Perhaps if they did, provisions would have been made long ago to deal with them more effectively than we can deal with them today.

It is therefore necessary to reauthorize 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 considered prior to the expiration of 6 days of its receipt in the Senate.

NOTICES OF HEARINGS ON NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. Eastland, Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Thursday, April 5, 1962, at 10:30 a.m., in room 2228 New Senate Office Building, on the following nominations:

Robert Shaw, of New Jersey, to be U.S. district judge, district of New Jersey, vice William F. Smith, elevated.

George Templar, of Kansas, to be U.S. district judge, district of Kansas.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The committee 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 committee 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:

Eells 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.