

Elbert S. Blakney, Pine Plains, N.Y., in place of G. R. Hunter, retired.  
 Elizabeth C. Hancock, Sanitaria Springs, N.Y., in place of B. E. Hatch, retired.  
 John F. Campion, Saranac Lake, N.Y., in place of T. P. Ward, retired.  
 Louis M. Trivisono, Staten Island, N.Y., in place of R. J. Johnson, retired.  
 John J. Cummings, Tonawanda, N.Y., in place of K. F. W. Mowitz, retired.

## NORTH CAROLINA

Marvin F. Shebester, Swepsonville, N.C., in place of E. K. Phillips, retired.

## NORTH DAKOTA

Theodore C. Ochsner, Tuttle, N. Dak., in place of P. J. Thorne, retired.

## OHIO

Donald E. Hickman, Amanda, Ohio, in place of L. A. Barr, retired.  
 Lucille I. Pasicka, Harrisburg, Ohio, in place of O. G. Spangler, retired.  
 Lee J. Lare, Venedocia, Ohio, in place of P. B. Miller, resigned.

## OKLAHOMA

George P. Loch, Calvin, Okla., in place of R. G. Blackwell, retired.  
 Ira C. Guinn, Tryon, Okla., in place of E. H. Perrin, retired.  
 Ray H. Belitz, Wellston, Okla., in place of Sam Cunningham, retired.

## OREGON

Milton C. Cobb, Estacada, Oreg., in place of C. W. Myers, retired.  
 Lincoln F. Swain, Reedsport, Oreg., in place of G. A. McCulloch, retired.

## PENNSYLVANIA

Ruth J. Svilar, Armagh, Pa., in place of R. O. Trexler, retired.  
 Steve Dmetruk, Bessemer, Pa., in place of J. R. Stanlich, deceased.  
 Wayne L. Balthaser, Hamburg, Pa., in place of R. A. Rupp, retired.  
 Mary B. Defibaugh, New Kingstown, Pa., in place of M. S. Raudabaugh, retired.  
 Vivian L. Martin, Sheakleyville, Pa., in place of J. A. Gedeon, retired.

## TEXAS

Faye W. Cate, Blackwell, Tex., in place of M. W. Steuart, retired.  
 Arduth B. Been, Carbon, Tex., in place of C. C. Gilbert, retired.  
 Jacobina P. Miller, Marathon, Tex., in place of Lizzie Crawford, retired.  
 Nonnie S. Kelley, Montgomery, Tex., in place of W. J. Smith, retired.  
 William E. Morrow, Stanton, Tex., in place of L. B. Eldson, retired.  
 Jack E. Berry, Overton, Tex., in place of V. L. Naul, retired.  
 Stella C. Kidd, Winona, Tex., in place of N. B. Starnes, retired.

## UTAH

David F. Parrish, Centerville, Utah, in place of H. D. Roberts, retired.  
 Michael D. Pavich, Midvale, Utah, in place of D. L. Warner, transferred.  
 David C. Weeks, Smithfield, Utah, in place of W. H. Hillyard, retired.

## VIRGINIA

Earl C. Wise, Mount Crawford, Va., in place of W. R. Burgess, retired.  
 Wilbur I. Adams, State Farm, Va., in place of J. H. L. Parker, retired.

## WASHINGTON

Mary A. Lang, Cathlamet, Wash., in place of C. I. Wood, retired.  
 William H. Aaron, Oroville, Wash., in place of N. E. Petry, retired.  
 Raymond R. Branstrom, Stanwood, Wash., in place of Lars Sagen, retired.

## WEST VIRGINIA

Wilbur R. Bond, Harpers Ferry, W. Va., in place of M. E. Marquette, retired.  
 Andrew W. Finely, New Martinsville, W. Va., in place of R. U. Duerr, resigned.

## WISCONSIN

Leighton R. Reynolds, Elcho, Wis., in place of W. G. Williams, resigned.  
 Owen M. Haugom, Milton Junction, Wis., in place of L. E. Astin, retired.

## HOUSE OF REPRESENTATIVES

TUESDAY, JULY 6, 1965

The House met at 12 o'clock noon.  
 The Chaplain, Rev. Bernard Braskamp, D.D., used this word of Scripture as a preface to his prayer: I Corinthians 2: 5: *That your faith should not stand in the wisdom of men, but in the power of God.*

Almighty God, as we bow in prayer, teach us to live always in the sense of Thy nearness and give us a greater trust in Thee, inclining our minds and hearts to live faithfully and reverently.

Grant that life may grow greater for those who have contempt for it, simpler for those who are confused by it, richer and more full of beauty and meaning for all of us.

We humbly acknowledge that we live in a world where we frequently become cynical, disappointed, and distraught and are tempted to walk in the twilight and follow Thee among the changes of time.

Help us to believe that if Thou dost clothe the wayside flower, so Thou wilt surely care for us and will fulfill in us, if we let Thee have Thy way, that ideal of beauty and love which lends dignity and divinity to our lives.

Hear us in Christ's name. Amen.

## THE JOURNAL

The Journal of the proceedings of Friday, July 2, 1965, was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title in which the concurrence of the House is requested:

S. 602. An act to amend the Small Reclamation Projects Act of 1956.

## PROGRAMS TO HELP OLDER PERSONS

Mr. DENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H.R. 3708, an act to provide assistance in the development of new or improved programs to help older persons through grants to the States for community planning and services and for training, through research, development, or training project grants, and to establish within the Department of Health, Education, and Welfare an operating agency to be designated as the "Administration on Aging," with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.  
 The Clerk read the Senate amendments, as follows:

Page 14, strike out all after line 24 over to and including line 3 on page 15 and insert:

"(c) The Secretary shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of section 303(a)(1) unless the Secretary has consulted with such State agency regarding such grant or contract."

Page 15, strike out all after line 22 over to and including line 2 on page 16 and insert:

"(c) The Secretary shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of section 303(a)(1) unless the Secretary has consulted with such State agency regarding such grant or contract."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GROSS. Mr. Speaker, reserving the right to object, am I correct in assuming that all amendments to the bill added in conference or by the other body are germane to the bill?

Mr. DENT. Yes. The only change made in this particular bill was that the Senate put into the bill that the Department of Health, Education, and Welfare must consult with the appropriate agency in the State on any program.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TO AMEND PUBLIC LAW 815, 81ST CONGRESS, WITH RESPECT TO THE CONSTRUCTION OF SCHOOL FACILITIES FOR CHILDREN IN PUERTO RICO, WAKE ISLAND, GUAM, OR THE VIRGIN ISLANDS FOR WHOM LOCAL EDUCATIONAL AGENCIES ARE UNABLE TO PROVIDE EDUCATION

Mr. DENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5874) to amend Public Law 815, 81st Congress, with respect to the construction of school facilities for children in Puerto Rico, Wake Island, Guam, or the Virgin Islands for whom local educational agencies are unable to provide education, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, after line 10, insert:

"Sec. 2. The fourth sentence of section 6(a) of the Act of September 30, 1950, as amended (20 U.S.C. 241(a)) is amended to read as follows: "For the purpose of providing such comparable education, personnel may be employed and the compensation, tenure, leave, hours of work, and other incidents of the employment relationship may be fixed without regard to the Civil Service Act and rules (5 U.S.C. 631 et seq.) and the following: (1) the Classification Act of 1949, as amended (5 U.S.C. 1071 et seq.); (2) the Annual and Sick Leave Act of 1951, as amended (5 U.S.C. 2061 et seq.); (3) the Federal Employees' Pay Act of 1945, as amended (5 U.S.C. 901 et seq.); (4) the Veterans' Preference Act of 1944, as amended (5 U.S.C. 851 et seq.); and (5) the Perform-

ance Rating Act of 1950, as amended (5 U.S.C. 2001 et seq.)."

Page 2, after line 10, insert:  
"Sec. 3. The last sentence of section 203 (a) (2) of the Act of September 30, 1950, as amended, is repealed."

Amend the title so as to read: "An Act to amend Public Law 815, Eighty-first Congress, with respect to the construction of school facilities for children in Puerto Rico, Wake Island, Guam, or the Virgin Islands for whom local educational agencies are unable to provide education, to amend section 6(a) of Public Law 874, Eighty-first Congress, relating to conditions of employment of teachers in dependents' schools, and for other purposes."

Mr. DENT. Mr. Speaker, H.R. 5874, known as the Puerto Rican bill, establishes the right, under the impact bill, for the construction of a school on base for off-base children in any area where the American language is not the primary language the airbase serves.

The only amendment made in the Senate was to take from the bill certain references which might have been interpreted to reflect upon the Indian schools. There are no other changes.

I have cleared this with the ranking minority Member.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendments were concurred in.

The motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 166]

Abbutt	Green, Oreg.	Nelsen
Andrews,	Griffin	Olsen, Mont.
N. Dak.	Gurney	Olson, Minn.
Ashley	Hanna	O'Neill, Mass.
Bandstra	Harvey, Ind.	Passman
Bonner	Herlong	Philbin
Bow	Holland	Powell
Cabell	Hosmer	Purcell
Clancy	Hull	Redfn
Clark	Ichord	Resnick
Corbett	Joelson	Roberts
Cramer	Johnson, Calif.	Roybal
Devine	Johnson, Okla.	Scott
Dingell	Jonas	Smith, Iowa
Donohue	Jones, Mo.	Stephens
Dorn	Keogh	Teague, Tex.
Downing	King, N.Y.	Thomas
Dwyer	Kluczynski	Thompson, Tex.
Edwards, Ala.	Kornegay	Toll
Evans, Colo.	Latta	Tunney
Evins, Tenn.	McVicker	Utt
Fraser	Mackay	Weltner
Frelinghuysen	May	White, Idaho
Friedel	Michel	Wilson, Bob
Fuqua	Moeller	Wilson,
Gallagher	Morton	Charles H.
Gialmo	Mosher	
Gibbons	Murray	

The SPEAKER. On this rollcall 353 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

VOTING RIGHTS ACT OF 1965

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up a resolution (H. Res. 440) and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 440

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6400) to enforce the fifteenth amendment to the Constitution of the United States. After general debate, which shall be confined to the bill and shall continue not to exceed ten hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now in the bill and such amendment shall be considered under the five-minute rule as an original bill for the purpose of amendment. It shall also be in order to consider the text of the bill H.R. 7896 as a substitute for the committee amendment in the nature of a substitute printed in the bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions. After the passage of the bill H.R. 6400, it shall be in order in the House to take from the Speaker's table the bill S. 1564 and to move to strike out all after the enacting clause of said Senate bill and to insert in lieu thereof the provisions contained in H.R. 6400 as passed by the House.

The SPEAKER. The gentleman from Missouri is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN] pending which I yield myself 1 minute.

Mr. Speaker, those who listened to the reading of the resolution know it provides for 10 hours of debate, under an open rule making in order H.R. 7896 as a substitute to the committee substitute, which will be considered as an original bill.

H.R. 7896 is the so-called Ford-McCulloch bill.

While of course there are Members who are opposed to any rule whatsoever, this rule was worked out as carefully as possible to please everybody involved. There is adequate time for debate. I know of no particular objection to the rule in its present form.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, in some places—happily, not in all—in the South there are still those who believe that Negroes were born with saddles on their backs, to be ridden, booted, and spurred by those in power above them.

For almost a century we have had the 15th amendment, which forbids any State to discriminate in voting on the basis of race or color. That amendment has been allowed to go into desuetude. It

must be brought back. That is exactly what the voting rights bill will do—it will put flesh and muscle and sinew on the buried skeleton of this amendment and breathe the new life into it.

When it comes to the ballot, the Negro shall no longer be saddled, booted, and spurred.

If some of my southern friends, and some of my northern friends likewise, desire to preserve the existing system of discrimination and to argue against Federal intervention—the pending bill provides for Federal intervention—then they must agree that, as a matter of public policy, the 15th amendment is wrong and should be nullified. But none of them has ever attempted to nullify by constitutional amendment the 15th amendment.

They must assume that for the present and foreseeable future it is not proper for more than a minority of Negro citizens to be enfranchised.

Some honorable, reputable, and even compassionate historian might say that in 1870, the date of the adoption of the 15th amendment, voting by an indefinite mass of new freedmen, then wholly inexperienced and unprepared because of their former condition of slavery, might have precipitated much havoc in the Old Confederacy. That is not my view. As I said, it might be the view of some compassionate historians. But this certainly is true. Such an interpretation of the South is utterly inapplicable to conditions existing today, 100 years after the Civil War.

Negroes respect law and order. Negroes have become educated. Negroes have entered the professions. Negroes are important in the labor movement and in business and industry. Negroes hold public office. Negroes, in spite of crude hardships and repression, have produced a generation of leading men, such as Dr. Martin Luther King, Ralph Bunche, Judge Thurgood Marshall, Roy Wilkins, Whitney Young, Clarence Mitchell, and many others.

They would be a credit to any race.

As Walter Lippmann has it:

The great grandchildren of the southern rebels are no longer preoccupied with an effort to reverse the outcome of the Civil War.

Nor does the South need to forfend any Thaddeus Stevens, who viewed the southern Confederate States as conquered provinces.

With leonine spirit, fanaticism and warped characteristics Thaddeus Stevens ruled supreme in this Chamber. His word was law. He felt that any sweet reasonableness or forgiveness must be disregarded. He drained the wine of victory to the last drop. He wanted revenge. Had there been no Thaddeus Stevens in the House, or a Senator Sumner in the other Chamber, a different story very likely could be told.

The SPEAKER. The time of the gentleman has expired.

Mr. BOLLING. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. CELLER. These reconstructionists engendered a bitterness that in some places persists today. But the counterweapons developed by the South against

the Negro were just as bad as the diatribes of Stevens and the screeds of Sumner.

The pending bill is much needed. Previous acts have, as a result of legal dodges and subterfuges, been found inadequate. Voting discrimination is still rampant. The pending bill provides an ample, effective remedy, impervious to all legal trickery and evasion.

The bill may be discomfoting. The malady sought to be cured is severe. The cure must fit the illness and, as has been said many years ago, "You just cannot dig a well with a needle."

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to speak out of order.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, of course, I support this rule. I voted for it in the Committee on Rules. I intend to vote for it on the floor of the House at the proper time. I feel it is a good rule, well drawn and well written, giving the opportunity to every Member of this body to express his or her will on this very important matter.

However, I have asked for the privilege of speaking out of order for another reason. I take this opportunity publicly to express my thanks to the Members of this House and especially to the members of the Committee on Rules and the Committee on Government Operations, of which I am ranking member, and to those who serve under me on the minority side, who carried on while I was unavoidably absent and carried the burden that I could not carry. They have done so ably and well, and I want to express to them the thought that they are entitled a great credit.

I also want to express my gratitude and my appreciation, if I may, to all of the Members of this House, so many of whom have been kind enough to inquire concerning my situation and to send me messages of encouragement. For a long time there has been some question in the minds of many people as to what makes the House of Representatives the greatest parliamentary body in the world. I know personally. It is because the U.S. House of Representatives has a heart and it has a heart which contains sympathy and understanding for every Member, regardless of partisanship.

Again, I want to take this opportunity, Mr. Speaker, to thank you, to thank the leadership of this body, to thank the gentleman from California, H. ALLEN SMITH, and other members of the Committee on Rules, and members of other committees, for the consideration and the help they have extended to me. They have made the way much easier.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, I am sure I speak for everybody on both sides of the aisle when I say to the gentleman from Ohio that we are tremendously pleased to see him back in harness, to see his familiar face, to hear his strong voice, and to see that he is feeling so much better. May I say to him, you have been badly missed, and we are pleased and delighted that you are back. We hope you will have many, many more years of good health in the future so that we may be the beneficiaries of your wisdom, your experience, and your sound arguments. We all need your help in the months ahead.

Mr. BROWN of Ohio. I thank the gentleman very much.

Mr. Speaker, may I have the privilege, with the consent of the gentleman from Missouri [Mr. BOLLING], of transferring the balance of the time allotted to me to the gentleman from California [Mr. SMITH], who will carry on under the rule.

Mr. BOLLING. Mr. Speaker, will the gentleman from California yield to me?

Mr. SMITH of California. I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Speaker, I should like to join the gentleman from Michigan [Mr. GERALD R. FORD] in expressing on this side of the aisle the same sentiments he expressed with regard to our dear friend, the gentleman from Ohio [Mr. BROWN].

Mr. SMITH of California. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, first, may I express on behalf of Mr. ANDERSON, Mr. MARTIN, Mr. QUILLEN, and myself our deep appreciation of the kind words spoken by the gentleman from Ohio [Mr. BROWN]. We are happy to have him back. We have missed his leadership. We wish him many years of good health and continued leadership of us in the Committee on Rules.

Mr. Speaker, House Resolution 440, upon adoption will provide 10 hours debate on an open rule for the consideration of H.R. 6400, the Voting Rights Act of 1965. Additionally, it will make it in order to consider, as a substitute for the administration voting rights bill another measure, H.R. 7896, introduced by the gentleman from Michigan [Mr. FORD] and the gentleman from Ohio [Mr. McCULLOCH]. And finally, it will provide that, upon passage of H.R. 6400, the Senate voting rights bill, S. 1564, may be taken from the Speaker's table. A motion will then be in order to strike all after the enacting clause of the Senate bill, to insert in lieu thereof the provisions of the voting rights bill passed by this august body.

Mr. Speaker, the Rules Committee heard from two groups of proponents of voting rights legislation in addition to several witnesses who opposed passage of any legislation whatsoever. The chairman of the Judiciary Committee, the gentleman from New York [Mr. CELLER], was in full agreement that it was not only appropriate but desirable to have the proposed rule in its present form. Thus, in allowing full consideration of the substitute measure, this rule assures a broad choice of the means by which

the 15th amendment of the Constitution can more effectively be enforced.

I suppose the question that comes to the minds of many Members—as came to mine—is the question of why we are again in this session of Congress concerned with civil rights legislation? Why is it that, so closely following the enactment of the most comprehensive civil rights law in our history scarcely a year ago, we are again asked to take action on this matter which is essentially and primarily—under the Constitution—an area of State concern?

The answer given to the Rules Committee was that our previous efforts to solve this problem were inadequate. I cannot fully accept that answer. There was testimony before the Rules Committee—as there was before the Judiciary Committee—that enforcement activities under the previous laws have not been undertaken on the scale that might have been expected. There has scarcely been time for the effect of title I, the voting rights section of the 1964 act, to be fairly felt and evaluated.

Perhaps it can be said that a court remedy is seldom rapid enough to the parties to the cause. Perhaps it can further be said that no bill we enact will preclude the return next year of supplicants for yet another bill. In any case, it is to the essential problem of fashioning a quicker, more readily available and more incisive remedy, that the proponents of this legislation have turned.

They propose a new and unprecedented approach to the problem. They propose that Federal examiners, appointed by and responsible to the Civil Service Commission, be administratively dispatched to areas where discrimination against voters on account of race or color exists. These Federal examiners will have the power to determine whether or not an applicant is qualified to vote.

Up until the present, it has been felt by a majority of the Congress that the buffer of judicial action should be interposed between Federal and State power. Thus, under present law, only through court suits can direct Federal relief in the form of Federal registrars be imposed on a State.

But the proponents of this new remedy propose to reverse the process: Under both proposed bills, judicial process is a check upon, but not a predicate to, application of a direct Federal remedy aimed at correcting voter discrimination. I think you must agree with me that this in itself is a far-reaching step.

I should like now to describe how each of the proposed bills implements this remedy, this direct introduction of Federal Executive power into the traditional State domain.

H.R. 6400, the Celler bill, provides a dual standard by which Federal relief is applied to the States of the Union. It has a double trigger by which its provisions are activated. The first is an "automatic trigger"—section 4—which applies to areas of "hard core" discrimination, determined by the proponents to be six of our Southern States. This automatic device applies to those States which in November 1964 had laws prescribing

certain tests or devices as qualifications to exercise of the franchise, and where in the presidential election of 1964 less than 50 percent of the total voting population actually cast ballots. Within States which fall under this category the Attorney General is empowered to direct appointment of Federal examiners where, in his judgment, they are required. The Civil Service Commission actually selects the required number of hearing officers to handle registrations in the area. The second standard, or triggering device is called a "pocket trigger"—section 3. It is designed to reach so-called pockets of discrimination in areas not reached by the automatic trigger. This second means of applying Federal relief requires that a court authorize appointment of Federal examiners where, in a suit to enforce the 15th amendment, the Attorney General presents evidence of discrimination on account of race or color.

The qualifications which must be met by an applicant to a Federal examiner differ according to the trigger under which the bill is activated. In States reached by the automatic trigger, all tests and devices including literacy tests are suspended. Under the second standard, the pocket trigger, the court must suspend such tests as have been shown to have been discriminatorily applied. In neither situation must an applicant for Federal listing have tried to register with State authorities. He need only allege that he is not otherwise registered to vote.

Under the Celler bill, a Federal examiner lists applicants found qualified and sends the list to appropriate State officials. Thereafter, the person listed is entitled to vote, and the law directs that his vote be counted whether or not a challenge to his listing is still pending. Only after a challenge has been finally resolved does the listed applicant lose his right to vote under the act.

H.R. 6400 provides that Federal observers may be appointed—again at the discretion of the Attorney General—to observe all aspects of the vote in any area where an examiner has been appointed.

Challenges to qualifications of federally listed voters are determined by an expedited administrative and judicial procedure. A Federal hearing officer reviews the initial examiner's findings; the circuit court of appeals for the circuit in which the challenge arose reviews the hearing examiner's determinations. A State may only challenge the application of the act's automatic trigger, however, in the District Court for the District of Columbia. This can be accomplished by suing for a declaratory judgment and establishing that no test or device has been used discriminatorily in the State for the preceding 5 years.

If a State reached by the automatic trigger wishes to enforce any laws pertaining to State elections passed subsequent to the enactment of this voting rights legislation, it must first secure a declaratory judgment of the District Court of the District of Columbia that the laws do not have the purpose or effect of denying the right to vote on account of race or color. Similarly, to restrain any action of an examiner or

an observer, a State or political subdivision must come to the District of Columbia courts to do so.

The administration bill undertakes to ban poll taxes, providing that not only poll taxes but any other tax may not be exacted as a prerequisite to the right to vote. Finally, criminal and civil sanctions are provided for enforcement of the provisions of the act.

H.R. 7896, the substitute bill introduced by the gentleman from Michigan [Mr. Ford] and the gentleman from Ohio [Mr. McCulloch], provides a single standard by which the need for this Federal registration machinery is to be gaged. In any voting district in the country—defined as a county or parish—where 25 or more persons complain that they have been denied the right to register or vote on account of race or color, a Federal examiner is appointed. If the examiner finds the complaints are true, a pattern or practice of discrimination is presumed to exist in the voting district, based on this finding of 25 instances of discrimination in that area. The Civil Service Commission is then directed to appoint examiners as the need is required to examine the qualifications of additional applicants and list those found qualified to vote.

State or local authorities can appeal the application of Federal listing procedure simply by challenging the qualification of the voters listed. Such challenge proceeds in the same accelerated manner as a challenge under H.R. 6400, first to a hearing officer, then to the appropriate circuit court of appeals.

There are significant differences in the impact of the Ford-McCulloch bill on State election machinery and State law. In going to a Federal examiner, an application must allege that he has either been denied the opportunity of registering or voting by the State registrars, or that in good faith he feels that to have gone to the State authorities would have been dangerous to him.

Under H.R. 7896, the examiner applies existing State law, except that he need not apply the State literacy test to any applicant who has over a sixth-grade education, and he disregards all tests and devices such as voucher requirements, grandfather clauses, and requirements of good moral character unrelated to the commission of a felony.

The examiner makes a report of his findings as to each applicant he finds qualified, serving the lists and reports on appropriate State officials. From the time a voter is listed, he is eligible to vote. In the event his qualifications are challenged by the State, he votes provisionally pending determination of the challenge to eligibility.

The Ford-McCulloch bill includes a comprehensive series of laws which make fraudulent practices in Federal or partially Federal elections crimes against the United States. Included are penalties for failing to permit a qualified voter to register or vote; failure to count or report accurately such votes; and intimidation or coercion of any person to prevent that person from voting or attempting to vote. Also outlawed are the destruction and defacing of ballots for a

year after such elections, false registrations, and the offer to pay or payment for either registration or voting.

In seeking nullification of poll taxes, the Ford-McCulloch bill directs the Attorney General, under accelerated three-judge court procedure, to bring suits to invalidate those State poll tax laws which can be demonstrated to have the purpose or effect of denying or abridging the right to vote on account of race or color.

Finally, the bill includes appropriate sections for criminal sanctions and civil remedies to assure compliance with its provisions.

As you can see, the choices between these two bills involve questions of great importance, not only as to the impact of the legislation, but in the legislative precedents we will be setting.

Will we restrict the new, more effective remedy to only certain areas of our country and to only certain groups of our citizens?

Is it necessary, in assuring these precious rights to enact what amounts to an indictment of certain States?

Is it a wise precedent—and it will be the first in our history—to force a State of our Union to come to the seat of Federal power, the District of Columbia, in order to have access to judicial relief from Federal usurpation of its constitutional prerogatives?

Does it do justice to the precious right to vote to assure it in such a way that unqualified voters may be allowed to vote, and their votes counted although they may later be declared ineligible by a Federal circuit court of appeals?

And can we continue to ignore, as we assure the franchise, the fertile area of discrimination—and aside from discrimination, corruption—afforded by fraudulent election practices, such as changing, miscounting, and buying votes?

Mr. Speaker, I would like to pay tribute to the gentleman from Ohio [Mr. McCulloch], who continues his leadership in this critical area by providing sound, constitutionally designed legislation to try to solve this problem. His words to the Rules Committee sound a note of truth we would all do well to keep foremost in our minds through the coming debate.

Legislation alone is not going to solve the problems that confront our country in this field. That problem in substantial part is in the minds and hearts of men. Legislation has been necessary in the past. It has served a good purpose. It is my studied judgment that legislation in this field nudges or pushes us along the road to implementation of the Constitution.

Mr. Speaker, may I now state my personal opinion for what it may be worth.

I voted against the civil rights bill last year because I did not think it would solve the problems. Apparently it did not or we would not have these bills before us today.

I do not think H.R. 6400 will be much more effective. I do not see how I can vote for it.

H.R. 7896, on the other hand, seems to be a possible solution. I can support it, and will vote for it, if I have the opportunity to do so.

I hope this problem will not be approached on a partisan basis, for certainly civil rights and voting rights are not partisan.

Several Members have indicated to me that they feel as I do. H.R. 7896 is a bill that will encourage State compliance, it provides a universal remedy and it is designed to comply in letter and in spirit with the Constitution of the United States. Progress will be made if it becomes law.

Mr. Speaker, I support H.R. 7896. It is the better approach. I reserve the balance of my time, Mr. Speaker, and do have requests for time from other Members.

The SPEAKER. The gentleman from California has consumed 15 minutes.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. SISK].

Mr. SISK. Mr. Speaker, I urge the adoption of this resolution so that the House may proceed to debate what I believe to be one of the most important issues and most far-reaching proposals that this Congress has debated in modern times.

I have asked for this brief moment today to urge my colleagues to be on the floor during this week of debate because it seems to me that within recent years we are drifting in a dangerous direction as it affects the human rights of people at the local and State level. I have supported every civil rights bill that has been proposed to this House during my 11 years here. I expect to support and at least hope to support a good voting rights bill because there is no question in my mind but what there has been discrimination and denial of the right to vote in certain areas of our country.

To the extent that there have been violations of the 15th amendment, I feel the Congress, of necessity, must proceed to try to correct those mistakes.

I would say here today, as I urge you all to be present throughout this debate, that whatever we do on this occasion must be a bipartisan move. The Republicans cannot enact a civil rights bill alone. The Democrats cannot enact a civil rights bill alone. In the final analysis I would hope, as we listen to the debate and as we consider the great issues which will be before us, that we will bear in mind its effect upon every State in this Union.

Certainly, throughout its long history, the Congress has never engaged in discriminatory legislation, in legislation discriminating against an individual, against a State, or against a region.

Today we have a duty to consider very carefully that whatever we do in guaranteeing the voting rights of every American should be done in consideration of the almost 200 million Americans, and that no so-called triggering device and no other provision which we may or may not write into legislation should be a gun pointed at the head of any individual or any section or any State. It should only be pointed at those who have violated the constitutional rights of individuals.

We are faced today with some three different approaches to this question. We have the committee bill, brought out

by the great Committee on the Judiciary, under the able chairmanship of the distinguished gentleman from New York [Mr. CELLER]. We have a substitute which will be offered by the gentleman from Ohio, a distinguished lawyer [Mr. McCULLOCH]. Then we also have the bill passed by the other body. Frankly, there are substantial differences in all three of these bills.

I feel it is imperative that we as Members of Congress study these various approaches and study the amendments which will be offered, in the hope that we may meet the need and make certain that every American can vote at this time, without at the same time destroying a portion of our Constitution.

Members are going to hear a great deal about this being strong medicine, but, after all, when a doctor is treating a patient he has to be careful about the medicine he uses, because the medicine may kill the patient. It seems to me it is terribly important in the consideration of this far-reaching measure, as it affects Federal-State relationships, that we should make certain we are not killing the patient, that we are not building a trap which will destroy us in the final analysis.

Mr. Speaker, in closing I urge that we keep in mind the rights of all Americans as we consider the importance of this legislation, and I hope and trust that the action we finally take will strengthen rather than weaken our great Nation.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of the resolution which makes in order consideration of the bill H.R. 6400 and also consideration of the substitute measure, the Ford-McCulloch bill which I have also introduced in the House.

I wish to congratulate my colleague on the committee, the gentleman from California [Mr. SMITH] for giving us, as he has today, the analysis of this bill and its various titles which I believe is necessary and proper to set the stage for what I hope will be the very kind of debate the gentleman from California [Mr. SISK], who preceded me in the well, I am sure hopes for—a debate that will bring out the strong points of the administration bill and, yes, the weak points too, in order that the Members of this body may in truth and in fact have a choice.

The gentleman from New York, the distinguished chairman of the Committee on the Judiciary, with his usual propensity for apt quotations, alluded in his opening remarks under the rule to some remarks made by Thomas Jefferson, or at least I thought I recognized them as such. It was on the 50th anniversary of the Declaration of Independence and 2 weeks before his death, that Thomas Jefferson, the author of the Declaration of Independence, wrote these words:

All eyes are opened, or opening, to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few booted

and spurred, ready to ride them legitimately, by the grace of God. These are grounds of hope for others. For ourselves, let the annual return of this day—

He was speaking, of course, of the celebration of our Independence Day—

forever refresh our recollections of these rights, and an undiminished devotion to them.

Our mandate today is plain and it is simple. It is for us to remove the last remnants of spurs and saddles from the sides and backs of our fellow man. It is for us to take away the last hurdles that stand between the Negro and first class citizenship. It is for us to see to it that the full letter of the law is not only plainly spelled out in black and white, but that it is carried out in the hearts and minds of men.

We must, like the signers of the Declaration of Independence, pledge "our lives, our fortunes, and our sacred honor" to this unfinished task.

Surely the language of the 15th amendment is clear in section 1 that the right to vote shall not be abridged because of race or color or previous condition of servitude. Section 2 of that same amendment says that Congress shall have the power to enforce this article by appropriate legislation. I think perhaps even the most ardent segregationist in this Chamber today will admit that discriminatory voting practices exist in many places in our country. So the argument today is essentially about the scope of the remedy or, if you will, the method of securing the objective of an electorate whose suffrage is not in any way related to race or color. In short, we in this body are going to be called upon to decide whether the so-called administration bill, H.R. 6400, or the Ford-McCulloch bill is the appropriate way to enforce the clear mandate of the 15th amendment.

I think maybe we should note at least in the first instance that it is the duty and the responsibility of the Congress to make this important determination as to what is or is not appropriate. In that respect, I think the words again spoken by the gentleman from California [Mr. SISK] were very significant in that he appealed to the Members of this Chamber to listen carefully to the debate that will go on in this Chamber for the next few days. For the President of the United States, contrary to what he said when he last appeared before a joint session of Congress on March 15, 1965, to request voting rights legislation, did not send us a law. He sent us, rather, a bill, and it is our responsibility and our prerogative as Members of this body, in concert with Members of the other body, to determine if that bill shall in effect become law.

The administration bill would suspend literacy tests, presumably for at least 5 years, in all those States where on November 1, 1965, last, less than 50 percent of the voting age population was registered or voted. This would under the so-called automatic trigger of the bill immediately suspend literacy tests in 6 Southern States, the State of Alaska, 1 county in Idaho, 1 in Maine, and 1 in Arizona and 34 counties in North Carolina. It should perhaps be noted that there are a total of 21 States that

employ some form of literacy test, so the tests of 14 States would not be affected by the provisions of sections 4, 5, and 6 of the bill, the so-called automatic trigger provisions, because more than 50 percent of the voting population within these States was registered and or did vote at the election held in November 1964.

This formula was attacked vigorously during the approximately 4 days of hearings held in the Committee on Rules as a "phony formula." The majority report argues that one must draw the inescapable conclusion that where less than 50 percent of the voting population was registered or voted last November that the literacy tests were directly responsible. There is reason to believe this represents some oversimplification of the problem. What about the 14 States where there are tests and still more than 50 percent of eligible voters did register or vote? What about the traditional voter apathy in the one-party States where contests are customarily decided in a spring or fall primary, and voters simply see no need to come out in November. What about particular districts where because of a military installation or even a great university with a large floating population perhaps it is difficult to really judge on the basis of local registration laws who is or is not a legal resident and therefore qualified to register and vote.

It should be pointed out that as recently as the Civil Rights Act of 1964 the Congress recognized the validity of non-discriminatory, and the word should surely be underscored, literacy tests for those with less than a sixth-grade education, when in that act we provided for a rebuttable presumption of literacy in the case of those who had completed six grades in any recognized school.

The supporters of the Ford-McCulloch bill which will be offered as a substitute for the administration bill do not disagree that the discriminatory application of literacy tests is in violation of the 15th amendment. Quite to the contrary their bill recognizes that fact explicitly and provides that Federal examiners shall administer such tests in any State or political subdivision where it is ascertained on the basis of 25 or more complaints that a pattern or practice of voter discrimination exists. This in my judgment is attacking the problem of the discriminatory application of literacy requirements with a rifle shot instead of with a blunderbuss as under the administration's bill.

The majority argues that in the recent case of United States against Louisiana, the Supreme Court suspended the operation of a literacy test that had been enacted during the pendency of the litigation even though there was no evidence that this particular test had been used to discriminate. The Court reached its conclusion on the basis that previous tests had been used to discriminate. From this they reason that Congress can lay down a general proscription of literacy tests in the States where less than 50 percent were registered or voted last November. However, it is one thing for a court using its broad equity powers to strike down such an obvious subterfuge as a law enacted during the very

pendency of the litigation and another thing to strike down en masse State laws which have been on the books since 1890—or three-quarters of a century without any prior determination of any kind that such laws have been applied in a discriminatory fashion.

The distinguished chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER], when he appeared before the House Committee of Rules in connection with the 4 days of hearings we held on this legislation, conceded that in the administration measure as modified in his committee the majority was prescribing a harsh remedy. I think we should remind ourselves that not even in the field of civil rights, important as it is, should we substitute harshness for the rule of reason or passion and vindictiveness for law grounded in a decent respect for facts rather than contrived formulas. It is not easy to legislate in this area. Our failures to completely close the door to discrimination in 1957, in 1960, or 1964 make that abundantly clear.

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman has expired.

Mr. SMITH of California. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. ANDERSON of Illinois. Let us not compound these previous failures by writing in this session of this Congress a law which may be open to severe constitutional challenge.

The majority argues that the judicial process is inadequate to deal with the problem. It is somewhat strange to find this assault on the judiciary coming from a quarter where normally it can expect to find defenders. Yet, in a very real sense, when we attempt to legislate away the judicial function of passing on the facts in voting cases, as I think we essentially would do under the formula that would activate the so-called automatic trigger in this bill, then we are really challenging the integrity and the competence of our tripartite system of government to function in this important area of voting rights.

This past weekend our Nation celebrated its 189th birthday. One of the central issues which led to our Declaration of Independence on July 4, 1776, revolved around the belief that all men are equals in the eyes of God, and that they are "endowed by their Creator with certain unalienable rights."

Our forefathers recognized, "that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed." This Nation fought a Revolution to conserve the right to establish a representative form of government. In the words of Samuel Eliot Morison:

The American Revolution was not fought to obtain freedom, but to preserve the liberties that Americans already had as colonials.

When the right of representation was denied, the colonials set about to reestablish this order.

The underlying principles of the Declaration of Independence were not fully realized until nearly 85 years later when another war was fought to insure these

rights for all men. The Civil War, then, was a logical and moral extension of the Revolutionary War, and the Emancipation Proclamation and subsequent amendments were the constitutional fulfillments of the Declaration of Independence.

Although the supreme law of the land in this area was clearly defined a century ago, the problem of compliance and enforcement remains a major domestic crisis today. Although the 15th amendment to the Constitution was finally ratified on March 30, 1870, a large segment of our population is still being denied the right to vote on the basis of race.

The Congress of these United States has recognized the need for appropriate voting rights legislation in years past and has acted three times in the last 8 years to implement constitutional guarantees of the right to vote. But the fact remains that this legislation has not been enough. We are again being called upon to implement the intent of a mandate handed down over 100 years ago, indeed, a mandate that is inherent in the very beginnings of this Nation.

Mr. Speaker, in conclusion, we need voting rights legislation. The record makes that clear. It is also clear that we here in the Congress have the constitutional power to secure for the people their rights under the 15th amendment to the Constitution. Let us strive during these next few days of debate to make sure that the law we finally decide to enact is in fact and in truth appropriate to the need; that it is in fact and in truth appropriate to that end; that it does not sow the seeds of still further circumvention and dispute; that it expresses the proper regard not only for the sacred right of every citizen to vote but maintains a reverence and regard for our whole system of constitutional government and for those doctrines of separation of powers and mutual respect for the coordinate branches of Government that undergird that important document.

Mr. Speaker, I support the adoption of the resolution.

Mr. BOLLING. Mr. Speaker, I yield 10 minutes to the distinguished chairman of the Committee on Rules, the gentleman from Virginia, Judge SMITH.

Mr. SMITH of Virginia. Mr. Speaker, here we are again just a year after we passed the most drastic civil rights bill that has ever been presented to the Congress and which we were assured by its advocates, and particularly by the distinguished gentleman, my friend from New York [Mr. CELLER], was the cure to all the difficulties under civil rights. That bill has not been on the statute books long enough to have had a trial. In fact, there seems to have been little effort to enforce the voting provisions which we were told at that time were adequate for the purpose.

Now, why? Is this a vendetta in order to hold certain minority votes in the grasp of Members of the Congress and the great parties? Or is it an honest effort to correct evils which have existed in the past and which are rapidly fading away, as everybody knows; there is not

any doubt about that. But we must have this vengeance. We must have this vendetta against certain States of the Union. We must have a law that is going to punish a people, a part of our great Nation, for things they have done in the past. Because, under this bill, if there has ever been discrimination, the law applies and, of course, there always has been discrimination in some areas.

When you get to studying this bill—and I wish Members would—I wish they would find out what it is all about; I wish they would read it and study its provisions, and look at its triggers. You have heard a lot of talk about the triggers, that there is a trigger in this, that certain States will have their literacy tests taken away from them if they did not vote 50 percent of their people in the November 1964 elections. Did you ever hear of such a thing in this country before? I have heard of it in Russia and some of those other countries, that people are required to vote.

But this is the first example we have ever had, that a penalty is placed upon those States because of bygone matters that happened long before this bill was ever dreamed of.

Now, Mr. Speaker, why are we doing this? But, speaking of the triggers, you have been told that this is only going to apply to six recalcitrant States, a part of the old Confederacy and all of its people because certain other people have felt necessary to wreak their vengeance for deeds the past 100 years.

However, Mr. Speaker, there are some more triggers in here. Take, for instance—and I regret that my time is brief—one of the last features in the bill, which contrary to legal opinions in the Congress heretofore, proceeds to repeal the poll tax in the States that have poll taxes and to say that no person shall be denied the right to vote because of the requirement of the poll tax. Now, that applies only to six States. But did you know what is in that bill, in that very sentence:

No person shall be denied the right to vote because of the failure to pay a poll tax or any other tax.

Did you know that 17 of your States have long-existing constitutional provisions that in certain cases involving monetary matters, involving bond issues and other various and sundry things, 17 States have laws that will be repealed if you enact this law. Did you know that? You had better be looking at some of your own State laws that are going to be repealed by this provision.

Yes, Mr. Speaker, there are some more triggers in this bill. If you look at it carefully, you will find out what they are. I will not have the time to go into a discussion of them but as the gentleman from California [Mr. SISK] said so eloquently, why should we not stay here and hear this debate and vote conscientiously upon this very important question?

Did you ever hear of such a thing as all literacy tests to be abolished in the States and not restored to the States for 5 years? And, not restored unless you come here to the city of Washington in what is hoped

will be a prejudiced court in order to get your relief?

Now, Mr. Speaker, that is what is in this bill. Let us take just that little fact. You know, it so happens that Alaska did not vote 50 percent of its registered voters in the 1964 election. So Alaska, innocent, poor, distant-away Alaska, must come to the District of Columbia and sue in the courts of the District of Columbia, with hat in hand, not a State, but a suppliant to Federal power, to get her rights restored when probably there never has been any discrimination in that State.

Now, Mr. Speaker, I appeal to the Members of the House upon the ground of just good, plain, ordinary common-sense, because I have not found that pleas to observe our Constitution have been very persuasive in late years.

Mr. Speaker, we all know what has happened to our Constitution. But why do it unnecessarily? You will have the opportunity, and I speak particularly to the people from my section of the country, to pass another bill that will do all of the things legitimately that should be done. We are going to ask you to consider that bill and see what is in it and see how it lacks the vengeance and the dripping venom that falls from every paragraph and every sentence of the committee bill. I think the gentleman from New York [Mr. CELLER] in his opening statement very frankly stated what this is all about.

These people must be punished, we are told. For acts as of today? No, punished for the acts of generations gone by, in open and flagrant violation of the Constitution of the United States.

I wish we could get the Members to stay here and hear this debate. I do not think there has been a quorum present in this Chamber since the debate started on this rule, yet we are going to pass upon the most unconstitutional bill, a bill that most directly and flagrantly ignores the Constitution of the United States, particularly the poll tax section, and other taxing sections. It has been conceded year after year in Congress after Congress that the poll tax could only be repealed by a constitutional amendment. Strange to say, even the Attorney General, who becomes the czar on your States rights and your voting rights under this bill because he has almost unlimited power to investigate, to prosecute, to try, and to convict sovereign States, has admitted this.

I hope you will give this deep thought before you finally vote.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Speaker, I wish to say a word for my good friend and colleague, the gentleman from Ohio, CLARENCE BROWN, who spoke earlier today. I am glad he is back with us. CLARENCE BROWN has contributed as much to the cause of civil rights. It was CLARENCE BROWN, and my good friend, the gentleman from Missouri [Mr. BOLLING] who helped make the voting referee title in order in 1960.

Of course almost everyone here knows the contribution of the gentleman from Ohio, CLARENCE J. BROWN, to the enact-

ment of that historic civil rights legislation of 1964.

Mr. Speaker, of course, I am for voting rights legislation. I am hopeful, and I feel sure, that the House will adopt this resolution. I am for voting rights, because they are guaranteed by the Constitution by reason of the very nature of our Government and by reason of one of the things said by the great Lincoln in his Gettysburg address. I should like to read from that address. President Lincoln there said:

It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this Nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

Mr. Speaker, in a representative republic the qualified citizens of that republic cannot be denied the right to vote if that representative government is to long endure.

The SPEAKER. The time of the gentleman has expired.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, this week the House of Representatives will debate and act upon H.R. 6400, one of the most important matters of legislation to come before this legislative body in many years.

The Rules Committee held extensive hearings on this legislation and has provided sufficient time for Members to learn all available facts about this 29-page bill pertaining to the rights of all American citizens, regardless of race, color, or religion, to vote in elections throughout our land. In this legislation, problems will be presented that are complex and highly involved pertaining to the methods to be applied by Federal law guaranteeing all adult American citizens their franchise.

It has been over 100 years since a great war was fought between the States to abolish human slavery under the American flag. American citizens realize that every man and woman of legal age qualified to exercise the right of his franchise is not free if, through unreasonable restrictions, legal loopholes and other excuses, he cannot participate and enjoy all the rights of a free citizen until he can cast his ballot in local, State, and National elections.

U.S. Presidents, over the generations, have consistently and repeatedly urged legislation to extend voting rights to all American citizens. Presidents Buchanan, Harrison, Wilson, Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and many others have all, in substance, stated that the right to vote in a free American election is the most powerful and precious right in the world and it must not be denied on the grounds of race or color. The right to vote is essential for American citizens, both individually and collectively, to achieve other rights and citizenship under our Constitution.

President Johnson stated in his message to Congress recently, and I quote,

Many of the issues of civil rights are complex and difficult. Every American citizen must have an equal right to vote. There is no reason which can excuse the denial of that right. There is no duty which weighs more heavily on us than the duty to insure that right.

We Members of the House of Representatives for the next few days will devote many hours of debate in the performance of a legislative duty that has been too long delayed, in order to right an injustice that has been done to millions of our American citizens for many generations in the past.

This legislation is complex and I do hope that the Members of the House will exercise every diligence possible to be present on the floor and listen to the discussions and arguments on all sections of this important bill. Chairman CELLER and the members of the Judiciary Committee representing both political parties are to be commended for the long hours, weeks, and months in which their committee has taken testimony and deliberated in executive session to bring this important bill out before the Congress.

This legislation is designed to eliminate illegal barriers, practices in certain localities which deprive many of our citizens the right to vote. It is the intention of this legislation to provide the means and the method to enforce the provisions of the 15th amendment and 14th amendment to the Constitution which prohibits racial discrimination in the voting process.

Over 100 bills dealing with voting rights were considered by the Judiciary Committee over the long weeks of hearings. Testimony was taken from Members of Congress, the Attorney General, committees and commissions on civil rights, State and local officials as well as heads of dozens of organizations who have long been interested in legislation to guarantee freedom of the right to vote throughout the land.

This bill would suspend unreasonable literacy tests and other devices used in denying Negroes the right to vote. It would also provide for Federal examiners by Civil Service Commission to correct injustices when recommended through the office of the Attorney General. It would supervise, through Federal jurisdictions, a fair registration policy where unlawful practices and injustices are done on vote registering against American citizens. This legislation would also prevent the unreasonable assessment of poll taxes upon citizens which in most cases are used as an indirect prohibition of their exercising the right of franchise. In other words, it will give the Attorney General jurisdiction to see that the provisions of the 15th amendment are enforced through courts of this land.

It provides for Federal observance as to the honesty of elections in any political subdivision throughout the Nation and also penalties for intimidating, threatening, or coercing any person for voting or attempting to vote and also criminal penalties are provided for the interfering with the operation of this act.

The bill also provides to make title I of the 1964 Civil Rights Act apply to all elections by repealing any limiting reference therein to Federal elections. In other words, this bill is designed to prevent practices used generally in certain localities of frustrating the 15th amendment by using unfair tactics and devices for the purposes of disfranchising citizens by reason of race, color, or religion.

I think it is highly important that during the next few days the Members familiarize themselves with all angles of this bill in order that the bill does not contain provisions which are unconstitutional. I have implicit confidence in the great Judiciary Committee which is made up exclusively of outstanding lawyers, and that all angles of this legislation have been discussed and considered by that great committee.

I think when complete study is made by all Members of the House, you will find that this bill is set up to make practical application of the purpose and effect of the 15th amendment that the right to vote shall not be denied or abridged by any State of the Nation on account of race, color or nationality. The law is very clear that the Constitution has given a specific grant of power to Congress to adopt any appropriate means in order to see that the provisions in the Constitution are carried out regardless of States or local areas who wish to circumvent the Constitution of the United States on voting rights.

The American people have made great progress in the last 30 years in the field of civil rights and expansion of public opinion in the realm of eliminating ancient prejudices and the isolated feelings of individuals regarding the rights of people from all nations, nationalities and religions. This improvement of human relations and human rights has been evidenced in every State and locality in our Nation during recent years. It will not be many years until the vast majority of the American citizens will look back with ridicule and disdain on some of the embittered practices and prejudices inflicted on fellow-citizens in years past. Enactment of H.R. 6400 will be a great step in promoting unity and cooperation of all nationalities and groups that make the American public. This will be a major aid in solving many of the domestic and international problems facing our Nation in years to come.

I do hope that this bill, H.R. 6400, will be enacted without major changes so as to extend further moral prestige for our Nation to continue in its great progress as leader of the world.

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WILLIAMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that the quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 308, nays 58, not voting 68, as follows:

[Roll No. 167]

YEAS—308

Adair	Farnum	Marsh
Adams	Fascell	Martin, Mass.
Addabbo	Feighan	Martin, Nebr.
Albert	Findley	Mathias
Anderson, Ill.	Fino	Meeds
Anderson,	Flood	Michel
Tenn.	Fogarty	Miller
Annunzio	Foley	Minish
Arends	Ford, Gerald R.	Mink
Ashbrook	Ford,	Minshall
Aspinall	William D.	Mize
Ayres	Fulton, Pa.	Monagan
Baldwin	Fulton, Tenn.	Moore
Barrett	Garmatz	Moorhead
Bates	Glaimo	Morgan
Battin	Gibbons	Morris
Beckworth	Gilbert	Morrison
Belcher	Gilligan	Morse
Bell	Gonzalez	Moss
Bennett	Goodell	Multer
Berry	Grabowski	Murphy, Ill.
Betts	Gray	Murphy, N.Y.
Bingham	Green, Pa.	Natcher
Blatnik	Greigg	Nedzi
Boggs	Grider	Nix
Bolling	Gross	O'Brien
Bolton	Grover	O'Hara, Ill.
Brademas	Gubser	O'Hara, Mich.
Bray	Gurney	O'Konski
Brock	Hall	Olson, Minn.
Brooks	Halleck	Ottinger
Broomfield	Halpern	Patten
Brown, Ohio	Hamilton	Pelly
Broyhill, N.C.	Hanley	Pepper
Broyhill, Va.	Hansen, Idaho	Perkins
Burke	Hansen, Iowa	Pickle
Burton, Calif.	Hansen, Wash.	Pike
Burton, Utah	Harsha	Pirnie
Byrne, Pa.	Harvey, Mich.	Poff
Byrnes, Wis.	Hathaway	Price
Cahill	Hawkins	Pucinski
Callan	Hays	Quie
Cameron	Hechler	Quillen
Carey	Helstoski	Race
Carter	Herlong	Randall
Casey	Hicks	Reid, Ill.
Cederberg	Hollifield	Reid N.Y.
Celler	Horton	Reifel
Chamberlain	Howard	Reinecke
Chelf	Hungate	Reuss
Clancy	Huot	Rhodes, Ariz.
Clark	Hutchinson	Rhodes, Pa.
Clausen,	Irwin	Rivers, Alaska
Don H.	Jacobs	Robison
Clawson, Del.	Jarman	Rodino
Cleveland	Jennings	Rogers, Colo.
Clevenger	Johnson, Calif.	Rogers, Fla.
Cohelan	Johnson, Okla.	Ronan
Collier	Johnson, Pa.	Roncalio
Conable	Karsten	Rooney, N.Y.
Conte	Karth	Rooney, Pa.
Conyers	Kastenmeier	Roosevelt
Cooley	Kee	Rosenthal
Corman	Keith	Rostenkowski
Craley	Kelly	Roudebush
Cramer	King, Calif.	Roush
Culver	King, N.Y.	Rumsfeld
Cunningham	King, Utah	Ryan
Curtin	Kirwan	St Germain
Curtis	Krebs	St. Onge
Daddario	Kunkel	Saylor
Dague	Laird	Scheuer
Daniels	Langen	Schisler
Davis, Wis.	Latta	Schmidhauser
Dawson	Leggett	Schneebeli
de la Garza	Lindsay	Schweiker
Delaney	Lipscomb	Sestret
Denton	Long, Md.	Senner
Derwinski	Love	Shipley
Diggs	McCarthy	Shriver
Dole	McClory	Sickles
Dow	McCulloch	Sisk
Downing	McDade	Skubitz
Dulski	McDowell	Slack
Duncan, Ore.	McEwen	Smith, Calif.
Duncan, Tenn.	McFall	Smith, N.Y.
Dyal	McGrath	Springer
Edmondson	Macdonald	Stafford
Ellsworth	MacGregor	Staggers
Erlenborn	Machen	Stalbaum
Evans, Colo.	Mackie	Stanton
Fallon	Madden	Steed
Farbstein	Mahon	Stratton
Farnsley	Mailliard	Stubbsfield

Sullivan	Udall	Widnall
Sweeney	Ullman	Wilson
Talcott	Van Deerin	Charles H.
Teague, Calif.	Vanik	Wolff
Tenzen	Vigorito	Wyatt
Thompson, N.J.	Vivian	Wylder
Thompson, Wis.	Walker, N. Mex.	Yates
Todd	Watts	Young
Tunney	Whalley	Younger
Tupper	White, Tex.	Zablocki

## NAYS—58

Abbutt	Gathings	Rivers, S.C.
Abernethy	Gettys	Rogers, Tex.
Andrews	Hagan, Ga.	Satterfield
George W.	Haley	Selden
Andrews	Hardy	Sikes
Glenn	Harris	Smith, Va.
Ashmore	Hébert	Stephens
Buchanan	Henderson	Taylor
Burleson	Jones, Ala.	Teague, Tex.
Callaway	Landrum	Trimble
Colmer	Lennon	Tuck
Davis, Ga.	Long, La.	Tuten
Dickinson	McMillan	Waggonner
Dowdy	Martin, Ala.	Walker, Miss.
Edwards, Ala.	Matthews	Watkins
Everett	Mills	Watson
Fisher	O'Neal, Ga.	Whitener
Flynt	Patman	Whitten
Fountain	Poage	Williams
Fuqua	Pool	Willis

## NOT VOTING—68

Andrews, N. Dak.	Green, Oreg.	Murray
Ashley	Griffin	Nelsen
Bandstra	Griffiths	Olsen, Mont.
Baring	Hagen, Calif.	O'Neill, Mass.
Boland	Hanna	Passman
Bonner	Harvey, Ind.	Philbin
Bow	Holland	Powell
Brown, Calif.	Hosmer	Purcell
Cabell	Hull	Redlin
Corbett	Ichord	Resnick
Dent	Joelson	Roberts
Devine	Jonas	Roybal
Dingell	Jones, Mo.	Scott
Donohue	Keogh	Smith, Iowa
Dorn	Kluczynski	Thomas
Dwyer	Kornegay	Thompson, Tex.
Edwards, Calif.	McVicker	Toll
Evins, Tenn.	Mackay	Utt
Fraser	Matsunaga	Weltner
Frelinghuysen	May	White, Idaho
Friedel	Moeller	Wilson, Bob
Gallagher	Morton	Wright
	Mosher	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Passman against.  
 Mr. Dent for, with Mr. Kornegay against.  
 Mr. Purcell for, with Mr. Dorn against.  
 Mr. Dingell for, with Mr. Murray against.  
 Mr. Friedel for, with Mr. Scott against.  
 Mr. Redlin for, with Mr. Bonner against.

Until further notice:

Mr. O'Neill of Massachusetts with Mr. Andrews of North Dakota.  
 Mr. Philbin with Mrs. May.  
 Mr. Donohue with Mr. Utt.  
 Mr. Roybal with Mr. Morton.  
 Mr. Joelson with Mrs. Dwyer.  
 Mr. Kluczynski with Mr. Corbett.  
 Mr. Thomas with Mr. Frelinghuysen.  
 Mr. Hagen of California with Mr. Mosher.  
 Mr. Hanna with Mr. Bow.  
 Mr. Brown of California with Mr. Hosmer.  
 Mr. Edwards of California with Mr. Griffin.  
 Mr. Boland with Mr. Devine.  
 Mr. Ashley with Mr. Nelsen.  
 Mr. Hull with Mr. Harvey of Indiana.  
 Mr. Toll with Mr. Holland.  
 Mr. Cabell with Mr. Baring.  
 Mr. Evins with Mr. Gallagher.  
 Mr. Mackay with Mrs. Green of Oregon.  
 Mr. White of Idaho with Mrs. Griffiths.  
 Mr. Moeller with Mr. Resnick.  
 Mr. Ichord with Mr. McVicker.  
 Mr. Powell with Mr. Smith of Iowa.  
 Mr. Matsunaga with Mr. Olsen of Montana.  
 Mr. Roberts with Mr. Bandstra.  
 Mr. Fraser with Mr. Thompson of Texas.

Mr. Wright with Mr. Weltner.  
 Mr. Jonas with Mr. Bob Wilson.

Mr. DICKINSON changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded. The doors were opened.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6400) to enforce the 15th amendment to the Constitution of the United States.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6400, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York [Mr. CELLER], will be recognized for 5 hours, and the gentleman from Ohio [Mr. McCULLOCH], will be recognized for 5 hours. The Chair recognizes the gentleman from New York.

Mr. CELLER. Mr. Chairman, I yield myself such time as I may consume.

At the outset I wish to state that the gentleman from Virginia [Mr. SMITH], in support of the rule, made the statement that I sought to punish certain States by the pending legislation.

The gentleman from Virginia is a very affable, kind gentleman, but I fear he has misinterpreted my remarks. I never said anything that would remotely suggest that I am out to punish any State. It is not in my nature to punish anybody, much less a State.

My only thought is to get a fair and just law to prevent massive discrimination and to accord all people their rights under the Constitution—the palladium of our liberties.

To that end I support the administration bill, so that we may again hear the voice of Leviticus in this land, which was to the effect:

Proclaim liberty throughout the land to all the inhabitants thereof.

Mr. SMITH of Virginia. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. The gentleman referred to me and to a statement I made.

If this is not a punitive bill and if it is not intended as a matter of damage, why did you pick out this trigger that condemns people because their people did not see fit to vote in a certain election?

Mr. CELLER. I doubt very much whether the import and the impact of the legislation is as characterized in the question of the gentleman from Virginia. We have tried to get the States involved in particular to accord the right of the

Negro to vote, but we have dismally failed with all the voting rights bills we have passed. We have tried everything that was reasonable, everything that was just. These laws involved the judicial process, and, because of legal strategies and cunning subterfuges, very astute lawyers retained by certain States have rendered abortive these decisions of the courts; so that today we must have recourse to administrative remedies as well as judicial remedies. The so-called trigger provision involves administrative action.

We hope that such administrative action will, in common parlance, do the trick. The formula provision under the bill would be applied where you have the following coincidence; namely, the use of literacy tests, with their unfair and unjust application, plus low-voting record figures or low registration figures. There is more than ample evidence in the record before the Committee on the Judiciary of the House and of the Senate, and there is more than ample evidence before the Civil Rights Commission to indicate that where you have the coincidence of the low-voting record or the low-registration record and the literacy tests that you invariably have massive discrimination. That, I tell the gentleman from Virginia, is what is involved in that provision of section 4. There is no attempt to punish anybody. I say, if you want to be excused from the operation of it, give the Negro his vote. That is simple. And if you do not give the Negro his vote, then you have to suffer the pains and the penalties involved in the bill and the sanctions involved in the bill. Otherwise there is no harm that can come to your State or to any other State of the Union.

Mr. SMITH of Virginia. Now, will the gentleman yield briefly again?

Mr. CELLER. Of course, I have not even made my statement, but I will yield to you. I always like to yield to the gentleman from Virginia.

Mr. SMITH of Virginia. But the gentleman mentioned my name. That is the reason why I interrupted. I shall not do so again.

I appreciate the frankness with which the gentleman answered my inquiry, that is to say, I was told that they are too impatient, too impatient to use the courts, as you undertook to do last year. You just have not used them. However, I want to say to you, you are talking about the point that if we do not sin any more, you will not punish us any more, but the report of your Civil Rights Commission has stated that there are no complaints in the State of Virginia for violation of the 15th amendment at this time. That is the report of your own Commission, and yet you put this trigger on Virginia.

Mr. CELLER. I do not like to cast any reflections on the Dominion State of Virginia, but there was evidence before our committee with reference to the very wonderful State from whence the gentleman from Virginia hails. Of course, I can very well see the reason why the gentleman is a little disturbed. It might be well for him, I think, to exercise his inordinate energies and intelligence and wisdom to go back among

his people, and more particularly the legislature of his State, and get them to rectify some of these tests which have been causing so much grief and so much trouble and so much evil and which have resulted in the disenfranchisement of people even in the Dominion State of Virginia.

I read aloud the unmistakable language of the 15th amendment to the Constitution of the United States:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

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

Ninety-five years have passed since its adoption, 95 years which have been replete with efforts, crafty and otherwise, to defeat and circumvent its basic purpose.

The United States is not a despairing country. Let it be noted for the record that side by side with these efforts to circumvent our national charter have been the efforts to end for all time the illegal and artificial barriers to the exercise of voting rights.

I am proud to have been associated with the succession of Federal enactments, beginning in 1957, designed to protect the constitutionally guaranteed right to vote free of racial discrimination. Today is the fourth time in the past 8 years that I have come before this House to make a plea for common justice. This should not have been necessary. Had there not been concerted efforts to, figuratively, erase the 15th amendment from the Constitution, there would not be any need for legislation in this field. But, tragically, law avoidance, not compliance, has been the norm. The Attorney General has described this recalcitrance in telling words:

Our experience in the voting area has been this, that no matter what is decided by courts, no matter what is passed by Congress in this respect, in some States the only way you can get compliance is to litigate. And then that is defended; it is defended up through every court procedure to the Supreme Court, no matter how clear and obvious the points, no matter how many times those same points have been decided, until eventually you get a decree.

Then the decree is examined carefully to see whether there is any way in which a certain practice not expressly prohibited by the decree can be engaged in for the same discriminatory purposes.

When this is done and you go back to court to get the judge to broaden the decree, his capacity and jurisdiction to do that is litigated, then that is taken on appeal and that is taken to the Supreme Court.

When you run out of these things, the legislature enacts a new test and that has to be litigated and appealed and go to the Supreme Court.

Thus, counter efforts by the Congress and the executive under the provisions of the 1957, 1960, and 1964 Civil Rights Acts to eliminate discriminatory voting practices have been shown to be clearly inadequate. Canny and minatory actions have thwarted all honest effort to insure the ballot of the Negro. Although these laws were intended to supply strong and effective remedies, their

enforcement has encountered serious obstacles in various regions of the country. Progress has been painfully slow, in part because of the intransigence of State and local officials and in part because of repeated delays in the judicial process. Judicial relief has had to be gaged not in terms of months—but in terms of years. With reference to the 71 voting rights cases filed to date by the Department of Justice under the 1957, 1960, and 1964 Civil Rights Acts, the Attorney General testified before the House Judiciary Subcommittee that an incredible amount of time has had to be devoted to analyzing voting records—often as much as 6,000 man-hours—in addition to time spent on trial preparation and the almost inevitable appeal.

Can we remain apathetic when typical of numerous counties of the old Confederacy are voter registration statistics such as these?

State and county	Voting age population	Number registered	Percent registered	Percent of total voting age population registered
<b>MISSISSIPPI</b>				
Holmes:				
White	4,773	4,800	100.0	35.6
Nonwhite	8,757	20	0.2	
Tallahatchie:				
White	5,099	4,464	87.5	38.7
Nonwhite	6,483	17	.3	
<b>LOUISIANA</b>				
Tensas:				
White	2,287	2,154	94.2	38.0
Nonwhite	3,533	60	1.7	
<b>ALABAMA</b>				
Dallas:				
White	14,400	9,463	65.7	33.1
Nonwhite	15,115	320	2.1	

<sup>1</sup> Plus.

The figures for Dallas County, Ala., in which Selma is the seat, reflect some 320 Negro registrants out of 15,000 voting age Negroes—and this after 4 years of protracted voting rights litigation by the Department of Justice.

In his statement of March 15, 1965, the President succinctly stated the purpose of this litigation:

Many of the issues of civil rights are very complex and most difficult. But about this there can and should be no argument. Every American citizen must have an equal right to vote. There is no reason which can excuse the denial of that right. There is no duty which weighs more heavily on us than the duty we have to insure that right.

The bill, H.R. 6400, is designed to insure that the right to vote is not burdened or restricted by illegal discriminatory barriers. Hence, the main thrust of the measure is to provide administrative procedures—as well as judicial processes—to permit rapid and extensive registration of persons heretofore denied the right to vote because of their color. Briefly, then, I shall summarize the major provisions of this measure:

This bill would suspend State literacy tests and other devices in certain areas where they have been used to deny Negroes the right to vote. The bill provides

for the appointment of Federal examiners by the Civil Service Commission upon a certification of their need by the Attorney General. The bill would automatically suspend such tests and devices in those States or political subdivisions which, first, maintained such tests on November 1, 1964, and, second, had less than 50 percent of voting age population registered or voting in the presidential election of 1964—section 4.

The appointment of examiners would not be automatic. However, in those areas where the bill suspends literacy tests, upon certification by the Attorney General of their need, such examiners would be appointed. Federal registration envisioned under this bill would apply State law, except insofar as it was suspended—sections 7(b) and 9(b)—and would include enrollment of persons eligible to vote in State, local, and Federal elections—section 6. The bill, as amended, eliminates any requirement that an applicant for registration by a Federal examiner must first have applied to State election officials.

Any State or political subdivision with respect to which determinations have been made as a separate unit causing the suspension of their literacy tests under the bill, can remove itself from the provisions of the bill by obtaining a declaratory judgment in a three-judge court in the District of Columbia that no such test or device had been used during the preceding 5 years for the purpose of denying the right to vote because of race or color—section 4(a)—but no such declaratory judgment shall issue within 5 years after a final judgment that violations of the 15th amendment have occurred.

In order to avoid future State or local circumvention of the policy of the act, the bill provides that no State or political subdivision in which tests are suspended, may enforce any voting practice or standard different from that in effect on November 1, 1964, unless and until a three-judge court in the District of Columbia determines that such change will not violate the 15th amendment. Provided, that, if within 60 days after notifying the Attorney General of such change, he fails to object such new voting standard can be enforced.

On the basis of findings that poll taxes violate the 14th and 15th amendments to the Constitution, the bill abolishes the poll tax in any State or political subdivision where it exists today; that is, Alabama, Mississippi, Texas, and Virginia—section 10.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. WAGGONNER. I thank the gentleman for yielding. I wonder why the gentleman felt in the 87th Congress that it was necessary to follow the amendment process to the Constitution to remove the poll tax from the requirement for voting in Federal elections and now, in the 89th Congress, it is perfectly legal to do it by legislative act?

Mr. CELLER. Yes, I was coauthor with Senator HOLLAND with reference to the banishing of the poll tax in Federal

elections. I was compelled to eliminate State elections from that amendment and in the interest of compromise and in the interest of getting something done, I yielded. I hope that that answers your question. But if you say still that I contradict myself—well and good—I contradict myself. I remember what Walt Whitman said in the "Essay on Myself":

Do I contradict myself?  
Yes, I contradict myself.  
I am large. I contain multitudes.

Mr. WAGGONNER. Will the gentleman yield for one other question?

Mr. CELLER. I yield.

Mr. WAGGONNER. Which time were you wrong? It is impossible to be right both times.

Mr. CELLER. I can say at this time I am right and I will persist in my view that we have the right to banish poll taxes under the second section of the 15th amendment, and section 5 of the 14th amendment as being appropriate legislation.

I remember the 18th amendment. Perhaps others do, also, though they do not seem old enough for that. I am old enough to remember the 18th amendment. I lived through that ignoble experiment. My first campaign was on the basis of opposition to the 18th amendment. I lived through the throes and the difficulties of it.

Congress passed a bill at that time which everybody said was unconstitutional. It provided that the doctors could only prescribe, I believe it was, 30 prescriptions a month of alcoholic beverages. This was an impinging on the medical profession. Doctors were up in arms.

The Supreme Court said no, that that was a proper implementation of the 18th amendment despite the fact that it hurt the doctor's profession.

The Congress went further. Congress passed a bill to provide, under the aegis of the 18th amendment and what was appropriate, that the soft-drink parlors could be closed. How the devil could one close the soft-drink parlors under the 18th amendment, which spoke of hard liquor? But the courts said that it was perfectly proper to close the soft-drink parlors because in certain of these soft-drink parlors those denizens and those who were patronizing the soft-drink parlors were bringing in hard liquor and they were mixing hard liquor with soft drinks, and therefore the soft-drink parlors had to go into limbo.

That shows how far Congress can go under the umbrella of "appropriate."

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. WAGGONNER. I believe the gentleman would be willing to admit, as well, that this also shows how far the Court will go, at times.

Mr. CELLER. The Court follows the precedents and follows that which is reasonable and proper and just. The Court, in construing the Constitution, does not construe something which is immutable, which is written in stone and handed to us from Mount Sinai. No. The Constitution of the United States is

a flexible instrument, good for all times, and it must be applied, like an old saw, to modern instances. The Constitution must apply to life as it exists today as well as to life as it existed when it was first adopted.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield for another question?

Mr. CELLER. I yield.

Mr. WAGGONNER. Supreme Court Justice William O. Douglas authored a book which he entitled "An Almanac of Liberty" and he made the statement:

The privilege—

He did not say "right," but he said—

The privilege of voting is not derived from the United States but is conferred by the State, and save as restrained by the 15th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate.

I suppose the flexibility which the gentleman from New York has so aptly described is the sort of flexibility we are to expect when Mr. Justice Douglas and others reverse their positions. Am I correct? Mr. Justice Douglas will have to be flexible to reverse this position.

Mr. CELLER. No, that is not the interpretation. Chief Justice Marshall in the famous case McCullough against Maryland said:

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

Of course the right derives from the State, but the State cannot put such burdens upon the right to vote as to cause infringement of the Constitution, which is a higher law than the State law. The State has the uttermost freedom, except where it is forbidden to do certain things by the Constitution. If the Constitution restricts the State in certain action, then the State cannot take action under that restriction.

That is what Associate Justice Douglas meant when he phrased the statement the gentleman just read.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield for another question?

Mr. CELLER. The gentleman is so amiable, though I do not agree with him, I always like to yield to him.

Mr. WAGGONNER. I wonder if the gentleman would feel that there is anything discriminatory about the requirement of his own State of New York that Puerto Ricans, whom we apparently are willing to leave outside the scope of this law, must be required to read and to write the English language rather than their mother tongue to be eligible to vote.

In my State we allow those to vote who can read and write in their mother tongue.

Mr. CELLER. There is nothing racially discriminatory in my State in the application of literacy tests as to Puerto Ricans. The test is applied equally, openly, and fairly to everybody. There is no discrimination on the grounds of race in my State, and if there were, I would be the first to inveigh against it. I assure you, sir, there is nothing incon-

sistent there, and it is utterly inconsistent as to what happens in your State and what happens in mine with respect to the question of voting.

Mr. WAGGONNER. I thank the gentleman for yielding. He is always gracious and courteous to do so.

Mr. CELLER. Mr. Speaker, the bill also provides that in any action instituted by the Attorney General to enforce the guarantees of the 15th amendment, the court may authorize the appointment of Federal examiners as provided for in this act, pending, or after final determination of the suit—section 3. In any such case where the court does find that violations of the 15th amendment have occurred, the bill authorizes the court, first, to suspend tests or devices that have been used to deny the right to vote; and, second, to determine the validity of any voting standard or practice different from that which was in force and effect when the suit was instituted.

Under the bill—section 3—the appointment of Federal examiners would be terminated, either by the authorizing court in section 3 cases, or when the Attorney General notifies the Civil Service Commission that all persons listed by the Federal examiners have been listed in the State rolls and that there is no reasonable likelihood that violations of the 15th amendment will reoccur. In addition, a political subdivision may petition the Attorney General for such termination.

In addition, the bill also provides:

First. A challenge and review of any Federal examiner's decision, to a hearing officer appointed by the Civil Service Commission, and then in the Circuit Court of Appeals—section 9.

Second. Civil Service Commission authority to appoint observers or watchers, at the request of the Attorney General, to observe elections in any political subdivision in which a Federal examiner has been appointed—section 8.

Third. Criminal penalties for intimidating, threatening, or coercing any person for voting or attempting to vote, or for urging or aiding any person to vote or to attempt to vote. In addition, criminal penalties are provided for interfering with the operation of the act—sections 11 and 12.

Fourth. Federal District Court authority to enjoin election results in any subdivision where Federal examiners have been appointed, whenever the court determines that persons eligible to vote were not permitted to vote. The court is authorized to provide for the casting and counting of such ballots before the results of any such election may be given final force and effect—section 12(e).

Fifth. The term "vote" is defined to include any action necessary to vote in a primary, special, general election for candidates for public or party office, and propositions submitted to the electorate—section 14(c)(1).

Sixth. The term "political subdivision" is defined to mean any county or parish, except that where registration is not under county supervision, it also includes any other subdivision which conducts registration—section 14(c)(2).

Seventh. Finally, the bill also would make title I of the 1964 Civil Rights Act

apply to all elections, by repealing any limiting reference therein to "Federal elections"—section 15.

#### SUSPENSION OF "TESTS AND DEVICES"

Sections 4, 5, and 6 of the bill, as amended, provide for "automatic" suspension of literacy tests and other devices in certain areas and for appointment of Federal examiners to register applicants to vote in Federal, State, and local elections. Under the bill, the use of specified voting qualifications, defined as "tests and devices," would be suspended in States and subdivisions upon the coincidence of two factors; namely, where (1) such tests or devices were maintained on November 1, 1964, and (2) less than 50 percent of the voting-age population was registered or voted in the presidential election of 1964.

The record before the committee indicates that where these two factors are present there is a nexus between low registration and voting and racial discrimination in the use of such tests. To illustrate, in the presidential election of 1964, although ballots were cast by 62 percent of the national electorate, there were nine States in which fewer than 50 percent voted. Of these nine States, seven maintained literacy tests. In addition, a preliminary survey suggests that there are certain counties in States which maintained literacy tests in November 1964, in which counties fewer than 50 percent voted, although the statewide percentage exceeded 50 percent. From the foregoing, it would appear that the voting qualifications of the following States and political subdivisions would be affected by the bill: The States of Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina, and Virginia; and Apache County, Ariz.; Elmore County, Idaho; Aroostook County, Maine, and 34 counties in the State of North Carolina.

Decisions of the Federal courts and the reports of the U.S. Civil Rights Commission persuasively indicate that many of the States and political subdivisions to which the formula applies have engaged in widespread violations of the 15th amendment over a period of time. A large number of voting discrimination suits have been instituted by the Department of Justice in the States of Alabama, Louisiana, and Mississippi. The number of final judicial determinations of discrimination through abuse of tests and devices; the number of judicial findings of a "pattern or practice" of discrimination, and the fact that no voting discrimination case thus far instituted by the Department has been concluded without a finding of discrimination, lends strong support to the validity of the formula in section 4. Moreover, in the counties in Alabama, Mississippi, and Louisiana where such suits were instituted, a statistical pattern emerges of a substantial nonwhite voting-age population, a high percentage of white registration, a low percentage of nonwhite registration and a low voter turnout in the presidential election in 1964.

Another similarity exists among the six Southern States which appear to be covered by section 4 of the bill. Each has had a general public policy of racial

segregation evidenced by statutes in force and effect in the areas of travel, recreation, education, and hospital facilities. Of the 21 States which maintain a test or device, there are only 2 others besides these 6 which have had a similar policy of racial discrimination reflected by their laws. In one of these, North Carolina, 34 counties are covered by the bill. In the other, Delaware, recent enactments reflect an abandonment of that policy.

In most of the States which maintain tests or devices but in which more than 50 percent of the voting-age population voted in the presidential election of 1964, there are statutes prohibiting racial discrimination. Since these States express, in so many areas, a public policy against racial discrimination, it is certainly reasonable to assume that voting discrimination on account of race does not exist.

It is possible, of course, that there may be areas covered under the formula of section 4 where there has been no racial discrimination violating the 15th amendment. The bill takes account of this possibility by a provision which affords any State or subdivision an opportunity to exempt itself, by obtaining an adjudication that such tests or devices have not been used by it to accomplish substantial discrimination in the preceding 5 years. This opportunity to obtain exemption is afforded only to those States or to those subdivisions as to which the formula has been determined to apply as a separate unit; subdivisions within a State which is covered by the formula are not afforded the opportunity for separate exemption. The Judiciary Committee was of the opinion that to permit each such subdivision to litigate the issue would severely limit the effectiveness of the bill and would impose a continuation of the burdensome county-by-county litigation approach which has been shown to be inadequate. Further, where the discriminatory use of tests and devices is a matter of State policy it is appropriate that suspension of these tests and devices be statewide. It is also noteworthy that no exemption from the provisions of the bill is available to any State or subdivision within 5 years after the entry of a final judicial determination that violations of the 15th amendment, through the use of tests or devices, have occurred within its territory.

It is my strong conviction, and I am sure that most of you will agree, that a period of 5 years is not an unreasonable time in which to initiate the purification of a political atmosphere in those States and counties in which literacy tests and low registration and voting statistics have gone hand in hand.

Certain baseless criticism has been leveled at H.R. 6400. Some have claimed that it represents an ex post facto law; that the bill's formula is discriminatory and unreasonable, and artificially singles out certain States and counties. Opponents also attack those provisions which require States or counties covered by the formula to obtain "clearance" in the Federal court in the District of Columbia for the enforcement of new voting laws and regulations.

#### EX POST FACTO ARGUMENT

This argument is leveled at section 4, the formula that triggers automatic suspension of tests and permits the appointment of Federal examiners upon certification of the Attorney General.

The argument runs this way: You condemn us now for a practice which when used was legal. In effect they say: "Congress now finds and declares that tests and devices plus less than 50 percent of registration or voting of all eligible to vote in 1964 shall be deemed wrong, although in 1964 there was no law against such conditions."

The argument that the provisions in the bill violate the constitutional prohibition against ex post facto laws—article I, section 9, clause 3 of the Constitution—is baseless.

This argument is false in several ways: First, it misconceives the nature of the ex post facto doctrine which has been held to apply only to criminal prosecution—not to civil matters. The essence of the doctrine is that no person shall be punished for the commission of an act that was not punishable when it was committed. As the Court said in *United States v. Association of Citizens Councils of Louisiana* 9 (187 Fed. Supp. 846), arising under the provisions of the Civil Rights Act of 1960:

The defendants rely heavily on the contention that section 301 of the act violates the ex post facto clause of article I, section 9, of the United States Constitution. We find no violation of this clause, since section 301 operates only prospectively and not retrospectively as to any criminal prosecution. It is well settled, of course, that the prohibition against ex post facto legislation applies only to criminal proceedings and not to civil matters such as this. We note that section 302 of the act, covering criminal prosecution for the destruction of records, does not permit punishment for destructions prior to May 6, 1960, the effective date of the act. (At pp. 847, 848.)

To the same effect, *Alabama ex rel. Gallion v. Rogers*, 187 Fed. Supp. 848 affirmed 285 Fed. 2d 430, cert. den. 336 U.S. 913.

In the Civil Rights Act of 1964 Congress similarly made judgment that discrimination in places of public accommodation places a burden on interstate commerce. The Supreme Court upheld this remedial legislation, saying that such a finding could be made by Congress and that findings by Congress would not be questioned as long as they were rational.

Among other measures that premised future regulations upon finding of past fact was the Immigration Act of 1924 which based its quotas on existing populations within the United States.

So, too, the Wagner Labor-Relations Act of 1935 was expressly premised on congressional findings that interference by employers with the right of employees to engage in self-organization had led and intends to lead to major disputes burdening and obstructing commerce. The Congress thereupon outlawed such interference. The constitutionality of this measure was sustained promptly.

It must be borne in mind that discrimination in voting based on race or

color has been prohibited by the Constitution for 95 years. The present bill is but the latest in a series of measures designed to implement the constitutional prohibition in accordance with section 2 of the 15th amendment which gives Congress the power—and therefore the duty—to enforce the amendment by appropriate legislation. It does not mete out retroactive punishment. It does not reach back. It does not mete out punishment of any kind. It merely seeks to assure citizens of the exercise of a right which State and local authorities have failed to secure for them.

#### ARGUMENT THAT THE BILL ITSELF DISCRIMINATES

Although expressed in various ways, these objections essentially challenge the reasonableness of the measure and the choice of a "formula" in section 4. In other words, what is being challenged is the factual basis for the inference by Congress of a nexus between "tests and devices" in certain jurisdictions where the 50-percent formula applies and voting discrimination on account of race or color.

The ultimate constitutional question here is whether H.R. 6400 constitutes "appropriate legislation" within the meaning of section 2 of the 15th amendment. We believe it does.

The relevant constitutional rule as to what "appropriate legislation" shall mean was enunciated by Chief Justice Marshall, speaking for the Court in *McCulloch v. Maryland*, 4 Wheat. 316, 421:

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

Moreover, the Supreme Court has made clear that where there is a "rational basis" for a congressional finding, the finding itself need not be formally embodied in the statute. This was held in *Katzenbach v. McClung*, 379 U.S. 294, 303-305, sustaining the finding of the 88th Congress that racial discrimination by a local restaurant serving out-of-State food adversely affects interstate commerce.

Finally, in the Supreme Court decision on March 8th of this year, in the case of *United States v. Louisiana*, the Court suspended certain literacy tests without evidence that that particular test had been abused, on the basis of evidence that previous tests have been used to discriminate. Basically, that is what Congress will be doing in the present bill, on the basis of overwhelming evidence that where discrimination in voting has occurred, literacy tests have been an effective instrument of such discrimination.

Application of the formula in this bill is not discriminatory—it applies universally. It is not the bill which is discriminatory—rather it is the practices in certain States and counties which bring them within the provisions of the bill. It is not an objection of constitutional standing that the formula chosen by Congress may not reach all areas or all means of discrimination already prohibited by the 15th amendment.

The doctrine of equality of the States defined in *Coyle v. Oklahoma*, 221 U.S.

559 (1911), is not abridged because the bill is operative in some States and not in others. There the Court held that Congress could not constitutionally condition its admission of Oklahoma to the Union upon a prohibition against moving the State capital after admission, and stated that the United States is a Union of States, "equal in power, dignity and authority, each competent to exert the residuum of sovereignty not delegated to the United States by the Constitution itself." *Id.* at 567. Such State sovereignty, however, does not embrace the authority to discriminate racially in voting, and the power to eliminate such discrimination has been specifically delegated to Congress. Legislation drawn to exercise that power is not objectionable because its impact is not felt equally by all the States.

#### COURT CLEARANCE FOR NEW VOTING LAWS

Opposition has also been directed to the requirement that jurisdictions covered by the bill obtain court clearance before enforcing new voting laws and regulations. I have already discussed how law avoidance, and not compliance, has been the norm. Illustrative of the ingenuity and dedication of those determined to circumvent the guarantees of the 15th amendment are the actions taken by the State of Mississippi. Changes in voter qualifications adopted by that State are detailed in the recent decision of the Supreme Court in *United States v. Mississippi*. Barring one discriminatory contrivance often has caused no change in result, only in methods. As the Federal district court wrote in *United States v. Penton*, 212 F. Supp. 193, 201-202 (M.D. Ala. 1962):

In spite of these [two] prior judicial declarations, the evidence in this case makes it clear that the defendant State of Alabama \* \* \* continues in the belief that some contrivance may be successfully adopted and practiced for the purpose of "thwarting equality in the enjoyment of the right to vote by citizens of the United States."

Indeed, it has not been an uncommon practice for some to enact new and more onerous voting requirements to circumvent court orders or Federal legislation in order to continue a policy of voting discrimination or to freeze the racial disparity in the registration of voters created by past violations of the 15th amendment. Section 5 of the bill would eliminate the possibility of such abuses.

Precedent exists for requiring submission of new laws for approval before they are enforced, in the area where State apportionment laws have been declared unconstitutional by the Federal courts. In such cases, the courts have frequently required submission of the new apportionment for approval before it was put into effect.

Moreover, the requirement that certain judicial proceedings under this measure be brought in the District of Columbia, is supported by the precedent of World War II legislation confining the right to challenge the validity of provisions of the Emergency Price Control Act to a single Emergency Court of Appeals located in the District of Columbia.

More significant than specific precedent, however, is that it is established

that the Congress can reasonably conclude that these provisions make the guarantees of the 15th amendment operative; that they are not prohibited by other provisions of the Constitution; and that they constitute "appropriate legislation" within the meaning of the 15th amendment.

In 1870, Congress passed an Enforcement Act. In 1871, Congress made it a Federal crime to prevent citizens from voting by threat or intimidation. A system of Federal supervisors of congressional elections was set up, not unlike provisions in the bill before us. This system was sustained by the Supreme Court.

For a quarter of a century thereafter the former Confederate States systematically and successfully resisted the enforcement of this legislation. By 1894 Congress itself repealed most of the legislation enforcing the 15th amendment.

This was a dreadful mistake. History might have been differently written if this mistake had not been made. Those who forget the mistakes of history will only have to live them all over again.

To make certain that the whites could vote and the Negroes could not, a number of the old Confederate States, beginning in 1895, enacted the so-called grandfather clause. This permitted citizens descended from anyone who had voted on January 1, 1867—when, naturally, no former slave could have voted—to be registered as voters. It mattered not whether they could or could not pass any literacy test. This cruel hoax precluded any Negro from voting.

However, the grandfather clause was properly struck down by the Supreme Court in 1915, but not until dreadful havoc had been wrought. Then, all manner and kinds of laws were devised to exclude Negroes from real elections which were the primaries. They were struck down one by one in the 1940's during and after the Second World War. Nonetheless, the resisting States in the Deep South persisted and continued by various subterfuges, intimidations, violence and boycott to keep the Negro voters down to a slight or token minority.

In 1964, of the voting-age Negroes actually registered there were less than 7 percent in Mississippi; in Alabama, they were less than 20 percent; in Louisiana, they were less than 32 percent. As against this, the eligible whites registered were, for Mississippi, 80.5 percent; for Alabama, 62.2 percent; for Louisiana, 80.2 percent.

It is precisely because of such irresponsible tactics of delay and evasion that we wrote into the voting rights bill provisions under which Federal examiners can be appointed automatically in counties where there is presumptive evidence that Negroes have been unable to vote. Recalcitrant registrars have demonstrated too great an ingenuity at evading court orders, and the courts' ability to police the State registration process has been unequal to the task. The courts have not been able to keep up, and Negroes have not been able to register—any more than the courts, unaided, could enforce the payment of taxes if millions refused to pay them.

In his message to the joint session of the Congress on March 15 of this year, President Johnson eloquently stated the responsibility which must be assumed by those who would oppose this corrective legislation. He said:

To those who seek to avoid action by their National Government in their home communities—who want to and who seek to maintain purely local control over elections—the answer is simple.

Open your polling places to all your people. Allow men and women to register and vote whatever the color of their skin.

Extend the rights of citizenship to every citizen of this land.

There is no constitutional issue here. The command of the Constitution is plain.

Mr. Chairman, I would like to extend my remarks at this point by inserting in the RECORD statements in explanation of various provisions of the bill, which statements consist of my own remarks.

The CHAIRMAN. Without objection, it is so ordered.

Mr. CELLER. Mr. Chairman, the material referred to is as follows:

#### CONSTITUTIONALITY OF THE BILL

This statement is not intended to comment upon or discuss the constitutionality of section 10, the poll tax provision.

There is no constitutional obstacle to the enactment of the bill. Far from impinging on constitutional rights—in purpose and effect—the proposed legislation implements the explicit command of the 15th amendment that “the right to vote shall not be denied or abridged by any State on account of race or color.” And the means chosen to achieve that end are appropriate, indeed, necessary. Nothing more is required.

#### 1. THE POWER OF CONGRESS

The 15th amendment prohibits racial discrimination by any State in the voting process. Section 2 of that amendment grants Congress the power to enforce this mandate by appropriate legislation. The constitutional standard by which the appropriateness of legislation is determined was enunciated by Chief Justice Marshall. Speaking for the Court in *McCullough v. Maryland*, 4 Wheat. 316, 421, he said:

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

The same rule applies to the powers conferred by the prohibitory amendments to the Constitution. In the case of *Ex parte Virginia*, speaking of the three postwar amendments, the Court wrote—100 U.S. at 345–346:

Whatever legislation is appropriate, that is, adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power.

See, also, *Everand's Breweries v. Day*, 265, U.S. 545, 558–559, applying the same standard to the enforcement section of the prohibition—18th—amendment.

And, see *United States v. Raines*, 362 U.S. 17, 25.

#### 2. THE CLAIMED USURPATION OF THE RIGHT OF THE STATES TO FIX QUALIFICATIONS FOR VOTING

The means chosen are not “prohibited” by the Constitution. To be sure, the Constitution, in article I, section 2, and the 17th amendment, implies the right of the States to fix the qualifications for voting in congressional elections.

It is, however, settled that the 15th amendment outlaws voting discrimination and nullifies any voting qualification or procedure inconsistent with its mandate. The restriction of the franchise to whites in the Delaware constitution was a “voting qualification,” that had to bow before the 15th amendment, *Neal v. Delaware*, 103 U.S. 370. So did the grandfather clauses of Oklahoma and Maryland. *Guinn v. United States*, 238 U.S. 347; *Myers v. Anderson*, 238 U.S. 368. Nor are only the most obvious devices reached. As the Court said in *Lane v. Wilson*, 307 U.S. 268, 275:

The amendment nullifies sophisticated as well as simple-minded modes of discrimination.

And, of course, literacy tests and similar requirements enjoy no special immunity. Only recently, the Supreme Court voided one of Louisiana's literacy tests. *Louisiana v. United States*, 380. See, *Davis v. Schnell*, 336 U.S. 933, affirming, 81 F Supp. 872.

In sum, when State power is abused—as it plainly is in the areas affected by the present bill—there is no magic in the words “voting qualifications.” A similar principle of course governs legislative remedies under section 2 of the 15th amendment. That was expressly affirmed in *Lassiter v. Northampton Election Board*, 360 U.S. 45, where the Supreme Court said that “suffrage is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed.” 360 U.S. 51. In suspending voting tests or devices that have been abused, Congress is simply enforcing right expressly guaranteed by the Constitution.

#### 3. THE APPROPRIATENESS OF LEGISLATION

The factual background is always relevant in assessing the constitutional “appropriateness” of legislation. See, e.g., *Chicago Board of Trade v. Olsen*, 262 U.S. 1, 32; *Labor Board v. Jones & Laughlin*, 301 U.S. 1, 43; *Wickard v. Filburn*, 317 U.S. 111, 125–128; *United States v. Gaine*, No. 13, this term, decided March 1, 1965. And the rule applies with equal force in the area of persistent racial discrimination. See, e.g., *Brown v. Board of Education*, 347 U.S. 483; *Eubanks v. Louisiana*, 356 U.S. 584; *Griffin v. School Board*, 377 U.S. 218; *Louisiana v. United States*, No. 67, this term, decided March 8, 1965. Here, however, the concrete context has special importance.

Federal legislation to “enforce” the guarantees of the 14th or 15th amendment is largely corrective. The “appropriateness” of congressional intervention into an area normally regulated

by the States in some measure depends on the need to implement the constitutional right which the State denied.

Here, there can be no doubt about the present need for Federal legislation to correct widespread violations of the 15th amendment. The prevailing conditions in those areas where the bill will operate offer ample justification for congressional action.

#### 4. THE SCOPE OF THE REMEDY

The choice of the means to solve a problem within the legitimate concern of the Congress is largely a legislative question. It does not matter, constitutionally, that the same result might be achieved in some other way. This principle has long been settled and was expressly reaffirmed in the Civil Rights Act cases. See *Atlanta Motel v. United States*, 379 U.S. 241, 261.

There is no problem of overreaching the area of concern. As Mr. Justice Brandeis said for the Court in the *Assigned Car* cases, 274 U.S. 564, 582–583, with respect to a legislative rule promulgated by the Interstate Commerce Commission:

In establishing a rule of general application, it is not a condition of its validity that there be adduced evidence of its appropriateness in respect to every railroad to which it will be applicable. In this connection, the Commission, like other legislators, may reason from the particular to the general.

The settled rule is that a legislative body has power to choose and adopt the most appropriate means for coping with an evil. The Congress may, where it finds it appropriate to enforcement, forbid otherwise lawful and unobjectionable conduct which is sufficiently related to the illegal conduct as to make its prohibition a reasonable measure for preventing the harmful conduct. So here, if Congress finds that forbidding all use of tests and devices is the most effective measure for preventing the continued frustration and evasion of the 15th amendment rights, it may enact such a measure even though it may trench upon theoretically unobjectionable action by a State or subdivision.

The present proposal establishes a presumption upon the determination of certain factors. It does not affect the validity of the bill if the formula which governs initial coverage may sometimes catch the innocent. It is enough if the inference is well founded in common experience. That is the test even when the presumption operates against the defendant in a criminal case. *Lurin v. United States*, 231 U.S. 9, 25–26; *Hawes v. Georgia*, 258 U.S. 1, 4; *Yee Ham v. United States*, 268 U.S. 178, 184; *Casey v. United States*, 276 U.S. 413, 418; *United States v. Gaine*, supra. Plainly, nothing more is required in the premises.

In some instances, indeed, the bill permits an exemption from coverage merely upon the Attorney General's failure to interpose an objection. In other cases, the affected State or subdivision must appear in court to rebut the prima facie case against it. There is ample precedent for that solution. See, e.g., Emergency Price Control Act of 1942, section 203(a), 56 Stat. 23; Civil Rights Act of 1964, section 709(c), 78 Stat. 241,

263, 42 U.S.C.A. 2000a-(c); Interstate Commerce Act, section 204(a)(4a), 49 U.S.C. 304(a)(4a); Securities and Exchange Commission Rule 10 B-8(f), promulgated pursuant to Securities Exchange Act of 1934, 15 U.S.C. 78j(b).

CONSTITUTIONALITY OF SECTION 5—(PROHIBITION ON NEW VOTING QUALIFICATIONS)

The constitutionality of section 5 is clear. Section 5 is simply an extension of the prohibitions of section 4 and is designed to circumvent any attempt to reimpose discriminatory requirements or freeze the present racial disparity in registration created by past violations of the 15th amendment by the imposition of more stringent and onerous voting requirements.

The 15th amendment prohibits the States from racially discriminating in the voting process. Section 2 of that amendment gives to the Congress the power to enforce its prohibition by appropriate legislation. The appropriateness of legislation is determined by the standard as defined by Chief Justice Marshall in *McCulloch v. Maryland*, 4 Wheat. 315, 421:

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

The same rule applies to the powers conferred by prohibitory amendments to the Constitution. Speaking of the three postwar amendments, the Supreme Court wrote (*Ex parte Virginia*, 100 U.S. 339, 345-46):

Whatever legislation is appropriate, that is, adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power.

Thus, Congress may choose and adopt any appropriate means to eliminate racial discrimination in the voting process. Indeed, Congress may, where it finds it appropriate to the enforcement of the 15th amendment, forbid or regulate otherwise lawful and unobjectionable conduct which is sufficiently related to the illegal conduct so as to make its regulation or prohibition a reasonable measure for preventing the harmful conduct. See *Everards Breweries v. Day*, 265 U.S. 545. And so here, if Congress finds that requiring a State or political subdivision with respect to which section 4(b) determinations are in effect to submit any new voting requirement to the Attorney General or the District Court for the District of Columbia for the purpose of determining if it has the purpose or will have the effect of discriminating on account of race or color is an effective measure for preventing their unconstitutional use, it can do so.

CONSTITUTIONALITY OF FEDERAL EXAMINERS

No serious constitutional objection can be raised to the use of Federal examiners. Almost 100 years ago, Congress en-

acted a very similar provision. The act of February 28, 1871—16 Stat. 4313—provided a pervasive system for supervising congressional elections. At any such election held in a town "having upwards of 20,000 inhabitants" upon request by two citizens desiring to have the "registration or election guarded and scrutinized," the court was required to appoint Federal election and registration supervisors who were to be in attendance at "all times and places fixed for registration of voters." The statute charged the supervisors with registering those applicants they deemed qualified, inspection of registration books, poll-watching on election day, challenging voters believed ineligible, counting ballots cast, and certifying the results of elections. Appointment of special deputy marshalls, with the power of arrest, to aid and assist the supervisors, and to prevent fraudulent registration and voting, was also authorized. The constitutionality of this far-reaching statute was upheld by the Supreme Court in *Ex parte Siebold*, 100 U.S. 371. It was subsequently repealed in 1894.

To be sure, the 1871 statute specifically involved only the congressional power to legislate under article I and, thus, to deal with Federal elections, but this does not detract in any way from its applicability as a precedent here. Congress power is no less when it acts pursuant to the broad authority found in section 2 of the 15th amendment. That section gives to Congress the power to enforce by "appropriate legislation" the guarantee of the right to vote without regard to race or color. In explaining what is "appropriate," Chief Justice Marshall said in *McCulloch v. Maryland*, 4 Wheat 315, 421:

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

The fact that Congress implements a prohibitory amendment, rather than a direct grant of constitutional power, makes no difference. The principle is the same. Speaking of the 13th and 14th amendments, the Supreme Court wrote in *Ex parte Virginia*, 100 U.S. 339, 345-346:

Whatever legislation is appropriate, that is, adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power.

The 15th amendment guarantees the right to vote without regard to race or color. The end sought to be achieved by H.R. 6400 is simply the assurance of that right. The means proposed, specifically the use of Federal examiners, are plainly adapted to that end. The history of the denial of the right to vote on account of race or color forcefully attests not only to the appropriateness of the use of Federal examiners, but of the absolute necessity of such personnel.

CONSTITUTIONALITY OF FEDERAL POLL WATCHERS

The constitutional authority for Federal poll watchers cannot be subject to serious dispute. It is well established that the right to vote includes the right to have one's vote counted. See *United States v. Classic*, 313 U.S. 299, 315. To protect the right to an honest count, Federal poll watchers were provided for in the act of February 28, 1871, which established a pervasive system for supervising Federal elections. Federal election and registration supervisors were charged by the statute with a number of duties, among them poll watching on election day, counting ballots cast, and certifying the results of elections. The constitutionality of this far-reaching statute was upheld by the Supreme Court in *Ex parte Siebold*, 100 U.S. 371.

To be sure, the 1871 statute specifically involved only the congressional power to legislate under article I, and, thus, to deal with Federal elections, but this does not in any way detract from the applicability of the precedents here. Congressional power is no less when it is invoked pursuant to the grant of authority found in section 2 of the 15th amendment. That section gives to the Congress the power to enforce by "appropriate legislation" the guarantee of the right to vote without regard to race or color. The appropriateness of legislation is determined by the standard as defined by Chief Justice Marshall in *McCulloch v. Maryland*, 4 Wheat. 315, 421:

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

See also, concerning the 13th and 14th amendments, prohibitory amendment, *Ex parte Virginia*, 100 U.S. 339, 345-46.

THE PRACTICAL EFFECT

Placing poll watchers in the vicinity of the polling place and having them present when votes are counted is not a novel idea. Poll watchers are provided for at almost all elections in order that the legitimate interests of the voters may be safeguarded. For example, under Louisiana law—Revised Statutes 18:556—each political party may have one watcher in a voting precinct who is allowed to enter the polls during the canvass and count of the votes. In Alabama, poll watchers have the right to see all oaths administered and signed, the list of qualified voters, the poll lists, and any and all records made in connection with the election. They also have the right to observe the preliminaries of opening the polls and may remain throughout the election until the results have been posted.

Of course, poll watchers provided for under State law will not do in the specialized situation dealt with by the voting rights bill. Unfortunately, in the areas affected by the bill and particularly where poll watchers are authorized—political subdivisions in which examiners have been appointed—there is little to indicate that either party will

be zealous in protecting the interests of Negro voters.

Federal poll watchers would simply observe and report to the appropriate officials—to the Federal examiners and the Attorney General and, where appointment of examiners is authorized pursuant to section 3(a), to the authorizing court. Observers would not have law-enforcement functions and could not actually interfere with local control of elections. Yet their presence is essential. Their reports, among other things, would be the basis for court actions to achieve the casting or counting of ballots under section 12(e), criminal proceedings under section 12, and other action to secure equal voting rights of all citizens. In sum, they would be a vital cog in making the voting rights bill an effective instrument for enforcing 15th amendment guarantees.

#### THE CONSTITUTIONAL BASIS FOR SECTION 11(b)

The constitutionality of section 11(b) can be sustained on three independent grounds: First, the implied power of Congress to protect the purity of Federal elections; second, Congress grant of authority to legislate the time and manner of holding elections for Representatives and Senators; and third, the 15th amendment's prohibition against racial discrimination in the voting process.

##### 1. THE IMPLIED POWER OF CONGRESS TO PROTECT PURITY OF FEDERAL ELECTIONS

The Supreme Court established in *Ex parte Yarbrough*, 110 U.S. 651 (1884), that Congress has the implied power—wholly distinct from its power under article 1, section 4, to regulate the “manner” of Federal elections—to make it a criminal offense for any person to intimidate another seeking to vote in a Federal election. *Yarbrough* involved intimidation of a Negro voter by private individuals, but the statute under which the defendants were convicted which the Court sustained did not refer to race or color. It prohibited, in general terms, intimidation of voters in Federal—that is, presidential and congressional—elections. Indeed, the Court expressly rejected the argument that the statute must be limited to action by State officials or to conduct somehow related to race or color. And in *Burroughs and Cannon v. United States*, 290 U.S. 534 (1934), the Court relied on *Yarbrough* to sustain Federal Corrupt Practices Act as applied to presidential elections, which are not included within the scope of article 1, section 4. These cases make it perfectly clear that Congress has the implied power to protect the purity of Federal elections and may reach the conduct of private individuals as well as officials.

It seems clear that under this implied power Congress may also reach out to ban intimidation of persons seeking to vote in all elections, State and Federal.

First, in the most important general and primary elections, candidates for Federal and State offices are chosen simultaneously on the same ballot. Where intimidation occurs with respect to voting in such an election, it is totally impracticable to separate the impact of intimidation upon a person's determination to vote for State officials from his

desire to vote for Federal officials. Compare section 101(c) of title I of the Civil Rights Act of 1964, 78 Stat. 241, 242; 42 U.S.C. 1971(f), which makes that title applicable to any election “held solely or in part for the purpose of electing or selecting any candidate for Federal office.” The same principle governs the exercise of congressional power to regulate interstate commerce, which may extend to regulation of purely local transactions as well as where it is impracticable to separate interstate from intrastate transactions. See *Southern Railway v. U.S.*, 222 U.S. 20 (1911); *Thornton v. U.S.*, 271 U.S. 4014 (1926); *Curran v. Wallace*, 306 U.S. 1 (1938).

Second, Congress can prohibit intimidation in purely local elections if such intimidation would deter a substantial number of people from voting in Federal elections. That such would be the effect hardly requires extended demonstration; if Negroes observe that they are threatened when seeking to vote in an election which deals only with State candidates, it is impossible to believe they will not interpret such threat as a warning to refrain from voting in a Federal election. No reasonable person would draw any distinction at all in his mind between Federal and purely local elections. Compare *Everards Breweries v. Day*, 265 U.S. 545 (1924); *Katzenbach v. McClung*, 379 U.S. 294, 302 (1964). If as the *McClung* case and *United States v. Wrightwood Dairy*, 315 U.S. 110, 119 (1942) hold, it is true that under the commerce power Congress may regulate “those activities intrastate which so affect interstate commerce, or the exertion of the power of Congress over it, as to make regulation of them appropriate means to the attainment of a legitimate end,” then it is also true that local election intimidation may be reached as part of the power to regulate Federal elections since such intimidation affects Federal elections.

##### 2. THE 15TH AMENDMENT

The bill primarily is an exercise of the power of Congress to enact “appropriate legislation” to enforce the 15th amendment's ban on racial discrimination in voting. To be sure, this amendment of its own force applies only to State action and, further, only to State action which differentiates on the basis of race or to ostensibly private action taken in the course of carrying out a function for which the State cannot escape responsibility—*Terry v. Adams*, 345 U.S. 461 (1953). But the power of Congress to enact “appropriate legislation” is not limited to the precise scope of the amendment. Congress may, where it finds it appropriate, forbid conduct which, separately considered, may be beyond the amendment's scope but which is sufficiently related to conduct clearly prescribed by the amendment as to make its prohibition a reasonable measure to fully and effectively implement the amendment. In *Everard's Breweries v. Day*, 265 U.S. 545 (1924), the Supreme Court held that Congress, as a step in enforcing the prohibition of traffic in intoxicating liquors as a beverage, has power to forbid doctors from prescribing the use of liquors as bona fide medicine.

And so here, Congress has an ample factual basis for concluding that criminal sanctions against private intimidation of voters, Negro and white, are essential to eradicate the effects of official racial discrimination in voting.

It might also be noted that section 11(b) can also be sustained on 14th amendment grounds. This amendment protects the integrity of the vote from State interference—*Carrington v. Rash*, 380 U.S. 89—but, unlike the 15th amendment, requires no showing of racial discrimination. Of course, the principles which govern the permissible scope of congressional action in implementing the 15th amendment apply with equal force to the 14th. Congress has a duty to enact appropriate legislation where it is necessary to insure the equal protection of the laws. If Congress finds that many State and local law enforcement officials are unwilling to punish or prevent violence in intimidation of voters, it may reach such action by its own appropriate legislation.

##### 3. ARTICLE 1, SECTION 4 AND THE 17TH AMENDMENT

A third basis for sustaining section 11(b) of H.R. 6400 is afforded by article 1, section 4 and the 17th amendment of the Constitution which authorize Congress to legislate the “manner” of holding elections for Senators and Representatives. Article 1, section 4 and the 17th amendment clearly have nothing to do with race or color. Neither is limited to the regulation of public officials, and both reach private action—*United States v. Classic*, 313 U.S. 299 (1941).

It is settled that the language of these constitutional provisions is broad enough to authorize a Federal statute directed against intimidation of voters. See, *Smiley v. Holm*, 285 U.S. 355 (1932), where the Court said:

It cannot be doubted that these comprehensive words embrace authority to provide a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved.

And in *United States v. Munford*, 16 Fed. 223, 228 (C.C.E.D., Va. 1883) the Court said:

There is little regarding an election that is not included in the terms, time, place, and manner of holding it.

As the discussion on the congressional power to protect the purity of Federal elections shows, where there is authority to regulate Federal elections, a correlative power to regulate State and local elections exists where the regulation of the one is necessary to make effective the regulation of the other. This, of course, is true here.

##### CONSTITUTIONALITY OF AMENDMENT OF CIVIL RIGHTS ACTS OF 1957, 1960, AND 1964

Section 15 extends to State and local elections the provisions of title I of the

1964 Civil Rights Act, which first freezes voting qualification standards—unless altered by a new State statute—second, prohibits rejections for immaterial errors; third, requires all literacy tests to be in writing; and fourth, creates a rebuttable presumption, applicable in Federal court proceedings, that any person with a sixth grade education is literate. This extension is clearly constitutional.

Taking the provisions of the 1964 act in inverse order, the rebuttable presumption is merely a rule of evidence applicable in court trials. The test of its validity is its rationality. Compare *Tot v. United States*, 319 U.S. 463. If it is rational with respect to Federal elections, it is also rational with respect to State elections, for the degree of its rationality does not, of course, vary with the kind of election to which it may be applied.

The requirement that all literacy tests must be in writing is intended to facilitate proof that the test was fairly administered and graded. While in 1964 it was intended primarily to facilitate proof of racial manipulation, it also facilitates proof of any kind of arbitrary or capricious mishandling. It is thus easily within the power of Congress, expressly granted by section 5 of the 14th amendment, to enforce the due process clause, which prohibits arbitrary or capricious governmental action and is as applicable to State and local as to Federal elections.

Similarly, it is a plain violation of due process to disfranchise a person for making an immaterial error on an application form, and this, too, is as true with respect to local and State as well as Federal elections. Hence the due process clause and section 5 of the 14th amendment also sustain this extension.

Finally, the provision of the 1964 act freezing voting qualifications absent a general reregistration is sustainable, too, under the 14th amendment. This provision does not prevent a legislature from enacting an entirely new statute altering the qualifications; it merely prevents a local registrar from altering his method of administering the old qualification law. As such, the 1964 act simply means that no local official may first interpret a State law one way, then later the opposite way, so as to subject one class of persons to one requirement while exempting another class. Such conduct by a local registrar would be inherently arbitrary and discriminatory and surely may be proscribed by Congress, by way of enforcing the due process and equal protection clauses of the 14th amendment.

Finally, each extension may be supported under the 15th amendment, for they all make it more difficult to practice racial discrimination in the voting process and thus insure that this will be prevented in all areas, even if at the moment the problem is not as broad as the statute.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, no issue before a legislative body in a representative republic is of greater importance than legislation

which would assure the right of every qualified citizen to vote and to have that vote counted. The right to and privilege of voting is the very cornerstone of our Government. There is no legislative area into which we should move with more firmness, and with more consideration of our Constitution and our Federal system than into the area of Federal regulation of State elections.

The Voting Rights Act of 1965 will be the fourth legislative attempt in 8 years to effectively enforce the 15th amendment to the Constitution, which prohibits any State from denying or abridging the right of citizens to vote on account of race or color.

The civil rights legislation now before the Congress is limited to implementing the right to vote and have that vote honestly counted, tabulated, and recorded. It now reflects our chief concern with legislation in the field of civil rights.

The evidence which compels our attention is spread upon the record of the subcommittee hearings and reports of the Civil Rights Commission, and indeed is found in the press, on the radio, and on the television.

It is unnecessary, at this late date, to dwell on particular examples of the denial of the right to vote on account of race or color. They are known to all who read or see or hear.

I should like to review briefly the portions of the 1957, 1960, and 1964 Civil Rights Acts by which we have attacked this difficult and troublesome problem. The Voting Rights Act of 1965 is bound to be historic legislation. Therefore, it will serve a useful purpose to keep in view what we have done in the past, as we select the means to do that which is now so badly needed, and which for so long has been left undone. It will also serve a useful purpose to consider why we are required to act again to implement the 15th amendment to the Constitution, so soon after the effective date of the Civil Rights Act of 1964.

The Civil Rights Act of 1957, the first civil rights legislation enacted since Reconstruction days, which followed, in part, the recommendations of President Eisenhower, authorized the Attorney General to institute civil actions in the district courts for injunctive relief from denials of the right to vote on account of race or color. Similar relief was also granted against intimidation, threats, or coercion for the purpose of interfering with the right to vote in elections which are wholly or in part Federal elections. In addition, the Civil Rights Commission was created and given the authority to investigate and report on voter discrimination.

The act of 1960 added two principal provisions designed to speed suits to final decision, which sought to end voter discrimination on account of race or color. The first provided that election officers were to retain and preserve all voting records for inspection and copying by the Attorney General, or his representative. The second provided that if in any proceeding instituted under the 1957 act the Court found a pattern or practice of voter discrimination, those

persons who are later denied registration by State registrars may apply to a Federal court or a voting referee for a certificate of eligibility to vote. A certificate is issued to an applicant if he is qualified to vote under State law, such qualifications being limited to those not more stringent than those applied to persons found qualified to register or vote by State officials.

Finally, title I of the Civil Rights Act of 1964 prohibited State registration or voting practices, for or in Federal elections which applied any voting qualifications or tests different from those applied to others in the same county which rejected applicants for immaterial errors or omissions in their registration forms, or which required literacy tests—unless they were in writing. A sixth grade education established a presumption of literacy to vote in any Federal election. The act provided that hearing and determination of voter discrimination suits should be in every way expedited.

The laws I have discussed were designed to provide an adequate judicial remedy to cope with the problem of voter discrimination. This was the traditional approach to the solution of a problem of Federal regulation of an area primarily of State responsibility and power. It provided for judicial assessment of the charges of discrimination and applied a judicial remedy, which might include imposition of Federal registration machinery.

The story of the enforcement of all such laws has followed the pattern of development of any judicial remedy. Final decisions must be handed down to provide the guidelines by which the facts and the law are determined. It is regrettable to report that final decisions have been so long delayed that voting rights justice has been denied to almost all nonwhite citizens in certain sections of our country.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Forty-eight Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Rollcall No. 168]

Andrews, N. Dak.	Green, Oreg.	Olsen, Mont.
Ashley	Griffin	O'Neill, Mass.
Bandstra	Hanna	Passman
Boland	Hansen, Wash.	Philbin
Bonner	Harsha	Pool
Bow	Harvey, Ind.	Powell
Cabell	Holland	Pucinski
Corbett	Hosmer	Purcell
Daddario	Ichord	Redlin
Dent	Joelson	Roberts
Devine	Jonas	Roybal
Dingell	Jones, Mo.	Scott
Donohue	Keogh	Smith, Calif.
Dorn	Kluczynski	Smith, Iowa
Duncan, Oreg.	McDowell	Thomas
Dwyer	McVicker	Thompson, Tex.
Edwards, Calif.	Mackay	Toll
Evins, Tenn.	Matsunaga	Utt
Fraser	May	Weltner
Frelinghuysen	Moeller	White, Idaho
Friedel	Morrison	Wilson, Bob
Gallagher	Morton	Wilson,
Gialmo	Mosher	Charles H.
	Nelsen	Wright

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Commit-

tee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 6400, and finding itself without a quorum, he had directed the roll to be called, when 363 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. McCULLOCH. Mr. Chairman, the atmosphere of the adversary system does not necessarily lend itself to speedy and harmonious resolution of problems which have their seat deep in the hearts and minds of men. The judicial remedy takes time; it sometimes demands delay; and it calls for great resources of manpower to successfully prosecute a case which may affect only a limited area. Those whose rights are being denied and have so long been denied, are justifiably impatient.

If the observation that "justice delayed is justice denied" is true in general, it is doubly true in a suit to enforce the voting rights of a qualified citizen. It is an empty legal victory, indeed, to have one's voting rights vindicated after the election has come and gone. The frustration and disillusionment which is the aftermath of such procedure can be comprehended by few, if any of us, who never have been confronted by such results.

This brief history demonstrates the need for legislation providing a quick and positive administrative remedy, to end the denial of the right to vote by qualified citizens on account of race or color. It is a need for law which is direct and uncomplicated; for law in accordance with the Constitution, and adequate unto the needs of our changing times.

The Voting Rights Act of 1965 should be so accurately directed at and designed to reach the heart of the problem that this act will retain its validity in future years regardless of the manner by which any attempt is made to deny or abridge the right to vote on account of race or color.

I am firmly committed to this new remedy so that Federal examiners may be assigned to areas of discrimination by administrative decision rather than by judicial decree. I am of the opinion that, in some areas of our country, executive appointment and assignment of Federal examiners is essential to meet the needs of our times. Judicial review must ever be freely authorized, but as a check on administrative action, not as a predicate to assurance of relief.

Those who now favor enactment of such new legislation favor reversal of the pattern by which scattered, and oftentimes long delayed, relief is presently afforded. But the expectations of many of us for fair and sound implementation of this basic principle were frustrated by the initial administration bill, and our hopes and expectations continued unfulfilled throughout the committee action. Accordingly, H.R. 7896, the Ford-McCulloch bill, was introduced to provide a better solution to the problem. In urging its adoption, I shall speak to its major provisions.

The Ford-McCulloch bill is a bill of uniform nationwide application, a bill that directs its remedy at 15th amendment discrimination wherever found. It is a bill which is nondiscriminatory in its approach and application to the problems it is designed to solve. It is a bill completely comprehensive in scope yet uncomplicated and flexible in operation. Its provisions are understandable to the citizens whose rights it assures, unmistakable to those whose conduct it proscribes, and in the opinion of most able lawyers clearly in accordance with the Constitution.

It is a bill which honors the rights of the States to fix and enforce nondiscriminatory voter qualifications. It enlists and encourages good faith compliance with its terms by those it affects. It is a bill which addresses itself to the present and looks to the future. Without penalizing areas which have done no wrong, it applies firm, considered standards to meet the critical requirements of the present situation, standards that will continue in their validity for future times when massive discrimination has ended. It is a bill of constitutional integrity, in the finest tradition of sound, responsive, and responsible legislation.

The Ford-McCulloch bill has a single, simple trigger, whereby citizens in a voting district who have been denied the right to register and vote on account of race or color may invoke the Federal remedy to remove the practices and patterns of discrimination by which their right to vote is denied. Upon receipt of 25 or more meritorious complaints, from a voting district—defined in the bill as a county or parish—the Attorney General directs the appointment of an examiner. If that examiner determines that 25 or more persons have been denied the right to register or vote on account of race or color, a pattern or practice is presumed to exist in that voting district.

The examiner then is authorized to examine and list other applicants who assert they cannot freely register with State authorities. Thus, the chief remedy of the bill, the provision for Federal registration machinery, is directed at demonstrated discrimination at the voting district level. Federal protection of the right to vote can be rapidly and effectively brought to bear anywhere in the 50 States that voter discrimination on account of race or color presently exists.

Mr. Chairman, this is an important provision. How can we say our disfranchised citizens of one area in the United States are less entitled to a quick, efficient remedy than those in another? The administration-Celler bill undertakes to do this by limiting the application of its administrative remedy to seven States. A recent newspaper editorial had this to say on the subject, "A voting rights bill should admit the truth, that discrimination has no home locality."

Once the Ford-McCulloch bill is triggered, it immediately provides examiners to register qualified voters. It does not, however, replace State machinery. Every person applying to a Federal examiner must have first attempted State registration, or entertained a good-faith belief

that to do so would have jeopardized him or his family, physically or economically.

Thus, as soon as a State has mended its ways, as soon as discrimination by State registrars has ended, State and local election officials resume their full authority and Federal examiners are forthwith discharged of their duties.

A provision in the Ford-McCulloch bill requires examiners to be residents of the State in which lies the voting district for which they are appointed. My colleagues, that is so important that I wish to repeat that statement: A provision in the Ford-McCulloch bill requires examiners to be residents of the State in which lies the voting district for which they are appointed. That provision in the Ford-McCulloch bill had and has its inception in the debates leading up to the establishment of the Constitution of the United States. Under the Ford-McCulloch bill there will be no carpetbaggers from faraway places to perform these important duties in strange surroundings.

The Ford-McCulloch bill respects State interest in literacy qualifications, and recognizes the constitutional rights of a State to enact and maintain its own nondiscriminatory voting qualification laws. Literacy requirements are waived for those citizens who have a sixth-grade education. Tests and devices are waived, such as voucher requirements and necessity to show good moral character on bases unrelated to the commission of a felony.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. McCULLOCH. Mr. Chairman, I yield myself 5 additional minutes.

The CHAIRMAN. The gentleman is recognized for 5 additional minutes.

Mr. McCULLOCH. By the way, my colleagues, I wonder if you know that those of us who were here in 1957 voted for a bill which provides, in effect, that no one is competent to serve as a grand or petit juror in a Federal court unless he is able to read, write, speak, and understand the English language. And, my colleagues, did you know that no person can be naturalized who cannot demonstrate an understanding of the English language, including an ability to read, write, and speak the English language, or who does not have a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States?

I should like to pause for a moment on the subject of literacy tests. In the State of Ohio we have no such formal tests. I would not think much comment on the merits of literacy tests is important to this debate, though I note in passing that there is literacy requirement—as there is an English language requirement—prerequisite to naturalized citizenship.

What is important to this debate is that the people of the State have a right to set nondiscriminatory literacy qualifications, if they so desire. Accordingly, the Ford-McCulloch bill immediately and safely removes substantial danger of abuse from any and all literacy

tests wherever they are found. It retains the developed procedures and follows the traditional principle that judicial mediation should be interposed between Federal power and State law wherever outright nullification of a State law is required. This is traditional, flexible, and fair.

And I should like to remind my colleagues who were here in 1964 for that epochal civil rights battle which gave the country an omnibus civil rights bill, that was wholly unexpected in its coverage, has a provision that a sixth-grade education is a presumption of literacy.

Under the Ford-McCulloch bill, the Attorney General would have ample manpower to assure rapid preparation of additional suits to those now pending which are aimed at rectifying statewide literacy tests abuses in certain States of the land.

Under the Ford-McCulloch bill, a qualified registrant is allowed to vote if a list of eligible voters containing his name has been served upon the appropriate State election officials at least 45 days prior to an election and if he has not been challenged. A challenge to the listing of a voter must be filed within 10 days after the service of the eligibility list upon the election officials and is to be determined by a hearing officer within 7 days thereafter. A petition for review of his determination may be filed in the applicable circuit court of appeals within 15 days after service of his decision upon the person petitioning.

Up to this point in the challenge procedure, the Ford-McCulloch and H.R. 6400 are basically the same. Here, however, a sharp divergence occurs. In the Ford-McCulloch bill, if a challenge to the eligibility of a listed voter is still pending at the time of the election, such listed voter is allowed to vote. But he votes provisionally, with his ballot impounded until the issue of his eligibility is finally resolved.

The committee-Celler bill has no such safeguard. Under the Celler bill the vote is given to all who have been listed by the Federal examiners and their votes are counted. Incredible as it may be, election results may be certified, despite the fact that challenges to their listing, which are unresolved at the time of the election, could later result in a finding that such vote was illegal.

In enforcing the 15th amendment, is it not our purpose to assure the integrity of the elective process by assuring a vote to each qualified citizen? To count challenged votes and certify the election of officials with votes which may later prove to have been illegally cast is appalling. Certainly an end to voter discrimination need not be bought at the bitter cost of corruption of the vote itself.

To knowingly enact a law which could mean the election of any official, a town clerk or the President of the United States, who has not received the largest number of legal votes is, to me, unthinkable. The chaos, anger, and possible social upheaval that would occur after a close election, where the change of a few votes could have reversed the final election results would destroy the process we

are seeking to preserve. Therein lie the seeds of possible revolution.

Where Federal law creates such serious problems in State affairs, that same law—where it can so easily be done—should provide a solution to the problems.

The Ford-McCulloch bill also covers other illegal voting practices. Federal jurisdiction is extended to the investigation and redress of corrupt practices in elections, wholly or part, for Federal officials. These corrupt practices range from threatening and coercing registered voters, through stuffing ballot boxes, tombstone voting, and the purchasing of votes. The most ironclad assurance of the right to vote will be meaningless if the effect of the vote once cast can be nullified by corrupt means. History teaches that widespread corruption was the means used to disfranchise the Negro before the present restrictive registration practices were adopted. We hope—and we foresee—that the Congress will enact these measures, now, to preclude repetition of past instances of instances of voting frauds, and to foreclose these means of withholding the right to an effective voice in government.

There are several other features demonstrative of the simplicity and direct effectiveness of the Ford-McCulloch bill. A single expeditious procedure is provided to enable review of both the application of Federal registration machinery to a voting district and the qualifications of voters listed under the law by Federal examiners. A hearing officer is appointed to review the examiner's findings, both as to individual qualifications and the finding of a pattern or practice of discrimination. Appeal from the hearing officer lies directly to the circuit court of appeals.

There is not, and there need not be, in the Ford-McCulloch bill, any counterpart of the requirement in H.R. 6400 that a State or political subdivision must come to the Federal Court in the District of Columbia to have validated a law or resolution or ordinance of a sovereign State or a political subdivision thereof.

I address this question to the lawyer Members of this Committee. Can you point to any Federal law which requires a sovereign State or a political subdivision thereof to come to Washington to have its law or ordinance or resolution validated? There have been some authorities cited to support that kind of legislation but when the facts are examined they are not on all fours. There is simply no precedent for such a procedure. None of the authorities cited justify the claim and our careful search of many other statutes reveals none. I submit it is as dangerous a precedent as could be enacted into law, and could well be the beginning of the complete breakdown of our Federal system.

The controversy over the issue of poll taxes does not involve the question of being in favor of or opposed to the poll tax itself. I certainly do not favor placing a price tag on the right to vote. The real issue is whether or not a statutory ban on poll taxes is consistent with the Constitution. Certainly, its constitutional

validity, which has been questioned by the Attorney General time and again, as well as the practical results of such a statute, makes the propriety of such an approach extremely doubtful. The Ford-McCulloch bill avoids these problems by providing quick and effective court relief from poll taxes which have the purpose or effect of denying or abridging the right to vote on account of race or color.

Mr. Chairman, the conclusion to be drawn from comparison of the two bills is clear: the Ford-McCulloch bill is a measure that can immediately and effectively promote the ends we seek in any political subdivision where voter discrimination may be found. It can assure relief now and in the future with firmness, uniformity, and fairness to all the people, providing a single standard applicable to all of the 50 States. And upon inspection by future generations it will reflect upon us as wise lawyers who in the finest tradition of the Congress of the United States, in answer to a pressing, present need, met the problem with conviction, with speed, and with vision to see beyond the confines of our times.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I am glad to yield to my colleague on the committee.

Mr. ROGERS of Colorado. I thank the gentleman. As the gentleman has indicated, no doubt he is going to offer the Ford-McCulloch substitute for H.R. 6400.

Mr. McCULLOCH. I do.

Mr. ROGERS of Colorado. Yes. The bill makes the finding:

SEC. 3. (a) Congress hereby finds that large numbers of United States citizens have been and are being denied the right to register or to vote in various States on account of race or color in violation of the fifteenth amendment.

Mr. McCULLOCH. Yes.

Mr. ROGERS of Colorado. That is a finding your side made, and which we find here.

Mr. McCULLOCH. That is correct.

Mr. ROGERS of Colorado. We agree upon that. The difference between us, then, starts under the administration bill when we say that a test or device has been used to deprive a person of the right to vote because of color. You say that is not right, but that you would under your bill provide that Congress further finds that a person with a sixth grade education possesses reasonable literacy.

Mr. McCULLOCH. That is right. That was in accordance with the determination in 1964.

Now I should like to answer the first question the gentleman asked me.

We made a finding that in certain States of the Union the poll tax was used to discriminate by reason of race or color. We did not find that in every State of the Union such was the case.

Furthermore, the administration bill which came out of the committee not only proscribes and nullifies poll taxes but also proscribes and nullifies any other taxes that may be used as a condition precedent to voting.

Mr. ROGERS of Colorado. I was not talking about poll taxes; I was talking about literacy.

Mr. McCULLOCH. I understood the question was propounded to me on the poll taxes.

Mr. ROGERS of Colorado. I have not gotten to that point, but I would be happy to do so, if the gentleman will take a little more time.

Mr. McCULLOCH. I will give the gentleman all time necessary to propound his question.

Mr. ROGERS of Colorado. What I am trying to do is to show the difference between the gentleman's proposal and the administration's proposal.

We agreed that there have been people who have been deprived of the right to vote because of race or color. That is set forth in the gentleman's proposal. In this bill we say if that is true then we are going to suspend any tax that has resulted in people being denied the right to vote. In the gentleman's bill it is said that we would not suspend, but that if a person has a sixth-grade education the presumption is he is literate enough to vote.

The copy of the bill H.R. 7896 follows:

#### H.R. 7896

A bill to guarantee the right to vote under the fifteenth amendment to the Constitution of the United States

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Voting Rights Act of 1965".*

#### DEFINITIONS

SEC. 2. (a) The phrase "literacy test" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, or (2) demonstrate an educational achievement or knowledge of any particular subject.

(b) A person is "denied or deprived of the right to register or to vote" if he is (1) not provided by persons acting under color of law with an opportunity to register to vote or to qualify to vote within two weekdays after making a good-faith attempt to do so, (2) found not qualified to vote by any person acting under color of law, or (3) not notified by any person acting under color of law of the results of his application within seven days after making application therefor.

(c) The term "election" shall mean any general, special, or primary election held in any voting district solely or in part for the purpose of electing or selecting any candidate to public office or of deciding a proposition or issue of public law.

(d) The term "voting district" shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(e) The term "vote" shall have the same meaning as in section 2004 of the Revised Statutes (42 U.S.C. 1971(e)).

#### FINDINGS

SEC. 3. (a) Congress hereby finds that large numbers of United States citizens have been and are being denied the right to register or to vote in various States on account of race or color in violation of the 15th amendment.

(b) Congress further finds that literacy tests have been and are being used in various States and political subdivisions as a means of discrimination on account of race

or color. Congress further finds that persons with a sixth-grade education possess reasonable literacy, comprehension, and intelligence and that, in fact, persons possessing such educational achievement have been and are being denied or deprived of the right to register or to vote for failure to satisfy literacy test requirements solely or primarily because of discrimination on account of race or color.

(c) Congress further finds that the prerequisites for voting or registration for voting (1) that a person possess good moral character unrelated to the commission of a felony, or (2) that a person prove qualifications by the voucher of registered voters or members of any other class, have been and are being used as a means of discrimination on account of race or color.

(d) Congress further finds in any voting district where twenty-five or more persons have been denied or deprived of the right to register or to vote on account of race or color and who are qualified to register and vote, there exists in such district a pattern or practice of denial of the right to register or to vote on account of race or color in violation of the fifteenth amendment.

#### APPOINTMENT OF EXAMINERS; PRESUMPTION OF PATTERN OR PRACTICE

SEC. 4. (a) Whenever the Attorney General certifies to the Civil Service Commission (1) that he has received complaints in writing from twenty-five or more residents of a voting district each alleging that (i) the complainant can satisfy the voting qualifications of the voting district, and (ii) the complainant has been denied or deprived of the right to register or to vote on account of race or color within ninety days prior to the filing of his complaint, and (2) that the Attorney General believes such complaints to be meritorious, the Civil Service Commission shall promptly appoint an examiner for such voting district who shall be responsible to the Commission.

(b) A certification by the Attorney General shall be final and effective upon publication in the Federal Register.

(c) The examiner shall examine each person who has filed a complaint certified by the Attorney General to determine whether he was denied or deprived of the right to register or to vote within ninety days prior to the filing of such complaint, and whether he is qualified to vote under State law. A person's statement under oath shall be prima facie evidence as to his age, residence, and prior efforts to register or otherwise qualify to vote. In determining whether a person is qualified to vote under State law, the examiner shall disregard (1) any literacy test if such person has not been adjudged an incompetent and has completed the sixth grade of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico, or (2) any requirement that such person, as a prerequisite for voting or registration for voting (i) possess good moral character unrelated to the commission of a felony, or (ii) prove his qualifications by the voucher of registered voters or members of any other class. If applicable State law requires a literacy test, those persons possessing less than a sixth-grade education shall be administered such test only in writing and the answers to such test shall be included in the examiner's report.

(d) If the examiner finds that twenty-five or more of those persons within the voting district, who have filed complaints certified by the Attorney General have been denied the right to register or to vote and are qualified to vote under State law, he shall promptly place them on a list of eligible voters, and shall certify and serve such list upon the offices of the appropriate election officials, the Attorney General, and the attorney general of the State, together with a re-

port of his findings as to those persons whom he has found qualified to vote. Service shall be as prescribed by rule 5(b) of the Federal Rules of Civil Procedure. The provisions of section 8(d) and 8(e) shall then apply to persons placed on a list of eligible voters.

(e) A finding by the examiner under subsection (d) shall create a presumption of a pattern or practice of denial of the right to register or to vote on account of race or color.

#### CHALLENGES

SEC. 5. (a) A challenge to the factual findings of the examiner, contained in the examiner's report, may be made by the attorney general of the State or by any other person upon whom has been served a certified list and report of persons found qualified to vote, as provided in section 4(d). Such challenge shall be made by service upon the attorney general and upon the Civil Service Commission as prescribed by rule 5(b) of the Federal Rules of Civil Procedure. Such challenge shall be entertained only (1) if made within ten days after service of the list of eligible voters as provided in section 4(d), and (2) if supported by the affidavit of at least two persons having personal knowledge of the facts constituting grounds for the challenge.

(b) Upon service of a challenge the Civil Service Commission shall promptly appoint a hearing officer who shall be responsible to the Commission, or promptly designate a hearing officer already appointed, to hear and determine such challenge. A challenge shall be determined within seven days after it has been made. A person's fulfillment of literacy test requirements, if not disregarded by the examiner as provided for in section 4(c), shall be reviewed solely on the basis of the written answers included in the examiner's report required by sections 4(c) and 4(d).

#### ESTABLISHMENT OF A PATTERN OR PRACTICE

SEC. 6. A pattern or practice of denial of the right to register or to vote on account of race or color is established (a) if a challenge to a finding under section 4(d) has not been made within ten days after service of the list of eligible voters on the appropriate State election officials and the attorney general of the State, or (b) upon a determination by a hearing officer that twenty-five or more of those persons within the voting district, who have been placed on the list of eligible voters by the examiners, have been denied or deprived of the right to register or to vote and are qualified to register and to vote. The listing of additional persons prescribed in section 8 shall not be stayed pending judicial review of the decision of a hearing officer.

#### JUDICIAL REVIEW

SEC. 7. A petition for review of the decision of a hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review, but no decision of a hearing officer shall be overturned unless clearly erroneous.

#### LISTING OF PERSONS FOUND ELIGIBLE

SEC. 8. (a) Upon establishment of a pattern or practice, as provided in section 6, the Civil Service Commission shall appoint such additional examiners for the voting district as may be necessary who shall determine whether persons within the voting district are qualified to register and to vote. In determining whether such persons are so qualified the examiners shall apply the same procedures and be subject to the same conditions imposed upon the initial examiner under section 4(c), except that a person appearing before such examiner need not have first attempted to apply to a State or local registration official if he states, under oath, that in his belief to have done so would

have been futile or would have jeopardized the personal safety, employment, or economic standing of himself, his family, or his property. Such examiner shall in the same manner as provided in section 4(d), certify and serve lists of eligible voters and any supplements as appropriate at the end of each month, upon the appropriate election officials, the Attorney General, and the attorney general of the State, together with reports of his findings as to those persons listed.

(b) Challenges to the findings of the examiners shall be made in the manner and under the same conditions as are provided in section 5.

(c) The Civil Service Commission shall appoint and make available additional hearing officers within the voting district as may be necessary to hear and determine the challenges under this section.

(d) Any person who has been placed on a list of eligible voters shall be entitled and allowed to vote in any election held within the voting district unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with section 10. If challenged, such person shall be entitled and allowed to vote provisionally with appropriate provision being made for the impounding of their ballots, pending final determination of their status by the hearing officer and by the court.

(e) Examiners shall issue to each person placed on a list of eligible voters a certificate evidencing his eligibility to vote.

(f) No person shall be entitled to vote in any election by virtue of the provisions of this Act unless his name shall have been certified and transmitted on such list to the offices of the appropriate election officials at least forty-five days prior to such election.

#### APPLICATION AND PROCEDURE

SEC. 9. (a) Consistent with State law and the provisions of this Act, persons appearing before an examiner shall make application in such form as the Civil Service Commission may require. Also consistent with State law and the provisions of this Act, the times, places, and procedures for application and listing pursuant to this Act and removals from eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission. The Commission shall, after consultation with the Attorney General, instruct examiners concerning the qualifications required for listing.

(b) Notwithstanding time limitations as may be established under State or local law, examiners shall make themselves available every weekday in order to determine whether persons are qualified to vote.

(c) Times, places, and procedures for hearing and determination of challenges under sections 5 and 8(b) shall be prescribed by regulation promulgated by the Civil Service Commission, provided that hearing officers shall hear challenges in the voting district of the listed persons challenged.

#### REMOVAL FROM VOTER LISTS

SEC. 10. Any person whose name appears on a list, as provided in this Act, shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list. A person whose name appears on such a list shall be removed therefrom by an examiner if (1) he has been successfully challenged in accordance with the procedure prescribed in sections 5 and 7, or (2) he has been determined by an examiner (a) not to have voted or attempted to vote at least once during four consecutive years while listed or during such longer period as is allowed by State law without requiring

reregistration, or (b) to have otherwise lost his eligibility to vote: *Provided, however*, That in a State which requires reregistration within a period of time shorter than four years, the person shall be required to reregister with an examiner who shall apply reregistration methods and procedures of State law not inconsistent with the provisions of this Act.

#### QUALIFICATIONS OF EXAMINERS AND HEARING OFFICERS

SEC. 11. Examiners and hearing officers appointed by the Civil Service Commission shall be existing Federal officers and employees who are residents of the State in which the Attorney General has issued his certification. Examiners and hearing officers shall subscribe to the oath of office required by section 16 of title 5, United States Code. Examiners and hearing officers shall serve without compensation in addition to that received for such other service, but while engaged in the work as examiners and hearing officers shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from their usual place of residence, in accordance with the provisions of sections 835 to 842 of title 5, United States Code. Examiners and hearing officers shall have the power to administer oaths.

#### TERMINATION OF LISTING

SEC. 12. The listing provisions of this Act shall be applied in a voting district until, within any twelve-month period, less than twenty-five persons within the voting district have been placed on lists of eligible voters by examiners.

#### ENFORCEMENT

SEC. 13. (a) Whenever a person alleges to an examiner within twenty-four hours after the closing of the polls that notwithstanding his listing under the provisions of this Act he has not been permitted to vote or that his vote was not properly counted or not counted subject to the impounding provision, as provided in section 8(d), the examiner shall notify the United States attorney for the judicial district if such allegation, in his opinion, appears to be well founded. Upon receipt of such notification, the United States attorney may forthwith apply to the district court for a temporary or permanent injunction, restraining order, or other order, and including orders directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote, (2) to count such votes, or (3) for such other orders as the court may deem necessary and appropriate.

(b) No person, acting under color of law, shall—

(1) fail or refuse to permit to vote any person who is entitled to vote under any provision of this Act; or

(2) willfully fail or refuse to count, tabulate, and report accurately such person's vote; or

(3) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any such person entitled to vote under any provision of this Act for voting or attempting to vote; or

(4) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any person for urging or aiding voting or attempted voting by persons entitled to vote under any provision of this Act.

(c) No person, acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any person for exercising any powers or duties under section 4, 5, 6, 7, 8, 9, or 10 of this Act.

(d) No person shall in any matter within the jurisdiction of an examiner or a hearing officer, knowingly and willfully falsify or conceal a material fact, or make any false, fictitious, or fraudulent statement or repre-

sentation, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry.

(e) Any person violating any of the provisions of subsection (b), (c), or (d) shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(f) All cases of civil and criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1955).

(g) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether an applicant for listing under this Act shall have exhausted any administrative or other remedies that may be provided by law.

#### INTERFERENCE WITH ELECTIONS

SEC. 14. (a) No person shall, for any reason—

(1) fail or refuse to permit to vote in any State any person who is qualified to vote under the provisions of the law of such State which are not inconsistent with the provisions of Federal law; or

(2) willfully fail or refuse to count, tabulate, and report accurately such person's vote; or

(3) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any such person for the purpose of preventing such person from voting or attempting to vote; or

(4) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any person for the purpose of preventing such person from urging or aiding voting or attempted voting.

(b) No person shall, within a year following an election, (1) destroy, deface, mutilate, or otherwise alter the marking of a paper ballot cast in such election, or (2) alter any record of voting in such election made by a voting machine or otherwise.

(c) No person shall knowingly or willfully give false information as to his name, address, or period of residence in a voting district for the purpose of establishing his eligibility to register or vote, or conspire with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pay or offer to pay or accept payment either for registration to vote or for voting.

(d) Any person violating any of the provisions of subsection (a), (b), or (c) shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(e) The foregoing provisions of this section shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing presidential electors, Members of the United States Senate, Members of the United States House of Representatives, or Delegates or Commissioners from the territories or possessions.

#### RELIEF FROM ENFORCEMENT OF POLL TAX

SEC. 15. (a) Congress hereby finds that the constitutional right to vote of large numbers of citizens of the United States is denied or abridged on account of race or color in some States by the requirement of the payment of a poll tax as a prerequisite to voting in State or local elections. To assure that the right to vote is not thus denied or abridged, the Attorney General shall forthwith institute in the name of the United States actions for declaratory judgment or injunctive relief against the enforcement of any poll tax, or other tax or payment, which, as a condition precedent to voting in State or local elections, has the purpose or effect of denying or abridging the right to vote on account of race or color.

(b) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a

court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

(c) Appeal from judgments rendered under this section shall be to the Supreme Court in accordance with section 1253, title 28, United States Code.

#### APPROPRIATIONS

SEC. 16. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

#### SEPARABILITY

SEC. 17. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Mr. RODINO. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I emphasize at the outset that the views I now express on the voting rights bill, H.R. 6400, are not based on racial considerations.

The people of my congressional district believe in the right of all qualified persons to vote. They are against the application of different standards to different people—and they practice what they preach.

For example, 57 percent of the colored people of voting age in the Third District of Louisiana are registered and 73 percent of those registered did vote in the last general election. This means that percentage-wise there are more registered colored people of voting age in the third congressional district than there are white people of voting age registered in some other States. It means also that in the third district there is no discrimination in the registration process or in the office of the registrar of voters, and further that there is no intimidation or denial of the right to vote in the voting process or in the polling place. Furthermore, no one has to pay a poll tax where I come from. Incidentally, these same conditions obtain in the Seventh Congressional District of Louisiana, as well as in other parishes in the State.

The foregoing is not an idle or self-serving statement but is based on cold facts and statistics. As I shall show, the committee itself recognized this in adopting an amendment offered by me. It is clear, therefore, that there is no need whatever for this legislation.

#### APPLICABLE CONSTITUTIONAL PROVISIONS

Article I of the Constitution provides that the States have the right to fix the qualifications of voters. The 14th amendment provides, in substance, that there can be no discrimination with respect to the right to vote. The 15th amendment provides that the right of citizens to vote cannot be denied on the grounds of race or color. These are the three constitutional provisions to be considered and respected. In fact, it is our duty as Members of Congress to reconcile and give effect to all three.

If the only thing this bill did would be to prohibit discrimination under the 14th amendment, and to prevent the denial of all qualified persons throughout the United States of their right to vote under the 15th amendment, it would carry out and give effect to the three constitutional provisions under consideration; it would be clearly constitutional and I would vote for it, as would, I am sure, most if not all Members from every section of our country. But under the guise of implementing the 14th and 15th amendments, the bill is deliberately aimed at six Southern States only—Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia—and with punitive effect, it strips the powers of those States only, to fix the qualifications of voters, under article I of the Constitution. In this respect the bill itself is discriminatory.

What is more, the bill contains what I consider personally to be unconstitutional provisions unrelated to or certainly going beyond these constitutional provisions and the right to vote, which is said to be the subject of the proposed legislation.

All of this is not to say that I have any illusion about the probable outcome of a court test of the bill because, as stated by a former Chief Justice of the Supreme Court, many years ago, the Constitution is what the Supreme Court says it is. I was rather shocked by this statement at the time, but a number of Court decisions in recent years seem to bear out its accuracy. In my judgment, however, this is no reason why the legislative branch should not itself use self-restraint and avoid the exercise of dubious bare powers, to say the least. For instance, a man might have the sheer power to beat up or brutalize his child, but that does not make his action right. In fact, I think every reasonable person would agree it is wrong.

#### IMPROPER AND UNWARRANTED PROVISIONS OF THE BILL

Let me give a few illustrations of the type of provisions I have in mind which are equally wrong, besides being improper and unwarranted.

The bill provides a formula under which any State or political subdivision which used a literacy test in November 1964, and in which less than 50 percent of the voting age population—white and nonwhite—were registered or voted in the last presidential election, must discontinue the use of literacy tests and may be subjected to the imposition of Federal voting examiners. This is the arbitrary numbers game formula—unrelated to race or color—which hooks six Southern States only, while exempting others which have literacy tests also.

Let me illustrate how this arbitrary formula works. Louisiana has a literacy test. Way over 50 percent of the people of voting age in Louisiana were registered last November, but due to disinterest, apathy, or some other reasons less than 50 percent of those of voting age went to the polls at that time. Under the formula this means that Louisiana is covered by the bill and must discontinue use of a literacy test.

Over 50 percent of the people in New York were registered last November and, because of a greater interest in the election or for some other reason, over 50 percent of those persons voted. This means that under the formula New York is not covered, even though it has a literacy test, and it means also that the literacy test will not have to be discontinued in New York.

In Texas over 50 percent of persons of voting age were registered in 1964, but less than 50 percent of such people voted in the last presidential election. But because of the fact that Texas does not have a literacy test, that State is not affected by this bill.

Furthermore, under a dragnet gimmick in the bill, a county or parish which is in one of the six Southern States to which the formula applies, has no avenue of escape from the bill, regardless of how completely such subdivision may be in compliance with the law, so far as race or color is concerned.

Thus the bill fails to fulfill the promise stated by President Johnson when he proposed the voting rights bill to Congress:

To those who seek to avoid action by their National Government in their home communities—who want to and who seek to maintain purely local control over elections—the answer is simple. Open your polling places to all your people.

As I have shown, the doors have already been opened in my congressional district. Accordingly, we should be rewarded for our efforts and should be completely exempted from the provisions of this bill.

A State, county, or parish to which the formula of the bill applies cannot change or improve its voting qualifications or standards without permission of either the Attorney General or the District Court of Washington, D.C. Not only does this requirement go far beyond the constitutional principles I have mentioned, but it seems to go out of its way to obstruct local and State governments at the very time when they may be making praiseworthy efforts to comply with the mandate of the 15th amendment. Giving the Attorney General veto power of such efforts is reminiscent of the power once vested in Colonial regents. It virtually makes a governor of the Attorney General. Moreover, if court approval is determined to be an essential check on revised voting standards, there is no persuasive reason why the State or local government should be required to travel to Washington, bypassing the Federal judiciary in the affected districts. This seems a gratuitous affront to some very fine Federal judges. But the principal objection to this provision is and remains that instead of fostering compliance—instead of helping areas to get in line—it places obstacles in their path.

What is more, this prohibition is made applicable to all changes in voting standards dating back to November 1, 1964.

This means that all States and subdivisions covered by the formula of the bill must now come to the Federal authorities for permission and approval of any

legislative or constitutional changes in voting standards which may already have been enacted and placed into effect long before this bill was even introduced, much less enacted by the Congress; even when such changes were undertaken for the purpose of complying with constitutional guarantees. Certainly this requirement of the bill is without precedent or constitutional foundation, and has a marked *ex post facto* flavor. As will later appear, I proposed an amendment to eliminate the retroactive effect of this provision.

#### CONCLUSION

I realize the force of the argument that some areas of the country or some counties or parishes within such areas have not made enough effort to accord all the people the right to vote, and to the extent that the lack of effort is due to a plan to deprive any qualified person of his right to vote, I agree that this is wrong. It is as wrong as the enactment of the provisions I have described, and others. I have always been taught, however, that two wrongs do not make a right and that the end does not justify the means. I can only say that the people I represent do not participate in discrimination and that they want no part of re-creation.

For the foregoing reasons, and because the ultimate impact of the bill sets a dangerous precedent for unwarranted intrusion of Federal power into legitimate concerns of State and local governments, I cannot support this bill, as reported out by the full committee.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. RODINO. Mr. Chairman, I yield the gentleman 10 additional minutes.

#### COMMITTEE ACTION ON MY PROPOSALS

Mr. WILLIS. In representing clients as a lawyer, I took the position that a good settlement was better than a lawsuit and made the best I could out of a bad bargain. And in representing the people of my district as their Congressman I feel a deep sense of responsibility, even when outnumbered, to offer reasonable amendments to try to improve any bill under consideration, or, failing in this, to make it less unpalatable or less burdensome and onerous, and then to vote against the final measure if it is still unacceptable.

On that basis, I offered amendments to this bill, some of which were adopted and others rejected, and I want to briefly describe some of my principal amendments.

One of my amendments, which was adopted, provides that in making a judgment on whether a voting referee should be appointed in any particular political subdivision, the Attorney General shall consider "whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the 15th amendment."

In explaining this amendment the committee report states:

The committee recognizes that in some areas in which tests or devices are suspended, the appointment of examiners may not be necessary to effectuate the guarantees of the 15th amendment. This could be the

case where local election officials and entire communities have demonstrated determination to assure full voting rights to all irrespective of race or color. Accordingly, the bill expressly directs the Attorney General, before certifying the need for Federal examiners in a particular area, to consider, among other factors, whether substantial evidence exists that bona fide efforts are being made to comply with the 15th amendment. The committee contemplates that where such substantial evidence is found to exist, the Attorney General will not certify the existence of a need therefor.

In short, this amendment and the committee's explanation of it assure that under conditions obtaining in the Third and Seventh Congressional Districts of Louisiana, Federal voting examiners will not be appointed. To be sure, so-called literacy tests will not be employed for the reason that the entire State of Louisiana, as such, is brought under the force of the formula of the bill. But the point is that under my amendment, local registrars will continue to do the job of registering all qualified voters, and Federal voting examiners will not be installed in these areas. This, at least, is as it should be because Federal voting examiners are unnecessary and unneeded in such areas.

I have referred to the Third and Seventh Congressional Districts of Louisiana only because I am personally familiar with them but my amendment will apply to other areas, counties, or parishes, in which the local community and its elected officials are similarly determined that the voting rights of all will be protected irrespective of race or color.

Let me emphasize that notwithstanding the fact that my own constituents will be free from the imposition of Federal examiners, I nevertheless sought to have included in the bill other provisions that would help local communities where examiners will be appointed. For example, another amendment that I proposed, and the Committee adopted, makes it clear that persons already registered will not have to go back and register again with the Federal examiners. In this respect, at least, the bill looks to the future, rather than to the past. It prevents retroactive disruption of and preserves all existing voting registrations.

In a further effort to improve this bill, I offered another amendment designed to enable individual counties and parishes to question the applicability of the formula of the bill to them. My amendment would have followed a county-by-county, or parish-by-parish, approach. It was based on statistics showing voting registration by race in each county or parish and would have permitted counties and parishes to be completely exempted upon persuading a court that substantial Negro registration and voting had been achieved. Certainly, this is a suitable approach if our object is to effectuate constitutional guarantees. Unfortunately, although at first accepted, the proposal was rejected on a motion to reconsider. I hope that this particular amendment can be reinstated before this bill becomes law. As it now stands, because of the "numbers game" formula previously described, there is no reference in the reported bill to statistics

on racial discrimination as a basis for the operation of this very drastic measure.

Also, as I have indicated earlier in these views, I offered an amendment that would have eliminated the retroactive or *ex post facto* effect of the provisions freezing voting standards as of November 1, 1964, until Federal approval is obtained for new standards. My amendment would have enabled State and local governments to adopt improved voting standards at any time prior to the enactment of the bill, without having to seek approval from Washington. The committee rejected the proposed amendment. In consequence, all changes made since November 1964, long before this bill was introduced, will have to be submitted for Federal approval. This can only result in a loss of respect for and confidence in State and local governments. I, of course, intend to offer other amendments on the floor and would like at this time to briefly mention two of them.

As previously indicated, if a county or parish is located in a State which is covered by the formula of the bill, that county or parish is also affected regardless of how completely such county or parish may be in compliance with the law. I offered an amendment, which the full Judiciary Committee first agreed to and then rejected, which was designed to provide an avenue of escape for a county or parish which did not practice discrimination and which permitted both white and colored qualified persons to vote. My amendment would have followed a county-by-county or parish-by-parish approach. It would have provided an escape valve for a parish or county to be completely exempted from the bill, upon a showing that not less than 40 percent of colored people of voting age were registered in 1964. The bill passed by the Senate contains an amendment along the same lines, offered by Senator Long of Louisiana, and I do hope that such an amendment will be adopted on the floor during the consideration of this bill.

The bill under consideration, H.R. 6400, originally contained language to the effect that in areas where Federal voting examiners were installed, applicants would first have to apply for registration with local registrars of voters and be turned down before being registered by these Federal voting examiners. This language was stricken from the bill by action of the full Judiciary Committee. Again, somewhat similar language is contained in the bill as passed by the Senate, and I hope that it will be restored in this bill during its consideration on the floor. No harm could possibly come from this and the adoption of an amendment along this line would be a wholesome incentive and encouragement to local officials to provide equal opportunity to all qualified persons to vote.

I have not discussed the substitute bill which I understand my good friend and colleague from Ohio [Mr. McCulloch] might offer because I want to give it further study. Moreover, I do not know exactly what the parliamentary situation will be if and when it is offered. And so, for the time being, I simply wish to

say that I will cross that bridge when we meet it.

Mr. McCULLOCH. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. LINDSAY].

Mr. LINDSAY. Mr. Chairman, I rise in support of H.R. 6400. I think it is a strong, good, and much needed bill. I intend to vote for it. I further intend to do whatever I can on the floor during the time when amendments are offered to maintain the present strength of the bill.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. LINDSAY. I yield to my chairman.

Mr. CELLER. Does the gentleman not think then that he should vote against the so-called Ford-McCulloch substitute?

Mr. LINDSAY. I intend to vote for the committee bill and against the substitute.

Mr. CELLER. Good.

Mr. LINDSAY. I do not believe there is sufficient opportunity, in the time allotted to me, to go into a long dissertation on legal points surrounding this bill and the other alternatives which have been suggested.

I believe the debate thus far has been on a very high level, which every Member has appreciated.

I should like to add that the various views submitted in the report of the committee—the majority, the minority, and the additional views—are among the finest I have read on any civil rights bill with which I have been involved, and this is now my third bill as a Member of Congress and my fourth in the Federal establishment.

I should like at this time to give recognition to, and thanks for, the good faith of all Members, on whichever side of the aisle they serve and whatever their point of view, for their approach to this subject. The fact of the matter is that not one of the proposals suggested is perfect. Whether Members agree or disagree on H.R. 6400 or the proposed substitute, I believe they do so in good faith.

In the course of the discussion of the legal points and the other questions surrounding the committee bill, we may lose sight of the most important dimension of the voting rights problem. It is true that the bill before the House does involve such issues as the appropriate relationship between Federal and State Governments; it involves issues of administrative practice and procedure; it involves issues of jurisdiction and jurisdiction.

But much more important than anything else, it involves people—their hopes, their aspirations, their feelings about the way they are treated, the opportunities which are open to them and to their children—these are the things which are at stake here and let there be no mistake about it.

The problem of securing the right to vote involves literally thousands of people in the United States, but unfair treat-

ment, discriminatory practice and brutality cannot be easily understood when discussed in terms of masses of people. I believe it would be more helpful, in the few minutes I have, for the House to take a look at this bill from the perspective of a few individual cases which were brought before the U.S. Civil Rights Commission at its hearings early this year in Jackson, Miss.

Let us take the case of two elderly Negro women who attempted to register in Humphreys County, Miss. One, a woman in her 70's, described her conversation with the registrar as follows:

Well, when I went to register, the registrar asked me what did I come there for. I told him "to register."

He said, "register? For what?"

I told him, "to vote."

He said, "Vote? For what?"

And I told him I didn't know what I was coming to vote for.

He hollered at me and scared me so, I told him I didn't know what I came to vote for. I was just going to vote.

This elderly woman, as well as her companion, relies upon Government surplus commodities for part of her sustenance. Both testified that when they attempted to register, the county registrar warned them about losing their commodities. As one of them put it—

Well, he told me I was going to get in trouble, and he wasn't going to give me no commodities.

In the same county, a mother of three young children also attempted to register. After running the gantlet of registrar rudeness, this woman's name was listed in the local paper pursuant to State law. The very next day she was arrested and jailed on a charge of passing a bad check in the amount of \$5.15 in what appears to have been no more than a customary credit transaction.

Or take the case of the Negro farmer and part-time factory worker with an eighth grade education who served overseas as a sergeant in the Army in World War II. When this honorably discharged American serviceman attempted to register to exercise the constitutionally guaranteed franchise he was given the Hobson's choice either of continuing his attempt to register or of having a badly needed road put through to his area so that his and his neighbors' children could get to school. These were the alternatives offered by the sheriff in one Mississippi county to a Negro who wanted nothing more than to vote. The first time he attempted to register was in 1957. As of February of this year—8 years later—through a combination of economic coercion and discriminatorily administered voting tests he still had not been allowed to vote. This Negro American described his efforts to get others to register in these terms:

I tell them that [unless] they go down there and vote, they cannot be represented. What I mean about that, you don't have any representatives in the county, you don't have any in the State legislature, you don't have any in Congress; nobody to represent us. If we had representatives on our school board, we wouldn't have 175 or 200 kids out of school today. But we don't have the representatives.

Thus it goes. Sporadic incidents these? Unhappily not. But rather an all too widespread campaign by State and local officials to keep people from participating at the level of government which most affects their daily lives. All too many Negro Americans are today the victims of a vicious cycle in which antagonistic State and local governments are able to remain in power only by denying the Negro the right to vote. A system like this breeds on itself and it can be undone only by strong measures.

Three and a half centuries ago, the English poet, John Donne, wrote those lines with which I am sure Members are familiar:

No man is an island, entire of itself; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friends or of thine own were; any man's death diminishes me because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee.

So it was three and a half centuries ago; so it is today. For so long as even one Negro citizen is intimidated and harassed solely because he too wants to be treated as a man—to have his vote counted—so long as this happens I say that the bell tolls for all of us.

The bill which is before us today, H.R. 6400, has its defects. Had I drawn the whole bill, or been able to substitute my will for that of the whole committee, I would have done it differently. I find the triggering provision ingenious but strained. I find the continued resort to the courts, once the basic decision as to discrimination has been made, cumbersome, and unnecessarily burdensome to the judiciary. I find the designation of the District Court for the District of Columbia as the proper forum for all litigation under the act a troublesome precedent. I find the bill less than complete in its treatment of economic intimidation and reprisal, and I find the absence of a provision protecting first amendment rights indeed a serious omission.

Had the committee seen fit to adopt my own bill, H.R. 7191, I believe that these problems would have been avoided and a stronger and more effective bill enacted. However, H.R. 6400 was considerably strengthened in committee by the adoption of two provisions which I offered in my bill—a provision eliminating the poll tax and one providing for Federal poll watchers.

I remember the time this committee and its majority insisted on bringing to the floor a proposal to abolish by constitutional amendment the poll tax in Federal elections. Some of our Members then took the floor saying that it was unbelievable that Congress would use an atomic cannon to kill a gnat. That we would amend the Constitution, and yet leave out State and local elections, was to me indefensible—apart from the fact that we were doing something by a constitutional amendment which could have been and should have been done by simple statute.

I remember making the prediction that the day would come when we would be faced with this unhappy inconsistency, and that day has now arrived.

You saw the problem that our distinguished chairman of the committee was faced with a moment ago in trying to reconcile that difficult position. We made the error then, and we are having to make up for it now.

I recall, too, in considering the 1964 Civil Rights Act last year, we told the country that this was a sweeping reform that would cure the problem for all time. We had very carefully omitted from the committee bill any embracement of non-Federal elections—local and State elections—where the chief agony has been in this country for so long.

We are back again to make up for the deficiency in the 1964 civil rights bill, which should have been openly stated and admitted at the time by all Members then debating the question.

I just mentioned the omission of first amendment protections. I find that the bill is less than complete, most especially in its treatment of this question and the problem of economic intimidation and reprisal. The bill can be strengthened. I shall have an amendment to offer, at the appropriate time, for the protection of Federal agents who are acting in the course of their duty. And I shall have an amendment that will further guarantee first amendment rights.

Members will recall in 1957 a broad scale part III or title III, as it is known, passed the House of Representatives in the form proposed by the Eisenhower administration and was killed in the Senate. My amendment is not so broad as that one, and is limited to the first amendment rights—freedom of speech, freedom of the press, and the right of citizens to assemble peaceably in order to petition against grievances. This is the area in which some of the most strenuous problems have arisen around the country, and it seems to me that first amendment rights are entitled to a high priority of national protection. Indeed, Bill of Rights guarantees have always been of primary concern to me. I really think we owe it to the country to finish this subject once and for all. For Congress has been unsuccessful in its attempt to do so, year after year.

H.R. 6400 was, however, strengthened over what the administration submitted to us through our elimination of the poll tax. As I said a moment ago, this is a key issue. It is a very important moral question as well as a legalistic one. The bill was also strengthened by the addition of provision for Federal poll watchers or observers, but still it does not do enough to protect the actual right to vote.

It does not do too much good to register people to vote if full protection of the right to vote and to cast their ballot is not available.

Finally, I do think that title III, which I mentioned earlier, should receive the support of all persons interested in civil rights protections. The good chairman of the Committee on the Judiciary the gentleman from New York [Mr. CELLER], asked me just a moment ago whether I would support H.R. 6400 and vote for it, and therefore against the substitute. I told him very frankly that I will, and I hope the committee bill

carries. But by the same token I want to ask him right now for his support for part III or title III, as it was known, for which he voted in 1957. And I do not wish to see another situation occur in which, as chairman of the committee, he will lead his side of the aisle against title III when it is offered during the period of amendments. We need that section in order to protect people who gather peaceably in order to petition the Government against grievances, State grievances most especially; and that includes petitioning for additional legislation to open up the way to the right to vote.

In conclusion, Mr. Chairman, I want to say that in spite of some of the deficiencies which I have noted in the committee bill, I do think it is an effective bill. It moves us a little bit further away from this business in which we have been channeled too deeply, which is to rely totally on the courts for voting rights protection.

On the whole it is an effective and vitally needed bill, and I shall be pleased to support it.

Mr. RODINO. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, may I first congratulate the esteemed chairman, the gentleman from New York, the dean of this body [Mr. CELLER], for his outstanding presentation this afternoon of a very complex and controversial subject.

Mr. Chairman, as a member of the Committee on the Judiciary I would also like to commend the committee members, both the proponents and the opponents of this bill, for their very, sincere manner of debate. It was free of rancor and free of bitterness, despite the fact it was heated at times.

Mr. Chairman, as we undertake consideration of the voting rights bill, H.R. 6400, I think it is important to clarify the intentions of this measure and correct some misconceptions.

The simple purpose of this bill is to enforce the constitutional protections of the right to vote; to correct a century of injustice and to guarantee, once and for all, that no American citizen shall be denied the ballot by subterfuge or intimidation. I cannot think of a single Member of Congress who would raise objection to that.

It is not the purpose of this bill that critics quarrel with, but rather the way in which that purpose is accomplished. And here I find a number of misconceptions concerning the operations of H.R. 6400.

I have heard critics say, for instance, that it abolishes a State's right to set qualifications for voters. It does nothing of the sort. It only suspends those qualifications where they are plainly being used in a discriminatory fashion. The House Judiciary Committee, I regret to say, has been presented with abundant evidence of such discrimination, particularly in the use of literacy tests and other voting tests. Although I personally am opposed to such tests, I do not see how we could constitutionally object to them if they were applied alike to all voters. But when they are not applied equally, when it is clearly

shown that they are used to keep thousands of voters from the polls, our duty as legislators compels us to intervene.

Since these tests are among the principal means of discriminating against a large percentage of the electorate, we have proposed that they automatically be suspended if a State that makes use of them had less than 50 percent of its voting age population registered or voting in the presidential election of November 1964.

Now, though the suspension of these tests is automatic, the application of the law is not. I cannot emphasize this point too strongly because it corrects another common misconception about H.R. 6400. The Government cannot automatically send Federal examiners into a State or county. There must be clear evidence of discrimination.

Examiners would be sent in to take over voter registration only where one of three sets of circumstances were present:

First, a district court can authorize the appointment of examiners where it is considering a suit brought by the Government to enforce voting rights and concludes that the appointment of examiners is necessary to enforce the 15th amendment.

Second, examiners can be appointed where the Attorney General certifies he has received 20 or more meritorious complaints of discrimination from a political subdivision to which the law applies. The complaints he receives must be valid. The law makes the filing of false complaints a Federal offense.

Finally, examiners can be appointed where the Attorney General, after careful examination, certifies that in his judgment they are necessary to enforce the guarantees of the 15th amendment.

I believe these provisions amply protect any State or county against capricious and unfair treatment. If, for instance, there is no discernible evidence of discrimination in a State and if nowhere in it there are 20 citizens ready to say they are being denied their right to vote, that State continues to operate free from Federal intervention, even if it meets the bill's automatic formula by having a voting test and having less than 50 percent of its eligible voters registered or voting in November 1964.

President Johnson, incidentally, gave excellent advice, in his voting message of March 15, to any community that wants to remain clear of Federal action. "The answer," he said, "is simple: Open your polling places to all your people. Allow men and women to register and vote whatever the color of their skin. Extend the rights of citizenship to every citizen of this land. There is no constitutional issue here. The command of the Constitution is plain. There is no moral issue. It is wrong to deny any of your fellow Americans the right to vote in this country. There is no issue of States rights or national rights. There is only the struggle for human rights."

If States would heed that advice, there would be no need for this bill. We have only acted where it was evident that a State has chosen not to extend equal voting rights—that badge of citizenship—

to all of its residents. It was this consideration that led our committee to propose that the collection of the poll tax be prohibited in all State and local elections. We are not trying to interfere with a State's right to set voting qualifications. We are simply trying to remove a tax on the franchise, whose iniquitous effect throughout the years has been to deny voting rights to millions of Americans because of their race or their condition of poverty.

That the poll tax was originally introduced to keep Negroes from voting is surely a matter beyond dispute. It is recorded in the proceedings of those State constitutional conventions at the end of the last century. We are told by one eminent historian that in one State:

The leaders of the black counties were eventually able to persuade the convention that educational and property qualifications, with the addition of the poll tax, would be the best means of eliminating the Negro vote. (Kirwin, "Revolt of the Rednecks," Mississippi Politics (1964).)

A delegate to one convention said the "very idea of a poll qualification is tantamount to saying to the Negro 'we will give you \$2 not to vote.'" And the Mississippi Supreme Court in an 1896 decision—Ratliff against Beale—said candidly:

In our opinion the (poll tax) clause was primarily intended \* \* \* as a clog upon the franchise, and secondarily and incidentally only as a means of revenue.

Have matters improved since then? They have to some degree. But the poll tax is still an impediment to voting. It is still an integral part of a system of disfranchisement in certain sections of this country. For poor people who live outside our cash economy, as many residents of rural areas do, getting the few dollars together to pay a poll tax is a difficult task. Even where they are able to assemble the money, they are still discouraged from voting by registrars who made themselves inaccessible or who refuse the taxes when they are offered or by the local sheriff who intimidates voting applicants by requiring that the taxes be paid to him in person.

It is the existence of such situations that led our committee to find that the tax, as a precondition to voting, violates the 14th and 15th amendments; that it is "not a bona fide qualification—but an arbitrary and unreasonable restriction upon the right to vote."

A majority of our committee is convinced, after careful study, that we have the power to eliminate the poll tax by law.

Many legal authorities support our position. In these brief remarks I will cite only one, Prof. Mark De Wolfe Howe, of Harvard Law School, who has observed that the same authority that empowers Congress to prohibit the use of literacy tests when they are applied discriminatorily, gives us the authority to outlaw poll taxes in those communities where they are being used to preserve the caste system. He said, "if Congress is persuaded that there is a substantial danger that the poll tax will be put to such discriminatory uses—and the enactment of the 24th amendment—prohibiting the

poll tax in Federal elections—is good evidence of that persuasion—I think it wholly clear that total outlawry of the tax is within the congressional power."

Some critics of the provision outlawing the poll tax have questioned how the Supreme Court would treat it in the case of a court test. We believe adoption of this provision will immeasurably strengthen the Government's position in a court test of the constitutionality of a ban on poll taxes. There is ample precedent to show that the Court does regard what Congress says. It is altogether reasonable to expect it will be ready to endorse an outright ban.

I would point out another consideration. If the Supreme Court were to rule on the House provision and uphold the ban, as we have every reason to believe it will, that settles the question. The poll tax is outlawed permanently in the few States that still levy it.

I would urge this House to adopt H.R. 6400 in the form in which we present it to you. I would also ask my fellow Members to recall with me the President's clear injunction to us at the joint session when he said:

We cannot, we must not refuse to protect the right of every American to vote in every election that he may desire to participate in. And we ought not, we must not wait another 8 months before we get a bill. We have already waited a hundred years and more and the time for waiting is gone.

So I ask you to join me in working long hours, nights, and weekends, if necessary, to pass this bill. And I don't make that request lightly. Far from the window where I sit with the problems of our country, I recognize that outside this Chamber is the outraged conscience of a nation, the grave concern of many nations and the harsh judgment of history on our acts.

Let us be mindful of that conscience. Let us be aware of that concern and of that impending judgment and let us pass a strong law without delay.

Mr. McCULLOCH. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. McCLODY].

Mr. McCLODY. Mr. Chairman, in the remarks I address to the committee today, I want to make eminently clear that I want this Congress to enact the strongest and most emphatic legislation possible to assure equal voting rights for all Americans.

At the same time, in the zeal to end discrimination, I do not want to contribute to the creation of new areas of discrimination. We must exercise firmness and deliberateness. But we should abjure vindictiveness, vengeance or any other such attitude.

Like many others, I am anxious that voting rights be secured without delay—without litigation whenever possible—and without new impediments being thrust in the path of assuring equal citizenship for all Americans.

And I would like to preface my remarks with one other observation. I would truly like the voting rights law which we enact to be the product of the Congress—the work of the lawmaking branch of Government—and not in any sense a package delivered by the executive branch with a command to ratify that which the Executive has produced.

And let me say this in behalf of the House of Representatives, and this committee: The Civil Rights Act of 1964 is a great monument to the U.S. Congress. The lengthy bill, the numerous amendments considered in that historic session, demonstrate that the Congress can, and still does, serve as the lawmaking branch of our Federal Government, notwithstanding inroads by both the executive and judicial branches—and notwithstanding the recognized need to improve some of our procedures.

Accordingly, the words I speak in behalf of the Ford-McCulloch bill—and in criticism of the Celler-administration bill—are intended to help produce the best and most effective voting rights bill for the benefit of Negro American voters—and all other American voters. It is my fervent hope that provisions of the bill we enact will be applicable throughout the 50 States—and that it produces an effective, a responsible and a speedy answer to the discrimination about which the committee received testimony and with respect to which the Nation is deeply concerned.

As has been brought out earlier, the bill which the committee considered in its original form was, at most, but a partial answer to the subject of denial of voting rights as practiced for many years in various of the States. There seemed to be some design or intention to tag or earmark certain States without implicating others. It seems almost as though this conscious effort to vindicate the State of Texas was paramount in the development of a formula or device or test for triggering the summary, arbitrary and virtually unreviewable judgment or decision of the Attorney General of the United States—whomever he might be.

The danger of this approach to assuring fair and equal and nondiscriminatory voting rights for all citizens—particularly our great Negro American population—is and must be apparent to all—certainly to all lawyers who have been confronted with cases where unlimited discretion determines the outcome of litigation. In addition, of course, to virtually deny access to the courts for purposes of review, or otherwise, in an innovation, to say the least, in American jurisprudence.

As we have seen, the formula for denominating States which practice discrimination on the basis of the percentage of voting age citizens who were registered or who voted in the general elections on November 4, 1964, produces the incongruous result that the State of Alaska falls within the unlimited discretion of the Attorney General. In addition, excluding the poll tax as a test or device to qualify a person to vote results in excluding Texas and Arkansas from the ambit of the section 4 formula.

As I indicated, the method by which any of the seven guilty States may disprove their guilt is unique in the field of law. Never before has any State been found guilty by the decision of a member of the executive department with the sole alternative of disproving its guilt by an original action in the District Court of the District of Columbia.

It is argued that this designation of the District Court of the District of Columbia will, first, discourage litigation, or second, produce favorable decisions, or third, expedite determination of controversies. Well, one may wonder. In the first place, when a procedure is recommended which is without clear legal precedent, there is justifiable reason to question its validity—indeed, its constitutionality.

Much has been said in the hearings as to the constitutionality of the poll tax. The Attorney General is skeptical about legislating against the poll tax, or including the poll tax as a test or device for practicing discrimination. But one may wonder about this distinction in the Attorney General's and the administration's reasoning. What would happen if, in addition to literacy tests, the bill also designated imposition of a poll tax as a test or device used for purposes of discrimination in voting? What if the Celler administration bill or H.R. 6400 tagged a State which imposed a poll tax and where less than 50 percent of those of voting age had voted? Why, then the State of Texas would come under the automatic triggering provision—and Texas, too, would have to come to the District of Columbia to try to vindicate itself or extricate itself from the stigma and presumption of discrimination.

Now, the administration would not want that to happen. So, with no qualms whatever about identifying the States of Alabama, Mississippi, Georgia, Louisiana, Virginia, South Carolina, Alaska, and 34 counties of North Carolina as States presumed to be discriminating, the bill excludes Texas. This plan would boomerang if the poll tax were included as a "test or device" in the automatic triggering formula.

The Attorney General questions the wisdom of an outright prohibition of the poll tax as a test or device or condition to voting. He says that a constitutional question is involved which might jeopardize the entire voting rights legislation. But without any clear precedent, he refuses to question the constitutionality of the procedure to vest exclusive jurisdiction in the District Court of the District of Columbia for a review of the decisions he may individually make upon which Federal examiners take over the registration and other election procedures and machinery in a large area of the country.

Still there is a question as to the constitutionality of this procedure. And if section 4 and 5 are held unconstitutional, instead of expediting action on voting rights, it will delay and deny voting rights to those citizens which this Congress aims to assist.

Should we now take that kind of a chance at a time when we are endeavoring to establish for all time the equal opportunity to vote on the part of all citizens regardless of race or color? Should we, my colleagues, take that chance when we have a clear, tried and tested alternative—a constitutional method of assuring and securing voting rights to all in the Ford-McCulloch voting rights bill?

Believe me, I want speedy action. And I want it in every State where discrimi-

nation on the basis of race or color is presently being practiced. I do not want the delay which can come from enactment of an unconstitutional law—or from the resistance, hostility, and retribution which are apt to follow from the provisions of sections 4 and 5 of the Celler-Administration bill.

The administration seems to take the position that any legislation, however arbitrary or however violative of other articles of the Constitution, is valid providing it is enacted in furtherance of the 15th amendment to the Constitution. Brief quotes from unrelated types of cases have been referred to in this behalf in an apparent attempt to convince the Congress that the authority to override State and local laws is unlimited.

I would like to address myself to the provision of section 4 which requires that any State or political subdivision with respect to which voting tests or devices have been set aside by the Attorney General may file an action only in the U.S. District Court for the District of Columbia—and then only on the basis that such State or subdivision has not applied any such test or device during the 5 years preceding the filing of the action for the purpose and with the effect of denying the right to vote on account of race or color. The section further provides that a court of three judges shall be convened to decide any such proceeding and that appeal shall lie to the Supreme Court.

It is interesting to note with respect to this section that the determination or certification of the Attorney General with respect to guilty or not guilty States or other political subdivisions is specifically not "reviewable in any court." This authority of the Attorney General includes a provision that:

No State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color if, (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

The decisions upon which the majority of the committee have relied for requiring States or other political subdivisions to travel to the District Court of the District of Columbia are set forth on page 19 of the report. These include a case under the Emergency Price Control Act of 1942, provisions of the Interstate Commerce Act, a rule of the Securities and Exchange Commission and other such authority.

It is well to note that the majority report contains no explanation for vesting exclusive jurisdiction in the District Court for the District of Columbia. The clear answer is that there are no adequate precedents for this extraordinary procedure.

There is absolutely no statutory precedent for requiring a State or political subdivision to come into any court, much less the District of Columbia. The statutes cited by the majority apply to individuals or business organizations, and chiefly concern review of administrative regulation of commercial affairs.

As will be seen they have nothing to do with statutory limitations on basic constitutional powers or rights of the people acting through their State governments.

The precedents cited by the majority are irrelevant to Celler-administration requirement that any litigant must come to the District of Columbia to show he has not been or will not be in violation of a law of the land.

The Emergency Price Control Act of 1942, section 203(a), 56 Statute 23, provides an administrative remedy whereby a person subject to a regulation, order, or price schedule promulgated by the Administrator of the Office of Price Administration, created by the act, might file a protest containing objections to the regulation, order, or price schedule. The act empowers the Administrator to prescribe regulations for the filing of such protests.

Nothing in section 203(a) suggests that the aggrieved person must file protests in the Administrator's Office in Washington; section 201(a) of the act indicates the contrary:

The principal office of the Administrator shall be in the District of Columbia, but he or any duly authorized representative may exercise any or all of his powers in any place.

Further, nothing suggests that a merchant must first clear his own price schedules with the Administrator before he is allowed to transact any business.

Under the Emergency Price Control Act of 1942, section 204(a)(d), 56 Stat. 23, exclusive jurisdiction of appeals from the Administrator's resolution of protests—described in (a) above, that is, exclusive jurisdiction to restrain the enforcement of price orders under the Emergency Price Control Act, is vested in an Emergency Court of Appeals. This wartime provision for rapid review of matters so closely touching on the war effort was upheld in *Lockerty v. Phillips*, 319 U.S. 182 (1943).

The Emergency Price Control Act created a new court. It did not discriminate among duly constituted Federal courts. In fact, section 204(c) provided that the Emergency Court of Appeals, selected by the Chief Justice of the Supreme Court, would draw for its membership on members of any U.S. District Court or Circuit Court of Appeals. Not only is the Price Control Act bare of limitation of this Court's location to the District of Columbia, but the Court actually sat in 65 cities in hearing 401 cases the country over. Final session, U.S. Emergency Court of Appeals, 229, F. 2d, 1, 13-14 (1961).

The majority also cite the Civil Rights Act of 1964, section 709(c); 78 Stat. 241, 263; 42 U.S. 2000a-8(c). These sections provide for the keeping of such records and reports as the Federal Equal Employment Opportunities Commission would prescribe by regulation or order to allow enforcement of title VII of the 1964 Civil Rights Act. The act further provides that any employer upon whom such Federal regulations or orders work an undue hardship might seek relief from the regulation or order either by application to the Commission or by bringing a civil action in the U.S. Dis-

trict court for the district where the original records are kept.

This is nothing more than provision for review of a Federal administrative regulation or order. It has nothing to do with the District of Columbia.

The majority also cite the Interstate Commerce Act, section 204(a)(4a), 49 U.S.C. 304(a)(4a). This act prescribes the duties of the Interstate Commerce Commission to issue exemption certificates for intrastate carriers from regulation by the Commission. It provides that application may be made by carriers or others, to have the Commission determine the facts of the nature of the operation of the carrier involved. Such a certificate may not be withheld without hearing. Further, if the State board recommends issuance of the certificate, the exemption issues automatically, if not denied in 60 days by the Commission.

Title 49, United States Code, section 302(b) of the same Interstate Commerce Act provides that:

Nothing in this chapter shall be construed to interfere with the exclusive exercise by each State of the power of regulation of intrastate commerce by motor carriers on the highways thereof.

It is explicit in the act—and implicit in the Constitution's commerce power—that intrastate carriers may operate without a Federal certificate of exemption. The certificate of exemption then, is no more than evidence of a formal determination by the Commission that, in the Commission's view, after review of the facts of the carrier's operation, the carrier is in intrastate commerce. It removes uncertainty as to the status of the carrier—it is no license to his operation. Even at that, he need not come to the District of Columbia to seek the exemption. And the utmost deference is given to State action.

Reference is also made to Securities and Exchange Commission rule 10-B-8(f). This administrative rule promulgated pursuant to the Securities Exchange Act of 1934, title 15, United States Code, section 78j(b) provides means whereby a business contemplating a transaction which might possibly be viewed as a manipulative sale forbidden by title 15, United States Code, section 78j, can get an advisory opinion as to the legality of the sale from the Commission, which opinion is made binding as to that transaction by force of the regulation. It is SEC action equivalent to that of the ICC discussed in paragraph 3, above.

Equity jurisdiction clearly continues to rectify the specific demonstrated violations of the law. This is the traditional procedure. State law is presumed valid until its enforcement is enjoined in a court of law. The procedure in H.R. 6400 would revise this basic relationship of State to Federal power.

It is interesting to note that there is a compelling statutory precedent against such centralization of litigation. Public Law 87-748 reflects the will of the 87th Congress to broaden access to the courts. Title 28, United States Code, section 1361, 1391(2)(e) 76 Stat. 744. This law eliminated the previously existing limi-

tation of mandamus jurisdiction to the District Court for the District of Columbia by extending that jurisdiction to other districts courts of the United States. See *Sprague Electric Co. v. Tax Court*, 230 F. Supp. 779, 782 (D. Mass. 1964).

The requirement to bring any such action in the District Court of the District of Columbia appears to be a reflection upon all of the other district courts and courts of appeals in the country. While we are considering voting rights today, it is possible in the future that we might be considering legislation of greater interest to other sections of the country. Yet, if the courts of those sections are not to be trusted, and we must bring all such actions in the District of Columbia, then we are truly establishing a new principle which all States of the Nation should regard warily—not simply those States directly affected by the present legislation.

I am not at all certain that the procedures set forth in the Celler-administration bill are the most expeditious. I am advised that the District Court of the District of Columbia has a backlog of some 4,000 cases. I am also advised that the opportunity for intervention in a declaratory judgment proceeding or review filed in the District of Columbia court could protract the proceeding for many months—possibly years.

Contrast this situation with the speedy and tested procedure contained in the Ford-McCulloch bill. Note that the Ford-McCulloch bill authorizes the appointment of Federal examiners upon receipt of the meritorious complaints from only 25 or more persons who assert that they have been denied the right to register or to vote. The decision of the Attorney General on this issue can be made in 1 day—immediately—and unless challenged within 10 days, becomes final.

Even if challenged, if the hearing officer—who is also appointed by the Civil Service Commission—affirms the finding, Federal examiners go into operation at once. Naturally, there is a right to review in the court of appeals which serves the voting district involved. But note this: The appeal does not stay the operation of the registration of voters by the Federal examiners. In the event an election occurs during the period of such appeal, there is authority for provisional voting with the result that no person can be denied the right to register or to vote because of any frivolous or nonmeritorious appeal or court proceeding.

Of course, the speedy action which is provided in the Ford-McCulloch bill is available in all of the 50 States—including Texas, including Arkansas, including Florida, including Illinois, if you will. It is a fast, uniform, constitutional procedure for assuring voting rights to all and a quick and appropriate review of any arbitrary decisions without, however, delaying or denying the right of a single individual to register or to vote.

Mr. CELLER. Mr. Chairman, will the gentleman yield at that point?

Mr. McCLORY. I yield.

Mr. CELLER. Aside from the fact that the majority opinion does cite these cases with which the gentleman dis-

agrees, nonetheless, would there not be uniformity—and uniformity is important and is to be desired in matters as important as this—because otherwise, where this triggering provision would apply in those States in which it would apply, you might find decisions of three different circuits, with the district courts in those circuits having differing opinions. It might take an inordinate length of time before you got finality in a Supreme Court decision.

So, in the interest of expedition and not knowing exactly how the Supreme Court would decide on these momentous issues, would it not, therefore, be better to have the matters brought before one court?

Mr. McCLORY. Mr. Chairman, it is my position, and I am sure it is the position of a majority of the Republican Members, that the Supreme Court should be the one to establish the uniformity which is sought. We should not designate one circuit court or one district court of the Nation to decide what is going to be the uniform rule applicable throughout all the circuits. It seems to me that if we applied this principle with respect to voting rights cases, we might apply the same principle with respect to other types of litigation of national interest and designate some other circuit as being the final authority on litigation on that subject. Furthermore, it seems to me that what we want to do, especially as lawyers, is to leave the courts, all the courts, open to the people and get a uniform rule and get a constitutional basis and interpretation of our laws from the Supreme Court and not from some inferior court that we might designate.

Mr. CELLER. Of course, the majority wants to have the Supreme Court pass on these matters as quickly as possible. The gentleman from Illinois knows that an appeal can be had directly to the Supreme Court from a three-man court in the District of Columbia.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. CELLER. Mr. Chairman, will the gentleman yield further?

Mr. McCULLOCH. I yield to the gentleman from New York.

Mr. CELLER. So, in the interest of the practicalities of the matter and the interest of getting a quick decision, the majority felt this would be the most appropriate way of handling it.

Mr. McCLORY. Well, Mr. Chairman, I do not know what the reasons are. I have heard that the reasons are not that. I have heard that the reasons are that there are certain people who are not satisfied with the decisions of the courts of appeals of other circuits and, so, because of that dissatisfaction they want to have a different circuit, a different group of judges, make the decisions.

Mr. Chairman, I do not believe that that is the appropriate way for us to legislate.

Also, let me just add this: I have also heard that one reason they want to bring it to the District Court of the District of

Columbia is that there is a shortage of judges in the fifth circuit and the President has not seen fit to appoint judges to fill vacancies and those vacancies should be filled. If that is true we ought to encourage the filling of these vacancies instead of designating a court already overburdened, as I understand it, with a backlog of 4,000 cases. We should not burden that court further with all of the litigation which might come from these six States, plus the 34 counties of North Carolina, and other litigation that might come to it.

Mr. CELLER. Mr. Chairman, will the gentleman yield further?

Mr. McCLORY. Yes, I yield to the gentleman from New York.

Mr. CELLER. I, of course, attended every single session of the subcommittee and heard all of the witnesses and appeared at all of the executive sessions when we considered the bill, and appeared at all the sessions of the Judiciary Committee when we finally elaborated the bill and refined it and got it whipped into final shape. There was never the slightest murmur or even a whisper about any prejudicial circuit court or any prejudiced district court anywhere. I can assure the gentleman that the centering of the judicial process in the first instance in the District of Columbia had no relation whatsoever to any favored court. That was farthest in the minds of the members of the Judiciary Committee which had anything to do with this bill.

Mr. McCLORY. Well, Mr. Chairman, I do not know that. I do not want to say I heard that from the committee. It seems to me I have read of that fear or that apprehension and I believe there has been criticism by Members of the voting rights decision of a circuit or perhaps more than one circuit.

Therefore, I cannot help but feel—and I am sure that people who read this bill and find that we have specifically designated one district to hear the cases will conclude that this dissatisfaction, this apprehension about decisions in voting rights cases, motivated the decision to require that all review shall be in the District Court of the District of Columbia, and a three-court decision.

But let me say this further: I have had a review of the authorities upon which the majority of the committee purport to base this provision, this requirement, that the review be solely in the District Court of the District of Columbia, and I do not find that there is any precedent where a State must come and have its enactments reviewed or must come and litigate the subject of exculpating itself from a decision of an executive such as the Attorney General in this case. And, without any precedent, without any decision upon which to base such a provision, it seems to me appropriate that we should question the constitutionality of such provisions. This is so, particularly, when we have an alternative and a speedy method under the Ford-McCulloch bill. It seems to me we should, therefore, accept the speedy method, the

one that is tried and tested and that we are confident is constitutional.

Mr. Chairman, I do not believe anyone has raised any question about the constitutionality of the Ford-McCulloch bill.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman from Illinois 5 additional minutes.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield.

Mr. CORMAN. I have the feeling that the gentleman has left the impression somehow that the cluttered calendar of the District of Columbia was going to slow down the appointment of examiners under the Celler bill. I think it ought to be made clear that no action is needed in the District of Columbia before examiners could be appointed under the Celler bill. That situation has to do with the State or subdivision escaping from the coverage of the bill. I would not want it to be indicated that somehow the Ford-McCulloch bill is more expeditious or efficacious than the Celler bill as to the appointment of examiners in those areas where the trigger is automatic.

Mr. McCLORY. In response to that, let me say that the Ford-McCulloch bill, in my opinion, does provide a speedy method and also is a tried method. I tried to emphasize that the procedure which is outlined and set forth in the Celler administration bill is unique—it is an innovation, and since it is not tested it could possibly defeat the entire purpose we have here.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. Mr. Chairman, I yield the gentleman 2 minutes.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman.

Mr. BENNETT. Mr. Chairman, I have consistently opposed such civil rights legislation as has had for its purpose the compulsory intermingling of races, compulsory association. But we are not confronted with such a measure today. Rather it is a bill to carry out what the Constitution directs the Congress to do, that is to protect the right of voting against racial discrimination by any State. In my opinion the overwhelming conscience of the South supports this idea. My purpose is to urge my colleagues from the South to join me in doing the best we can to perfect this measure by amendment or if necessary by motion to recommit, thus to carry out this idea and then to vote for the amended legislation on final passage. In no other way can we brand as a lie statements of those who point the finger of shame at our beloved Southland. This is our duty to America and to the Americans we represent.

It may take courage for some of you to do this. Some constituents do not re-

member who won the War Between the States. Remind them that the greatest of all southerners, Robert E. Lee, wrote his mother:

Recollect that we form one country now.

And to another lady he gave counsel:

Abandon all these local animosities and make your sons Americans.

Southern Congressmen can stand no taller than when standing in the shadow of the great, the immortal, General Lee. Those of you who have studied his life as I have, can have no doubt that if he were in this Congress he would be supporting and voting for this measure.

This corrective legislation is long overdue. If we look at only one example, the county in the Deep South where we have recently had racial turmoil, we can see that Negroes have been discriminated against in voting practices. While I deplore the outside agitation of all radical civil rights groups, I cannot but understand the obvious anxiety of those citizens who have been denied the basic and fundamental adult privilege of voting. This particular county has a voting-age population of 29,500, of whom 14,500 are white persons and 15,000 are Negroes. In 1961, of the whites 9,195 or 64 percent were registered to vote, while only 156 Negroes or 1 percent of their total were registered.

There are other examples, too. In five Southern States, while the percentage of adult whites registered to vote runs from 57 to 76 percent, the percentage of adult Negroes registered to vote runs only from 6 percent to 34. It has been established in the many days of congressional hearings on this legislation that there is a definite relationship in these five States between the low percentage of Negro registrations and, on the other hand, the discriminatory regulations and rules which in practice prevent many qualified Negro adults from registering to vote.

The registration and voting statistics in the counties in which lawsuits have been brought, and in which determination of discrimination has been made, reveal a similar pattern. In each there is a substantial nonwhite population. In each there is a great disparity between the percentage of white persons of voting age who are registered and the percentage of nonwhite persons of voting age who are registered.

Some people attempt to sustain a negative attitude on this legislation by superficial references to the Constitution. The Constitution not only specifically empowers Congress to enact legislation of this purpose, but commands that this purpose shall be the policy of our country.

The argument is frequently made that the right of States to determine voting qualifications under article I, section 2 of, and in the 17th amendment to, the Constitution overrides the 15th amendment. The Supreme Court as far back as 1879—Ex parte Virginia—reasoned to the contrary; and as recently as this year the Court held that the 15th amendment forbids the States from discriminating on

racial grounds in the exercise of their otherwise valid power—United States against Mississippi.

The reasonableness of the formula used in this bill to allow Federal intervention has been challenged as making the bill unconstitutional; but it has been firmly settled by the courts that the Constitution does not require perfection or the wiping out of all evils. In *Ex parte Virginia* the Supreme Court in 1879 said:

Congress is authorized to enforce the prohibition by appropriate legislation. Some legislation is contemplated to make the amendments fully effective. Whatever legislation is appropriate, that is, adapted to carry out the objects the amendments have in view, whatever tends to enforce submission to prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power.

Nor does this bill constitute an *ex post facto* law or a bill of attainder. It has been held since 1798 that the prohibition against *ex post facto* laws applies only to retroactive penal statutes; and the bill before us does not operate retroactively in its penal provisions. Bills of attainder relate only to legislative acts inflicting punishment without trial, not the case in the measure before us today.

So, in these proceedings, while we should be doing what we can to perfect this bill by all appropriate means, we should keep uppermost in our minds that a measure of this type can be enacted constitutionally, is needed, and should be promptly made law. We should show to the world that southern legislators and their constituents are today living in the southern traditions of high principles and clean courage, their priceless heritage bequeathed to our generation by Robert E. Lee and Jefferson Davis. In closing I would like to quote remarks which the Confederate President, Jefferson Davis, made to a gathering of students in Mississippi after the war:

The faces I see before me are those of young men. Had I not known this I would not have appeared before you. Men in whose hands the destinies of the Southland lie. For love of her I break my silence to speak to you a few words of respectful admonition. The past is dead; let it bury its deeds, its hopes, its aspirations; before you lies a future—a future of expanding national glory, before which all the world shall stand amazed. Let me beseech you to lay aside all rancor, all bitter sectional feeling and to make your places in the ranks of those who will bring about the consummation devoutly to be wished—a reunited country.

Mr. COHELAN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COHELAN. Mr. Chairman, the freedom of a democratic system is not that its people are free of the law, but that they are free to make it and to enforce it through their own elected representatives.

No right, therefore, is more fundamental to a democratic system than the

right to vote. No right has been so long promised to all our citizens, yet no right has been so long or so unjustly denied.

Three times during the last 8 years Congress has sought to fulfill a 95-year-old promise of the Constitution: the promise that no man shall be refused the right to vote solely because of the color of his skin.

With the Civil Rights Act of 1957, we authorized suits to correct discrimination in State and Federal elections and to end intimidation of potential voters.

The Civil Rights Act of 1960 sought to make these suits easier, and last year we sought to make them faster.

But the fact remains that our ideals and our intentions have not been matched by our practices and our deeds. The fact remains that the right to vote is still denied and that second-class citizenship is all some Americans can attain because their skin is black.

The Attorney General pointed out in his testimony to the committee that during these 8 years the number of eligible Negroes registered to vote in Alabama increased by only 5.2 percent. In Mississippi the increase was even less—4 percent. And in Louisiana there was no perceptible increase at all.

The U.S. Commission on Civil Rights, commenting in March of this year on voting legislation in Mississippi, stated without equivocation that "stringent registration requirements existed and broad discretion was vested in local registrars for one reason—to disenfranchise Negro citizens."

My own factfinding trip to Selma, Ala., earlier this year gave me firsthand proof that Negroes in Selma, and elsewhere across Alabama's black belt, were systematically and effectively being denied their legitimate and constitutional rights as citizens to register and to vote.

The answer quite clearly is that we have not moved far enough or fast enough during either these last 8 or 95 years; that a stronger measure is essential if equality is to be insured.

What we need is a new device, which this bill provides, that will enable us to move fairly but promptly; that will eliminate the costly and the time-consuming process of individual litigations; and that will systematically and automatically eliminate discriminatory tests and discriminatory practices.

Some argue against this bill, Mr. Chairman, on the ground that it may not be constitutional. Let me remind our colleagues that section 2 of the 15th amendment states that—

Congress shall have the power to enforce this article by appropriate legislation.

This bill clearly has but one purpose: to accomplish what other measures have failed to do, and that is to open our polling places and our ballot boxes to all our citizens. And it meets the test set by Chief Justice Marshall in *McCullough* against Maryland, when he said for the Court:

Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adopted to that end and, which are not prohibited, but consistent with the letter and spirit of the Constitution are constitutional.

Mr. Chairman, I would like to speak briefly to the elimination of literacy tests, which some of our colleagues and some of my constituents have questioned.

I personally have no objection to them, so long as they are fairly administered. But the record shows that they have not been. Highly literate Negroes have been refused the right to vote. Totally illiterate whites have been allowed to vote. Tests have clearly been used to discriminate, and they have been administered, at times, by registrars who themselves were unable to interpret the very same passages they have asked Negroes to interpret.

The short answer is that in all too many cases, they have been used for no other purpose than to deny the franchise to Negro voters. And the evidence is clear that in all too many instances they have been effective.

It is also worth pointing out, I think, that at least 30 States do not require literacy tests as a qualification for registering or voting; yet there is no evidence that the quality of the Government has suffered.

Finally, Mr. Chairman, I would like to state my strong support for the amendment, proposed and adopted by the Committee, which eliminates the collection of a poll tax, or any other tax, as a precondition to voting.

Poll taxes, like literacy tests, have had only one function, and that has been to exclude the Negro from voting. This finding has been documented repeatedly. It was emphasized by the Senate Committee on the Judiciary in 1942, and it has been pointed out on numerous occasions in the reports of the Commission on Civil Rights. These reports show, furthermore, that not only was the poll tax conceived as a discriminatory device, it has also been operated and administered in a discriminatory manner.

States have a legitimate right to insist on certain qualifications in our citizens who wish to vote. Age is one, it tests a certain maturity of judgment; residence is another, it signifies knowledge of local affairs and concern for their resolution; citizenship is another, it testifies to an interest and stake in the community. But payment of a poll tax has none of these attributes; it is a meaningless qualification. It neither adds to nor detracts from the intelligence or wisdom of a voter as he casts his ballot. It is not a real qualification; very bluntly, it is a hindrance.

The fact of the matter is that 46 States today, and the number may soon be 47, do not find a poll tax necessary. Congress should eliminate its use and practice for good; no American should have to buy his right to vote in any election.

Mr. Chairman, I urge that this bill be passed and enforced without further delay. The time has come, and is long past due, when the just and proper activities which have been enjoyed by most Americans for nearly two centuries should be shared in fully by all our citizens.

This bill is not only a matter of moral right. It is an expression of our clear yet unmet constitutional responsibility. It can no longer be ignored. It must no longer be compromised.

Mr. WILLIAMS. Mr. Chairman, I make a point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 6400, to enforce the 15th amendment to the Constitution of the United States, had come to no resolution thereon.

#### AMENDMENT TO VOTING RIGHTS ACT OF 1965 TO ENFRANCHISE SPANISH-SPEAKING AMERICANS

Mr. RYAN of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN of New York. Mr. Speaker, a year ago President Johnson signed into law what many thought was the final civil rights bill. Today we begin debate on another civil rights bill. When the bill passed last year, I predicted that there would be another bill, for it was clear that it did not fully face the question of voting discrimination. H.R. 6400 is a major step toward eradicating this problem. But it also falls short of the goal. I will have more to say on this during the general debate. At this point, however, I wish to point out one glaring omission in the House version of the voting rights bill.

The bill before us does not include a vitally important amendment. This amendment, sponsored by Senator KENNEDY of New York, will enfranchise thousands of Spanish-speaking citizens.

This amendment would prohibit the denial of the right to vote in any election to any person because of his inability to read, write, or understand English if he has successfully completed the sixth grade in a public or accredited private school in any State, territory, the District of Columbia, or the Commonwealth of Puerto Rico, in which the predominant classroom language was other than English.

Mr. Speaker, this amendment will end discriminatory disenfranchisement for thousands of American citizens of Puerto Rican origin. In New York State many citizens are not registered to vote today because of the New York State law which requires a prospective voter to take an English-language literacy test or to establish his literacy by showing an eighth grade education at a school conducted in English. Senator ROBERT KENNEDY estimated that there are approximately 730,000 Puerto Ricans in New York, of whom 480,000 are of voting age. Less than one-third—about 150,000—are registered to vote. While it cannot be said that all the other 330,000 are not registered be-

cause of the literacy test, there is no doubt that a substantial number do not register for this reason.

The New Yorker of Puerto Rican origin has every opportunity to be as well informed a voter as his English-speaking neighbor. There are Spanish-language newspapers, television and radio. The schools in Puerto Rico teach civics and American history. The English-language literacy test is an arbitrary requirement for voting and should be abolished.

Mr. Speaker, I have long urged that the literacy test be abolished completely, and in each Congress I have sponsored legislation to accomplish this. In this Congress my bill to abolish the literacy test is H.R. 2477. I have testified in favor of this position before the Judiciary Committee on many occasions, including the hearings on the bill before us. I believe that the least we can do in this session is to adopt the amendment sponsored by Senator KENNEDY and included in the Senate bill.

I urge the distinguished chairman of the Committee on the Judiciary to accept this amendment, and offer it as a committee amendment, and I urge all my colleagues to join me in this fight to bring full citizenship to thousands of Spanish-speaking Americans.

The proposed text follows:

Page 16, immediately following line 25, insert the following:

"(e) (1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

"(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English."

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. RYAN of New York. I yield to the gentleman from New York.

Mr. CELLER. I will be glad to accept the gentleman's amendment.

Mr. RYAN of New York. I thank the gentleman. I am delighted that the distinguished chairman of the Committee on the Judiciary has agreed to accept this amendment which will correct a basic injustice.

#### THE BOXCAR SHORTAGE

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for 1

minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HICKS. Mr. Speaker, the country is just beginning to experience the consequences of a most unfortunate situation in the transportation field. It will get much, much worse before it can improve. And only by decisive action soon can it improve at all at any time.

I refer to the boxcar shortage. Briefly, its cause is a system of required rentals of boxcars between the many railroads which has the effect of making it cheaper to rent boxcars than to own them. Because of this, more boxcars are wearing out each year than are being built. Eastern railroads which receive shipments from the West keep the cars in which those shipments arrive, and use them for their own regional traffic.

The demands on boxcars increase tremendously during the great agricultural harvests only now beginning. These demands alone are not being met. And as boxcars are assigned to handle even a part of this traffic, they are drained away from normal traffic. In my own State of Washington, and throughout the West, manufacturing plants are shut down periodically and men thrown out of work while the goods they produce await boxcars for shipment.

The senior Senator from my State, Mr. MAGNUSON, has introduced a bill to remedy this boxcar shortage, and the Senate has approved the legislation. It would permit the Interstate Commerce Commission to regulate the boxcar rental rate so as to make it more profitable for a railroad to own boxcars than to rent them.

I have introduced a companion bill and I hope that favorable action will be taken soon by this body.

Mr. Speaker, I received in this morning's mail a copy of a letter which illuminates one phase of the problem. It was written by the sales manager of the Simpson Timber Co., of Seattle, Wash., to a customer nearly 3,000 miles away in South Carolina, indicating the national scope of the problem.

JULY 2, 1965.

Mr. BOYCE F. GLENN, Jr.,  
Manager, Building Material & Equipment  
Co., Anderson, S.C.

DEAR Mr. GLENN: Your recent letter advising you were deducting extra handling costs incurred due to our carload shipment of fir plywood in a 6-foot single door boxcar has been reviewed.

It is with reluctance that we issue credit covering these costs that are beyond our control. I think it is only fair to inform you we cannot accept any purchase orders in the future that demand 10-foot or wider equipment. It is our wish to ship all of our products in double door or wider door cars, however this year we are experiencing the worst car shortage of many years. It has only begun. It will be so much worse later this summer after the grain shipments get underway.

We are asking our customers to write their Congressmen and Representatives to do what they can to help alleviate this situation. There are times when our plants do not receive any railroad equipment—even 6-foot single doors—so you can see these plants

would be quickly shut down for lack of available inventory space if our customers fail to cooperate with us.

Therefore, we must ask our customers to bear with us through this critical period, allowing us to ship in the equipment available at time of shipment.

Very truly yours,

SIMPSON TIMBER CO.,  
ROBERT H. FLETCHER,  
Sales Manager, Plywood and Doors.

#### WAR ON POVERTY

Mr. HARSHA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HARSHA. Mr. Speaker, the administration's so-called war on poverty should rather be called a war on the poverty stricken. Rather than making war on poverty, the politicians are making money on poverty.

The reports of the manipulation by political opportunists of public funds that were intended to relieve the suffering of the economically unfortunate are nothing short of degrading. This political manipulation is a disgraceful fact and a shocking illustration of man's inhumanity to man.

I called attention last year to the fact that the war on poverty was designed to create a vast centralized authority, and I pointed out that our greatest weapon against poverty is a free and unregulated society built on private enterprise. I said that this legislation was a denunciation of our present economic system. Those words are proving to be all too true. The program, and the resultant dependency on the Federal Government, are growing. The President now wants \$1.5 billion for his war on the poverty stricken as against the \$900 million that was wasted on the first year of the program. And the end of this growth is nowhere in sight.

Can there be any doubt as to where this type of legislation is leading us? By these socialistic programs we are being lured into fundamental changes in our economy; we are placing under the control of the Government the allocation of a very substantial portion of our national income. This act has had the effect of holding out additional hope to poverty-stricken people, but the promises of the benefits that they will reap from this legislation are as empty as last year's bird's nest.

#### "ECONOMIC INEQUITIES," BY WILLIAM D. PARDRIDGE

Mr. THOMSON of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include an article from the La Crosse, Wis., Tribune.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. THOMSON of Wisconsin. Mr. Speaker, if we as a nation are as prosperous as the political trumpeteers say we are, then why do we need all these so-called economic stimulants?

I will tell you why the President, the Secretary of the Treasury, and the Chairman of the Council of Economic Advisers all say we need a constant shot in the arm. It is because we are not doing very well.

The American standard of living in fiscal 1964 went up only a "paltry" 3 percent over that of 1963—not the 6½ percent that is printed on page 38 of the 1965 Economic Report of the President.

The word "paltry" it not mine, but I subscribe to its use when referring to the progress of the American economy. This word "paltry" is that of a certain Mr. William D. Partridge, who wrote an article on the touchy subject that was published July 4 in the La Crosse, Wis., Tribune.

Mr. William McChesney Martin, our outspoken Chairman of the Federal Reserve Board, took a highly professional speech to New York City to warn that bootstraps do not make good elevators. And Mr. Partridge, a simple graduate student on a second career in life, took a plain-talk, down-to-earth article to La Crosse, Wis., to unmask the doubletalk our dilettante economists have so fluently developed. Both men did patriotic jobs in their own particular ways.

The basic strengths of the American economy are in cities like La Crosse, where needed goods and services are produced. New York City, a great city we all know, is a money market, and that is where our trouble lies. Money is not a commodity like meat or shoes. If we depend on the U.S. mint for our daily bread, as we seem to be doing, then we will soon find all our restaurants full of rich customers but with no cooks or vintlers in the kitchen.

This Mr. Partridge that I mention was until last March working for the Ph. D in economics at the University of Chicago. He left that midwestern institution to spend 9 months explaining to America the meaning of economic reality. Next year he intends to pick up again the intricate tools of mathematical statistics and economic theory. If he retains his commonsense as a theoretician, then someday he, too, can go to New York City. Somehow, though, I do not think he will be very welcome there.

The 50 articles that Mr. Partridge is writing, one for each State, are paid articles, but I am happy to say that one-half the proceeds of this La Crosse article on the gross national product is being donated to the University of Wisconsin, and the other half goes to the University of Chicago.

The series of 50 articles entitled "Economic Inequities" is to be put together in book form next year, and the profits are again to be distributed to the 51 universities. This is to be a grassroots book, a book for the people, and the people include graduate students who have not yet learned to be dilettantes. Let us hope they never do learn it.

Mr. Speaker, I include in my remarks the article on the gross national product

as it was published July 4 in the La Crosse, Wis., Tribune:

#### ECONOMIC SHELL GAME: BIG GNP GROWTH? DON'T BELIEVE IT

(EDITOR'S NOTE.—The author of this article has been working on his doctorate at the University of Chicago. He has left his studies to write a series of articles on economic inequities, planned for publication in book form next spring, and will resume his studies after completing the series.)

(By William D. Partridge)

The real gross national product (GNP) of 1964 increased only a paltry 3 percent over that for 1963.

And that's not good. In fact, it's dangerous.

But the President's Council of Economic Advisers officially states the GNP increase was over 6 percent.

How come? Is this a shell game?

This particular mumbo-jumbo is so thin that even juvenile delinquents wouldn't use it. No Sherlock Holmes is needed.

Here's how it works:

To get the dramatic 6 percent bed of roses, the Council of Economic Advisers compares 1964 dollars with the more valuable 1963 dollars on an even-Stephen basis.

Published reports of the U.S. Bureau of Labor Statistics make the 1963 dollar almost 2 percent more valuable in purchasing power than the 1964 dollar.

The Bureau of the Budget published a GNP of 604 billion 1964 dollars for 1964, and 568 billion 1963 dollars for 1963. This gives a GNP increase of over 6 percent.

Reduced to equal-value dollars, the 1964 GNP actually is 560.5 billion constant dollars, and the 1963 GNP is 536.2 constant, equal dollars, that constant dollar being 100 cents on the dollar in use during 1957-59.

This comparison of medium-sized eggs with medium-sized eggs instead of with shell-game eggs, yields a real GNP increase of 1964 over 1963 of only 4.5 percent.

Now this is but half the straightman act. Mack Sennet would call it disgraceful.

The other half goes this way:

At a given level of economic efficiency, whatever it is, more people can produce more goods and services than less people.

Two heads are better than one, even if one is a cabbage head—and so it is that two people produce more than one, even if one is a paid farmer who doesn't farm.

In other words, the Council conveniently neglects, in its cheery pronouncement, to admit that the U.S. population was greater in 1964.

If there were no increase in economic efficiency, the GNP would still be greater simply because more people are around.

The labor force just naturally gets bigger, with more customers, as the whole population itself gets bigger.

Well, if this population growth is considered, as it must, then the bed of roses, already run down, becomes a patch of weeds.

The real 1964 GNP yielded 2,936 constant dollars per person. This is 560.5 billion dollars divided by 190,865,000 folk, which the U.S. Census Bureau says were here when our \$560.5 billion of goods and services were being produced.

The real 1963 GNP yielded 2,849 constant dollars per person. This is \$536.2 billion divided by 188,160,000 souls.

Now what is the increase of \$2,936 over \$2,849?

It plainly is 3 percent.

And that's what our real 1964 GNP increased over the real 1963 GNP.

And that's not much. It certainly is not enough to finance a TVA for southeast Asia.

Some intelligent people contend world war III won't be nuclear in its waging, but economic. If this is so, then we'd better balance our economic books in a hurry. The first step in this direction is to stop kidding ourselves.

We advanced only 3 percent, not more than 6 percent.

Don't stop with 1 year or one political party. Go back 10 years to fiscal 1955. In that year the real GNP was 2,451 constant dollars per inhabitant. In fiscal 1964 it was \$2,936, \$485 more.

This is an average annual increase of only 2.2 percent. Perhaps southeast Asia had better wait awhile.

This ugly situation is not the fault of the Democrats or the Republicans. It simply is the result of ostrich-like behavior on the parts of the hand-picked professional bureaucrats and many professional professors. There is a position of curry instead of conscience.

A faint glimmer of hope, and it's mighty faint, is seen when the defense, space, and foreign aid billions are removed, as they should be, from the economic GNP to show what the population really gets for itself.

In this light, the 1964 GNP increased 3.3 percent over 1963 instead of the other 3 percent. But these figures are too close to be of any honest value in measuring our growth.

Only a charlatan could advertise them. And the fiscal, 1964, real, civilian GNP per head of 2,835 constant dollars increased at an annual average rate of 2.4 percent over the same for 1955, 10 years earlier.

This is nothing to brag about, either. We should be ashamed of it. And we're jellyfish if we hide it.

Constant dollars here are expressed in terms of 100 cents to the value of the dollar in 1957-59. This is a measure of knowing that a dollar won't buy as much when prices go up, but will buy more when prices are lower. There's nothing fancy about it.

This is an economic tool of great value when used to show how much the same bundle of potatoes, underwear, or roofing cost in different years.

It also is a deadly weapon, not a tool, when used to paint a patch of weeds as a rose bed. It is the ultimate in abstract art.

An art show picture can be turned upside down at will (and is) and the judges don't know the difference.

But these judges, who are the American people, must learn to see through the chartists on Pennsylvania Avenue, and must keep regular watch on their economic bank-book.

This whole set of props is not an economic inequity in the sense that economic resources are spent foolishly or wasted on uneconomic fancies.

But it certainly is an economic shell game that makes us think we're through punching a timeclock when we're not.

#### MALAWI INDEPENDENCE DAY

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, this is the first birthday of a country in Africa formerly known as Nyasaland and now Malawi. The Prime Minister of this proud and promising country in Africa is a product of the University of Chicago in the district I have the honor to represent.

Malawi, which was known as Nyasaland before gaining independence on July 6, 1964, is a nation rich in natural splendor. The lush green foliage, high mountains, and large lakes make this

nation one of the most beautiful in Africa.

The modern history of Malawi began when the famous explorer, Missionary David Livingston, discovered Lake Nyasa on September 16, 1859.

Malawi is an independent nation in the British Commonwealth. From 1953 until December 31, 1963, it was joined with Northern Rhodesia and Southern Rhodesia in the now dissolved federation of Rhodesia and Nyasaland.

The advance of Nyasaland toward self government and eventual independence began with a constitutional conference held in London from July 25 to August 4, 1960. Pursuant to this conference, elections for a new legislative council were held in the protectorate on August 15, 1961. Dr. Hastings Kamuzu Banda led his Malawi Congress Party to an overwhelming victory in these elections and, accordingly, gained an important role in the new executive council.

Dr. Banda had returned to Nyasaland in 1958 from many years overseas to lead Nyasaland's African nationalist movement. Its aims were the establishment of African rule, secession from the Federation, and eventual independence.

Malawi is well endowed with good agricultural land. The territory has a rail link with the sea, running through Mozambique and terminating at the port of Beira.

As chairman of the Subcommittee on Africa of the Committee on Foreign Affairs, for myself and all my colleagues, I extend to Malawi and to Mr. Edward D. Mwasi, the Chargé d'Affaires for Malawi in the United States, our congratulations and warm good wishes.

I have an especially deep interest in and warm regard for Malawi because of my longtime friendship with Dr. H. Kamuzu Banda, the able Prime Minister, and among the great African heads of state whose qualities of leadership and mature statesmanship have been universally recognized. Dr. Banda is a former student at the University of Chicago, in the district that I have the honor to represent. Last year on his visit to the United States he included Chicago on his schedule and was received with the highest acclaim by students and alumni of the University of Chicago. To Dr. Banda go our sincere congratulations and our warmest greetings.

Mr. Speaker, Malawi, by its former name of Nyasaland, seems especially close and dear to the people of the Second Congressional District of Illinois. Also from the fact that descendants of the revered missionary, Livingstone, live among us, our friends and neighbors.

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Hawaii [Mr. MATSUNAGA] may extend his remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, today, the 6th of July 1965, is the first anniversary of the independence of Malawi, the former British protectorate of Nyasaland. To the people of this

beautiful country and to their esteemed leader and Prime Minister, Dr. Hastings Kamuzu Banda, we extend congratulations on their first anniversary of independence.

In the 1850's David Livingstone explored the territory of Nyasaland and sent reports to Britain concerning the ravages of slave trading and tribal warfare in the area. These reports inspired missionaries to follow him; with the missionaries came traders. Led by Dr. Robert Laws, the traders worked to combat the slave trade by the establishment of legitimate commerce. In 1878, they formed the African Lakes Corp., which in the late 1880's came into conflict with the Arab slave traders in the north, and led to the involvement of the British Government. In 1891, Nyasaland became a British protectorate.

Under the influence of the British missionaries, settlers, and government officials, slave trading was abolished and the foundation for economic, social, and political development laid. Tea, cotton, and tobacco were introduced, which are today the principal cash crops of the economy. Schools and hospitals were opened and the Malawians trained as teachers and doctors. Local government was in time returned to the traditional authorities.

In 1953 Nyasaland became part of the Federation of Rhodesia and Nyasaland. An intensive campaign was begun in 1959 by the Malawi Congress Party, led by Dr. Banda, for secession from the Federation and for self-government. In 1961 a conference was held in London and a new constitution adopted. That same year elections were held, in which Dr. Banda's party polled more than 90 percent of the votes. Another conference a year later agreed to the introduction of self-government early in 1963, when Dr. H. K. Banda became Malawi's first Prime Minister. In September of that year a third conference established the date of final independence, July 6, 1964. A member of the British Commonwealth, Malawi joined the United Nations on December 1, 1964.

Malawi's economy depends on agriculture and fortunately the land is rich. However, population density is high. Under the direction of the government, the Malawians continue to pursue the British policy of extensive agricultural experimentation. In achieving its goal of economic expansion and in retaining its political stability and social maturity, we wish Malawi every success.

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, today, July 6, marks the first year of independence for the newly formed African nation of Malawi.

I bring this fact to the attention of the House for two reasons: first, because it is always a significant event in history when a nation assumes the role of self-

government and secondly, because I know many of my colleagues will want to join with me in extending their best wishes to the officials of this new nation.

Not long ago, I was privileged to meet with a group of officials representing the Government of Malawi. These officials impressed me with their sincerity of purpose and ability to understand and deal with the numerous problems which confront any new government. This brief meeting assured me that the future of Malawi is secure and that this new nation will continue to progress as it has done over the past year.

Malawi Independence Day is close in time to our own Independence Day of July 4. This proximity in time is paralleled with a dedication to the principle of self-government.

The dedication of the American people to this principle has caused our Nation to endure where others have failed. The similar dedication of the people of Malawi has convinced me that Malawi too will endure.

Mr. Speaker, I salute the people of Malawi on their first Independence Day and wish the leaders of that nation every success in dealing with the inevitable problems which lie ahead.

Mr. FARNUM. Mr. Speaker, July 6 is the anniversary of the independence of Malawi, which most of us remember under its former name of Nyasaland.

Malawi, named for the great people of that title, came to its present status as a constitutional monarchy in the British Commonwealth in a manner showing that good will may be more effective than violence in the quest for self-government.

The march to independence began with a constitutional conference in London in the fall of 1960, which led to elections for a new Legislative Council in August 1961, in which Dr. Hastings Kamuzu Banda emerged as the widely acclaimed national leader.

The British Governor accorded Dr. Banda an increasingly important role with the result a smooth transition from colonial rule to responsible African government. Stage by stage, independence was attained on July 6, 1964.

Mr. Speaker, this Nation believes that Malawi and its beloved Dr. Banda have set an example that the peoples of all the world might study. In these days of strife it is encouraging to know that commonsense and good will can attain results that all of us admire.

Mr. MURPHY of Illinois. Mr. Speaker, July 6, a day so close to our own hallowed holiday, marks the first annual birthday of Malawi's existence as a sovereign entity. This country patterned like an exclamation point in the southeastern portion of Africa is one of the most beautiful on this vast continent. Within its borders, it boasts inspiring mountain masses, lovely lakes and green plateaus.

Malawi's most vital resource, however, lies in its people who are known far and wide for their energy and devotion to productive labor. On the farms and in the mines and industries throughout southern Africa, Malawian workers have for decades been contributing their

strength and their willing hands to the production of essential commodities.

Like much of Africa, Malawi is mustering all its reserves of will and diligence in a valiant forward thrust to modernize its economy and to fulfill the promise of independence as the harbinger of a better life for its people. The Malawi Government under the leadership of Prime Minister H. Kamuzu Banda is tackling this enormous task with characteristic good sense, courage, and tenacity. With American assistance playing a worthy role, educational expansion, agricultural development, and road construction are being pushed vigorously.

On the anniversary of its independence, Malawi will pause for a moment to rejoice and remember with pride its successful nationalist struggle and the foundation for progress laid during its first year as a country ruled by its own people. Having taken this momentary look backward, Malawi can turn once again with fresh resolve and unabated enthusiasm to the mighty job of forging a happy and healthy nation.

A school of agriculture was also launched during this period. Lastly, a project was begun under which Malawi will be helped to improve a national radio system essential for communication between the Government and the people and as an important means of mass education.

Malawi has worked hard during its first 12 months as a sovereign people. It can now step forth with confidence and good conscience on the next leg of the journey toward the goal of a better life for its people.

Mr. BRADEMAS. Mr. Speaker, July 6 is a significant day in the history of Malawi; for on that day in 1964 Great Britain effectively granted independence to the Malawian people. Today, only 2 days after we Americans have commemorated for the 189th time our own Declaration of Independence from England on July 4, 1776, Malawi celebrates its first anniversary of constitutional self-government. At this time, I should like to express my admiration for the achievements of the Malawian people in their 1 short year as a free member of the British Commonwealth and the community of nations.

The years since the end of World War II have seen the erosion of numerous colonial empires and the birth of many new nations. In some independence has brought problems which have all but aborted the goals dreamed of by the people during their years of subservience to foreign rule. New-born Malawi is an outstanding example of what a free people with determination and will, led by a man of foresight, understanding, and intelligence can accomplish. I speak, of course, of the distinguished Prime Minister of Malawi, the George Washington of his country, Dr. H. Kamuzu Banda.

Indeed, Malawi stands proudly as a symbol of democratic representative government and as a vital example of the republican system succeeding in a newly established state. The Malawian people did not achieve their independence without much effort, sacrifice, and determined hard work. While the transi-

tion from colonial sovereignty to self-determination was relatively smooth, it came only after the raj had been convinced time and again, by actual demonstration, that Dr. Banda and his followers were both willing and able to assume the responsibilities to be transferred to them. Malawi's freedom came in gradual stages. From 1953 to 1963 it was a member—along with Northern and Southern Rhodesia—of a federation. At that time it was called Nyasaland.

Malawi moved toward autonomy with a constitutional conference held in London in 1960. In 1961, in accordance with the convention, elections for a new legislative council were held. Dr. Banda and his Malawi Congress Party received the mandate of the electorate and assumed the leadership of the new Executive Council.

In 1962, a second constitutional conference was held in London. This meeting resulted in a declaration of intent by the British articulating their determination to give Malawi domestic self-determination in early 1963. Shortly thereafter England made public its willingness to allow Malawi to secede from its union with the Rhodesias.

Step by step, the British assisted in the establishment of a ministerial, unicameral system of government with the Prime Minister, Dr. Banda, as head of Government. In October of 1963, with a constitution promulgated, Great Britain announced its intention to grant Malawi its independence on July 6 of the following year.

Today, Malawi, which became a member of the United Nations on December 1, 1964, is an emancipated constituent of the family of nations.

Mr. Speaker, I believe Prime Minister Banda and the Malawian people deserve the heartiest congratulations and best wishes of the American people on this anniversary date.

Mr. CONYERS. Mr. Speaker, today is a great occasion for one of the youngest nations of the world. July 6, 1965, marks the anniversary of 1 year of independence for the great nation of Malawi. The name for the new country was taken from that of a people who in the 17th and 18th centuries inhabited much of what is now Malawi. It is fitting that this name of a free and proud people was given to Nyasaland in commemoration of its change in status from a protectorate to an independent nation.

Malawi is a land of lush green foliage, high mountains, and large lakes, and is undoubtedly one of the most beautiful in Africa. The country is 37,000 square miles in area and lies between Northern Rhodesia and Tanganyika in the north and Mozambique in the south. The southern tip of Malawi is about 130 miles from the sea. However, it does have its own 360-mile-long lake, Lake Nyasa, sometimes called Lake Malawi in honor of the new nation.

The population of Malawi is estimated at 4 million, including 9,000 Europeans and 11,000 of Asian descent. The bulk of the population is descended from the original settlers of Malawi—the Malawi, Yao, and Angoni peoples. Blantyre, the commercial and industrial center of the

country, has a population of 75,000; Zomba, 10,000; and Lilongwe, the main city of the central region, 10,000.

One year ago, Malawi reached the last stage of a 4-year plan for status as an independent dominion within the British Commonwealth of Nations. The smooth transition from colonial rule to self-government was facilitated by the presence of a great leader in Dr. Hastings Kamuzu Banda. Dr. Banda, who returned to Nyasaland in 1958 after many years overseas, led the Malawi Congress Party to an overwhelming victory in the August 15, 1961, legislative council elections. The role which he played in the new executive council demonstrated his talent and wisdom as an administrator.

Dr. Banda became Prime Minister February 1, 1963, when the executive council was replaced by the British ministerial system of government. The country has a unicameral National Assembly consisting of 53 elected members, 3 of whom must represent the European minority. On December 1, 1964, Malawi became a full-fledged member of the United Nations.

The United States is happy to call Malawi its friend. We are host to several students from Malawi who are studying in American universities and hope that more of their young people will wish to study in this country. Malawi has asked for and received Peace Corps volunteers from the United States. Technical assistance is also being sent to Malawi under the auspices of the Agency for International Development.

The people of the United States extend their hearty congratulations to the people of Malawi on this, the anniversary of their independence. It is always heartening to see a people drop the yoke of colonialism and stride forward as a free and independent nation without the bloodshed of revolution. To His Excellency the Prime Minister of Malawi, Hastings Kamuzu Banda, and the soon-to-arrive Malawian Ambassador to the United States, Vincent H. V. Gondwe, we extend our warmest greetings. We salute Malawi, Africa's "Land of the Lake," on her independence day, and we wish for her continued progress, prosperity, and peace.

#### GENERAL LEAVE TO EXTEND

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### AMERICA'S NO. 1 FOURTH OF JULY CELEBRATION

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA. Mr. Speaker, it is with a sense of deep pride in the spirit of

patriotism of the people I have the honor to represent in this historic body that I rise to make report of America's No. 1 old-fashioned Fourth of July celebration.

I do this with the hope that other communities throughout our Nation will be inspired by what the South Deering Improvement Association has accomplished and our country will be blessed with a renaissance of that old-fashioned Americanism that proclaimed its love of country on every occasion, in every word and every action, and made every minute of every hour of Independence Day a real occasion for joyous celebration.

I hope and pray, Mr. Speaker, we will never become so hard and calloused that we take for granted what the struggles, the sacrifices, and the planning of our forefathers have given unto us. Nothing can be kept live and vibrant, not even the spirit of patriotism, without work, constant unending work. The generation that seeks to rest on the work of preceding generations would be a lost generation.

#### WHAT HARD WORK ACCOMPLISHES

For 30 years, almost a sixth of the life span of our independence, the South Deering Improvement Association has celebrated the Fourth of July. By hard all-the-year-round work the celebrations have grown and grown, until now they are widely regarded as setting a national pattern. Every minute is filled, from the start of the parade in the morning, until the sounding of the last firecracker and the finish of the last fireworks display at night, and there is not one cent of charge. All the work is done by volunteers, and the volunteers started work on the 1966 celebration as soon as the 1965 celebration was over.

I was privileged and happy to be in the parade that assembled at 9:30 on July 4 at 104th and Torrence Avenue and was led by the famous band of the U.S. 5th Army. The marvelous Twirling Jewels Baton Twirlers brought up the rear of the parade in a blaze of colorful action.

Almost every house we passed was flying the American flag, and I am very sure that everyone in the community and for miles away, who was not in the parade, was on the sidewalks, and in the yards, and on the porches of the homes. Men, women, children—all part of this moving picture of pure patriotism—the morning start of America's No. 1 Fourth of July celebration, which would not cease until late at night and would be participated in by an estimated total of possibly 75,000 persons.

Reviewing the parade were Louis Dinocenzo, president of the South Deering Improvement Association; Patrick Courtney, Miss Ann O'Connor, Alex Savastano, Rev. Michael Commins, Rev. William Vernon, John Henneberger, sanitary district trustee; State Representatives Nick Svalina and Henry Lenard, State Senator Dan Dougherty, Attorney Patrick Allman, Congressman O'HARA, Dan Delich, Nels Monocchio, Emil Digiaco, Joseph Gornick, Andrew Diorio, Matt Kral, John Nawoski, Thomas Dowler, and John Cvejovich.

#### PARTICIPANTS IN GREAT PARADE

Joseph A. Grande was general chairman, and Gen. Horace F. Wulf, marshal of the parade. Deputy marshals were Tony Lowery, Mike Padjich, Andrew Diorio, Joseph Gornick, William Janotto, and P. Marlo.

Participating in the parade were South Deering Post, Illiana Post Drum and Bugle Corps, Boy Scouts—two troops, Roseland Area Planning Association, Woodlawn Post No. 175, American Legion, Stelmaszek Post No. 792, American Legion, Russell Square Post No. 1006, American Legion.

Woodrow Wilson PLAV Drum and Bugle Corps, Woodrow Wilson Post, PLAV, Park Manor Post No. 5418, Lulich-Ogresovich Post, South Chicago Memorial Post Grenadiers, South Chicago Post No. 4104, VFW, Burke-O'Malley Post No. 803, American Legion, Wm. Franke Post, VFW No. 8827, Bowen High School Summer Band.

Chicago Fire Department—two vehicles, Mexican-American Residents of South Deering, Chel-Win Civic Association, Southeast Lions Club, East Side Labor Day celebration float.

Twirling Jewels Baton Twirlers, Mayor Daley's Cleanup Committee—5 floats, 10th Ward Young Democratic Organization, 10th Ward Republican Organization, Stevens Academy of Music, Ratkovich Insurance, South Chicago Eagles—two cars, East Side Lions Club, Tomich Bros., Santa Maria Council, Knights of Columbus, Business Men's Float.

Present were Brig. Gen. Horace Wulf, Aldermen John Buchanan, Sam Yaksic, Dominic Lupo, and Nick Bohling, 10th Ward Democratic Committeeman Stanley Zima, 10th Ward Republican Committeeman Charles Fitch, Judge Felix Buoscio, and Congressman BARRATT O'HARA.

#### EVENTS FOR ADULTS AND CHILDREN

Track and field events ran from 10:30 in the morning until 2:30 in the afternoon when the events for children took over, with a semipro baseball game at 4 o'clock and adult activities, including an egg throwing contest, in the early evening. From 7 to 9 o'clock an accordion concert by Steven's Academy of Music delighted the multitude that already was gathering for the fireworks.

Mr. Speaker, it is only fair to include here the Trumbull Park staff, all of whom made a large contribution to a perfect day. The names follow:

Mr. Henry A. Racic, park supervisor.

Mrs. Mary Jane Alagna, girls' physical education instructor.

Mr. George Everett, boys' physical education instructor.

Mr. Tom Haupt, recreation leader.

Mrs. Mary Durkin, matron.

Mr. Edward Borowski, attendant.

Mr. Chuch Kurtz, attendant.

Mr. John Quinn, attendant.

#### COLORFUL CALUMET PARK PARADE

At 1 o'clock it was my privilege and honor to join with the League of United Latin American Citizens in a mammoth Fourth of July celebration in Calumet Park, which is not far from Trumbull Park and also is in the 10th ward of the city of Chicago. Here too the crowd of

celebrants was tremendous. Family groups were everywhere—the parents and children turning out en masse to do honor to our country and in observance of the national day of independence.

In view of the fact that both Calumet and Trumbull Parks are in the same ward of the city of Chicago, and both parks were packed with people during the celebration services, and the same was true of the other part of the ward, I think it is a conservative statement that there were more participants in Fourth of July celebrations in the 10th ward of Chicago than in any other area of comparable size anywhere in the United States. And I am sure there were not anywhere more American flags per square foot than flew this Fourth of July in 1965 from the homes in this community.

#### INFLUENCE OF LULAC PROJECTED

The parade and flag ceremony in Calumet Park were under the auspices of American citizens of Latin blood or descent, of which I am happy to report there is a large representation in the 10th ward, possibly as many as 15 percent. They are fine people and have made a large contribution to our community. One of their number, the Honorable David Creda, my warm personal friend and a brilliant young lawyer, recently has been appointed magistrate of the circuit court of Cook County. Judge Creda is one of the leaders among the LULAC group. American born of Mexican blood he attended universities both in the United States and Mexico. The charming Mrs. Creda is Puerto Rican. At my request Judge Creda prepared the following statement covering the events of this Fourth of July in Calumet Park:

South Chicago LULAC Council No. 313 celebrated the Fourth of July at Calumet Park, Chicago, Ill., by having a parade and flag ceremony. The following units participated in the parade: the U.S. Coast Guard, South Deering American Legion Post, Woodrow Wilson Post marching unit and band, Pvt. Sam Nevelt Post unit, Mexican Patriotic Committee, Our Lady of Guadalupe Church Little League baseball team. Bob Lestinsky was the parade marshal. The LULAC Queen and her court rode in the parade also.

Mr. Justino Cordero was the master of ceremonies. The following persons were on the speakers platform: Hon. Flex M. Buoscio, judge of the circuit court of Cook County; Hon. Daniel Dougherty, Illinois State senator, 13th District; Hon. Henry M. Lenard, Illinois State representative; Hon. Nick Svalina, Illinois State representative; Hon. Charles Fitch, 10th ward Republican committeeman; Hon. Stanley F. Zima, 10th ward Democratic committeeman; Hon. John J. Buchanan, 10th ward alderman; Hon. Dominic Lupo, 9th ward alderman; Hector I. Mena, the Mexican vice counsel in Chicago; and David Creda, magistrate, circuit court of Cook County.

Herman H. Moses introduced the main speaker, the Honorable BARRATT O'HARA, U.S. Representative, Second Congressional District. Miss Linda Tello then placed the crown on the 1965 LULAC Council Queen, Mary Palomares. The members of court of the LULAC Queen are: Nereida Ortiz, 2d runnerup; Mary Navarro, 3d runnerup; Youlanda Heredia and Irene Martinez. The committee in charge of the girls was composed of Mary Lou Dianda, Estelle Heredia and Jessie Delgado.

The Fourth of July ceremony was the climax of the scholarship program of LULAC Council No. 313. Two scholarships were awarded in 1965. The first-place winner was Michael Landeros of 7616 South Dorchester, and the second-place winner was Gabriel Rinconeno of 9237 South Brandon, also in Chicago, Ill. Both are going to attend the University of Illinois Chicago Circle.

The committee in charge of raising funds for the scholarship was composed of the following persons: John Delgado, president; Jose Cruz Diaz, vice president; Estelle Heredia, treasurer; Mary Lou Dianda, secretary; Leo Ramirez, Dominic Delgado, Joe Sallas, Herman H. Moses, Eliseo Rios, Alex Polanco, Mary G. Pazzi, and David Cerda.

Mr. Speaker, as my colleagues may judge it was a great Fourth of July in the Second Congressional District of Illinois. Nowhere does patriotism and love of country have fuller or purer expression.

#### THE 189TH NATIONAL OBSERVANCE OF INDEPENDENCE DAY

Mr. BYRNE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include a speech by Attorney General Nicholas Katzenbach delivered at Independence Hall, Philadelphia, yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BYRNE of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the Record, I include the following very impressive speech presented by the Honorable Nicholas deB. Katzenbach, the Attorney General of the United States, at the 189th National Observance of Independence Day, held in Independence Square, Philadelphia, on Monday, July 5, 1965:

ADDRESS BY ATTORNEY GENERAL NICHOLAS DEB. KATZENBACH, INDEPENDENCE DAY CEREMONIES, INDEPENDENCE HALL, PHILADELPHIA, PA., JULY 5, 1965

It is a great honor to help celebrate—on this historic site—the birth of American freedom.

The words written here 189 years ago changed human history as few others ever written anywhere changed human history. The familiar parchment on which they were written is yellowed, but their meaning shines as new and unstained as ever. They are still, in Abraham Lincoln's phrase "an immortal symbol of humanity," a symbol giving "hope to the world for all future time."

The rights these words proclaimed were rights demanded by American colonists in 1776. Their validity, however, lay in their universality. The Declaration declared all men are created equal, not just all men of property, or all white men, or even just all Americans.

This was a message that spread like a brushfire throughout the world, kindling fires in the minds of men everywhere. Even now, when independence is chanted rhythmically in an African village, or freedom is sung by civil rights marchers, or liberty is scrawled across the walls of some tormented despotism, the spiritual antecedents of word and act can be traced to Independence Hall.

Over the last 189 years the world has learned the painful lesson that freedom is not a costless benefit, guaranteed to the virtuous or well-meaning. It is not man's natural condition, but something attained only through continued toil, care, and in-

genuity. The dream of freedom has stirred men's minds in many lands, but few have succeeded in preserving it. Today, it is still the exception throughout the world, not the rule. It is what most men seek, not what most men have.

The Declaration of Independence was a product of the Age of Enlightenment. Its faith was reason, and the belief that men's problems are inherently soluble. It is a faith we still live by.

We know that the problems of sustaining liberty are heavy even in our own land. But we have come far, and our success in building a free, strong, and prosperous nation has been very great.

Our success, in fact, has been so real that even the most practiced Soviet ideologists have had trouble recently in coming up with an orthodox Marxist explanation. A few have had to resort to the heretic suggestion that the American model of capitalism may not be following the decline charted for it in Marxist-Leninist lore.

We also know that we have far to go to make the principles of the Declaration a reality. We are aware that many of the rights fought for by the Founding Fathers are not yet enjoyed by many Americans.

The cry "no taxation without representation" helped to bring on the Revolution. Yet today there are still millions of Negroes who pay taxes but cannot vote.

The Declaration states unequivocally that "all men are created equal." Yet today we have immigration laws which say an Englishman is 9 times more acceptable than a Pole and 12 times as acceptable as an Italian.

It is time to eradicate these discrepancies between the ideals which created this Nation and the practices we follow. Tomorrow the House of Representatives will begin floor debate on the administration's voting rights bill. It is a measure designed to knock down the hurdles which have blocked the Negro's path to the polls. I am hopeful and confident that it will be passed by a heavy majority.

I am equally hopeful that the Congress will act with dispatch on the administration's immigration bill, so that we can judge potential immigrants not on their national background, but on what talents they offer to the Nation.

The same faith in the solubility of human problems that underwrote the Declaration now spurs us on to correct other omissions in American life. We are taking steps too long delayed to give adequate health care to the aged, to help the poor, to improve our crowded schools, to build better homes, to disassemble slums, and to preserve and enhance the beauty of the land.

Under President Johnson's leadership, this great drive to end our remaining inequities has met with an extraordinary response from all segments of the American public. It proves again that the forces which hold us together as a nation are stronger than the forces which divide us.

The men who signed the Declaration of Independence in 1776 were men of wealth and respectability. They risked their lives, their fortunes, and their sacred honor in the war for liberty.

Throughout the history of the United States, men have done the same. We have fought to preserve our freedom and we are striving now to help others preserve theirs.

We are attempting to insure that the citizens of beleaguered countries can determine their own affairs, free from foreign interference, much as the American colonists demanded that they be able to settle theirs. We seek no more than to assure conditions under which their citizenry has a free choice to form such governments as they wish. To do less would be to abandon the traditions which founded our own Nation.

We hear about us a good many noisy dissenters from Government policies. Debate is needed and dissent is healthy. But it must be dissent that is informed, not just heated, and well reasoned, not just intense.

In some quarters it seems enough to be against communism the way one is against the Devil, and the more violently, the better. Such a view of the Nation's problems is too simple. Our concerns stem not so much from communism as from the poverty, exploitation, and injustices on which it feeds.

Equally simplistic and delusory is the view that we can avoid a confrontation with communism without threatening our liberties. Some people seem to think that if we withdraw from Vietnam or the Dominican Republic, all our problems will dissolve. There are some, indeed, who have convinced themselves that if we fervently enough proclaim ourselves for peace, peace will then break out, surely one of the great non sequiturs of our time.

Those of us charged with making Government policy must weigh all its implications. We must ponder its potential results from a variety of angles. Criticism, to be useful, must do the same. Its value is considerably diminished if it focuses only the factors which interest its authors, and omits those which do not.

Much of the current criticism fails to consider vital variables. It may be internally consistent, like the astronomy of Ptolemy, but like the Ptolemaic system, it may bear little similarity to the actual relationship of events.

"Liberty means responsibility," George Bernard Shaw once wrote, "that is why most men dread it." That, too, is why it has so often been stillborn.

The responsibility of liberty is the responsibility of tempering freedom's many choices with sober judgment and carefully considered information. Difficult issues must be confronted not with righteous protestations or angry denunciations but with constructive proposals and the backing of facts.

The responsibility of liberty is also the responsibility of courageous commitment. It means rising out of the comfortable easy chair of the status quo. It means active participation in the causes—be they civil rights or the war on poverty, or disarmament—that will improve America and strengthen peace.

"We are not to expect to be translated from despotism to liberty in a featherbed," Thomas Jefferson wrote to Lafayette in 1790.

In 1965, Jefferson's symbol of ease has long since gone; the featherbed is a thing of the past. But Jefferson's meaning is not. In our time, as in his, we honor our independence as we act on it.

#### PUBLIC HEALTH SERVICE HOSPITALS

Mr. FOUNTAIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FOUNTAIN. Mr. Speaker, last month the Government Operations Subcommittee of which I am chairman prepared a report concerning the proposed closing of Public Health Service hospitals. The report was adopted by the Committee on Government Operations on June 23. It recommended that the proposed closing of Public Health Service hospitals—particularly those at Boston, Galveston, and Norfolk—he reconsidered.

Secretary of Health, Education, and Welfare Celebrezze advised me this morn-

ing that the decision to close the Boston, Galveston, and Norfolk Public Health Service hospitals has been reversed. It is my further understanding that the situation at the Detroit and Savannah hospitals will be reexamined.

I have also been advised by the Administrator of the Veterans' Administration that a directive providing a priority for merchant seamen over veterans with nonservice connected conditions for admission to VA hospitals has been canceled and will not be reissued.

#### WAR ON TRAFFIC DEATHS

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOWARD. Mr. Speaker, as I rise to address this body today the 4th of July weekend highway death toll continues to soar toward the 600 mark. Just before coming on the floor today, I checked with the wire services and was informed that at 11:15 a.m. there were 542 reported deaths as a result of such traffic accidents.

Once again we have witnessed the senseless slaughter of human beings many of whom would be alive today if they were riding in vehicles equipped with more and better safety features.

It is a disgrace because we have the means at our disposal to cut down the number of traffic fatalities by declaring an all-out "war on traffic deaths" through legislation.

On June 28 I introduced three bills which I feel would go a long way in cutting down the number of traffic deaths which now total 1,000 a week. In the other body Senators ABRAHAM RIBICOFF and GAYLORD NELSON have been doing an outstanding job in their attempts to give the American public a safer automobile.

Right at this very moment some vehicles are coming off the assembly lines with new tires which are inadequate to safely carry their prospective passengers and the baggage loads these vehicles are designed to carry.

I cannot help but feel that there are many heartbroken families across this great Nation today who mourn the fact that we have the means and yet have not demanded that new cars contain more safety features.

As you gentlemen know, the General Services Administration has set down a list of 17 safety features which must be included in any new vehicles it purchases, beginning with the 1967 models. It is estimated that the Government will purchase some 60,000 vehicles in the 1966 fiscal year.

This shows that the automobile industry can and will include these safety features in vehicles when it is necessary.

We know our enemy; he has killed more Americans than all our wars combined; he will never surrender to idle talk. He must be defeated in a massive war on traffic deaths.

#### TRAVEL AGENTS WIN VICTORY AGAINST AIRLINES

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, in April 1965, the air traffic conference which consists of the major air carriers in this country filed an agreement with the Civil Aeronautics Board which proposed a new structure for commissions on air fares to travel agents. Under the proposed commission structure agents would, in the future, receive 3 percent rather than the present commission of 5 percent on domestic point-to-point air fare. The following is a table showing the present rate of commission of various classes of fares together with the proposed rate under what ATC termed "motivational commission structure."

Type of sale	Commission rate, percent	
	Present	Motivational
Advertised air tour.....	10	10
Independent air tour.....	10	15
Incentive air tour.....	10	10
Independent air/surface tour.....	(1)	10
Family fare travel.....	5	7
Group fare travel.....	5	7
Extraterritorial (e.g., international, mainland-Hawaii).....	7	7
Charter flights.....	5	5
Other domestic, at regular agency location.....	5	3
Other domestic, at in-plant location.....	(2)	3

<sup>1</sup> The independent air/surface tour is composed of air travel in conjunction with an advertised package tour of at least 2 nights on a cruise steamer, or 6 nights via rail or bus. The cruise steamer combination is presently commissionable at 10 percent as a form of independent air tour. The rail or bus combination is new.

<sup>2</sup> Hitherto, there was no provision for an in-plant commission rate, the ATC carriers regarded operations at in-plant locations as violations of the sales agency agreement. Agents who wrote up tickets at an authorized agency location, and delivered them through facilities on a customer's premises, claimed the regular commission of 5 percent on straight domestic sales.

<sup>3</sup> Not to exceed \$1.

Mr. Speaker, it is to be noted that the vast majority of agents feel that the 40 percent decrease in commission on domestic point-to-point air fare more than outweighs any of the increases in other less used categories. Further, the above table, which is abstracted from the ATC explanatory statement filed with the Civil Aeronautics Board in support of their proposed commission structure, purposes to show the proposed maximum \$1 commission on "in-plant sales" as an increase, in that footnote B to the table states that in-plant locations were not previously authorized. Others in the industry have characterized this as an intent to cut back sharply the 5-percent commission presently being received by some agents from this type of servicing of commercial accounts.

The response of the 7,000 travel agents throughout the country to this entire proposal was one of overwhelming disapproval.

My Small Business Subcommittee has received literally hundreds of letters from virtually every State in the Union

pointing out that travel agents could not hope to survive economically if the ATC proposal were to become effective.

On June 8, I wrote the Honorable Charles S. Murphy, Chairman of the CAB, telling him of the interest of my subcommittee in this matter informing him of our tentative intention to hold hearings concerning this matter and requesting that the Board take no final action in the interim.

I have been informed that last week the air traffic conference withdrew its proposal. Today, I have received the following telegram from Mr. William Denis Fugazy, chairman of Operation Survival, an ad hoc association of travel agents formed to better the position of those small businessmen engaged in the travel industry as travel agents.

Congressman JAMES ROOSEVELT,  
Select Committee on Small Business,  
House of Representatives,  
Washington, D.C.:

On behalf of thousands of grateful agents may we thank you for your assistance in achieving a major step in the development of a more proper relationship between airlines and the agents. We are convinced that only as a result of your proposed committee hearings on small business have the airline executives withdrawn their proposed commission plan. It is our firm opinion that the committee hearings and the disclosure of the constant un-American and improper practices of both ATC and IATA is the only solution to correct a very unfair monopolistic position maintained over the 7,000 small travel agents in this country. It is imperative that your committee proceed with its plans for a full evidentiary hearing of all the facts. We are grateful to you and the members of your committee for your helping keep 7,000 agents in business.

WILLIAM DENIS FUGAZY,  
Chairman, Operation Survival.

I have also received the following letter from the American Society of Travel Agents:

AMERICAN SOCIETY OF  
TRAVEL AGENTS, INC.,  
New York, N.Y., July 1, 1965.

Re travel agency industry of the United States.

HON. JAMES ROOSEVELT,  
Chairman, Subcommittee on Distribution  
Problems Affecting Small Business,  
Room 2454, Rayburn House Office  
Building, The Capitol, Washington, D.C.

DEAR CONGRESSMAN ROOSEVELT: As you may be aware, yesterday afternoon the Air Traffic Conference of America unanimously agreed to withdraw the plan which it adopted in April and which, if approved by the Civil Aeronautics Board, would have resulted in a 40-percent commission cut for point-to-point air sales by U.S. travel agents.

The travel agency industry regards this action by the air carriers to be an acknowledgment of a grave mistake which would have had substantial, adverse effect on the American traveling public.

Although the travel agents regard yesterday's decision by the airlines as a victory for the traveling public, we do not regard the dispute between air carriers and travel agents with respect to commission payments on certain forms of air travel to be resolved. We have been advised that the air carriers are developing a new agreement which would sharply curtail, if not eliminate, the services by agents of commercial users of air transportation through inplant facilities. Furthermore, many other basic problems continue to confront the travel agent as a result of the ability of the air carriers

to operate through conference systems exempt from antitrust liability.

We, therefore, urge you to continue to maintain your stated interest in this most important matter. You can be assured of our continued cooperation in the hearings which you have scheduled for the near future, dealing with the role of the travel agent in the United States.

Sincerely yours,

IRVIN FRANKEL,  
President,

American Society of Travel Agents, Inc.

There is no question but that the withdrawal of the air traffic conference proposed commission structure is a sharp victory for the travel agents. It does not, however, resolve all the problems involved in this complex matter.

As an example, I am informed that ATC will, in the immediate future, file a new agreement for approval by Civil Aeronautics Board which will pertain only to the servicing of commercial air accounts through inplant facilities. Further the question remains as to whether 5 percent is a sufficient level for commissions on domestic point-to-point fares. Additionally, the subcommittee has received numerous allegations of improper actions by airlines in their dealing with individual travel agents.

It is the intention of the subcommittee to closely study all of these matters and to continue our investigation of all these matters.

#### THE NATION'S 100TH ANNIVERSARY

Mr. RYAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RYAN. Mr. Speaker, today the Nation marks its 100th anniversary. The oldest continuously published weekly magazine of opinion in the country, it remains a leading American magazine of liberal thought.

The Nation was the first, and has remained one of the most consistent, supporters of civil rights. Oswald Garrison Villard, its sixth editor, was a founder of the National Association for the Advancement of Colored People—which was first housed in the Nation's offices.

Charles W. Eliot said that the Nation "has pricked any number of bubbles and windbags." Over the years, it has attacked imperialism, political machines, witchhunts, the spoils system, conformity, militarism, and capital punishment. It was among the first American publications to illuminate the evils of Hitler and Mussolini.

The list of great authors and scholars who have contributed to the Nation is far too lengthy to elaborate here. One cannot, however, refrain from mentioning Lord Bryce, W. D. Howells, Henry James, both senior and junior, William James, Henry Wadsworth Longfellow, James Russell Lowell, H. L. Mencken, and Carl Schurz as men whose works have helped make the Nation the great magazine that it is.

Throughout the years it has never favored a single political party. It sup-

ported both Cleveland and McKinley; Taft, and later, Wilson. This approach has won the Nation a wide audience. As H. L. Mencken wrote:

The Nation is unique in American journalism for one thing: it is read by its enemies.

On this anniversary, I wish to congratulate the Nation's inspired editor, Carey McWilliams, and the Nation's staff, and express my belief that the Nation will last another hundred years—producing objective, impartial, thoughtful appraisals of both national and international issues.

#### A HEALTHY SKEPTICISM ABOUT OUR ECONOMIC FUTURE

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CURTIS. Mr. Speaker, in spite of efforts of the administration to nip in the bud discussion about the future course of the economy, doubts persist about the correctness of the administration's un-faillingly rosy view.

In an editorial of June 28th, the New York Times suggests that the administration may overdo its optimism. What the administration has done, according to the Times, is give the impression that it knows all the answers, thus generating "a mass euphoria that is vulnerable to any authoritative expression of dissent."

In his Times column of June 30, M. J. Rossant points out that the concern felt by many private economists in finally spreading to the top ranks of the administration. Apparently, Secretary of the Treasury Fowler is one who believes that the boom may be nearing its peak.

Chairman Martin has performed an important service by calling attention to some of the weaknesses of the economy in his June 1 speech at Columbia University. He has jolted the mass euphoria generated by the administration and stimulated a healthy and more realistic look at the future. His thoughts are further elaborated in a speech on June 25 at Rutgers University.

Under unanimous consent I insert Mr. Martin's June 25 speech and the New York Times articles in the RECORD at this point:

[From the New York (N.Y.) Times,  
June 28, 1965]

#### ECONOMIC FALLIBILITIES

In his first speech since he sobered Wall Street and stung Washington by recalling 1929, William McChesney Martin, Jr., reiterated his warning that continued economic expansion depends on avoiding excesses abroad as well as at home. His observation that monetary policy is necessarily imperfect because it is based on incomplete information about the economy is a salutary reminder that the Federal Reserve Board is far from infallible. What Mr. Martin discreetly refrained from pointing out is that the administration also acts on the basis of incomplete and sometimes erroneous information.

Unfortunately, the administration gives the opposite impression. Its spokesmen have

intimated that they know it all and that their adroit handling of fiscal policy will keep the boom going strong forever. The administration has done a good job in fashioning policies that have stimulated noninflationary growth. It has not succeeded in bringing unemployment down to tolerable levels or in eliminating the deficit in the Nation's balance of payments, but its combination of tax reduction and easy credit has resulted in a prolonged period of uninterrupted advance. Yet, what it has accomplished to date must not be mistaken for a guarantee of future prosperity. If Mr. Martin and the Federal Reserve may be wrong in taking a relatively pessimistic view of the future, it is no less possible that the administration overdoes its optimism.

By suggesting that they know all the answers, the administration's policymakers have generated a mass euphoria that is vulnerable to any authoritative expression of dissent. This seems to be the explanation for the decline of the stock market; investors are swinging from unreasonable enthusiasm to equally irrational despondency. The danger is not that the economy will suddenly fall into a severe and unexpected tailspin. It is that the administration will pose as infallible, concentrating its efforts on pumping up the expansion when it should be preparing potential measures to counter a decline.

Much has been learned about the economy and how it functions. But there is still a lot to learn, especially about what causes recessions and how to combat them. The President may be correct in stating that there is no reason for either gloom or doom about the economic outlook. He would not have to worry that fear will spread if the administration makes clear its readiness to take countercyclical action just in case things go wrong.

[From the New York Times, June 30, 1965]  
THE ECONOMIC DEBATE: CONTROVERSY OVER THE OUTLOOK SPREADS TO JOHNSON AIDES FOR THE FIRST TIME

(By M. J. Rossant)

The Johnson administration and the stock market are both behaving in roller coaster fashion. The trouble is that neither is contributing much light to the controversy over where the economy is headed.

Secretary of Commerce John T. Connor, who said 2 weeks ago that "business is good, and it's going to get better," is sticking to his guns. He believes that the only cloud on the economic horizon is the performance of the stock market.

But Secretary of the Treasury Henry H. Fowler is not so sure. He had looked for the economy to "forge ahead on all fronts," but now he thinks it is "quite likely that we could have a leveling-off or a period of recession" before resuming a fast rate of growth.

Mr. Connor's opinion has been the accepted one in and out of Washington. Mr. Fowler's is something new. For the first time since Mr. Johnson moved into the White House, the administration has been prey to the conflict that is troubling private economists.

The private conflict is more explicit. Fortune magazine, which has refused to go along with the prevailing view that there is no end to the expansion, now predicts the Federal Reserve's index of industrial production is due to dip, dropping from a peak of around 142 in July to an average of "near 139" next year.

But New York's Bankers Trust Co., while conceding that the pace of industrial production is slackening, still thinks the upturn will be strong enough to bring the index close to the 145 level before this year is out.

This split in both Government and private ranks reflects a marked shift in appraising the outlook. Before the stock market break, the issue dividing most forecasters was

whether the expansion would continue at the unsustainable pace of the first quarter, which worried Federal Reserve Chairman William McChesney Martin, Jr., or slow down to a more moderate but nevertheless respectable advance.

But now that the ball is over in Wall Street, the argument is between those who predict a moderate advance and those who think that the days of the boom may be numbered.

The view that the boom is nearing a temporary peak is based on increasing evidence that productive capacity is rising faster than demand.

But because the expansion has been remarkably well balanced and the increase in productive capacity relatively slow in making itself felt, the gap between production and demand is much less serious than it has been at previous cyclical peaks.

Because of this difference, the forecast of an end to the boom is not a forecast of serious recession. Instead, it conceives of a period of marking time or catching up that could be almost as well mannered as the preceding period of expansion.

#### MARKET OFTEN WRONG

The stock market has clearly voted with the minority who see trouble ahead. To be sure, the market is often wrong and it may be this time. But where it may be most in error now is in suggesting that a serious drop in economic activity is in the cards, when Fortune and other relatively bearish forecasters expect more of a slowing down than a tailspin.

Clearly, the market has been overreacting. It always does. But when it was shooting up so strongly, President Johnson and his advisers frequently cited the rise as proof that the administration's policies had the approval of investors and that business confidence was high.

Now that the market has plummeted, Mr. Connor observes that "it may or may not be an indicator of business activity."

#### SHIFT IN THE ECONOMY

The sharp change in investor sentiment, like the shift in the thinking of economists, simply points up the shift that seems to be taking place in the economy itself.

Instead of embarking on a new era of balanced and sustainable growth, the economy may be entering a period of crosscurrents in which growth will be slower than normal and the gains in profits, employment and sales much smaller than investors, economists and businessmen have become used to.

Such a prospect is hardly calamitous. It is preferable to a rampaging and unstable boom that is fun while it lasts but is agony once it is over. But it still will be hard to take for an administration that has come close to claiming that it has a sure-fire formula for rapid and balanced growth.

#### SOME OBSERVATIONS ON MONETARY MATTERS

(Address by William McChesney Martin, Jr., Chairman, Board of Governors of the Federal Reserve System, at the 29th annual commencement of the Stonier Graduate School of Banking, Rutgers University, New Brunswick, N.J., June 25, 1965)

No activity is more important than education, and no part of education is more absorbing than that in which all of you here have been engaged: fostering understanding of the world of business and finance and the nature of the economic process—the process by which people make their living.

Those of you who have participated as students and as teachers in the vital undertaking of the Stonier Graduate School of Banking deserve the commendation—and the admiration—of us all. You have mine, without reservation.

I might also say you have my envy for having had so inspiring a setting for your work

at this distinguished university in which, over the 2 centuries since its founding in 1766, many generations have worked in utmost dedication to preserve and advance the cause of the liberal arts.

That, and the fact that Rutgers University is an institution older than the American Republic itself, tempts me to reach back in time and dwell upon the glory that was Greece in the age of Pericles and the grandeur that was Rome in—and beyond—the age of Augustus.

But recent experience has taught me to be wary. If I should venture to compare our life and learning today with that of Greece in the fifth century B.C., or that of Rome in or after the first century B.C. or A.D., I am sure there would be some who—no matter what I said about differences as well as similarities—would interpret my remarks as a prediction that we will be overrun by barbarians—and in a matter of minutes, at that. Nor will I venture comparisons with historic periods in the American past. If I should so much as mention the year 1814, for example, I daresay there would be some to accuse me of advocating that the city of Washington be put to the torch again.

But I am not discouraged by that. Instead, I am heartened by the capacity for sober understanding that has been evidenced to me in recent days by many thoughtful men and women throughout our country. So I would like to talk to you today, neither as prophet nor advocate, but simply as one who hopes that some observations by a fellow student may have some value, however small, for the studies that you have been pursuing.

In your careers in this school of banking, I am sure you have discovered, as I too have done, that it is more than merely possible for reasonable men to disagree on the correct course for monetary policy to follow at any given time to best discharge all of its responsibilities.

In monetary policy as in all other matters, judgments must necessarily be based on incomplete information: the data available reflect at best the situation of yesterday, and more frequently of last week, last month, last quarter. Even if our information were completely current, there would always be some uncertainty about its meaning for the future, even with such aids as surveys of spending intentions. Interpretation would be handicapped by our inability to comprehend all pertinent relations among the innumerable elements of our economy—and by the ambiguity of many of those elements themselves. A slight rise in prices may be a momentary flurry that will soon reverse itself in the absence of any action, or it may be the first sign of inflationary pressure that will generate a dangerous spiral unless offset by firm policies.

The practical impossibility of obtaining fully up-to-date or complete information to act upon, of building an operational theory that would incorporate all the variables to be found in a modern economy in all their interrelations, and of excluding errors of evaluation—all these factors help to explain why central banking remains an art rather than a science, although intensive research is advancing our ability to measure and understand economic behavior.

It is doubtful, however, that anyone will ever be able to devise formulas that can provide infallible guides to monetary action. For example, the same data can have very different significance under different circumstances. In 1958, when the United States began to show a large deficit in its international accounts, that deficit should certainly not have been given the same weight as in early 1965, when the persistence of a large deficit over more than 7 years was threatening the maintenance of international confidence in the stability of the dollar. When price fluctuations have for some time been

mild and without clear trend, a given rise in the price level is not as ominous as when the increase has been going on for some time and is showing a tendency toward acceleration.

These problems, incidentally, seem to me to show not only that central banking is an art rather than a science but also that, as an art, it is the art of the middle way. At all times, the central banker needs to be aware of the risk that the country might slide into either inflation or deflation. At all times he will be subject to criticism that he is leaning too far to one side or the other, and he will be urged to do the exact opposite of what he is doing at the moment. Hence, he will always be in the middle, in more than one sense of the word.

In the United States, our internal economic activity is so much larger than our international business that—until recently—many observers have tended to regard our balance of international payments as an almost negligible consideration. But those who did not know it earlier have come to know now that even the United States cannot live in isolation from the rest of the world, since the flow of funds to and from foreign countries is inextricably connected with the flow of funds within our economy. In other words, sustained economic growth requires not only domestic financial stability—which means neither an insufficient nor an excessive supply of credit and money—but also international financial stability, which has special requirements of its own.

On the domestic front, the 1960's have thus far been a period of almost continuous progress, and, as I have sought recently to stress, we ought to be bending every effort—and taking every precaution—to keep it that way. But, as I have also sought recently to stress, continuation on our upward course can be assured only if monetary disturbances are avoided in international as well as in domestic accounts. And it has been in the international sector that monetary policy—like U.S. financial policy in general—has recently been faced with its most urgent and difficult problems.

Whatever may have been the case in the past, I suspect that never again will the United States be able to ignore its balance of payments in formulating domestic economic policies. There is no once-for-all solution either to the problem of maintaining balance in our internal economic expansion or to the problem of maintaining balance in our external payments. Constant effort is required.

The Federal Reserve has not been unmindful of these problems. In an effort to discourage capital outflows to other countries, the System began very gradually to lessen monetary ease as soon as recovery from the recession of 1960-61 enabled such action. But the System has continuously proceeded with great care, lest in trying to reduce the spillover of funds abroad, it deprive the domestic economy of funds needed to finance expansion.

Since President Kennedy's balance-of-payments message in July 1963, the general operations of monetary policy have been supplemented by selective actions aimed at curbing flows of capital from the United States to foreign countries. At first, these actions were taken exclusively in the field of taxation, in the form of the interest equalization tax on long-term nonexport credits to residents of developed countries other than Canada. As you know, this tax initially was applied only to lenders other than banks. Then the interest equalization tax was extended to banks under the so-called Gore amendment following President Johnson's balance-of-payments message in February 1965. This message also led to the institution of the voluntary foreign

credit restraint efforts for which the Federal Reserve, after consultation with the Treasury, has been issuing guidelines for banks and for other financial institutions.

Compliance with these guidelines has provided the Federal Reserve with somewhat more leeway to make day-to-day adjustments in monetary policy than might otherwise have been the case.

I do not know—and neither does anyone else—whether in the period ahead the present posture of monetary policy will prove to be exactly right, or will need some further firming or some easing; that will depend on the way events develop, for the simple reason that monetary policy must always be adapted to meet changing circumstances. In any event, it should be clear that the use of selective measures to improve our international payments position has not made the prudent use of general monetary policies any less essential for the preservation of stability in our economic system.

It should be equally clear, however, that while our circumstances require a reduction of the recent massive volume of capital outflow they do not require, even now, that we eliminate capital outflows altogether. There are sound reasons for that: as the country with the highest per capita income in the world, the United States is likely to have a larger flow of savings and better developed capital markets than less affluent societies; and as the country with the world's largest stock of capital equipment and most advanced tools of modern technology, the United States is likely to have a less urgent demand for investment than countries that are still trying to catch up with the latest developments. Accordingly, we should be able to maintain payments equilibrium in the face of a capital outflow, and therefore in the face of some lasting differential between credit conditions in this country and most others. Such a differential is, in fact, inherent in the preeminent position of the United States in the world economy.

It now appears that, under the initial impact of the voluntary restraint program and related temporary measures, our international accounts have actually been about in equilibrium for the past 3 or 4 months. Interest rates in some foreign countries, especially in the so-called Euro-dollar market, have been under some upward pressure, but there has been no lack of investment funds abroad. It does not seem unreasonable to expect that, over time, a relation between the levels of interest rates and other credit conditions among the major industrial countries can be established that would hold U.S. capital outflows, even without selective measures, to amounts compatible with international payments balance without any threat to continued expansion of domestic economic activity and of international commerce.

Clearly, the task will be the simpler, and success the surer, the more that central banks of the major countries are willing to cooperate in such an effort. We shall not surrender our ability to follow monetary policies that are appropriate according to our own judgment, and neither will any other country. But we have shown our willingness to consult on the proper aims of balance-of-payments policies so as to avert the danger of mutually inconsistent actions—which were the bane of the interwar period.

The last few years have seen the steady growth of international financial cooperation. The Federal Reserve has initiated a network of mutual currency arrangements under which 11 countries can receive from us, and are willing to make available to us, short-term accommodation in case of need in a total amount of \$2.6 billion. The Federal Reserve also participates in periodic meetings with central bankers of the major Euro-

pean countries, and with those of our sister republics in the Western Hemisphere. Together with the consultations within the framework of the International Monetary Fund and the Organization for Economic Cooperation and Development—which Federal Reserve officials attend as members of the U.S. delegations—these meetings provide an unprecedented opportunity for working together in the common interest of the free world.

Most recently, a study group set up by the 10 major members of the International Monetary Fund, in which again Federal Reserve representatives play a part, has been concerned with plans to improve our international payments system. I do not know what will be the final outcome of these endeavors. But it may not be amiss for me to say something now about the broad principles that ought to guide us as we give consideration to proposed changes in international monetary arrangements. This whole question is intimately intertwined with the problem of the U.S. balance of payments and with the results of its improvement.

Change, development, progress are the law of life. There is no reason for any of us to insist on maintenance of the status quo. Although the present international monetary system has served the world very well, it, like all institutions, must evolve and adapt to changing circumstances.

The formal justification for the current intergovernmental examination of proposals to change international monetary arrangements is that a major source of new reserves will disappear as the U.S. balance of payments moves from substantial deficit toward surplus. Ever since the end of World War II, the United States has supplied the rest of the world with more dollars than were needed to make current payments to this country. In the earlier years, this excess supply of dollars—which went out in the form of U.S. purchases abroad, Marshall plan, and other aid, military outlays and private capital flows—was a welcome addition to the reserves of other countries. More recently, since the late 1950's, these additions to foreign reserves have been excessive. In other words, our balance-of-payments deficit has been too large and too long lasting. It has become the sword of Damocles over both our domestic expansion and the international payments mechanism.

Elimination of the deficit in our balance of payments—an objective to which the entire U.S. Government is firmly committed—will certainly deprive the rest of the world of an automatic supply of reserves. And there has been a widening area of agreement that gold production alone is neither so large nor so predictably available to monetary authorities as to provide for the needed growth in international reserves over time. Thus an end to U.S. deficits may well call for some supplementary means of supplying countries with reserves.

It would be a mistake, however, to think that European initiatives toward the creation of new reserve assets are purely a response to the prospect of an end to U.S. deficits. We must recognize that the motivation runs deeper. If we are to act intelligently and in a spirit of international cooperation we must fully understand the attitudes of other countries, and especially the viewpoints of the large industrial countries. I do not wish to imply that there is a unified view abroad, even in Continental Europe, on the international monetary system. There are broad differences among countries and perhaps even among officials of individual countries. Nevertheless a common thread of opinion runs through the fabric of European monetary thinking and I shall try first to point it up and then to make some comments about it.

First of all, there is a widespread view in Europe that the deficit in the U.S. balance of

payments must be curbed. This view is expressed in different ways at different times. Some of our European friends have at times attributed Europe's inflation to the inflow of dollars. Others have complained about excessive U.S. investment in their countries, a process by which Americans are said to acquire factories and other productive facilities in Europe while the monetary authorities of the countries concerned acquire dollars in the form of U.S. Treasury bills or bank accounts. Still others have complained that they hold more dollars than they wish but are not really free to convert dollar receipts into gold for fear of shaking confidence or jeopardizing their relations with us.

Related to these expressions of dissatisfaction with our balance of payments is, in some countries, a deeper dissatisfaction with the existing monetary system in which the U.S. dollar serves not only as a national currency, but also as an international medium of exchange and store of value. The status of the dollar as a reserve currency is regarded by some European observers as a source of special advantage for the United States, since in contrast with other countries, we create new international money when we have a deficit. Others in Europe complain that the amount of new reserves created as a consequence of U.S. deficits does not necessarily correspond to the reserve needs of other countries; what they seek is a more systematic means of creating international reserves.

I turn now to some comments on these European attitudes. Just as there is a range of opinion in Europe on these matters, there is also a diversity of views among Americans. Some of our countrymen believe that in the present system we have the best of all possible worlds; others go so far as to blame most of the ills of our economy in recent years on the international monetary system.

We can all agree with the European view that the U.S. balance of payments must be brought back to equilibrium as soon as possible; indeed, the President's message of February 10 is a clear and unequivocal statement of this agreement.

We do not accept the view that the U.S. deficit is responsible for inflation in Europe. Most Americans who have studied the matter, and many Europeans also, see the causes of European inflation right in Europe. By the same token, we do not accept the view that our balance-of-payments deficits are caused by forces outside the control of the United States. We fully accept our responsibility to demonstrate our ability to manage our own affairs in a way which will justify confidence in our currency.

As to American investment in Europe, I would say that insofar as this is a problem, it is quite independent both of the U.S. balance-of-payments situation and of the nature of the international monetary system. Those who complain about U.S. direct investment would probably complain about it just as loudly if U.S. payments were in balance; those who welcome it, do so regardless of the state of our balance of payments.

Whatever the differing attitudes of countries regarding the composition of their reserves between gold and foreign exchange, it is a fact of financial life that all countries use reserve currencies—especially the dollar—in their exchange markets. Thus countries in balance-of-payments surplus inevitably find their dollar balances increasing; the monetary authorities of countries in deficit must sell dollars in their exchange markets to support their exchange rates. This almost universal use of dollars by monetary authorities is a reflection of the widespread employment of the dollar by private traders and financial institutions, even in transactions that do not involve the United States. The use of the dollar as a medium of exchange, and reflects as well the predomi-

nant position of the U.S. economy and the ready convertibility of dollars into gold at the established price of \$35 per ounce. Certainly any proposal for changing the international monetary system must respect these functions performed by dollars and must avoid the introduction of incentives to convert dollar holdings into gold.

Whether other countries do or do not wish to continue to use the dollar as a reserve currency is, of course, up to them. The United States does not insist that other nations accumulate dollars to meet their reserve needs. Nor does the United States claim that the amount of dollars that flow abroad as a result of our balance-of-payments position necessarily or automatically corresponds to the needs of the rest of the world for currency reserves. In this connection we at the Federal Reserve can well understand those who say, in effect, that international money will not manage itself.

Though we try to understand the attitudes of some of our more critical friends in Europe, and though we do not insist on maintenance of the status quo, we are casting a careful eye on the various proposals for new forms of reserve creation. In their anxiety to curb the ability of the United States to incur balance-of-payments deficits, some of our friends would turn back the clock of monetary history toward an excessive reliance on gold. Such a system, whatever its specific technical form, would impose on the world too restrictive a monetary climate, which could inhibit international trade and economic growth.

The international monetary system must be flexible rather than rigid. It must be adaptable to the differing and, over time, changing needs of the various countries. It would be a great mistake to act as if all countries were alike in their size, structures, policies, and values. Any change in the monetary system must recognize the great diversity that exists among countries, even among the major industrial countries. And any such change must be an evolutionary one, preserving and building upon the valuable elements of the existing system.

In particular, any change in the international payments system must respect the monetary sovereignty of individual countries. I have stressed that monetary policy in the United States cannot be formulated in isolation from the world beyond our borders; we must reconcile domestic and balance-of-payments objectives in pursuing the art of central banking. But as long as nations remain as independent entities, with separate power of decision over economic policies, monetary policy too must remain in national hands. And, within the context of international financial cooperation, the right of each country to make bilateral arrangements should be preserved. It is notable, in all these connections, that membership in the International Monetary Fund, and participation in supplying and using the Fund's resources, is quite consistent with the retention of monetary sovereignty.

The central role that the International Monetary Fund now fills makes it a natural repository for any new monetary functions that may merit consideration. Gold tranche positions in the Fund, which are usable virtually on demand by countries in deficit, are already widely regarded as reserve assets. If and when the need is felt for additional reserve assets, there is much to be said for adapting the Fund mechanism to this purpose and building upon its tested and respected institutional framework. To rely on such an evolution of the International Monetary Fund, rather than to establish a rival center in the international monetary field, would help to assure that any innovations undertaken would contribute to world prosperity without disturbing market processes, violating national sovereignty, or disrupting international cooperation.

## HANDS OF COMMUNISTS IN DOMINICAN REPUBLIC REVOLT REVEALED

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CRAMER. Mr. Speaker, there has been a great deal of debate over the part played by the Communists in the recent revolt in the Dominican Republic. Numerous individuals, opposed to the U.S. policy in that country, have charged that the Communists played no part in the revolt. This contention has been ably refuted in a series of articles written by Mr. Paul D. Bethel, a former U.S. Foreign Service Officer and an expert on Communist operations in Latin America. One of the first journalists to arrive in the Dominican Republic after the revolt that brought in U.S. troops, Mr. Bethel, who is also executive secretary of the Citizens' Committee for a Free Cuba, Inc., gives an in-depth report in the following three articles which appeared in the Washington Daily News, June 21, 22, and 23. The articles follow:

### HOW COMMUNISTS TOOK LEAD IN REBELLION FROM THE START

(By Paul D. Bethel)

(Paul D. Bethel, a former U.S. Foreign Service Officer and an expert on Communist operations in Latin America, was among the first journalists to arrive in the Dominican Republic after the revolt that brought in U.S. Troops. Here he reveals the extent of Communist leadership in the rebellion and how it influenced the turn of events there in late April and May.)

Today, as the stalemate in the Dominican Republic seems to be edging—with OAS prodding—toward some sort of an uneasy agreement, it is useful to review and clarify the confused events which brought the country to its present position.

How did the revolt actually start last April 24? Who were the prime movers? Who are the "good guys"? Who are the "bad guys"? Was U.S. action really justified? What is U.S. policy today?

Now there is impressive evidence that the Communists were in on the rebellion from the very beginning. They did not snatch the revolt from the hands of deposed President Juan Bosch's party, the PRD, as has been widely supposed. Both the PRD and the Reds snatched it from the military.

### CALLED FOR REVOLT

On March 16, 5 weeks before the April 24 revolt, the central committee of the PCPD (Communist Party) issued a manifesto. It called for "the return of Prof. Juan Bosch to legitimate control of the government," and urged "the working people" to "unite and fight to conquer to eliminate the economic domination by North American imperialism and to establish Socialist democracy which puts the wealth in the hands of the people."

The manifesto thus endorsed Juan Bosch as surest means of establishing this "Socialist democracy," and incited the people to violence and to put him back in power.

"The entire population must fight in the streets, in the squares, in the factories, in the fields, for the return of Juan Bosch as the head of the constitutional government," the manifesto said.

## KNEW HE WAS THROUGH

The Communist Party knew that Donald Reid Cabral, president of the civilian junta, was unpopular and that his overthrow was imminent. The party had tested his strength in seven labor strikes in 1 year, weakening the national economy, struggling under Reid's austerity program. Rational as his policies were, they had made him no friends, either in business or labor.

Then there was the military.

Under U.S. guidance, Reid cracked down hard on graft and corruption in the armed forces—the first Dominican leader with the courage to do so. Bosch never challenged the generals nor made any effective moves to curb corruption.

Under Bosch, the three big shots in the contraband racket were the National Police Chief, Peguero Guerro; Air Force Gen. Atila Luna and Army Gen. Vinas Roman. They ran everything, from nylon to dope, and put millions of dollars into their own pockets.

## CLEANED UP

Reid dumped all three generals early this year in a cleanup of the Government. He removed Luna and Roman from their commands and fired Peguero.

Reid had thus alienated the three pillars needed for support—the military, labor, business. Bosch's PRD and the Communists organized and waited for Reid's ouster.

Ambassador W. Tapley Bennett told a group of us on April 29 that the PRD and the Communists had been collaborating. He said: "The Communists worked with Bosch's PRD for months. They were prepared well in advance of Reid's overthrow."

## BLUEPRINT

This was the importance of the March 16 Communist manifesto. It was the blueprint for the events which took place on April 24 and thereafter.

I also learned from an unimpeachable source that Bosch met with two members of the Castro-Communist "14th of June Movement" in San Juan in early March. These two—Victoriano Felix and Rafael Taveras—got Bosch's promise to cooperate with the Communists.

Taveras is a member of the Central Committee of the party. He arranged to tape a question-and-answer session with Bosch. The tape was taken by them to Santo Domingo and turned over to Jose Brea, secretary of finance of Bosch's PRD. He also owns the radio station, Cristal.

It was read over the air April 9 on the program "Here is Santo Domingo" sponsored by the 14th of June Movement.

Bosch's message was anti-American, rabble rousing and pro-Communist. The facts of the story have since been confirmed by official Washington sources.

## THE HANDS OF COMMUNISTS PULLED STRINGS OF REBELLION

(Yesterday, Reporter Paul Bethel named the two Castro-Communist leaders who met with deposed Dominican President Juan Bosch early last March, and got Sr. Bosch's promise to cooperate with them. He described how the Communists then issued a manifesto last March 14, 5 weeks before the April 24 revolution started, calling on the people to use force to put Sr. Bosch back in power, to destroy Yankee imperialist domination and establish a Socialist democracy, paying for a radio broadcast of it with Communist Party funds. Today he gives additional evidence, telling how the Bosch forces and the Communists stepped in to maneuver the army revolt into a revolutionary grab for power.)

(By Paul Bethel)

Another fact cementing the U.S. case that the Dominican Republic's revolt which started last April 24 was Communist inspired

is presented by Jose Rafael Molina Urena, Bosch's provisional president during the first 4 days of the rebellion.

Sr. Molina Urena called on our U.S. Ambassador Tuesday night, April 27, and was, in the Ambassador's words, "a thoroughly defeated and dejected man who admitted to me that the rebel movement was in the hands of the Communists." Sr. Molina took asylum in the Colombian Embassy that same night.

Timing was a key element in the rebellion, and it shows there can be little question that the Communists, Sr. Bosch, and Bosch's PRD collaborated from the very beginning.

The pocket-sized rebellion of the military officers on April 24 merely provided the opening. The collaborators took it. Here is what happened.

## RUMORS FLY

At 1:30 p.m. on that fateful Saturday, rumors began to fly in Santo Domingo's slums that the Reid Cabral junta had been overthrown. People began to pour into the streets.

A few hours earlier, Reid had dispatched Army Chief of Staff Gen. Marco Rivera Cuesta to the 27th of February Barracks to sack two officers for graft and disloyalty. Instead Gen. Rivera Cuesta was taken prisoner.

Immediately, the 16th of August Barracks threw in with the rebels, and the revolt was on. (The barracks are named after famous dates in Dominican history.)

Why the revolt?

Officers of rank lower than general applauded Reid's moves against Roman, Peguero, and Luna. It gave them a chance to move up.

But when Reid reached down, as he did that Saturday, to fire officers of relatively junior rank, those same officers rebelled.

They saw in his move a plan to crush the power of the military.

## NOT CIVIL WAR

It is important to note at this moment, however, that the military insurgents had no intention of expanding their pocket-sized rebellion into a civil war. They merely wanted to get rid of Reid and the threat he posed to their privileged position.

Gen. Elias Wessin y Wessin, a career military officer, untainted by graft or corruption, stepped in and tried to mediate the dispute. General Wessin y Wessin was feared by the Communists and respected by his colleagues.

The rebels refused to surrender to General Wessin y Wessin, gambling that he would not push them too hard. They were right. The general felt that Reid's moves would weaken the military establishment which could only play into the hands of the Communists. He came up with a formula to set up a joint military junta—rebel and loyalist—and call for elections within 90 days.

## RESIGNATION

General Wessin y Wessin says he knew that Reid could never pull through the April crisis and urged Reid to resign "rather than see the country plunged into chaos."

On May 3, while in hiding in Santo Domingo, Reid said: "The Communists used the resentment of the military toward me and were able to undermine civilian control."

Nevertheless, the doughty Scotch-Dominican made a stab at staying in power, overriding the advice of General Wessin y Wessin. That Saturday night he broadcast an ultimatum to the rebels. They were to surrender by 5 a.m. the next day, he said, or they would be attacked by loyalist forces.

But there were no loyalist forces; General Wessin y Wessin refused to back Reid Cabral any longer and Reid was through.

And when General Wessin y Wessin sent a personal representative to meet the rebellious officers on Sunday, the second day of the revolt, in order to arrange details for a caretaker junta composed of both loyalists

and rebels until an election could be held, he was met instead with banners demanding Sr. Bosch's return. The election deal was off. General Wessin y Wessin had been crossed. The Bosch Communist combine had gotten to the rebels.

## THE REBELS IN COLD BLOOD SENT 600 CIVILIANS TO DEATH

(How two Castro-Communists made a deal with deposed President Juan Bosch 6 weeks before the Dominican Republic's revolution was started has been told in a previous installment.)

(Mr. Bethel also outlined how, following the deal, the Communist manifesto was broadcast urging the people to overthrow the incumbent, interim President Donald Reid Cabral, and reinstate Sr. Bosch. Today, he describes how the Communist-Bosch coalition doublecrossed and outmaneuvered the army, to take charge of the rebellion and transform it into a revolutionary grab for power with Bosch as their front.)

(By Paul D. Bethel)

On Sunday, April 25, the second day of the Dominican Republic revolt, Gen. Wessin y Wessin sent a personal representative to meet with the rebels of the 16th of August Barracks. Jointly, they were to set up a caretaker junta composed of rebels and loyalists until elections were called.

The general's emissary was met by banners carrying a slogan from Communist manifesto issued the month before: "We are for the return of President Bosch at the head of the constitutional government." This was the dramatic switch from the agreed-upon elections, maneuvered by the Bosch PRD-Communist combine.

The emissary also found that a large number of the army rebels had slipped into the center of the city where the political and military decisions were being made by the PRD-Communist combine.

The day before, mobs seized Radio Santo Domingo. Known Communist leaders—among them Castro-Cuban Luis Acosta—harangued the populace to "return President Bosch at the head of the constitutional government."

## CONFUSED IMPRESSION

This was early—2:30 p.m. on Saturday. People were paraded across the TV screens dragging rifles, armed to the teeth, to give the impression that everyone was supporting the rebellion. Another purpose was to throw the loyalist armed forces into confusion, by televising people in uniform with the civilians. The broadcasts did the job.

In fact, control of radio and television nearly gave the Communists the country. The confusion in the loyalist ranks was enormous. Skillful radio and television propaganda made it appear that the country already was in rebel hands.

As late as 10 p.m. Sunday the Dominican Navy didn't know where it stood. Comdr. Rivero Caminero told a junior commander: "I am with the people but against communism." Broadcasts that the navy had thrown in with the rebels were apparently interpreted by the commodore to mean that the joint rebel-loyalist military junta had been established. There were no clear instructions from the San Isidro base on the politics of the moment simply because Gen. Wessin y Wessin was trying to sort out the tangle.

Adding to the disorganization on Sunday the National Police set free both criminals and political prisoners. Rebels rushed them to the TV station saying the police had gone over to the side of the "peoples' movement." Powerful propaganda. Tremendous confusion.

## TRUCKS WITH ARMS

But it was organized confusion. Four truckloads of arms roared into Independence Park in the rebel-held portion of Santo

Domingo. As one Western diplomat stated: "I saw Peiping Communists, Castro Communists, and Moscow Communists passing out arms to criminals and to the street gangs."

These, then, were the armed civilians referred to in news accounts by overly objective reporters. Gen. Wessin y Wessin's official log says the civilians got the automatic weapons, the soldiers only the hand weapons.

Thus the rebels gained 2 precious days, enabling them to secure and to hold the central part of the city.

Saturday night and early Sunday morning Gen. Wessin y Wessin's tanks moved across the Duarte Bridge over the Ozama River to curb the mobs, a few hours before he was to learn he had been doublecrossed. He confidently expected the army rebels to join him in cleaning out the mobs in the city. Instead, his troops were faced by those same rebels now working together with the organizers and the mobs. This blow to loyalist morale was nearly fatal.

Communist and Leftwing Parties openly endorsed the revolt and called for the return of Sr. Bosch—the MPD (Popular Democratic Movement), the Communist Popular Socialist Party, the 14th of June Movement, among others. All are pro-Castro organizations. The PRD provided the all-important front.

#### STREET GANG

Musclemen for the rebels are the turbas—street gangs, something like those who terrorize subway riders in New York City. They also do dirty work for whoever happens to hold power in the Dominican Republic, and will pay them.

During Trujillo's time, police gave street gangs missions to beat up or intimidate Trujillo foes to keep the populace in line.

During the April revolt, the turbas were used by Communist organizers. Their mission—to loot, kill, steal, create chaos, intimidate the populace, exterminate those not in sympathy with rebel aims.

Thus did hate and murder stalk rebel-held streets during the first few days.

Most foreign reporters arrived in Santo Domingo well over a week after the initial outbreak of the revolt. By that time most of the bodies had been removed. Since there were no bodies in abundance, as reported by U.S. Embassy sources, overly hostile reporters scoffed at those reports.

Yet, even the Peace Corps volunteers said that hoes and shovels given to the people for backyard gardening were used to bury the dead, and more were requested. Those same volunteers also reported that leaflets had been passed around by Communist organizers several weeks before the revolt, with instructions on how to make Molotov cocktails out of Coca-Cola bottles and gasoline.

Much other evidence of Communist domination of the rebel movement comes from Havana.

#### FIDELISTA

For example, on May 11, I found that Rafael Mejia (alias "Pichirilo") was in Santo Domingo with the rebels. Mejia was helmsman for the yacht *Gramma* which took Fidel Castro and 82 men from Mexico to Cuba, where they landed on December 2, 1956, and took up the guerrilla fight against Gen. Fulgencio Batista.

Mejia is a Dominican by birth. He holds Cuban citizenship, as well, and is a captain in Castro's rebel army, a graduate of guerrilla training and political agitation schools in Cuba.

The extent of Castro-Communist influence in the rebel camp is fully documented in reports by John Bartlow Martin, President Johnson's special envoy. He named names. He described their activities, ranging from introducing large sums of political money into the country to running "a school for Communist indoctrination." All were trained in Cuba. Some had received training in Russia and China, as well.

A five-man factfinding commission of the Organization of American States gave a devastating report on Communist and Castro-Communist rebel activities. Later the State Department furnished a list of 77 Communist leaders.

Several Senators, including Alaska's ERNEST GRUENING and Connecticut's THOMAS DODD, are critical of some of our press for not reporting those findings.

About noon, on Sunday April 25, the rebel radio announced that Juan Bosch had designated Jose Rafael Molina as "provisional constitutional President."

#### COLDBLOODED

During the next 2 days, the rebel radio coldbloodedly directed civilians to go to areas which the loyal Dominican Air Force leaflets had warned would be bombed. It is not known how many were killed. The U.S. Embassy's estimate was 1,800 casualties, 600 dead.

On Sunday night, it looked as if the rebels had the upper hand.

Rebel provisional President Molina first issued himself two pistols and then signed several decrees to give the impression the loyalist cause was lost.

But by Tuesday morning, the Air Force's Vampire jets had silenced the rebel radio, the navy was lobbing shells into the presidential palace, and the loyalists held.

By Tuesday night, provisional President Molina had sought asylum.

The next day, Wednesday, April 29, the U.S. marines began to arrive, and the PDR-Communist strike for power had bogged down in a tiny enclave in the center of Santo Domingo, where it still is today.

#### WHAT ABOUT OUR COINS?

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. BATTIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BATTIN. Mr. Speaker, next week this body is scheduled to receive a bill that would result in the demise of our silver coins. I consider the proposal to mint coins without silver as wholly unnecessary and undesirable and only another step in the debasement of our coins and the devaluation of our currency.

Mr. Addison Bragg, a staff writer for the *Billings Gazette*, has written an excellent article, more or less an obituary of our coins. I recommend the article to those of you who are concerned with the probable disappearance of our silver coins when the new funny money is introduced to the American people.

I am part of a generation that has heard the stories of the disappearance of our gold coins so perhaps Mr. Bragg's article will prove the adage that truth is stranger than fiction.

Following is the article from the July 1, 1965, *Billings Gazette*:

AND THEN IT WAS LEGEND—GRANDPA, TELL US ABOUT MONEY AGAIN

The old man sat by the window and watched as his grandchildren played at their games, the same games, he recalled, that he'd played once a long time ago.

The eldest, tiring as even the eldest of young grandchildren do, ran to the big leather chair and thumped her fists on the arm impatiently.

"Tell us, grandpa," she said, "about how it was when you were little."

The old man smiled.

"Do you want to hear about the planes," he asked. The little girl shook her blonde curls.

"Tell us," she said, as the others deserted the jacks and the ball rolled forgotten under a chair, "about the money."

He pulled a worn and shiny billfold from his pocket and from it took an object, carefully wrapped in tissue paper.

"We've seen that before, grandpa," the boy said. "And we've heard you tell us about how your father gave it to you when you were a little boy. Don't tell us about the big ones. Tell us about the little moneys with funny names."

"First," said the old man, "there was a penny. It was made of copper and if you rubbed it back and forth on a carpet it would shine."

"Susan's daddy's got a penny," the girl said. "I saw it once."

"Then," the old man went on, "there was a nickel."

The boy remembered reading about nickels with buffalos on them and asked his grandfather if he'd even seen one. The old man shook his head.

"I spent a nickel that had Jefferson's head on one side," he said. That was before he realized what it was worth, he added.

The girl leaned on the chair arm. "Tell about your favorite," she said.

The dime, her grandfather continued, was the smallest coin made from silver. "Your grandmother had one set in a ring," he said, "but it was stolen long before you children were born."

Dimes were fun, said the old man.

"You could buy candy bars, make phone calls, or get coffee with them," he told the children. Some people, he added, even used dimes to tighten screws.

The children like to hear about the quarters and the half-dollars and laughed every time the old man called them "two-bit" and "four-bit" pieces.

He'd never seen either, though.

"My father said he'd kept one of each for me if he'd known in time—but he just went downtown one morning and they were all gone."

The quarter and the half, he said, were the first to go. "Except," he added, "the big silver dollars. I remember my father telling me when he was your age people used to carry them around and spend them just like regular money today."

"Tell about how money had God on it," prompted the boy.

And the old man told of how each piece of money carried the words, "In God We Trust" until one year when it was dropped from a \$1 bill and eventually disappeared altogether.

The two children now wanted to look at their grandfathers' big dollar. He took it out, unwrapped it and held it in the sunlight and nodded when the boy asked if he could touch it.

"Gee," both children said, wide eyed.

The old man wished he owned two. It would be nice, he thought, if he could leave one for both the boy and the girl. But it was impossible.

The silver dollar always went to the eldest son. That's how his father had gotten it.

#### THE INDEPENDENT SCHOOLS TALENT SEARCH—NEW ENGLANDERS' IDEA BECOMES A NATIONAL PROGRAM

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. CONTE] may extend his remarks at this point

in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CONTE. Mr. Speaker, throughout the history of this country we have witnessed the birth of many ideas in New England which have become national programs, many of which have altered the course of action taken by our Government and given a better way of life to all of our people. So it is with a most encouraging program now being administered by the Office of Economic Opportunity under the able direction of Sargent Shriver, Director of the Nation's war on poverty.

The program is the independent schools talent search. Born and nurtured in New England, since its inception the program has been characterized by service to youngsters from many sections of the United States. From its earliest days, Dr. Howard L. Jones, president of the Northfield and Mount Hermon schools in East Northfield, Mass., and chairman of the original group of 60 private schools that founded the program, recognized that this program could set a pattern which would be of major assistance to our national efforts to eradicate poverty in this country.

Under the chairmanship of Dr. Jones, these private schools joined together to seek out capable young persons from low-income homes who had at least 2 years, and preferably 3, of secondary schooling to be accomplished. Their potential academic abilities, given the opportunity to develop and apply their talents, were the only credentials required for their admittance to the program, which was a response to the oft-repeated statements from colleges and universities that they would be happy to enroll more such young ladies and gentlemen, if they could find qualified applicants.

Two field representatives were employed by ISTSP, as it was also known at that time, who traveled throughout the country in search of promising students who were, and would continue to be, academically frustrated by deprivation in their homes if no assistance were to be made available to them.

In January of this year, there were more than 75 students enrolled in the member schools and, by any measure, the reports on their progress were most encouraging. Next year these schools hoped to add at least a hundred more students. But found the enthusiasm and response to the program frustrated by severely limited financial aid budgets.

Each school was faced with raising more than \$2,500 each year for each one of these students. As all of us here today are aware, virtually every private school in the country today operates under serious financial limitations. Fortunately, for the youngsters whose potential talents called out, not only for the continuation of this program, but for its expansion, Dr. Jones, with the support of the member schools of the ISTSP, brought their case to my attention and to the attention of many of my colleagues in the Congress and pertinent

Government officials here in Washington.

I am extremely gratified by the response which greeted this idea in Washington and by the inclusion of this program as a part of the worthwhile and diligent efforts of the Office of Economic Opportunity. I strongly urged this action and my participation in assuring the continuation and expansion of this bold program was an easy task, for the program spoke so ably for itself.

Today, under the OEO program, there are 45 ninth-grade boys attending classes at Dartmouth College and 35 ninth-grade girls attending Mount Holyoke. Those students who successfully complete the intensive academic curriculum in math and English at these colleges this summer will be admitted with a full scholarship to 1 of the 70 private preparatory schools which make up the independent schools that are now involved in the talent search. This summer's program is in the nature of a pilot project for the national application of the program of Dr. Jones and the group of individual schools that participated under his leadership.

I am confident that the success achieved by these original cosponsors of this idea will be duplicated this summer and serve as a springboard for year-round programs that are necessary today to prepare youngsters from low-income homes for the competitive business of college admission. It is heartening to me to see the hopes of these New Englanders come to fruition for the benefit of all the worthy young men and women of this country who would otherwise be deprived of this opportunity and on whose shoulders will be placed the burden of the hopes and ambitions of all of us for the years ahead.

In the words of Dr. Jones:

We know that education is the key to unlocking the doors of opportunity to thousands of presently deprived youngsters. The independent schools talent search program can play an important role in moving toward a whole new era of opportunity for persons who have not heretofore had the chance to become what they might become, given the finest possible education opportunities.

There could be no more apt illustration of the concern of our independent schools for making their resources available to all. The contribution which it is now possible for the academicians to make, I believe is indeed an exciting prospect. The benefits of this program will be reaped by all in terms of future doctors, scientists, lawyers, and leaders of the academic, political, and arts communities of the United States.

It is a singular source of pride for me, as I am sure it is for all bay Staters and New Englanders, that the initiative of the renowned and respected academic community of this region has made still another in the long line of contributions in the national interest.

#### ELIMINATING THE BALANCE-OF-PAYMENTS DEFICIT STILL HAS TOP PRIORITY

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentle-

man from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CURTIS. Mr. Speaker, the idea that it would be dangerous for the United States to eliminate its balance-of-payments deficit has received considerable attention in the press recently. In his column in the Washington Post on June 28, Hobart Rowen said that the prudent course would be to continue a moderate deficit while taking steps to protect our gold stock. He questions the wisdom of the administration's drive to eliminate the deficit. The basis for his position is that the world needs additional dollars to finance expanding world trade and payments. To cut them off might cause economic trouble abroad.

I do not question the long-run need of the world economy for a larger supply of liquidity—either in dollars or some other form. The fact is that at the moment, liquidity is adequate. Almost all experts agree on this fact. The need today is twofold: First, the United States must eliminate its deficits, which are piling up excessive dollars abroad which represent a potential call on our gold stock; and second, there must be international monetary reform to provide for a more orderly and rational method of supplying world liquidity needs when the U.S. deficit has been eliminated.

Mr. Rowen's position needs more careful examination, however. Have we licked the deficit already? Are we putting a squeeze on our friends overseas? Has our capital restraints program been too successful? I believe recent balance-of-payments figures indicate that the answer to all three questions is "No."

As has been reported in the press, the balance of payments will show a small surplus in the second quarter. This arises, however, not so much from the restraints on capital outflows as from the higher than usual level of exports in that quarter because of the dock strike in the first quarter. The first and second quarters together should show a deficit of about \$500 million. For the year as a whole, it is likely that the deficit will run between \$1 and \$1.5 billion, a considerable improvement over recent years, but still sizable. A large part of the ground gained by the administration's program is expected to be lost by higher U.S. imports.

Much of the drop in capital outflows in the second quarter is due to factors other than the administration's program, although that has contributed as well. For one thing, during the first quarter the seasonally adjusted outflows for direct investment overseas and for long-term bank loans were unusually high—\$1 billion and \$552 million, respectively. This was due to anticipation of controls to come and was clearly too large to sustain. Even without the capital controls, a drop in capital outflows during the second quarter was to be expected.

Even with the capital controls program, however, the outflow on direct investment should be somewhat larger this

year than last, when it was \$2.4 billion. The increase, however, should be slight. As for new issues of foreign securities—a prime target of the interest equalization tax—the outflow was rising sharply at the end of 1964 and seems now to be running at an annual rate of over \$1 billion a year, or about at the levels of the previous 3 years.

The effect of our capital controls on the economies of other countries arises from the curtailment of bank loans and the repatriation of corporate short-term funds.

The country in most financial difficulty is Japan. This difficulty has little or nothing to do with capital controls, but rather with the fact that American banks have begun to feel that they have overloaned to Japan in recent years. Even before the capital restraints, American banks were beginning to tighten up on loans to Japan.

The United Kingdom may be hurt to some extent by the reduction in bank loans and the pulling back of funds from the Euro-dollar market. The extent of this effect cannot be precisely determined. On the continent, however, much of the inflow of U.S. funds was unwanted. Most European countries were fighting inflation, and it was believed that dollars were contributing to inflationary problems. The capital restraints probably have helped in the fight against inflation.

In short, the newly developing position of some writers and economists, to the effect that we should ease up on trying to solve the balance-of-payments problem because we are damaging economies abroad, is not well founded. It is true that if the administration's capital restraints program were really effective, and if it were to continue for some time, economies abroad would be starved for needed funds. This is not yet the case.

By these remarks, I do not want to imply that I approve of the capital controls. I believe more fundamental solutions are needed to the balance-of-payments problem, and I have spelled these out in detail on other occasions. I do think it is dangerous, however, to slacken up on trying to solve the problem by stating that our programs are now such a success that we are currently causing serious economic trouble abroad. If we fail to eliminate our deficit, the problems before us will dwarf the temporary inconvenience that our capital restraints may now be causing in some areas. The results in that case are likely to be a full-blown international monetary crisis.

#### LAW AND ORDER

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, our attention is being increasingly directed to a growing disregard for law and order in the country. The inspiration for this type of development seems to come from

the militant and irresponsible leadership of self-appointed civil rights advocates. However, our entire concept of law and order seems to be under attack.

Therefore, I place in the RECORD at this point as part of my remarks an address that was delivered by the Lieutenant Governor of the Commonwealth of Pennsylvania, Raymond P. Shafer, at the Law School of Villanova University alumni dinner on February 11, 1965, which has special significance at this time:

#### LAW AND ORDER—TODAY

(Address by Lt. Gov. Raymond P. Shafer, of the Commonwealth of Pennsylvania)

If you pick up a volume of legal essays written in the 1930's, you will invariably find that they embrace such philosophic titles as "Law and Religion," "Law and Ethics," "Law and Literature," and so forth.

Perhaps there is a clue to be found here as to the temper of the times, which Edmund Burke once observed, should be the first study of a statesman.

We look back upon those days with the grim remembrance of the depression, when the same winds that caressed sunlit wheatfields in the West chilled men standing under overcast skies in eastern cities' breadlines.

There was crime in those days, as there has been crime in every age, but women in the 1930's could ordinarily walk the streets of a large city at night without fear of being molested. There were crimes of violence, but most of them were perpetrated by young adults and not children—by so-called "tough guys" whose false gods were evil characters like Dillinger, Patterson, "baby-face" Nelson, and that ilk; by racketeers trying to emulate the style of Capone and Luciano, motivated by greed, not by thrills.

Sociologists scanning that period could assign countless reasons for crime waves—ranging from those who felt they had to steal to survive, to professional killers whose warped brains led them to murder for a price. They could trace crime to unemployment, to desperation, and to various dark corners created by the depression.

Why, therefore, is it necessary, in an affluent society such as we have today, to choose as the theme of my remarks: "Law and Order"?

Why is it that today in Philadelphia, in certain sections, business establishments will not permit women employees to work overtime for fear that they would not be safe on downtown streets?

Why, in the same city, is there an unprecedented number of killings? Why are the letters of newspapers filled with anguish and fear about the terrors that fill the nights?

These things might be expected in a place where there is no law, but even the most imaginative writers of the Old West would not attempt to depict lawlessness on the scale in which it exists in our major cities, lest they be judged ludicrous.

What is it that has made frontier towns out of our metropolises?

I have listened patiently to explanations of sociologists and psychologists that slum conditions breed criminals.

I have listened patiently to theories that parental carelessness breeds criminals.

I have listened patiently to suggestions that insecurity breeds criminals.

I respect the intelligence and the dedication of those who advance them.

But I think it's high time that we stopped viewing all criminals as victims of society, and start concerning ourselves more with the victims of the criminals.

I think it's high time we say to those who refuse to respect the law that we will teach them the strength of the law.

If this differs from the textbook approach, I say that's too bad. You don't fight wars with textbooks, and if lawless people use force and violence to accomplish their crimes, then they must know they can expect to be subdued.

We hear a great hue and cry about police brutality and no thoughtful citizen for a single moment will countenance brutality by the police or by anyone. But let me tell you coldly, clearly, and candidly, that we have evidence that this many times is a pre-planned phrase which certain self-seeking, law-violating individuals invoke to arouse sympathy.

Let me tell you cold, clearly, and candidly, that when policemen, in discharge of their sworn duties are pelted with rocks, or are assaulted and wounded, this, too, is brutality which cannot be countenanced.

Lest my remarks be misconstrued, may I at this time commend the Supreme Court of the United States for their decisions regarding the civil rights law. My remarks are directed to an illness in our society—the individual who places himself above the law.

I am as zealous as any lawyer in this Nation in the protection of the rights of the individual, regardless of his race, creed, or color.

But I am becoming increasingly disturbed over the trend of the U.S. Supreme Court decisions which are imposing, in criminal cases, virtually impossible standards upon our State courts and law enforcement agencies.

In Dauphin County just a few weeks ago two teenage girls, by their own confessions, were charged with the wanton, senseless murder of a storekeeper. One has already had to be freed of the charge because the standard of proof did not conform to newly established rules laid down by the Supreme Court. The second, after sanity tests, apparently will have to be freed of the charge for the same reason.

Perhaps over the span of a century, time will assess these rules as the epitome of wisdom. And if this is to be the judgment of the ages then the period of transition through which our society is now passing must be borne with patience and understanding.

But I confess to a sense of uneasiness as I ask myself how is society served by rulings that go far beyond the constitutional rules under which this Nation came into being and has remained in existence.

I am uneasy when I see an individual walk out of a courtroom with blood-stained hands, and turned loose on a community—where tomorrow the murderous urge may drive him to fall upon another innocent citizen.

Certainly I believe that no person should be convicted of a crime unless there is clear, unmistakable evidence of guilt. But when the laborious and painstaking task of gathering incontrovertible evidence is accomplished under long-established principles, and suddenly a new and different rule emanates from Washington, it is small wonder that our law enforcement agencies feel frustrated and defeated.

With the flood of constitutional decisions being handed down by the U.S. Supreme Court on Mondays, I am reminded of the late Thomas Reed Powell, professor of constitutional law at Harvard. Powell changed his classes from Monday to Tuesday because as he put it, "I no longer know what the constitutional law is on Monday morning."

Most crimes of violence must be dealt with by State and local authorities. Federal agencies can supplement, to a degree, the State's apprehension of criminals where it is a matter of laboratory or scientific help, or where the suspect is deemed to have crossed State lines. Beyond this, however, the greater percentage of cases, in the final analysis, must

remain the responsibility of the State and the communities—and this responsibility can be met only when the real situation it presents is viewed realistically.

Now it is very possible that the trial and appellate courts of a State can erroneously interpret the Constitution. But I think it is very doubtful whether trial procedures in all, or nearly all, of the 50 States, and the courts which administer them, can be wholly wrong.

It is, in my judgment, just as serious a matter for the United States Supreme Court to invalidate the actions of a sovereign State as it is for it to invalidate an act of Congress.

Yet if you look at the volumes of Supreme Court reports in the past 5 years, or 10, or 20 years, you will not find a single major piece of legislation enacted by Congress declared invalid—you will not find a single action by the executive, other than the steel seizure case during the Truman administration, held violative of the Constitution—and you will find scores of cases where State decisions in criminal cases have been reversed on new principles of constitutional law, while Federal agencies are invariably sustained in their interpretations of Federal criminal statutes.

I could use traditional words of courtesy and nicety here to soften the impact of my thought. But I shall not. I shall put it to you directly: I believe that there is a grave imbalance in the philosophy which permeates the approach of the Court on matters of federalism—and that imbalance is making it increasingly difficult for the States to fulfill their obligations to their citizens.

So that there will be absolutely no misunderstanding of what I am saying, I shall put it still another way: I believe that the decisions of the U.S. Supreme Court in many areas of criminal laws of the States are coming close to a peril point, and weakening the power of the States to maintain law and order.

It is difficult for me to believe that our concepts of criminal procedure, under the Constitution, have been wrong for a century since the adoption of the 14th amendment.

It is difficult for me to believe that standards which met the approval of such liberals as Holmes, Brandeis, and Cardozo, are wrong in 1965.

I know it is a matter of abhorrence in some legal circles to criticize the Supreme Court, but unless lawyers speak out, who will?

Unless the most competent legal critics break their silence, how can laymen be expected to challenge their trend?

There are very few policemen who would consciously set out to deprive an accused man or suspect of his constitutional rights.

And if there were, the prosecuting attorney would have to violate his sworn oath of office to further such a conspiracy.

And if the policeman and the prosecutor were in a league to "railroad" an individual, they could not do it without the sanction of a judge and a jury.

There have been examples of this, of course, and each instance is one too many. But I do say that, by definition, they have been few and far between except in those jurisdictions where there has been wrongful discriminations against Negroes—and where such discriminations have been established, the Federal courts have properly intervened.

But when you deal with crimes of violence, you are inevitably dealing with individuals whose minds are bent on mischief and the policeman who is risking his life to bring a suspect under arrest, should not be shackled by an unrealistic code covering his actions.

Respect for law and order is a fundamental tenet of democracy. Without law and order no man can be free. Law and order must travel hand in hand.

The words of the law only have life through the deeds of men as lofty abstractions, high flown phrases, brilliant articula-

tion come to naught without men of integrity to breathe meaning and strength into their existence.

Judged in total perspective this is the essence of liberty itself.

#### WOMEN'S CITY CLUB OF WASHINGTON ENDORSES CLEVELAND LABORATORY ANIMAL LEGISLATION

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, shortly before the Independence Day recess, I learned that the Women's City Club of Washington, D.C., last March adopted a resolution supporting legislation introduced by myself and Senator CLARK, of Pennsylvania, to provide for the humane care of laboratory animals used in scientific research.

The resolution speaks for itself and I offer it for the RECORD as continuing evidence of the growing demand for this humanitarian reform. I hope other Members will join in sponsoring this legislation, which is reasonable in its approach and which would not impede legitimate research.

The resolution follows:

#### RESOLUTION ADOPTED BY THE WOMEN'S CITY CLUB, WASHINGTON, D.C.

Whereas it has been shown, through documentary evidence, that certain common practices engaged in by laboratories throughout the country, many receiving funds from the Federal Government, have resulted in unnecessary suffering and inhuman treatment of millions of defenseless, captive animals by such abuses as:

1. Keeping large dogs in cages so small they can neither stand nor lie in normal positions.

2. Hosing cages with the dogs in them, no matter how sick they are after drastic surgery. Never releasing the animals from their cages for exercise, but confining them so for weeks, months, and even years in some cases.

3. Refusing to give pain-relieving drugs after surgery.

4. Teaching medical students to do operation after operation on a single animal, bringing it back to increasing, unrelieved pain each time, and with no scientific end in view.

5. Leaving young, active monkeys in monkey chairs that confine them rigidly in a sitting position for as much as five months at a time—or until the monkey dies.

6. Buying truckloads of animals from unscrupulous animal dealers. As many as 50 percent of these animals may die of illnesses having nothing to do with the experiments.

Whereas it has been shown through documentary evidence that callousness and irresponsibility in laboratories receiving grants from the Federal Government cause untold suffering to millions of vertebrate animals that, far from advancing scientific knowledge, is detrimental to the accomplishment of the desired experimental results.

Whereas S. 1071, introduced by Senator JOSEPH S. CLARK, of Pennsylvania, on February 9, 1965, and H.R. 5647, introduced by Congressman JAMES C. CLEVELAND, of New Hampshire, on March 2, 1965—both modern bills in their concept—would not, in our

opinion, hamper nor interfere with scientific research and would further eliminate thousands of dollars in waste; now, therefore,

The Women's City Club of Washington, D.C., urges that hearings be held as promptly as possible so that the 89th Congress may enact into law in the present session the aforesaid Bills S. 1071 and H.R. 5647.

Further, that, bills S. 1071 and H.R. 5647—providing for humane treatment of experimental animals—be given the same invaluable support rendered by Congress to the Federal humane slaughter bill which finally effected the passage of the Federal Humane Slaughter Act.

MISS FAY M. TURNER,  
President.

As drafted by Mrs. Paul Appleby Colborn, chairman, legislative committee.

#### THE TRADE EXPANSION ACT OF 1962

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin [Mr. THOMSON] is recognized for 15 minutes.

Mr. THOMSON of Wisconsin. Mr. Speaker, I have spoken many times on the floor of this House about the deep misgivings I have about our national trade policy. I do not believe that exposure of our industry and our agriculture to excessive import competition represents good policy for the country. Everyone, I am sure, recognizes the value of trade when it is conducted on a fair competitive basis. There are goods that we need, many raw materials that we do not produce in sufficient quantity to meet our own needs, as well as some manufactured goods. These we must import if we are to have use of them. Also, we produce some goods in surplus, and it is helpful to find foreign markets for them. Beyond that, trade becomes a matter of fair competitive practice and the competitive standing of our industries in the world.

It is not generally known, but it is a fact that nearly 40 percent of our total imports come in free of duty. Tin, coffee, crude rubber, bananas, wood pulp and newsprint, iron ore, logs, undressed furs, hides and skins, shrimp, lobsters, frozen tuna fish, are good examples.

It is also not generally known that since 1934 when the trade agreements program was first launched, the protective level of our tariff has been reduced about 80 percent. This means that our present protection is only a fifth as high as it was 30 years ago. As a result the United States is no longer a high tariff country. By all measures we are a low tariff country compared with other trading nations. Also, we use nontariff trade restrictions, such as import quotas, exchange controls, import licensing systems, and so forth, much less than do some other countries. The world can no longer point a finger at us and twit us about our high trade barriers, as they never tired of doing in the past, prodded willingly by our free trade elements and the State Department.

The question from here on is no longer a theoretical one. Most of our tariffs have been cut to the quick or close to it; and while some could no doubt be reduced without causing damage, a 50-percent cut across the board, as is contemplated under the so-called Kennedy round, cannot be justified.

Why, I ask, were the extensive hearings before the Tariff Commission and the Trade Information Committee held last year, over a period of 4 months, if the testimony presented there is to be ignored; and ignored it certainly will be if present plans prevail. These call for cutting all tariffs 50 percent, as I have just said, with only a handful of exceptions. What, I repeat, was the purpose of those prolonged hearings, if it was not in order to gather detailed information, industry by industry, for the guidance of our negotiators, to determine, for example, whether particular rates should be cut at all, or, if so, how much? The competitive standing varies from product to product, and the hearings were ostensibly held to determine these differences.

If it was to be a foregone conclusion that all tariffs, with a bare minimum of exceptions were to be slashed 50 percent, why treat businessmen, labor representatives, Members of the House and the Senate to such a shabby procedure? I say it was an act of contempt of the witnesses, a hoax, and a dishonor. Who would have attended the hearings if it had been known that they were to be window dressing and nothing more? I am sure that the 800-odd witnesses who responded to the notice of hearings would have protested loudly and vehemently had they known that the procedures were in fact a full-blown farce.

However, the matter seems to be settled. All tariffs of this country—not of all countries—are to be cut 50 percent, with a bare minimum of exceptions. These were the terms agreed to by the President's Special Representative for Trade Negotiations.

There are those who say that American industry is fully competitive with foreign producers and manufacturers, and that it has little to fear from tariff reductions. They usually point to our export surplus of 1964, which ran as high as \$6.9 billion out of total exports of \$25.6 billion. This clinches the argument in their view.

They overlook the billions exported under foreign aid, Public Law 480, and under heavy subsidy, such as wheat, wheat flour, and cotton. They also forget that exports of machinery have been especially heavy because of our heavy flow of investments overseas, in many cases investments made in order to overcome the very difficult competitive realities posed by the higher cost operation in this country. This heavy exportation of machinery will help to build foreign capacity and will, as it has already done, greatly improve productivity abroad. Foreign competitive standing will be greatly enhanced. After a while, as is already happening, these American-owned foreign plants will reduce our market in Europe for products made in this country.

For example, we ship few automobiles to Europe, but the European plants of General Motors, Ford, and Chrysler, supply nearly a third of the cars manufactured in Europe from within Europe. The same trend may be expected in other instances. It has already manifested itself in the case of typewriters, sewing machines, and other products. That is

the trend. It does not bode well for our future exports.

Many economists thought that the European Common Market would create great outlets for our producers of household appliances, such as dishwashers, washing machines, cooking ranges, radios, TV sets, and many other items. Alas, the picture changes when our manufacturers of these goods feverishly invest in Europe in order to manufacture there. Why would they pay three times as high wages for production within this country, and then ship the finished goods 3,000 or 4,000 miles by train and ocean freight, when they can so much more easily supply the capital for investment abroad? There they can have the benefit of skilled and competent labor drawing wages from a third to a half as high as they pay in this country. What else should be expected under the disparity in wages here and abroad?

Are the results under these circumstances not inevitable? We seem to be surprised at our balance-of-payments difficulties. I wonder what else we should expect. Our trade policy has been made a part of our foreign policy. Congress has given over its power over the regulation of our foreign commerce to the executive branch; and the executive branch has broadened the exercise of this power, until little is left to Congress. In this field the executive branch means predominantly the State Department. Foreign trade is looked upon and treated as an instrument of diplomacy.

It is even said that foreign aid will build up the economies of the underdeveloped countries and thus will provide expanding markets. Now that it has become clear that European countries and Japan are in a better position to supply those markets than we, we have made it a legal requirement that foreign aid money spent for commodities is to be expended in this country. Why was this compulsion necessary? We should therefore have second thoughts about who will reap the benefits of expanded markets in the developing countries if these markets respond to foreign aid as is hoped. We will not then have a legal hold on these markets and they will buy where they can shop cheapest. Is there anything about this that is hard to understand?

I could cite substantial statistics that reflect the shrinkage in our share of world trade, especially in manufactured goods; and this shrinkage has occurred despite the swelling of our exports through foreign aid, food-for-peace shipments, low-interest and soft loans, subsidies, and so forth.

The primary fact that is so widely ignored but that exerts a powerful influence on our competitive position in the world and that has revolutionized world trade for us is a very visible development: Foreign countries, armed with modern technology, derived in major part from us, have greatly improved their productivity per man-hour. In many instances their productivity has caught up with our own. At the same time their wages continue to trail far behind the American level. This is not to say that their wages have not risen. They have; but so have American

wages; and it takes a much smaller percentage of increase here to equal a much larger percentage abroad. A 4- or 5-percent increase here means as much in cents per hour as 10 to 15 percent in the higher wage countries of Europe, and one of 20 to 25 percent in Japan.

It stands to reason that such a development, that is, the rapid technological development of our leading competitors for the world market for manufactured goods, would cause an upheaval; and it has. I have said that we have been slipping in the past 5 or 6 years in our share of the world exports of manufactured goods. We are destined to slip yet more. Our capital may, of course, be able to live with this trend, because it is able to participate in foreign production, as it is doing. This leaves behind smaller business, most of our agriculture and labor.

The American producer or manufacturer would have to become much more efficient in terms of productivity than he is today in order to remain competitive because of the wage discrepancy between here and abroad. This fact has already created great pressure for automation and greater mechanization in this country. The pressure will mount. The result has already been amply demonstrated.

Our industries have been producing more goods with fewer production workers. Industry after industry, from steel to textiles to automobiles, have gone through this experience and continue in that direction. Then we wonder why our unemployment problem is so stubborn. We have competitive pressure at home, to be sure; and it is usually keen enough to keep our industries on their toes; but domestic industry is on a more equal competitive basis, company by company. They pay much the same wages, the tax burden is the same, and they operate under the same laws, such as minimum wage laws, labor standards, and so forth. Foreign competition is more upsetting and disruptive. Foreign workers are not subject to our minimum wages. The fear produced by uncertainty causes hesitancy and therefore retards expansion.

The greater efficiency our industry strives for in order to fend off import competition means shrinking the work force.

As I have said, large companies can usually make the necessary adjustments. If they cannot beat the competitors they can join them; and they have been doing this on a vast scale. This unfortunately does not solve the problem. It represents a means of escape, not a solution.

Smaller industries such as I have in my district are not in a position to escape. We have rubber-soled footwear, woolen fabric manufacturing, fur production, and dairying. These industries are defenseless compared with the large firms and will live or die on the home ground.

If we were competitive we would not have to subsidize so heavily in order to maintain an export surplus. If we were competitive the many billions of dollars held abroad, accumulated in the past 6 or 7 years, would be coming back in pay-

ment for goods from this country. It is not lack of dollars that holds back our exports. Not at all. The dollars are an embarrassment in some European countries. They do not spend the dollars here to the extent they could for only one reason: they can buy goods cheaper from other sources.

I find it difficult to understand the hard time some people in turn have in understanding these troubles. In relation to the world markets we are generally overpriced—not as a matter of unnecessarily high markups on our goods but because of higher costs. I do not say that we should reduce our wages to meet the world prices. I do say that we are in no position to go into any far-ranging tariff-cutting negotiation at the present time, not to mention a 50-percent cut across the board. The distress that would be caused by such a step would be widespread and disastrous. Far from helping to solve our problem of unemployment, further tariff cutting would vastly aggravate it.

Instead we should be able to assure those of our industries that are already beset by serious import competition that threatens their future that imports will be regulated—regulated in meritorious cases so that they will not destroy confidence in the future. Confidence in the future represents the very breath of life to industry, and when it is destroyed or upset by uncertainty our economy suffers.

For these reasons I am happy to join the effort to amend the Trade Expansion Act of 1962. That act has failed of its avowed purpose of providing a remedy for injury from imports. All the cases brought under it, 17 of them, have been turned down by the Tariff Commission. Above all, our economy, in my judgment, is in no position to absorb another drastic tariff cut. Therefore I urge enactment of the legislation.

#### JAMES FINNEY LINCOLN OF CLEVELAND

The SPEAKER. Under a previous order of the House, the gentlewoman from Ohio [Mrs. BOLTON], is recognized for 5 minutes.

Mrs. BOLTON. Mr. Speaker, a mighty oak has fallen.

He went down  
As when a lordly cedar, \* \* \*  
Goes down \* \* \* upon the hills  
And leaves a lonesome place  
against the sky.

Only so can one think of Jim Lincoln's death. Tall, rugged, stern, if sternness was called for. Just, honorable, far-seeing, such was James Finney Lincoln, chairman of the board of the Lincoln Electric Co. of Cleveland. As the company expanded, he became a director in the Lincoln Electric Co. of Canada, Ltd. The Lincoln Electric Co., Ltd., of Australia, and of La Soudure Electrique Lincoln in Rouen, France.

His vision and far-reaching activities have done much for people everywhere. The Lincoln Electric Co. has become the world's largest manufacturer of arc welding equipment. But more than that, Mr. Lincoln developed an idea—a phi-

losophy—of progressive human relations—of incentive management which successfully encouraged a concerned attitude among the company's workers, resulting in an extraordinarily efficient and productive teamlike performance. In line with the company's policy to share its efficiency with its customers by reducing prices as costs are reduced, it sells its machines and electrodes at the same and, in some cases, substantially lower prices than those of 1934. Yet last year the average hourly earnings for factory workers were approximately \$7.00 per hour.

For many years the company has carried on an extensive educational program. A welding school has been conducted since 1917. Over one and a half million technical books have been published. Engineering and design data have been created and distributed through engineering courses and published studies. For 35 years, a magazine has been published for welding machine operators. Movies and other visual aids have been produced.

To encourage scientific interest, study, research, and education about the development of the arc welding industry, the Lincoln Co. established the James F. Lincoln Arc Welding Foundation. To recognize outstanding achievement, the foundation has sponsored 27 award competitions for industry generally, for machine and structural designs, for engineering undergraduates, for high school students, and for business and service industries. It has established several hundred engineering libraries on welding and published some 20 technical books and various other booklets and films.

Ohio State University, Mr. Lincoln's alma mater, awarded him two honorary degrees. He also received honorary doctorates from Fenn, Wooster, Lake Erie, and Oberlin Colleges. He served as a member of the board of trustees of several colleges and college organizations. He was head of the board of trustees of the Ohio State University and Lake Erie College for Women. I came to know his abilities as a leader and as a man intensely interested in the service of his fellow men as a member of the board of trustees of Lake Erie College.

James F. Lincoln was a rare man. He had a keen interest in people. He possessed a way of inspiring and encouraging them to use their talents and abilities to the maximum.

More than most others I have known, James Finney Lincoln brings to my mind the words from the "Song Celestial," translated by Edwin Arnold:

Never the spirit was born; the spirit shall  
cease to be never;  
Never was time when it was not; End and  
Beginning are dreams.  
Birthless and deathless and changeless re-  
maineth the spirit for ever;  
Death hath not touched it at all, dead  
though the house of it seems.

Nay, but as one who layeth  
His worn-out robes away,  
And taking new ones, sayeth  
"These will I wear today."  
So putteth by the spirit,  
Lightly its robe of flesh,  
And passeth to inherit  
A residence afresh.

#### NEW YORK CITY IN CRISIS—PART CXXII

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MULTER. Mr. Speaker, the following article concerns the poverty program in New York and is part of the series on "New York City in Crisis."

The article appeared in the New York Herald Tribune on May 11, 1965, and follows:

#### NEW YORK CITY IN CRISIS: POVERTY'S BIG FOE—30 LITTLE WORDS

(By Barry Gottehrer and Alfonso Narvaez)

They are only 30 words and they are buried at the bottom of page 9 of the Economic Opportunity Act of 1964:

"The term community action program means a program which is developed, conducted and administered with the maximum feasible participation of residents of the areas and members of the groups served," title II, section 202A(3), Public Law 88-452.

Yet today, as the \$1.5 billion Federal anti-poverty bill languishes before the House Education and Labor Subcommittee, it is precisely these 30 words and the interpretations people are giving to them that cast a shadow over the entire national poverty program. And nowhere has this debate over what "maximum feasible participation" really means grown as heated—and as tragically disruptive—as it has in New York City.

In New York, this debate over terminology has turned into an open struggle over who should really control the city's poverty program—the people or the politicians.

And this open struggle—involving Mayor Wagner and his administration, Representative ADAM CLAYTON POWELL, dozens of community and civil rights leaders, Democrats and Republicans and the Office of Economic Opportunity in Washington—has completely hamstringed the city's poverty program for more than 2 months.

At stake is the city's request for \$10.5 million in community action funds from the Office of Economic Opportunity.

These funds, which were to be used beginning May 1, for an 8-month period, were first requested on March 11 and, according to a city official, were expected to be approved by mid-April at the very latest.

Today, May 11, 11 days after the funds were to be utilized, the city's request still sits in an office in Washington—waiting for Mayor Wagner to come up with a compromise plan.

This is the behind-the-scenes story of how the city's best-laid plans went wrong—a story in which power politics and personal indecision have kept the impoverished of this city from getting assistance they desperately need.

It all seemed very simple to city officials when Mayor Wagner first announced his community-action request at a press conference at city hall on March 11.

Even a few weeks later—when OEO officials objected to the city's plan to have the entire program run by the Anti-Poverty Operations Board, comprised of city officials and no one else—city officials remained optimistic.

#### ALTERNATE PLAN

At an unpublicized meeting with Sargent Shriver, OEO head, in Washington on April 7, three city officials discussed an alternate plan—a nonprofit corporation called Economic Opportunities Corp. which would be

run by 11 city officials and 4 representatives of the community.

Though Mr. Shriver denies giving his approval to the alternate plan, the city officials say he gave every indication that the corporation would meet his interpretation of "maximum feasible participation."

A revised plan—sent from the city to OEO on April 12—would indicate that the city officials knew what they were talking about.

This five-page supplement reads in part: "The city of New York confirms the modifications in its present structure agreed to in the discussions held between city representatives and the OEO on April 7, 1965."

In the other pages, the economic opportunity corporation is fully detailed and, according to the outline, "will assume responsibility for implementing the proposal, including the employment of Community Progress Center staff (six to be set up by city with the community action funds) and enrollees in the various federally financed employment programs.

"The board of directors of the corporation will consist of the 11 members of the poverty operations board plus 4 additional members."

For this reason, city officials were confident when they traveled to Washington on April 15 to appear before the House Education and Labor Subcommittee studying possible amendments to the Poverty Act.

Even a warning that Representative POWELL—who wanted city officials to keep their hands off the Haryou-Act, the controversial Harlem poverty program which he reportedly controls—was going to attack them before his committee didn't disturb them.

Yet from that moment on, the mayor's proposed corporation—and the city's poverty program—was in serious trouble.

To Mayor Wagner and his administration, which pours more than \$1 billion a year into poverty programs including welfare, the meaning of "maximum feasible participation" has always seemed clear.

To the mayor, it means that the indigent poor, as he and his aids usually refer to the people of the ghetto, and community leaders are welcome to participate, plan, and administer the poverty program—but the city administration must have the final approval over everything.

With this in mind, Mayor Wagner outlined his plan for 6 poverty centers to start, spreading eventually to 16, in the city, all to be staffed and planned by people of the area, but all ultimately under the hand of the non-profit corporation.

This was the first public discussion of the corporation—which had now switched to include 11 city officials and 5 or 6 community leaders, all to be picked by the mayor—and, as predicted, Representative POWELL exploded.

To POWELL, the people of the ghetto must play a major role not only in the planning and advisory capacity but also in running and determining the ways in which they will help themselves.

Representative POWELL's plan: A threat to hamstringing the entire poverty program if the city-controlled corporation were approved in New York, and a request to the controller general, still studying the matter, to cut off funds to the city.

According to both city and Federal officials, Representative POWELL's dramatic outburst was still not enough to upset Mayor Wagner's poverty plans.

City officials returned to New York convinced that OEO would approve the \$10.5 million program as soon as they filed papers setting up the corporation.

To them, Representative POWELL was merely an irritation.

What was to follow was more like the plague.

Within the next 10 days, Senator JACOB JAVITS, Representative WILLIAM FITTS RYAN,

and a handful of civic and community leaders immediately attacked the program.

By May 1, the growing opposition to the city's proposal had made its way to Shriver. The proposal was completely reevaluated and the city administration reportedly was informed unofficially that it would have to be revised.

Finally, late last week, the mayor's top aids finally reached a compromise plan, adding the final touches at Gracie Mansion on Sunday.

The new plan reportedly will still be headed by a corporation, controlled by city officials, and community and citizen groups will be given greater powers in planning and determining policy.

Representative POWELL—and a great many of the impoverished people of the city—seem to have won a battle with the city administration, a battle to determine their own destinies.

In Washington, a member of POWELL's committee said he expected the twice-cancelled executive sessions on the poverty bill to move right along now.

"When ADAM wins, he doesn't go fishing," he said. "This is one time when ADAM and the people were on the same side."

#### PLAY BY PLAY IN THE CITY'S POVERTY POWER STRUGGLE

December 11, 1964: The city's antipoverty operations board sends a proposal to the Department of Labor for summer jobs for youths—including a plan for setting up an economic opportunities corporation to handle this and other programs funded under the Economic Opportunity Act. The corporation would be run by 10 city officials.

March 10, 1965: The staff of the antipoverty operations board works through the night to prepare a community-action request to be sent to Washington.

March 11: Mayor Wagner and City Council President Paul R. Screvane announce the city's request for \$10.5 million for the community-action phase of the antipoverty program. Funds requested from the Office of Economic Opportunity are for an 8-month period to begin May 1. The mayor is hopeful of quick action on the request. No mention is made of the corporation. Under the plan, all Federal funds would be funneled through the 11-member (all city officials) Antipoverty Operations Board.

March 30: The Office of Economic Opportunity reportedly balks at antipoverty board control, and asks for revisions of the plan. It wants members of community organizations included.

April 7: City officials, meeting with OEO officials in Sargent Shriver's office in Washington, agree to modify their proposal. City officials are convinced Shriver has given approval to a corporation to be controlled by city officials, 11 to 4. Shriver says he never approved the corporation, still maintains he hasn't seen the plan officially.

April 12: The city submits a revised plan to OEO. The new corporation would have 11 members of the antipoverty board and 4 representatives of the community.

April 15: At hearings before Representative ADAM CLAYTON POWELL's House Education and Labor subcommittee, Mayor Wagner and Paul Screvane outline plans for the corporation publicly for the first time. By now, the corporation will have five or six representatives of the community organization. Representative POWELL explodes, calling city's proposal monopolistic and in violation of the Federal law.

April 16: City officials dismiss the mercurial Congressman's outburst, say that papers of incorporation will be ready shortly, that OEO has given them the go-ahead on the 11 to 6 formula and that the city request for \$10.5 million will be funded very soon.

April 19: The Comptroller General of the United States receives a letter from Repre-

sentative POWELL, asking him to cut off poverty funds to New York because Mayor Wagner's plan for a city-controlled poverty corporation violates the law. Pressure from civic groups, several Congressmen from New York and Representative POWELL begins to build up against the corporation.

April 21: Senator JACOB JAVITS calls for a Senate investigation of the New York poverty program.

April 23: Mr. Screvane says there is no delay and says that the city still is "confident" that OEO will approve the corporation and program. An OEO official says, "The ball is in their court."

April 29: Twenty civic religious and social welfare leaders send a telegram to city hall, denouncing the city administration's "secrecy" about the plan, and calling for public hearings so that "poor and disadvantaged can have an opportunity to participate in shaping the city's poverty program." The telegram is never released, but pressure from all sides including OEO reportedly convinces the city administration to seek a compromise.

May 1: According to the city's request in March, OEO funding was due to be put in operation this day. OEO reports that it is still waiting for the city and that the request in "in final stages of study."

May 6: Mr. Screvane says in a speech that the city administration offered to turn administration of poverty program funds over to community leaders but they refused. A half dozen community leaders, all involved in the poverty program, say they know of no such offer.

May 9: Senator JAVITS releases a report, slashing at the city's plan as largely ignoring neighborhood organization, provoking needless resentment and hostility. At Gracie Mansion, Mr. Screvane and Julius C. C. Edelstein, the mayor's top aid, work over the weekend to come up with a compromise solution to satisfy OEO.

May 10: City hall says the mayor will announce the new plan "very soon" but OEO says it is still waiting. It is understood that the city will give up full control of the corporation, guaranteeing local and community organizations more than just "advisory" powers in running their own programs. The funds are now more than 3 weeks overdue and, even after OEO authorization, the plan must still go to Governor Rockefeller for his approval.

#### NEW YORK CITY IN CRISIS— PART CXXIII

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MULTER. Mr. Speaker, the following articles concern the continuing debate on the poverty program in New York.

The articles are part of the series on "New York City in Crisis" and appeared in the New York Herald Tribune on May 12, 1965:

NEW YORK CITY IN CRISIS: THE MAYOR'S NEW POVERTY PLAN—AND HARYOU OPENS ITS BOOKS

HARYOU

(By Barry Gotthehr)

Livingston Wingate, executive director of Haryou-Act, agreed yesterday to open his payroll, employee, and inventory records in

an answer to charges against his administration on the controversial Harlem poverty.

These charges—coming from staff members, directors, and former employees at Haryou-ACT and ACT and from residents of the troubled area the program was created to help—have included political control, padded payrolls, slipshod recordkeeping, shortages in inventory, mismanagement and little progress.

Mr. Wingate's decision to throw open his records came as a direct about-face on his part—brought about by a letter from James Bellows, editor of the Herald Tribune, and pressure from city and Federal officials.

This letter—dated May 4—was sent to Bill Moyers, special assistant to President Johnson; the heads of the Office of Economic Opportunity and the Departments of Labor, Justice, and Health, Education, and Welfare, all involved in the funding of Haryou-ACT and ACT; Mayor Wagner, City Council President Paul Screvane, Senators ROBERT KENNEDY and JACOB JAVITS, and Representative ADAM CLAYTON POWELL.

Representative POWELL is chairman of the House Education and Labor Committee, which is considering changes in the Federal antipoverty act, and allegedly controls Haryou-ACT and ACT.

In this letter, Mr. Bellows had cited the refusal of Mr. Wingate, a former aid to Representative POWELL, to produce records to refute increasing charges against his administration of the controversial Harlem poverty program.

Many of these charges were brought to the attention of the Herald Tribune's "New York City in Crisis" staff and, in mid-March, a team of reporters started its investigation.

On two different occasions, Mr. Wingate had denied these charges orally to Herald Tribune reporter and promised to provide records to refute them. But he failed to provide the records, saying he did not want this newspaper "harassing his employees."

Finally, on May 4, Herald Tribune Editor James Bellows wrote a letter to public officials concerned with the program, citing the refusal of Mr. Wingate to produce the records to refute the increasing charges against his administration of the controversial Harlem poverty program.

This letter was sent to Bill Moyers, special assistant to President Johnson; the heads of the Office of Economic Opportunity and the Departments of Justice, Health, Education, and Welfare, and Justice, all involved in the founding of Haryou-ACT and ACT; Mayor Wagner, City Council President Paul Screvane, who runs the city's poverty program; Senators ROBERT KENNEDY and JACOB JAVITS; and Representative ADAM CLAYTON POWELL.

Representative POWELL is chairman of the House Education and Labor Committee, which is considering changes in the Federal antipoverty act, and allegedly controls Haryou-ACT and ACT.

Mr. Bellows concluded his letter by asking: "Does the refusal of Haryou-ACT and ACT to produce their records to this newspaper mean that the availability of records detailing the expense of public funds does not apply to the poverty program?"

The answers to the question from Federal officials was unanimous—the records of both Haryou-ACT and ACT are in the public domain.

In a letter dated May 5, Bill Moyers wrote: "The President has advocated that all governmental information be available to the public to the extent that it is not inconsistent with national security or involve business or personal confidentiality.

"This particular program in which your reporters are interested is city operated, although financed in part by Federal funds. Nevertheless, it would seem to me that on its face the request you have made for information is appropriate \* \* \* I am certain

that the responsible Federal officials will be in touch with you on this matter shortly."

Today, the four Federal agencies involved in the financing of Haryou-ACT and ACT added the weight of their opinion.

"In my view, information concerning the expenditure of public funds is public information and should be available to the greatest extent possible in response to legitimate and reasonable requests," wrote Sargent Shriver, head of the Office of Economic Opportunity, which presently is considering two requests from Haryou-ACT totaling \$3 million.

"It is our view, however, that information with respect to local projects should be sought and obtained from the agencies administering those projects and only where a local agency has refused a legitimate request for information should it be sought through this office."

The second letter was signed by Attorney General Nicholas Katzenbach, answering jointly for the three other Federal departments.

"We believe that in general the same principles which govern the availability of information pertaining to the Government itself should govern the availability of information regarding projects funded by the Government," he wrote.

"We also share your concern that Federal funds be properly spent and accounted for. To that end, organizations receiving Federal funds for juvenile delinquency and related projects must agree to permit free Federal access to their records. The funding agencies conduct regular program assistance and consultation. In addition, the Federal agencies work closely with the responsible local authorities in guiding and assessing.

Under this prodding from Federal officials, who had also been in telephone contact with Mr. Wingate since late last week, and from Paul Screvane, who reportedly had a "long conversation" with the Haryou-ACT boss, Mr. Wingate agreed yesterday to open his books.

He has said he would provide for inspection starting this morning full employee and payroll records, petty-cash vouchers; consultant fees, contracts, and leases for the project, dating back to its formation in June 1964.

Mr. Wingate, executive director of ACT until last January and still president of the corporation, said he had no power to open ACT's books, which also have been shrouded by these charges from employees and former employees.

Reached at his office yesterday, Robert Cooper, who replaced Mr. Wingate at ACT, said he was still in the process of asking permission of his board of directors and for "guidance" as to what information he could provide.

He said he hoped to have a decision on their availability this afternoon.

Meanwhile, in Washington, Representative EMANUEL CELLER, a Brooklyn Democrat, called for a full investigation of the New York poverty program—with particular emphasis placed on Haryou-ACT, and the Brooklyn poverty projects.

In his bill, he called for the naming of a special seven-man House committee, to be appointed by the Speaker, to investigate charges "now appearing in the Herald Tribune" and elsewhere.

"The charge of politics is made back and forth by accuser and accused. The problem in Harlem and in my own district has been stalled. Unless these accusations are sifted and determined to be true or false, public confidence in this program will be lost."

#### POVERTY

(By Alfonso Narvaez)

After months of delay and revision, Mayor Wagner yesterday announced his reconstitution of the city's antipoverty machinery.

However, within minutes of the announcement, the proposals were under attack both in Washington and in New York.

The mayor's long-awaited statement outlined the setting of two antipoverty corporations—the New York Council Against Poverty and an Economic Opportunity Corporation.

The city's move was designed to have the "maximum feasible participation" of community representatives and to stem the criticism of "monopolistic control" of the antipoverty program by the city.

The mayor said that the new structure had been worked out in broad outline in an intensive series of conferences with representatives of nongovernmental groups last week, and refined to the point of final agreement in subsequent meetings over the weekend and on Monday.

The mayor said that the new organizational structure was acceptable to the leadership of voluntary agencies and of neighborhood groups and that he had been advised that the Federal Government found the program "wholly acceptable."

#### A 62-man board

The council will consist of a 62-man board of directors, composed of 16 city officials and representatives of all walks of life. Six representatives of the poor will be elected to the board, on the community level, already named by the mayor. There will be an additional five persons named by labor and on-going poverty groups—three by the city labor council and one each by Haryou-ACT and Mobilization for Youth.

The council will be the repository of ultimate authority over the community action programs and other programs under the terms of the Economic Opportunity Act of 1964. Its decision will be final and will be beyond the control of the mayor or any other public official, the mayor said in his statement, which was released by aids at city hall late yesterday afternoon.

The board of directors of the council will have authority over all project applications to the OEO, project review, project renewals and amendments, planning and programing.

The mayor is expected to name the chairman and the vice chairman within 24 hours. The council will elect its own officers.

When news of the mayor's announcement reached David Sher, president of the Community Council of Greater New York and who already had been named president of the new Council Against Poverty, his reaction was immediate and fiery.

"This is the biggest doublecross I have ever seen in all my years of dealing with City Hall," he said. "The announcement was not to have been made until the proposals had been reviewed and accepted by the neighborhood groups. They were told about the proposals Monday and they did not approve of them. They had a lot of questions, and it was understood that there would be some refinement of the proposals."

Meanwhile in Washington, it was understood that the city's inclusion of only six representatives of the poor would not be acceptable to the OEO. It was reported that New York City Congressmen met with Sargent Shriver at his office yesterday and that they had no knowledge at that time of the city's proposals.

It was reported that in an executive session of the House Labor and Welfare Subcommittee yesterday which is studying revision of the antipoverty bill, agreement had been reached to add three "very firm statements" to the \$1.5 billion request for antipoverty funds. They reportedly would be signed by Mr. Shriver and be added to the bill when it is expected to be reported out of committee Thursday.

The statements reportedly will call for greater involvement by the poor in the planning and setting up of programs; that the antipoverty programs would not fall into the

hands of city officials, that there would be no monopoly by local umbrella programs, local groups could appeal to the OEO to be funded outside any city program, and that salaries for persons involved in the antipoverty programs conform to the general pay scale for comparable jobs.

City Council President Paul R. Screvane, who heads the city government's war on poverty, added, "this new structure represents a substantial and even radical departure from the city's original concept.

"Our original structure was a machinery conceived and designed for speedy decision-making based on a high degree of governmental coordination and leadership.

"We have now shifted the major authority to a new decisionmaking body which will furnish the broadest possible consensus, including that of the voluntary agencies, the religious leadership, the indigenous leadership and all other community elements.

"Decisionmaking may be slowed up somewhat, but the decisions when arrived at—including the planning and shaping of programs—will represent the views and will of a broad cross-section of the city and of the communities in question."

Originally the city hoped to run its antipoverty operations through the mayor's antipoverty council and the city's poverty operations board. These two bodies will remain in existence but will limit their operations to antipoverty programs utilizing city money rather than Federal-city programs, which come under the terms of the Federal Economic Opportunity Act.

The key body in the new structure will be the New York City Council Against Poverty, Inc.

The council will be the policymaking body and will handle all applications for money to the Office of Economic Opportunity. It will review projects, handle project renewals and amendments, planning and programing.

One of its first steps will be to review the community action proposals already submitted to the Federal Government. The actual work in the antipoverty effort will be conducted by another corporation—Economic Opportunity Corp., Inc.—to be set up as an affiliate of the council.

Screvane will serve as president and will be active in the post. The board of directors will consist of 11 city officials, all members of the city's present poverty operations board, and 6 others, 4 reflecting the interests of the neighborhoods and 2 representing voluntary agencies.

Julius C. C. Edelstein, executive assistant to Mayor Wagner for policy and program planning, will be secretary of the corporation. Mr. Edelstein was the city's major spokesman in dealing with various community groups during formation of the new structure.

City officials pointed out that the new structure will not eliminate Haryou-ACT, the community action program in central Harlem, or mobilization for youth, the Lower East Side anti-juvenile-delinquency project.

Haryou-ACT and MFY will continue to function autonomously and will be subject to decisions of the poverty council and the economic opportunity only insofar as they receive funds from them.

#### STATEMENT IN SUPPORT OF H.R. 3014

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. GRABOWSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GRABOWSKI. Mr. Speaker, voicing once again my long-standing concern with the health and smoking habits of millions of Americans, I declare my support for the House bill to regulate the labeling and advertising of cigarettes.

We are all sharply conscious of the dangers of cigarette smoking. The report on smoking and health by the Surgeon General's committee and the testimony offered in House hearings on the bill have been most persuasive.

Nearly 70 million Americans use tobacco regularly; most of them smoke cigarettes. Cigarette consumption per capita has steadily increased since 1900 and more than doubled since 1940. During this same time, deaths from lung cancer, heart disease, chronic bronchitis, and emphysema, and a number of other diseases have increased dramatically. The weight of experimental, clinical, and pathological evidence—in addition to population studies—indicates that cigarette smoking contributes substantially to mortality from these diseases as well as to the overall death rate. Cigarette smoking is causally related to lung cancer in men, is the most important cause of chronic bronchitis, increases the risk of dying from bronchitis and emphysema, and is closely related to the very high death rate from cardiovascular disease among smokers. In fact, the greater the number of cigarettes smoked daily, the higher the death rate from all causes.

But in spite of this impressive evidence, Americans continue to smoke at essentially the same rate—and young Americans are starting earlier and smoking more than ever before.

I say it is high time we live up to our trust as guardians of the public welfare. Cigarette smoking is undeniably a health hazard of the greatest magnitude. At the very least, we are responsible for making known the extent of the danger. Approval of the House bill to regulate cigarette labeling is a beginning.

The bill calls for each package of cigarettes sold to be labeled:

Caution: Cigarette smoking may be hazardous to your health.

Such labeling, I realize, will not cause many people to stop smoking nor prevent many young people from beginning. But it will force to their attention, each time they light a cigarette, the risks they run so lightly. And to make this warning as forceful as possible—as forceful, in fact, as the danger demands—it should be printed on the front rather than the side of the package.

Mr. Speaker, my concern with this matter is well known to my colleagues. Even before the report of the Surgeon General's Committee was published, I introduced a bill similar to the one we are considering. I also introduced such a bill earlier in this Congress. I did so from a conviction that because we are parents and citizens and responsible representatives of the people we cannot permit such a threat to the health and well-being of the country to pass unacknowledged. We are requiring that, in the light of convincing scientific evi-

dence, cigarettes be labeled hazardous to health. Mr. Speaker, we can do no less.

#### NATIONAL TEACHER FELLOWSHIP ACT OF 1965

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, I am today introducing in the House of Representatives a bill which will go far toward raising the quality of education in elementary and secondary schools in the United States by raising the quality of their teachers.

My bill, the National Teacher Fellowship Act of 1965, is aimed at increasing the Nation's supply of first-class, top quality elementary and secondary school teachers. I have been working on a draft of this proposal for some weeks now and I was therefore delighted when President Lyndon B. Johnson, in his splendid address of last Friday, July 2, to the annual conference of the National Education Association in New York City, endorsed the kind of proposal which I am today introducing and which the distinguished senior Senator from Oregon, the Honorable WAYNE MORSE, is also, in somewhat different form, sponsoring in the other body.

#### PRESIDENT SUPPORTS TEACHER FELLOWSHIP PROGRAM

Said President Johnson on July 2:

I announce today that your President will submit to the Congress and will support a program of fellowships for elementary and secondary school teachers so that they can replenish their knowledge and improve their abilities.

Tomorrow morning the General Education Subcommittee of the House Education and Labor Committee will begin hearings on my bill under the chairmanship of the distinguished subcommittee chairman, the Honorable CARL PERKINS, of Kentucky.

Mr. Speaker, Congress cannot and should not legislate by public opinion poll but clearly neither can nor should Congress ignore public opinion. It is, I think, significant that in a recent Gallup poll, when a representative cross section of Americans was asked on which of 10 major domestic problems the Federal Government should spend most of its time in the next year or two, 45 percent of the people said "improving education."

We know that education is important, for several reasons. Education enhances not only the income but the quality of life of the individual.

#### QUALITY EDUCATION VITAL TO OUR NATION

Education has become essential to our survival as a nation. We in Congress vote vast sums of money for defense, the exploration of space and the development of atomic power. There must be edu-

cated men and women to carry out these programs.

And of course, Mr. Speaker, we realize more and more that education is indispensable to the economic growth and development of our country.

I think that no one has yet put the case for education more eloquently than the distinguished philosopher, Alfred North Whitehead, nearly 50 years ago in 1917:

In the conditions of modern life, the rule is absolute—the race which does not value trained intelligence is doomed. Not all your heroisms, not all your social charm, not all your wit, and not all your victories on land and sea, can move back the finger of fate. Today we maintain ourselves; tomorrow, science will have moved forward yet one more step. And there will be no appeal from the judgment which will then be pronounced on the uneducated.

Some 45 years later, a distinguished American scientist, Dr. Lee DuBridg, president of the California Institute of Technology, echoed the warning of Professor Whitehead:

The individual who is the best candidate for the unemployment roles, the best candidate for being a misfit in our society, is the one whose educational experience has been improperly guided or prematurely interrupted.

President Johnson and President Kennedy before him and we in Congress have been responding affirmatively to the increasing commitment of the American people to increasing our national investment in education.

#### A RECORD OF ACHIEVEMENT IN EDUCATION LEGISLATION

Even a hasty review of the new education legislation enacted in the past 10 years dramatically underscores the tremendous contributions that have been made to education by the 88th and the 89th Congresses.

In 1955-56, the 84th Congress passed laws to promote the further development of public library service in rural areas; to establish a committee on education beyond the high school; to create an educational assistance program for war orphans; and for practical nurse training under federally supported vocational education programs.

The 85th Congress enacted the National Defense Education Act for the purposes of strengthening the national defense and encouraging and assisting in the expansion and improvement of educational programs to meet critical national needs. This law, a milestone in education legislation, was designed to provide loans to college students; financial aid for science, mathematics, and modern foreign language instruction; fellowships, guidance, counseling, and testing; language development; improvement of educational media; area vocational education; and the improvement of statistical services of the State education agencies. Another 1958 law was enacted to encourage expansion of teaching and research in the education of mentally retarded children through grants to institutions of higher education and State education agencies.

The 87th Congress enacted legislation which provides for assistance in the con-

struction of educational television facilities. The various international exchange programs of the Federal Government were consolidated and expanded by the Mutual Educational and Cultural Exchange Act. The National Defense Education Act, the federally impacted areas program for schools, and the practical nurse training program were all further extended by that Congress.

The 88th Congress, which President Johnson described as the "Education Congress," produced an extraordinary record in education legislation. One new enactment, the Higher Education Facilities Act, provides grants and loans for the construction of academic facilities at institutions of higher education, including junior colleges. Another, the Vocational Education Act of 1963, is designed to update existing vocational education programs and to help develop new programs to support part-time employment that will enable many young people to continue their vocational training on a full-time basis.

In addition to these new measures, The National Defense Education Act was broadened by the 88th Congress and extended by amendments which increased the student loan and fellowship programs, continued assistance for purchasing equipment needed for instruction in mathematics, science, and foreign languages, and extended such aid for instruction in English, reading, history, geography, and civics. The NDEA amendments also expanded teacher training institutes to include teachers of English, reading, history, geography, and teachers of disadvantaged youth. Institutes can be provided also for school librarians and educational media specialists.

Other enactments of the 88th Congress include the Library Services and Construction Act, providing assistance for public libraries in urban as well as rural areas; the Economic Opportunity Act, which authorizes preschool programs, job training, adult basic education, and work-study assistance for students in colleges and universities; and the Civil Rights Act of 1964, part of which provides specialized assistance to public school systems and personnel to help in coping with problems related to school desegregation.

Let me cite only briefly several other measures of the 88th Congress related to education—the Health Professions Educational Assistance Act, the Mental Retardation Facilities and Community Health Centers Construction Act, and the Nurse Training Act.

The first session of the 89th Congress has already made education history with the enactment of the Elementary and Secondary Education Act. This broad-based and imaginative legislation will channel funds into the Nation's schools to: strengthen elementary and secondary school programs for educationally deprived children in low income areas; provide additional school library resources, textbooks, and other instructional materials; finance supplementary educational centers and services; broaden areas of cooperative research; and strengthen State departments of

education. It is the most important education bill ever passed by Congress.

Yet the passage of all these education acts, in particular the Elementary and Secondary Education Act of 1965, presents the Nation with a new challenge—providing enough first-class teachers to use the new and expanded programs and methods which this legislation authorizes.

#### TASK NOT FINISHED

For we have simply not done enough, in spite of our legislative achievements, to improve the supply of high-quality teachers for our elementary and secondary schools. We have therefore a two-fold problem—first, increasing the number of elementary and secondary school teachers in order to keep pace with the increasing number of school-age children in the country and within expanded educational programs; and second, providing these teachers with the high caliber education they must have if they are to be the best possible teachers.

The revolutionary changes in the educational system over the past decade have made it imperative that the very best students be attracted to careers in elementary and secondary teaching. The growth of the comprehensive high school with its emphasis upon multitrack curriculums; the spread of honor programs and honor classes in high schools; the growth of the college entrance examination board's advanced placement program with its emphasis on college level work for competent high school students; the establishment of special early admission programs and summer institutes for superior high school students by colleges and universities throughout the Nation; the increasingly close association between high schools and junior colleges; the spread of the "new" curriculums in mathematics and the physical and biological sciences which deal with subject matter at a more sophisticated level than do the traditional courses in these fields—all these developments point to the need not merely for more teachers but for better teachers, for individuals who are exceptionally competent in their subject fields as well as in the methodology of teaching at the elementary and secondary levels.

Supplementary centers, audiovisual aids, and good libraries will not improve our children's education if the teachers who form the link between these devices and the pupil cannot or will not utilize them.

In addition, the emphasis given to education in the war on poverty requires a new breed of teachers and a new approach to teaching. I was most pleased that, in his eloquent address to the National Education Association last Friday, President Johnson proposed, in his words, "A National Teachers Corps to enlist thousands of dedicated teachers to work alongside of local teachers in city slums and in areas of rural poverty, where they can really serve their Nation."

#### MORE TEACHERS NOT THE ONLY SOLUTION

Mr. Speaker, let me make one point very clear. We should not be misled into believing that simply by increasing the number of American teachers,

schooled and trained in the traditional way, we will solve the problems of American education at the elementary and secondary level. I reiterate that the new demands upon our educational system, the changes now going on in American elementary and secondary education, the new programs we have been writing into law—all these factors mean that we must have not only more teachers but better teachers.

Clearly President Johnson is committed to the importance of quality in American education as well as adequate facilities.

The President noted in his National Education Association speech that in the next 5 years attendance at elementary and secondary schools will increase by more than 4 million students, and that "beyond 1970 the demand for education at every level will continue to increase."

The President warned:

We will need more classrooms; we will need more books; we will need more teachers; we'll need more schools on a scale that we have never dreamed of even a decade ago.

But President Johnson went on to say:

Nor is it enough to give a student a place to sit and a teacher to learn from. We must make sure that the quality of that education is equal to his capacity to learn. We must make sure that it stimulates creativity rather than stifling it. We must make sure that it enlarges the mind rather than narrowing it—that he receives not merely a diploma, but learning, in its real, broadest, and most meaningful and most human sense.

I for one believe that our schools will never be better than our teachers and that we must therefore intensify our efforts to attract our brightest and most capable young people into elementary and secondary school teaching.

I do not propose today to address myself to what I am sure are some of the constructive ways in which we can move more effectively toward this goal. I wish to discuss only one aspect of the problem of raising the number and quality of American schoolteachers. I wish to speak of the area of teacher education and, more specifically, to appropriate action on the part of the Federal Government to help make possible improved preparation of American schoolteachers.

I do not intend here to get into the important questions of the undergraduate preparation of teachers, or certification of teachers, or of teachers' salaries.

My chief concern today is the question of graduate education for persons who either are, or plan to become, elementary and secondary school teachers, or who either are engaged in, or plan to engage in, the training, guiding, or supervising of such teachers.

#### MANY TEACHERS ARE POORLY PREPARED

In considering how our elementary and secondary school teachers can be trained or retrained to handle the new techniques and methods in the field of education, I have come across several surveys and studies which support the widely accepted idea that we have not been attracting sufficient numbers of well-trained people into the elementary and secondary education field.

For example, "The Graduate Record Examinations Special Report 64-2," April 1964, reports on persons taking the graduate record examination in 1962-63. Fifty-five different undergraduate major fields were represented in the examination. Those persons who listed education as their major field ranked 51st in the mean for verbal aptitude, outranking only agriculture, home economics, journalism, and physical education majors.

The report also shows that in the quantitative part of the aptitude test, education majors tied for 50th place with majors in library science, ranking ahead of only home economics, nursing, physical education, and social work.

Further analysis of the results of this graduate record examination reveals that those people taking the advanced test in the field of education who had majored in other fields—for example, chemistry or history—scored consistently lower in both the verbal and quantitative aptitude tests than did people who majored in the other fields and who took the advanced test in their major subject fields.

Let me also refer to a now classical survey of secondary school English teachers, which was reported in a 1963 book published by the National Council of Teachers of English, called "The National Interest and the Continuing Education of Teachers of English." This survey brought to light the poor subject matter preparation of many of our secondary school teachers. The survey was based on a sampling of 7,417 secondary school English teachers. Although their average teaching experience was 9 years, only 50.5 percent of them had earned a degree with a major in English. One-third of them, moreover, did not have a college major in a field even related to English.

According to the U.S. Office of Education, nearly one-fourth of the courses offered in public secondary schools in this country are devoted to English. Yet the survey showed that only 800 of the 90,000 public secondary school English teachers in a given year received any form of financial assistance for graduate study.

#### FEDERAL GRADUATE FELLOWSHIPS NEEDED

Mr. Speaker, we are faced not only with the task of training teachers to handle new methods and techniques and with the necessity of improving the preparation of many of the teachers now engaged in elementary and secondary teaching. We must also do a better job of attracting our brightest and most capable young people into elementary and secondary education.

While much of what has to be done will have to be done by local school systems, there is at least one area in which the Federal Government can and should act. The Federal Government should provide fellowships on a nationwide basis to assist those who are, and those who plan to become schoolteachers better to prepare themselves through graduate study in the area in which they require further work—either their subject matter or in their methods and practice of teaching.

Although numerous fellowships, scholarships, and special grants for graduate study are available in many fields to outstanding students, few are available for the elementary or secondary school teacher who wishes to pursue graduate work in his subject field, nor are many available for the college graduate who majored in an academic subject and who wants, in order to be able to teach school, to do graduate work in psychology and education. National awards such as the Danforth, the Woodrow Wilson, the National Science Foundation, and the National Defense Education Act fellowships are restricted to students who plan to teach at the college level.

No matter how exceptional the prospective schoolteachers' academic record, or how sincere his devotion to his subject area and to the education of children, he often finds himself at an academic dead end upon receiving his baccalaureate degree unless he wants to teach at the college level. At best he can look forward to a long series of self-supported summer school sessions in pursuit of his master's degree. At worst, he withdraws from the elementary and secondary field altogether or never enters it.

The Big Ten universities, after a series of conferences on the need for establishing a national teacher fellowship program, unanimously endorsed such a proposal and stated:

The unavailability of fellowships for teachers who wish to earn a master's degree has had two serious effects. It has resulted in a steady loss of potential teachers of high caliber from elementary and secondary school classrooms. It has reinforced the already prevalent notion that men and women who wish to teach below the college level are second-class citizens, academically and intellectually.

James B. Conant in his provocative book, "The Education of American Teachers," cogently explains why graduate work for the practicing or aspiring teacher must be well-planned and carried out on a full-time basis. He points to the dangers and essential weakness of allowing teachers to obtain a master's degree simply by accumulating a required number of credits.

Not only are the types of courses offered for part-time study often of little value, but there is serious doubt that a teacher who is teaching full time can do justice even to a part-time course.

#### SUPERVISORS ALSO NEED MORE TRAINING

Mr. Speaker, in addition to providing excellent teachers for our elementary and secondary classrooms, I believe we must also insure that the people directly involved in training these teachers, supervising their day-to-day performance, and guiding their development and growth, are equally well trained. In most cases this training, guiding, or supervising work will require graduate study at the master's or doctoral level in the behavioral or social sciences or in the subject matter field such as history, mathematics, and English.

The need for such well-trained non-teaching personnel in our school systems is acute. One authority, Dr. John I. Goodland, director of the uni-

versity elementary school at the University of California in Los Angeles, has stated:

But there is a very great need for intermediate administrators who are responsible for the instructional programs of the school. Very often, these persons hold the post of director of curriculum. Persons holding such positions should have a doctorate which has brought them up to date in modern theories and methods of curriculum and instruction. There is a desperate shortage of such personnel.

#### TIME FOR ACTION

Mr. Speaker, as President Johnson said on July 2:

The time for talking and dreaming and philosophizing and writing platforms is gone and the time for doing things, instead of talking about them, is here.

Mr. Speaker, I agree. I am therefore today introducing a bill to improve the quality of education offered by the elementary and secondary schools of the Nation by improving the quality of the education of persons who are or plan to be teachers in such schools or persons who are or plan to be training, guiding, or supervising elementary or secondary school teachers.

My bill, the National Teacher Fellowship Act of 1965, will provide fellowships for graduate study leading to a master's degree or doctor's degree for elementary and secondary school teachers and those who train, guide or supervise such teachers.

Mr. Speaker, let me explain my proposal. The bill would grant, over a period of 3 years, fellowships for graduate work leading to the master's degree to approximately 90,000 people, or about 5 percent of our teaching population, and fellowships leading to the doctor's degree to about 4,500.

These fellowships would go to those institutions with a program directed at improving the quality of education of persons in or entering the field of elementary or secondary education.

Let me point out that these fellowships are to be awarded both to people who have just completed their undergraduate work and also to people who are now teaching.

The National Teacher Fellowship Act will thereby make available to the best of our college graduates opportunities for graduate study they do not now have, and will at the same time enable persons presently teaching to take more courses and to earn a master's degree in their field of specialization. And they will be able to pursue their studies on a full-time basis.

The National Teacher Fellowship Act will also make it possible for people in other professions or who have graduated from college but have been busy raising a family to return to college, obtain their master's degrees, and become valuable schoolteachers.

In addition, as President Johnson said last Friday, a program of fellowships for graduate study "will assist teachers displaced by the process of school integration to acquire the skills that are necessary to permit them to perform new and challenging jobs in a new environment, in a new century."

People in fields closely related to the success of elementary and secondary education, such as library science, educational media, and counseling and guidance, will also be eligible to apply for these fellowships.

In those cases where the holder of the fellowship has met the teacher certification requirements of his State, it is the purpose of this bill to encourage secondary school teachers to do graduate work in their subject matter field and to enable elementary school teachers to pursue those studies required for effective teaching at that level.

This bill is not designed to encourage the accumulation of unplanned and unrelated courses in order that the awardee can either receive a salary increase or a "promotion up," out of teaching into administration. I do not mean to suggest, however, that the bill excludes supervisory personnel, for proper and adequate supervision of teachers is as vital to the success of our educational system as good teaching. But the graduate work permitted under this bill would be limited to those administrative personnel who are engaged in the supervision, guidance, or training of teachers. We need more persons in these fields with both master's and doctoral training.

#### CRITICAL NEED FOR DOCTORAL STUDY

There are other reasons beyond the need for supervisory personnel for supporting more graduate education at the doctoral level of persons in the elementary and secondary school field.

For example, we shall need persons trained to use with intelligence and imagination the funds authorized under title III of the Elementary and Secondary Education Act of 1965 for supplementary educational centers and model school programs.

We shall also need people in our school systems highly trained in the behavioral and social sciences and humanities to work alongside the people we have for some years been training in the physical and natural sciences and mathematics. Such persons are needed chiefly for the purpose of developing high quality elementary and secondary school courses in all these fields.

To these needs for people with doctoral degrees in a variety of fields must be added the increasing demand for well-trained college professors in nearly every area. While there are presently available, under the NDEA, some graduate fellowships for those who want to teach education and closely allied subjects at the college level, the number of fellowships for such fields in 1965-66 will be less than 600 and in 1966-67 no more than 750.

#### OTHER PROVISIONS

Mr. Speaker, let me note several other provisions of this bill.

In the awarding of the fellowships, the Commissioner of Education is to endeavor to provide an equitable distribution among the States except that, when he deems it in the national interest, he is to give preference to programs designed to train teachers to serve in rural and metropolitan low-income areas.

President Johnson, in his NEA speech, also indicated his concern with this prob-

lem when he called for "a National Teachers Corps to enlist thousands of dedicated teachers to work alongside of local teachers in city slums and in areas of rural poverty."

Mr. Speaker, I would like to discuss briefly the stipends offered to the people who receive fellowships under this bill. For those who have just received their bachelor's degree and have no experience in the field of elementary or secondary education the stipends are the same as those offered under the NDEA.

For people who have been teaching or engaged in related professions, the stipend is based on a sliding scale which would pay \$2,500 for those who have had 1 academic year of teaching or related experience and an additional \$500 for each additional academic year of experience, up to a maximum grant of \$5,000. These to me are reasonable stipends, for, except in a few isolated cases, such stipends will amount to a financial sacrifice on the part of the fellowship holder, yet not such a burden as to prevent him from applying. These stipends are quite in line with similar stipends offered by other Federal programs to experienced personnel. NASA traineeships, for example, pay \$3,500 to \$4,000 plus \$1,000 for miscellaneous expenses. Consequently, Mr. Speaker, I believe the stipends proposed in my bill together with the payment of travel expenses for the fellow and his dependents are reasonable.

Mr. Speaker, I am not wed to every jot and tittle of the bill I am today introducing. I believe that my proposal is sound but I welcome suggestions for improving the bill and I hope such suggestions will be made in the hearings which begin tomorrow.

Indeed, I am pleased to see that one of the sessions scheduled during the forthcoming White House Conference on Education, which is to be held on July 20 and 21, 1965, here in Washington, will be devoted to the topic, "Improving the Quality of Education." Perhaps some constructive recommendations for improved teacher education will result from this conference.

Mr. Speaker, under unanimous consent I place the text of my bill, H.R. 9627, together with a summary, at this point in the RECORD:

#### H.R. 9627

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Teacher Fellowship Act of 1965."*

#### DECLARATION OF POLICY

SEC. 2. The Congress hereby declares it to be the policy of the United States to improve the quality of education offered by the elementary and secondary schools of the Nation by improving the quality of the education of persons who are or plan to be teachers in such schools or persons who are or plan to be training, guiding, or supervising elementary or secondary school teachers. This purpose shall be accomplished by awarding fellowships for graduate study leading to the master's degree to persons who are or plan to be teachers in elementary or secondary schools and leading to the master's or doctor's degree for persons who are or plan to be training, guiding, or supervising elementary or secondary school teachers.

FELLOWSHIPS AUTHORIZED FOR GRADUATE STUDY  
TOWARD MASTER'S DEGREES

SEC. 3. (a) The Commissioner is authorized to award not to exceed twenty-five thousand fellowships for the fiscal year ending June 30, 1966, thirty thousand fellowships for the fiscal year ending June 30, 1967, and thirty-five thousand fellowships for the fiscal year ending June 30, 1968. Fellowships awarded under the provisions of this section shall be for graduate study leading to a master's or equivalent degree for persons who are teachers, or who plan to teach in elementary and secondary schools or persons who are, or plan to be, training, guiding, or supervising such teachers. Such fellowships may also be awarded in fields ancillary to elementary and secondary education such as library science, school social work, guidance and counseling, educational media, special education for handicapped children, and other fields having the purpose of assisting or improving elementary or secondary education or both. Such fellowships shall be awarded for such periods as the Commissioner may determine, but not to exceed two calendar years.

(b) In addition to the number of fellowships authorized to be awarded by subsection (a), the Commissioner is authorized to award fellowships equal to the number previously awarded during any fiscal year under subsection (a) of this section but vacated prior to the end of the period for which they were awarded; except that each fellowship awarded under this subsection shall be for such period of study not in excess of the remainder of the period for which the fellowship which it replaces was awarded, as the Commissioner may determine.

FELLOWSHIPS AUTHORIZED FOR GRADUATE STUDY  
TOWARD DOCTOR'S DEGREES

SEC. 4. (a) The Commissioner is authorized to award not to exceed one thousand fellowships, for the fiscal year ending June 30, 1966, one thousand five hundred fellowships for the fiscal year ending June 30, 1967, and two thousand fellowships for the fiscal year ending June 30, 1968. Fellowships awarded under the provisions of this section shall be for graduate study leading to a doctor of philosophy, or equivalent degree, in education or related fields, such as the humanities and the behavioral and social sciences, for persons who are, or plan to be, training, guiding, or supervising elementary or secondary school teachers. Such fellowships shall be awarded for not more than three calendar years over such period of time as the Commissioner may determine but not to exceed five consecutive calendar years.

(b) In addition to the number of fellowships authorized to be awarded by subsection (a), the Commissioner is authorized to award fellowships equal to the number previously awarded during any fiscal year under this section but vacated prior to the end of the period for which they were awarded; except that each fellowship awarded under this subsection shall be for such period of study, not in excess of the remainder of the period for which the fellowship which it replaces was awarded as the Commissioner may determine.

AWARD OF FELLOWSHIPS

SEC. 5. (a) Two-fifths of the number of fellowships awarded under the provisions of section 3 of this Act for any fiscal year shall be awarded to persons who have received a baccalaureate degree, with high standing, within one year prior to the award of the fellowship.

(b) The remaining three-fifths of the number of fellowships awarded under the provisions of section 3 of this Act for any fiscal year shall be awarded to persons teaching in an elementary or secondary school except that up to five thousand of these fellowships may, at the discretion of the Com-

missioner, be awarded to persons who, because of being engaged in another profession or the raising of a family, have not been teaching, but who demonstrate serious intent to enter or reenter the field of elementary or secondary education on a full-time basis.

(c) Up to 20 per centum of the fellowships awarded under subsection (a) of section 3 may be awarded to persons for graduate work leading to the master's degree in fields ancillary to elementary and secondary education, as defined in section 2(a).

(d) The Commissioner shall allocate fellowships under this Act to institutions of higher education with graduate programs approved under the provisions of section 6 for the use of individuals accepted into such programs.

APPROVAL OF PROGRAMS

SEC. 6. The Commissioner shall approve a graduate program of an institution of higher education only upon application by the institution and only upon his finding:

(1) that such program will substantially further the objective of improving the quality of education of persons who are, or plan to be, teachers in elementary or secondary schools, or who are, or plan to be, training, guiding, or supervising such teachers,

(2) that such high-quality program be either in effect, readily attainable, or attainable through the granting of these fellowships, and

(3) that only persons showing serious intent to become or to continue as teachers in elementary or secondary schools, or to enter or to continue in the field of training, guiding, or supervising such teachers shall be accepted for study in such programs.

DISTRIBUTION OF FELLOWSHIPS

SEC. 7. In awarding fellowships under the provisions of this Act, the Commissioner shall endeavor to provide equitable distribution of such fellowships throughout the States, except that to the extent he deems proper in the national interest, the Commissioner shall give preference in such awards to persons already serving, or who intend to serve, in elementary or secondary schools in low-income rural or metropolitan areas, or connected to such areas.

STIPENDS

SEC. 8. (a) Each person without previous employment in the elementary or secondary education field awarded a fellowship under this Act shall receive a stipend at the rate of \$2,000 for the first academic year of study, \$2,200 for the second such year, and \$2,400 for the third such year. Each person with previous employment in the elementary or secondary education field awarded a fellowship under this Act shall receive a basic stipend at the rate of \$2,000 per academic year plus an additional \$500 for each academic year of teaching or related experience except that the total of such additional amount shall not exceed a maximum of \$3,000 per academic year. In the case of any fellowship, an additional amount of \$400 for each academic year of study shall be paid to each person on account of each of his dependents.

(b) In addition to the amount paid to persons pursuant to subsection (a) there shall be paid to the institution of higher education at which each such person is pursuing his course of study, \$2,500 per academic year. Amounts paid pursuant to this subsection shall be less any amount charged any such persons for tuition and fees.

(c) The Commissioner shall reimburse any persons awarded a fellowship pursuant to this Act for actual and necessary traveling expenses of such person and his dependents from his ordinary place of residence to the institution of higher education where he will pursue his studies under such fellowship, and to return to such residence.

LIMITATION

SEC. 9. No fellowship shall be awarded under the Act for study at a school or department of divinity. For the purposes of this section, the term "school or department of divinity" means an institution or department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

FELLOWSHIP CONDITIONS

SEC. 10. A person awarded a fellowship under the provisions of this Act shall continue to receive the payments provided in section 8(a) only during such periods as the Commissioner finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such fellowship was awarded in an institution of higher education, and is not engaging in gainful employment other than part-time employment in teaching, research, or similar activities related to his training as approved by the Commissioner.

APPROPRIATIONS

SEC. 11. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

FEDERAL CONTROL NOT AUTHORIZED

SEC. 12. No department, agency, officer, or employee of the United States shall, under authority of this Act, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to the personnel, curriculum, methods of instruction, or administration of any educational institution.

CONSULTANTS AND ADVISORY COUNCILS

SEC. 13. (a) The Commissioner may, with the approval of the Secretary, and without regard to the civil service laws, appoint, as he deems necessary, consultants and advisory council or councils to advise and consult with him with respect to the administration of the provisions of this Act for which he is responsible.

(b) Consultants and members of such advisory councils who are not regular full-time employees of the United States shall, while attending meetings or conferences of such councils or otherwise engaged on business of the council or the Office of Education pertaining to this Act, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including travel time, and, while serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

FEDERAL ADMINISTRATION

SEC. 14. (a) The Commissioner may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by the way of reimbursement, as may be agreed upon.

DEFINITIONS

SEC. 15. As used in this Act—

(1) The term "State or States" means a State, Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, or the Virgin Islands.

(2) The term "institution of higher education" means an educational institution in

any State which (A) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (B) is legally authorized within such States to provide a program of education beyond secondary education, (C) provides an educational program for which it awards a bachelor's degree, (D) is a public or other nonprofit institution, and (E) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

(3) The term "Commissioner" means the Commissioner of Education.

(4) The term "Secretary" means the Secretary of Health, Education, and Welfare.

**SUMMARY OF THE MAJOR PROVISIONS OF H.R. 9627**

**PURPOSE OF THE LEGISLATION**

The purpose of the legislation as expressed in the declaration of policy is to improve the quality of education offered by the elementary and secondary schools of the Nation by improving the quality of the education of persons who will be teaching in the elementary and secondary schools or who will be performing professional roles related to the elementary and secondary schools process. The purpose is to be accomplished by the awarding of fellowships for graduate study leading to the master's degree for experienced and prospective elementary and secondary school teachers and leading to the master's or doctor's degree for persons who plan to be training, guiding or supervising such teachers.

The master's fellowships are also open to persons in such related fields as library science, school social work, guidance and counseling, educational media, and special education for handicapped children.

**FELLOWSHIPS FOR GRADUATE STUDY TOWARD MASTER'S AND DOCTOR'S DEGREES**

Fellowships to be awarded by the U.S. Commissioner of Education:

Fiscal year	Toward master's degrees	Toward doctor's degrees
1966	25,000	1,000
1967	30,000	1,500
1968	35,000	2,000

**FELLOWSHIPS TO BE GIVEN RECENT GRADUATES AND EXPERIENCED TEACHERS**

Two-fifths of the fellowships awarded in any fiscal year would go to recent graduates and the remaining three-fifths would be available for persons with experience in the elementary or secondary education field, or persons with bachelor's degrees who have been engaged in another profession or occupation, who intend to enter or reenter the teaching field. Twenty percent of the fellowships awarded to recent graduates could be in the fields ancillary to elementary and secondary education as described earlier.

**DISTRIBUTION OF FELLOWSHIPS AND APPROVAL OF FELLOWSHIP PROGRAMS**

The criteria for approval of fellowship programs is designed to assure attainment of the objective of improving the quality of education of elementary and secondary schoolteachers or teachers of teachers or those in ancillary fields and that a high quality program be in effect at the applying institution, readily attainable, or be attainable by the granting of such fellowships.

An equitable distribution of fellowships throughout the Nation is required except that the Commissioner shall give preference

to applicants already serving or who intend to serve in elementary or secondary schools in low-income rural or metropolitan areas.

**STIPENDS**

"Recent graduate" fellowships carry with them the following academic year stipends: First year, \$2,000; each dependent \$400. Second year, \$2,200; each dependent \$400. Third year, \$2,400; each dependent \$400. For "experienced teachers": \$2,000 plus \$500 for each year of teaching experience and \$400 for each dependent.

In addition to the above stipends, this act would pay to the institution of higher learning in which each awardee is pursuing his course of study the sum of \$2,500 per academic year. Charged against this \$2,500 award would be any amounts charged by such institutions for tuition and fees.

**ADDRESS OF PRESIDENT JOHNSON TO NATIONAL EDUCATION ASSOCIATION, JULY 2, 1965**

Mr. Speaker, I also include in the RECORD the text of President Johnson's address of July 2, 1965, at the annual conference of the National Education Association in New York City.

The address follows:

**TRANSCRIPT OF JOHNSON'S ADDRESS TO NEA HERE**

(NOTE.—Following is a transcript of President Johnson's speech before the National Education Association at Madison Square Garden yesterday, as recorded by The New York Times through the facilities of ABC News.)

Secretary Celebrezze, Senator MORSE, majority leader of the House of Representatives, Congressman CARL ALBERT, Dr. Lois V. Edinger (retiring president of the NEA), Dr. William G. Carr, executive secretary of the NEA, who have labored in education's cause and helped us so much, and all of my fellow educators.

I brought with me today Secretary Tony Celebrezze, the great administrator of the HEW (Department of Health, Education, and Welfare) and the best lobbyist for teachers this country has.

Senator WAYNE MORSE (Democrat, of Oregon), the valiant fighter for education and the chairman of all the Senate committees that report these bills, constantly—Senator MORSE.

The distinguished Majority Leader CARL ALBERT, a Rhodes scholar and education leader, majority leader in the House of Representatives and my neighbor from Oklahoma.

I, too, want you to meet one of the great fellows that works on my staff and who has been assigned this special subject of education and has made it his day and night work all year, Douglass S. Cater, Jr.

**TEST OF CIVILIZATION**

I greet you as the shapers of American society.

Emerson said, "The true test of a civilization is, not the census, nor the size of cities, nor the crops—no, but the kind of man that the country turns out."

Education, more than any single force, will mold the citizen of the future. That citizen in turn will really determine the greatness of our society. And it is up to you to make that education equal to our towering expectations of the America that we love and the America that is to come.

And I came here today to reaffirm to you your Government's intention to continue to help in that task.

In the last 19 months your Congress and your President have worked shoulder-to-shoulder together in the most fruitful partnership for American education in all the history of the American nation.

We passed the Higher Education Facilities Act.

We passed the Library Services Act—to prove our libraries as storehouses of learning.

We passed the Vocational and Technical Education Act.

We passed the Nurses Training Act.

**POVERTY BILL PASSED**

We passed the poverty measure—the Economic Opportunity Act—appropriating hundreds of millions of dollars—and requested a billion two (\$1.2 billion) this year, offering millions of young people the necessary training to help them escape from poverty.

We passed the \$1.2 billion Elementary and Secondary Education Act of 1965—the broadest, the most meaningful and the most sweeping Federal commitment to education that this Nation has ever made.

And this is the first week of the first fiscal year in which funds under this act will begin to flow to States and communities in every part of this land, in every State in this country.

We are going to pass the higher education bill to provide help to colleges and students this year.

We are going to pass the Federal Arts and Humanities Foundation bill—to help those engaged in the studies of the humanities and the practices of the arts, and we are going to pass it this year.

**MORE PROPOSALS PLANNED**

And next year, in my next state of the Union message, I intend to offer more new proposals to improve the education of all Americans.

And I am here to tell you today that we are not going to stop until every child in this great and beautiful land of ours can have all of the education, of the highest quality, which his or her ambition demands and his or her mind can absorb.

So I come here this afternoon to speak to you not of our triumphs but of our tasks, not of the success that we have had but the sacrifices that are to be made, not of the achievements of yesterday, but the aspirations of tomorrow.

For this is not an occasion for self-congratulation. It is rather a time to reflect on our mounting needs and on our present deficiencies.

More than 1 million students who are not here to speak for themselves this afternoon drop out of schools, their talents wasted, their intelligence lost to the Nation, their futures shadowed by their failure, and by our failure.

In the next 5 years attendance in elementary and secondary schools, at 48.1 million now in the fall of 1964, will increase by more than 4 million—almost 1 million students per year. We will need 400,000 new classrooms to meet this growth; while a half a million of our present classrooms are already more than 30 years old.

And beyond 1970 the demand for education at every level will continue to increase.

We will need more classrooms; we will need more books; we will need more teachers; we will need more schools on a scale that we have never dreamed of even a decade ago.

**QUALITY STRESSED**

Nor is it enough to give a student a place to sit and a teacher to learn from. We must make sure that the quality of that education is equal to his capacity to learn. We must make sure that it stimulates creativity rather than stifling it. We must make sure that it enlarges the mind rather than narrowing it—that he receives not merely a diploma but learning, in its real, broadest and most meaningful and most humane sense.

In pursuit of these goals I have asked the White House to send out invitations to the White House Conference on Education. That conference—I hope the largest and best of its kind ever held in this Nation—will take place on July 20 and 21 of this year at the White

House in Washington. It will bring together educators and informed citizens from every State in this Nation. It will seek the answer to the immense question: How can a growing Nation in an increasingly complex world provide education of the highest quality for all of its people?

The search for this answer radiates into every corner of American life. It must deal with educational opportunity and techniques from preschool age to the most advanced of studies. It must look beyond the classroom to the family and to the surroundings and the environment of the student. For the process of learning is not a carefully defined and isolated segment of a person's life. It is part of an organic whole, embracing all the forces which shape the man. And if we ignore these forces, we do so at the peril of learning itself.

Nothing is more dangerous than the easy assumption that simply by putting more money into more schools we'll emerge with an educated and a trained and enlightened Nation.

And it's this kind of assumption that I came here to challenge today. I want you to bring all the tools of modern knowledge—from physics to psychology—to bear on the increase of learning. And if these tools are still inadequate, then, it's our job to fashion new ones and better ones.

To guide discussion in this conference we are formulating a series of questions and I hope you'll give these questions your most careful thought and your boldest imagination in the weeks between now and the conference. They include:

How can we bring first-class education to the city slum and to the impoverished rural areas? Today the children of 5 million families are now denied it.

How can we stimulate every child to catch the love of learning so he wants to stay in school? One million children now drop out of school each year.

How do we guarantee that new funds will bring new ideas and new techniques to our school system—not just simply expand the old and the outmoded?

How can local and State and Federal Government best cooperate to make education the first—the first among all of these Nation's goals?

These are a few of the important questions which I hope the White House Conference examines.

#### ANOTHER QUESTION

And I would like to mention one other: Our country today is among the leaders in the community of nations of the world. Then how well is our education system preparing our citizens of this one Nation for their responsibility to some 120 other nations in the world?

But even as we prepare for this conference, your Government is acting. We are now completing a thorough overhaul and reorganization of the Office of Education. We are equipping it to deal with its new and its future responsibilities of the 20th century.

We have also established a national center for educational statistics; an office of programs for educating the disadvantaged; an Office of Equal Educational Opportunity, so people of all races, of all creeds and all sections are given equal treatment.

And we are at this moment in the process of preparing more and exciting new programs that our task force is working on this week, to present next year, when the Congress comes back.

And in the next few days I will propose a National Teachers Corps to enlist thousands of dedicated teachers to work alongside of local teachers in city slums and in areas of rural poverty, where they can really serve their nation. They will be young people, preparing for teaching careers. They will be experienced teachers willing to give a year

to the places in their country that need them the most.

They can bring the best in our Nation to the help of the poorest of our children.

And I announce today that your President will submit to the Congress and will support a program of fellowships for elementary and secondary schoolteachers so that they can replenish their knowledge and improve their abilities.

And this program will assist teachers displaced by the process of school integration to acquire the skills that are necessary to permit them to perform new and challenging jobs in a new environment, in a new century.

For you and I are both concerned about the problem of the dismissal of Negro teachers as we move forward with the desegregation of the schools of America. I applaud the action that you have already taken.

For my part I have directed the Commissioner of Education to pay very special attention in reviewing the desegregation plans, to guard against any pattern of teacher dismissal based on race or national origin.

When the upgrading of teaching staff is required in newly integrated districts, I have instructed education officials to provide funds for teacher institutes and to assist the school districts through title IV of the Civil Rights Act.

And where an integrated school system requires fewer teachers than those required to operate two segregated school systems, I have directed the Federal officials to provide special reemployment services through a national program carried out by the U.S. Employment Service.

#### REFRESHER TRAINING

And when unemployed teachers need and when they desire refresher training, I have ordered the Federal officials to provide this training, with full allowances, under the Manpower Development and Training Act that we have already passed. Such a training program, I think you know, has already proven its great value in this city. It's being sponsored by the Urban League at Yeshiva University.

Now in these and in many other ways, we continue to pursue this, the central goal of this administration.

But the basic thought, and the programs of the future action, must come from you teachers. And the deeds which give meaning to the law must also come from you teachers. For a Federal law is not an education. A national program is not a developing child. A Presidential speech is not a trained nation.

But as a teacher—I'm still on leave of absence from Houston public schools—who has labored with you through the years in the elementary and high schools and a short while in the colleges, I remind you that we have talked together and dreamed together and philosophized together about the need—the great need—for all of these things for 30 years or more since I finished college. We've even urged since then that they be put in the annual party platforms of both the Republican and Democratic Parties, for your consideration on election day. Well, I'm here to tell you this afternoon that this is a different day and a different hour and a different month.

#### A TIME FOR DOING

The time for talking and dreaming and philosophizing and writing platforms is gone and the time for doing things, instead of talking about them, is here. No, these things are empty and they are sterile without the will and without the effort at every level of our national life that's needed to transform intention into reality—the mandate of the law into the fulfillment of the life.

And in this, too the hopes of our Nation are resting on you.

I do not need to talk to this audience about the importance of education. It's been your life's work. No strain in our national life is more deeply rooted or more enduring than this faith in learning. It is a pathway to opportunity and the good life. It is the key to wise and satisfying use of our leisure time. It is the door to each man's highest use of his highest powers—which is happiness. It can bring fulfillment to the many, and, to the happy few, those transcendent achievements which really enrich the human race.

And if these things are true for every society, how much more important they are to our free society.

Every corner of this world in which we live not only our democracy but the idea of democracy itself is today being challenged. As the world grows in danger and as it grows in complexity, and as humanity seems dwarfed by the forces it has loosed, man's ability to govern himself is again being questioned.

We will not prove democracy's strength by faith or even by the experience of our past. We will prove it by the works of the future. I'm not concerned with all the promises that have been made to you all through the years; I'm not concerned with the times you've been taken up on the mountain and asked to look out to the future beyond; I'm not concerned with your hopes or your plans or your dreams of the past when you went out as the pioneers did with their guns on their shoulders in search of food for their families.

What I am concerned with and what I want you to be concerned with is results—the coonskin that they bring back and put on the wall. And, as I said earlier: Together we are not just going to talk and dream. We are going to do. The day of the talkers is gone; the day of the doers is here.

And with that kind of a comment, I'd better come to a speedy conclusion. And go on and get on with the job. That future—hopeful but still unknown—is today struggling to be born in millions of young and waiting minds in thousands of classrooms in this restless continent.

So when you go back from this great convention in this first city of our land, I hope that you will remember the words of a great leader of Government and a great educator who in the early days of our Republic warned us that "an educated mind is the guardian genius of democracy." It is the only dictator that free men recognize and the only ruler that freemen desire.

Today we're faced with many trying, complex and difficult decisions and problems. But I can tell you here this afternoon that I've never been prouder of my country than I am now and the pride that I have in my country is largely due to the years of toil and dedication and satisfaction of the teachers who made it so.

Thank you.

#### INDEPENDENCE OF MALAWI

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. BINGHAM. Mr. Speaker, I rise to call the attention of the House to the fact that today is the first anniversary of the independence of Malawi, formerly known as Nyasaland.

Malawi's Prime Minister, Dr. H. Kamuzu Banda, is one of Africa's outstanding statesmen. I had the privilege of meeting him a few years ago when

he paid a visit to the United Nation. At that time he spoke vigorously of the need to dissolve the Federation of Rhodesia and Nyasaland, so that its constituent parts could achieve independence, giving full rights to their African citizens.

Dr. Banda successfully negotiated his objectives with the Government of the United Kingdom, which was both to his credit and the credit of the British. Today Malawi is a full member of the Commonwealth.

I congratulate Dr. Banda and his associates in the Government of Malawi, and also the people of Malawi, and wish them well in the achievement of their national goals and aspirations.

#### PUBLIC HEARINGS ON THE ADMINISTRATIVE AND ENFORCEMENT AUTHORITY OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. ROOSEVELT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, in order that my colleagues may be advised, I take this opportunity to announce that the General Subcommittee on Labor, of which I am chairman, met in executive session July 1, 1965, and unanimously voted to conduct public hearings July 19, 20, and 21, on the administrative and enforcement authority of the Equal Employment Opportunity Commission.

The subcommittee will focus primary attention upon the proposals in H.R. 9222, by Chairman POWELL, and 17 companion bills. However, this by no means is intended to preclude the submission of other relevant views and proposals. We welcome now, as always, constructive criticism in the area in which we are dealing.

Invitations to testify will be sent out immediately. We are anxious to hear from representatives of business, labor, and the State and Federal Governments. We are particularly looking forward to an evaluation of title VII of the Civil Rights Act of 1964 by those who have been most closely studying this law—the Commission itself.

Extensive hearings by this subcommittee in recent years so overwhelmingly impressed us with the absolute necessity and urgency for dealing effectively with the problems of discrimination in employment that we have decided to scrutinize existing authority without further delay.

Earlier hearings demonstrated beyond doubt the pervasiveness of job opportunity discrimination. Such hearings pointed out the terrible impact of such discrimination upon individuals, groups, communities, and the Nation. We will not, therefore, concentrate on the quantity of discrimination, but rather upon how we can best terminate this despicable practice.

#### INDEPENDENCE OF MALAWI

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. ROOSEVELT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker I am pleased to call to your attention that today marks the end of the first year of independence of Malawi, an independent nation in the British Commonwealth.

Malawi, with a population of approximately 4 million, is a nation rich in natural splendor, generously endowed with lush green foliage, high mountains, and large lakes, which makes it one of the most beautiful nations on the African continent.

It is my hope and belief that Malawi will continue to grow and prosper. And, I am confident, that the freedom and happiness of this new nation meets with the full and entire approbation of every American.

#### FARM CREDIT IS CREDIT, NOT GRANTS

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. POAGE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. POAGE. Mr. Speaker, the first of this month two of the banks for cooperatives paid off all of their remaining Government capital. The first and largest of these payments was from the Houston bank, which paid the U.S. Treasury \$2 million, and this was followed by the Berkeley bank, which paid the U.S. Treasury \$1,100,000. This is the first time that a bank for cooperatives has been able to retire all Government capital, and it is especially noteworthy because of all of the farm credit institutions the structure of the banks for cooperatives is such that it is most difficult to build up the reserves needed to retire the Government investment, but these two banks have proven that it can be done, and I anticipate that it will not be many years before the other 11 banks for cooperatives have retired all of their Government capital.

That those who are not familiar with our farm credit system may understand the significance, let me point out that all of the farm credit institutions were originally capitalized by the Federal Government. All of these credit institutions were, however, organized as cooperatives. The Congress has over the years made provision for the retirement of Government capital as the earnings of the institutions might make possible.

The land banks were the first to retire all Government capital. Today the entire land bank system is operating 100 percent on farmers' money. There is not a dollar of Government money in the land banks. Almost all Government

money has been removed from the production credit system. I believe there are 3 production credit associations and 12 intermediate credit banks which still have a total Government investment of \$123,489,120. Undoubtedly, the Government investment in intermediate credit banks will very shortly be entirely liquidated.

I would also point out that the money which the farm credit institutions lend is not money from the U.S. Treasury. It is money which is raised through the sale of debentures to private investors. In this day of Government grants it seems to me that we might all be proud of the way our farmers have, in the face of low prices and declining incomes, set an example of paying their debts and assuming their own financial obligations.

A few days ago the Farm Credit Administration issued a news release, which I believe is worthy of inclusion in the RECORD:

#### UNCLE SAM REPAID IN FULL BY TWO BANKS FOR CO-OPS

WASHINGTON, D.C.—The farm credit system moved two steps closer to its ultimate goal—complete farmer ownership—with the announcement this week that the first 2 of its 13 banks for cooperatives have achieved this goal.

This happened yesterday when the Farm Credit Administration transmitted checks from the Berkeley (Calif.) and Houston (Tex.) banks for cooperatives for \$1.1 and \$2 million, respectively, to the U.S. Treasury, representing the retirement of their last remaining Government capital. These checks were presented this week to the Farm Credit Administration, the independent agency which supervises the system nationally, for delivery to the Treasury Department.

The 13 banks for cooperatives, according to Gov. R. B. Tootell, of the Farm Credit Administration, provide a complete financing service to the Nation's farmer cooperatives. Last year, co-ops borrowed over \$1 billion from these banks—not Government money—but from funds raised by the banks through the sale of debentures to private investors.

The 13 banks for cooperatives were created by Congress with Government capital during the depths of the depression in 1933 as a permanent, self-help mechanism for farmers. The cooperatives that use the banks began immediately investing in the capital stock of the system and since passage of the Farm Credit Act of 1955, have quietly, but methodically, gone about the business of repaying all of the Government stock. A peak Government investment of \$178.5 million has now been reduced by these banks to approximately \$54 million.

The 13 banks for cooperatives represent but part of the farm credit system, through which farmers and their cooperatives borrow over \$6 billion a year from funds raised through sales of securities to private investors. Other units, most of which are already completely farmer owned, include 12 Federal land banks and affiliated land bank associations (long-term mortgage credit) and 12 Federal intermediate credit banks and affiliated production credit associations (short-term and intermediate-term operating credit).

Commenting on the history of the banks for cooperatives, Governor Tootell said: "Primarily, it is a tale of courageous and constructive lending, plus vision and faith involving Congress and Presidents of the United States, farm and cooperative leaders, but most of all, the farmers of America. Although a financial story, it also is a human

story—another chapter in America's search for a better life."

Glenn E. Heitz, Deputy Governor and Director of Cooperative Bank Service, FCA, said that, as a result of being completely member owned, the Berkeley and Houston banks "can now operate as other cooperatives, sharing cash from the annual savings of the banks with member-borrowers." He said that stock of the two banks now held by borrowing farmer cooperatives will be revolved out in the order of its issuance.

Looking to the future, Heitz predicted that the remainder of the 13 banks for cooperatives will probably achieve complete member ownership within the next 5 years.

#### AN ECONOMICAL STUDY OF METAL FINISHING WASTE TREATMENT AND DISCUSSION OF THE LANCY INTEGRATED WASTE TREATMENT SYSTEM

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. CLARK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CLARK. Mr. Speaker, I would like to place in the RECORD the lecture given by Dr. Leslie E. Lancy, president of Lancy Laboratories, Inc., of Zelienople, Pa., in my congressional district, given at the first Metal Finishing Exhibit held at the U.S. Trade Center in Tokyo, Japan, recently. The lecture of vital interest to scientists, engineers, and industrialists covers the economical aspects of metal finishing and metallurgical waste treatment and discusses the latest processes and equipment now in general use both in the United States and foreign countries in the metal finishing industry:

#### AN ECONOMICAL STUDY OF METAL FINISHING WASTE TREATMENT AND DISCUSSION OF THE LANCY INTEGRATED WASTE TREATMENT SYSTEM

##### INTRODUCTION

I am delighted to have this opportunity to address you gentlemen, scientists, engineers, and industrialists of Japan. I have seen throughout many countries in the world, and especially in my own country, the United States, that your products hold a respected position for high quality, as well as competitive prices, and your trademarks are recognized all over the world. I hope that my lecture will shed some further light on a most important and burning issue.

Concern in water waste treatment is growing in all the industrialized lands today. It is recognized that any waste water should be treated well enough, before it is discharged, to result in the minimum amount of pollution of the public waters. First, the growth of population, growing industrialization has called attention to the problem of water pollution from the standpoint of interfering with recreation and aesthetic values in nature. Now the awareness is growing that water is not nearly as plentiful as it appeared to be. With the growth of population and industry in water-short areas, water shortages are in the offing for many areas which had either plentiful water in the underground strata or in nearby reservoirs. More and more communities have to tap water from the rivers, and the problem of removing odors and tastes from

river water is a nearly impossible task even if only partially polluted.

The passage of strong Federal laws against contaminated water is having the full support of the President of the United States, as well as the Congress, as this has resulted in vast strides in public health and the aggressive support of industry. In many cases we have seen through waste treatment lowered manufacturing costs, product improvement, as well as drinking water quality.

The first step in the fight against water pollution is to build municipal sewage treatment plants and to improve the existing plants, and next, improve the sewage treatment plants that were built yesterday or are being built today. The quality of the treatment provided by most sewage treatment plants does not meet today's requirements. The plants that are now being engineered or presently under construction are meant to provide only a first step in the right direction and everybody in the pollution control technique recognizes the need to reach the second or third step of improvement as soon as time and economy will permit.

Hindsight teaches us that investments in conservation have always brought far better returns than were expected. Cleaning up the results of pollution is far costlier than avoiding its occurrence. Industrial waste, and in this category metal finishing waste, contributes its share to the problem. Untreated metal finishing waste interferes with the proper performance of a modern sanitary sewage treatment plant. This condition was tolerated for many years because the efficiently operating sanitary sewage treatment plant was nonexistent.

Many of the chemicals used in metal finishing processes are toxic to the bacteria utilized in the biological treatment in the sanitary sewage treatment processes. In this category would fall cyanides, various metal compounds, chromic acid, etc. The sewer systems are usually constructed from materials not protected against attack by acids, alkalies; therefore, the corrosion damage can be considerable on both the sewer lines and the sewage structures. Basically, the requirement is to pretreat the metal finishing waste before it is discharged to the sanitary sewer system to avoid causing any harm. Since the needed treatment for metal finishing waste is all chemical treatment, the organic chemical compounds are negligible, biological waste treatment doesn't improve the effluent. The only advantage we may find in using the sanitary sewer system is in the additional dilution factor and inherent safety of this dilution. Metal finishing plants are often located in metropolitan areas where perhaps no other conduit is on hand to lead away the waste water, except the sanitary sewer system and then, as of necessity, the municipal sewer system has to be used.

##### ECONOMICAL CONSIDERATIONS—DRAGOUT CONTROL

The first question when a metal finisher is confronted with the necessity of waste treatment is: What will the additional costs be to meet the requirements? There are so many misleading statements in the metal finishing literature regarding waste treatment costs that perhaps to a great extent the lag in waste treatment activity is caused by the fear of an appreciable increase in finishing costs.

We would like to discuss to some extent the entire economical picture of waste treatment and water savings and will try to shed some light on how these costs may be kept to a minimum. In some few installations waste treatment may lead to savings in chemical consumption and improved quality, lowering the percentage of rejections of finished goods, but, in general, we would anticipate that the waste treatment costs increase the overhead of the metal finishing operation. On the other hand, the cost increase due to chemical

consumption and operation of the waste treatment plant normally should be a very minor fraction of the operating costs and should not significantly affect operating costs.

A modern metal finishing waste treatment plant is normally part of the metal finishing layout and the cost of the equipment and installation is not more than perhaps 10 percent of the cost of the operating equipment. It is depreciated with the operating equipment; therefore, this study, reviewing waste treatment costs, disregards the amortization factors. Also, since there usually are no employees added to attend to the waste treatment operation, or for the control of the waste treatment process, we can also consider the operating labor costs as negligible.

We consider the main cost of waste treatment to be the chemicals consumed for effecting the elimination of the toxic compounds and the neutralization of the waste. The chemical cost will depend on the chemical processes used and the rate of dragout by the work from the process solution. Dragout can be significantly reduced by some simple well-known process changes. Solution dragout will depend on the shape of the articles finished, the solution composition, such as concentration and viscosity, and drainage time. Not much can be done with the various shapes to be processed and usually careful attention is paid to the processing of the work by suspending it or handling it in such a manner that a minimum of dragout results, not only because waste treatment costs are involved, but also because process solutions can be lost in significant quantities, and in a process cycle, drag-in may cause serious contaminations of the subsequent process solutions. Increasing the dissolved salt concentration and thereby increasing the density of the solution will reduce the volume of dragout, but will increase the total amount of chemicals in the dragout; therefore, the attempt to reduce solution volume by this expedient would not produce economical results. Reducing viscosity will also reduce the volume of dragout and, therefore, the use of a wetting agent is beneficial. In most processes, a wetting agent is incorporated to enhance and assist the process.

The most important and most variable factor affecting the rate of solution dragout is the time allowed for drainage. Hand operation with racks or baskets, where drainage time is nearly nonexistent, is most expensive from a waste treatment chemical consumption standpoint. Automatic plating operations, with a slow transfer time or drain station, lead to an important reduction in the volume of the dragout. A drain station ahead and after an automatic barrel plating line will, for instance, cut the waste treatment chemical cost in half and since the two additional stations do not materially affect the cost of the automatic plating line, drain stations should be always incorporated when planning. The drain station ahead of the plating step serves the purpose of reducing drag-in and allows the return of the dragout to the plating tank. The addition of a fog spray nozzle or a short-time solenoid-valve-operated water spray would further reduce the chemicals remaining in the film on the work pieces after leaving the process, requiring treatment. The fog spray or water spray has to be operated in such a manner that the process solution volume will not increase beyond the original content of the processing vat.

To provide some guidelines regarding chemical cost that may be expected, we are giving here a few figures, recognizing that there are no average conditions and each plant and its operation would find a slightly different cost picture, but there may be a value in having cost figures which one may consider as average for the industry and no doubt these figures could be met by any producer unless conditions are far from

average. We would quote the average chemical cost figures as follows: 3 to 4 cents (United States) for each hundred square feet of chromium plated surface for the treatment of chromium chemicals; 5 to 7 cents (United States) for each hundred square feet of zinc or cadmium plated surface for cyanide treatment; and 70 cents to \$1 (United States) for each thousand pounds of zinc or cadmium barrel plated small parts, such as screws, bolts, nuts, etc. It is evident that the waste treatment chemical costs are an extremely small percentage of the total operating costs and this cost can usually be offset by some other improvement in the process, a small reduction in brightener consumption, water savings, etc., to completely offset the waste treatment costs.

We have briefly touched the question of dragout control to lead to economical waste treatment practices. When discussing dragout control, we do not want to aim for the elimination of dragout. In our opinion, in most installations solution loss through dragout is an important function and helps maintain the balance of impurities in the process solution. With cyanide-type plating processes, there is a continuous carbonate formation. The carbonate is generated both by the breakdown of the cyanide on insoluble anodes, and through air oxidation at the solution air interface, and by the absorption of carbon dioxide from the air by the caustic soda constituent. The soluble iron salts forming ferrocyanides are another impurity that continually enters cyanide processes. Both carbonates and ferrocyanides tend to interfere with the proper dissolution of the anode. Especially the carbonates, if allowed to increase beyond a certain concentration will cause polarization of the anodes which can be overcome only by increasing the cyanide concentration in the bath which leads again to additional carbonate formation and higher waste treatment costs due to the high cyanide concentration in the solution. Our experience indicates that 40 to 50 percent of the sodium or potassium cyanide added as maintenance additions to a plating process will be converted to carbonates and only 50 to 60 percent will be found in the dragout. Another breakdown product common in cyanide-type plating processes that has to be controlled by dragout is the organic breakdown products of the brightener additions. A certain percentage of the brightener is plated out but by far the greater part is oxidized or undergoes some other breakdown to become an inert organic contaminant which if not lost slowly through dragout, will build up to the extent that the fresh brightener when added to the plating process, will float to the top, and appear as insoluble. Most of these organic materials cannot be removed by carbonate filtration and naturally, carbonate filtration itself is a very expensive treatment process for low-cost processing, such as barrel zinc plating. Solvent extractor is perhaps the only way that the excess organics can be removed and it was found more advantageous to ease off on the dragout control, for instance with wire plating, to gain an effective control over the build-up of organics. Another example of excessive dragout recovery would be the continuous gain in zinc metal in a zinc plating solution. The use of insoluble anodes to control the excessive build-up in zinc content would greatly increase the carbonate formation, an unrecognized, but major cause of all difficulties with these electrolytes.

Similar considerations apply to dragout control in chromium plating. For well-drained parts, with proper drain time, in an automatic plating line, avoiding dragout reclamation may be the best course to follow. Chromium plating solutions cannot be purified easily and yet it is unavoidable that a few die-cast parts or copper racks would fall off the carrier arms during processing. Also

entrapped nickel plating solution may be dragged in periodically and unplated areas of steel parts, such as tubular work, are attacked by the chromium plating solution internally, leading to build-up in iron contamination. Most often, but not always, the continuous dragout from a chromium plating process will keep the build-up of impurities below the level where they may become noticeable and harmful.

For processes where the accumulated impurities can be easily removed, either through a chemical precipitation treatment or with carbon filtration, or low current electrolysis, the complete reclamation of the dragout is feasible and would provide the most economical treatment method.

#### DRAGOUT RECOVERY

Complete recovery of the dragout is possible through the use of a sufficient number of countercurrent flowing rinses. When using countercurrent rinsing (sometimes called cascade rinsing), the total water flow needed for rinsing will be one-tenth for each additional rinse tank in the countercurrent sequence. That means that if, as an example, the requirement would be 10 gallons per minute water for good rinsing, with two rinse tanks connected for countercurrent rinsing, only 1 gallon per minute water will be needed. With three rinse tanks in series, only 0.1 gallon per minute would be required. We have to mention here that with these low rates of water flow, there is not sufficient agitation in the rinse tank to provide proper mixing and, therefore, either air or mechanical agitation will be needed. Following this reasoning, if the evaporation losses in the process tank are sufficiently great to allow the return of the first rinse solution to the process tank, we have eliminated chemical losses completely, but adding two or three additional rinse steps to the process, may not amount to a great deal of added cost with automated equipment, but on the other hand, could be costly with hand labor. The number of rinsing steps can be reduced and this method of dragout recovery may be employed, even if the evaporation losses in the process are not sufficient, by inserting an evaporator between the return rinse water and the process. Naturally, the operation of the evaporator will entail some additional cost, but usually the net result will be still a chemical saving, considering both the chemicals lost and the cost of treatment chemicals.

We do not advocate this type of dragout recovery for chromium plating or cyanide-type plating solutions. The purification costs of a chromium plating solution are too great and the carbonate buildup in the cyanide plating solution would defeat the plans for chemical savings. While carbonates can be crystallized out through cooling means, or can be precipitated out with calcium hydroxide, our experience indicates that the cyanide entrapped in the dried carbonate crystals and remaining in the sludge, if precipitation was practiced, requires more treatment chemicals than the original dragout would have required if treated.

The purification of the recovered dragout, either after using countercurrent rinsing, or before evaporation, can be accomplished by the use of ion exchange equipment. This would be one way to save the dragout after chromium plating. For very large installations, where the chromic acid concentration is great, this may be economical. One has to keep in mind that even dilute chromic acid oxidizes the ion exchange resin and, therefore, there is a slow deterioration. The recovery of the chromic acid from the ion exchanger requires considerable amounts of backwash waters and the reconcentration of the solution is expensive. In view of the quoted figure of 25-30 cents per hour waste treatment cost, it is questionable if many plants could justify an ion-exchange installation.

#### WATER COSTS AND EFFLUENT CHARGES

When discussing the economics of waste treatment, one soon is confronted with the question of water cost and water reclamation. We would like to add to this also the cost of the use of the sanitary sewer system as it becomes a standard practice to prorate the cost of the municipal sewage treatment, and amortization of the sewer system and treatment plant, to the users of the sanitary sewer system according to their water consumption. In the United States, the cost of water is relatively low. Many industries use well water which is of good quality and the only cost entailed is the power cost of pumping. The purchased water cost in the industrial communities to the industrial consumer is between the ranges of 15 cents per 1,000 cubic feet to 40 cents per 1,000 gallons. The cost of water in Europe and Japan is much greater. In some areas it may be as high as 40 cents per 1,000 liters. This can be only partially offset by the European metal finishers with comparative water consumption being only one-fourth to one-fifth of what a similar U.S. plant would purchase.

When bringing in the economics of water cost, and the cost of the sewer rental charges due to the use of the sanitary sewer system, one soon realizes that the chemical cost for the proper treatment of a metal finishing effluent is far less than the potential gain can be, by reducing the quantity of water needed and by providing good enough waste treatment to be able to bypass the sanitary sewer and discharge the treated effluent to the storm sewer or to a river or lake.

Surprisingly, only very few cost-conscious metal finishers realize how lopsided the relationship is between the chemical cost of waste treatment and the average sewer rental charges, and the only metal finishers who are conscious of the needs of water saving are those in areas of water shortages or where the water costs are abnormally high, such as in Europe. One should guard against generalizations, but we would like to say here that in every case when making a survey, we find that the waste treatment costs can be nearly completely offset by water savings and avoiding the use of the sanitary sewer system.

#### THE LANCY INTEGRATED TREATMENT SYSTEM

Some years ago when first confronted with the problem of chemical treatment of the rinse water effluent discharged by a metal finishing plant, we tried to analyze the problem from all angles. We recognize that the water pollution was due to a few droplets of toxic chemicals being mixed into a large volume of pure water. Recognizing the need for good rinsing in metal finishing, and also considering the shortcomings of water rinsing which will always leave a dilute film of the same chemicals on the surface, we have postulated the assumption that rinsing with a chemical solution, formulated in such a manner that the reacting chemicals will lead to a cleaner surface, allowing better rinsing, eliminating the chances for pollution, and reducing the quantities of water needed, is feasible. We have had exceptional success with this general concept in the various installations that we have engineered during the last fifteen years. We have found a suitable chemical rinse composition for the various toxic chemical processes encountered and were able to prove our contention that chemical rinsing leads to (a) cleaner work surface; (b) removal of harmful, entrapped chemicals in pores and crevices; (c) freedom from staining.

The chemical rinse is usually employed in a continuous recirculation, inserting a large reservoir tank in the recirculatory system. The concept is to apply the chemical treatment rinse in the metal finishing process line in a similar-sized process vat that would have been used for rinsing, but instead of adding running water through this, the

chemical solution is continuously pumped through. The treatment solution overflows and either by gravity or through pumping means, is returned to the reservoir tank. The reservoir tank is a larger container allowing 1 to 1½ hours' delay until the treatment solution is again returned to the treatment wash tank. During this delay in the reservoir tank, the precipitated metal salts are settled out and the solution receives continuously fresh chemicals at the rate they were consumed, just before being returned to the treatment wash station. Since the solution is continuously recirculated and is not wasted, it is possible to formulate it in such a manner that the chemical concentration is always considerably higher than what is needed or consumed during the actual contact time when the work pieces are washed by the treatment solution. The excess chemicals are not wasted because they remain in the solution and the chemical feed is only replenishing the consumption, maintaining the excess that was provided when the process was started.

Having a continuously recirculated treatment solution, with a reasonably wide latitude of excess treatment chemicals to be available in recirculation, serves two important additional functions: (a) The control of the treatment solution is simplified, and simple spot tests or pH paper-type checks will be sufficient from an effective chemical control standpoint; (b) a higher concentration of treatment chemicals will accelerate the chemical reactions and lead to more complete treatment.

The treatment solution slowly builds up in harmless breakdown products, such as sodium chloride, sodium carbonates, sodium sulfates, and so forth, and therefore, it is periodically dumped, such as once a month or once every 2 months. Since the treatment solution does not contain any toxic materials, the dumping does not entail any hazards. The accumulated sludges can be easily conveyed through pumping means to a suitable sludge-collecting area. Since the chemical rinse performs the most important functions of harmful film removal from the work in process, the water consumption for rinsing is greatly reduced. The rinse water following the treatment rinse needs to be only a small quantity since it will serve only the purpose of removing the harmless salts that would remain on the work surface.

We would like to enumerate some of the advantages that we have found for the integrated treatment system in comparison to some other waste treatment methods:

1. The capital outlay for treatment equipment is but a small fraction of the productive equipment cost.
  2. The waste treatment is integrated into the finishing line, thus no separate treatment plant is required.
  3. The floorspace occupied is small and may be further minimized by occupying space overhead or below floor level.
  4. The need for close chemical control is eliminated due to the wide limits allowed when working with a constant excess of treatment chemicals.
  5. No separate personnel is required for the operation of the treatment system. Simple test methods approximating the concentrations of chemicals are sufficient and allow the integration of the waste treatment plant into the regular duties of the supervisory and operating labor usually employed.
- Regarding the general economies insofar as chemical costs, water savings, and water reuse possibilities are concerned, we would like to go into further detail:
6. Chemical cost: In both batch waste treatment and continuous instrumented systems, all the rinse waters leaving the toxic chemical processes have to undergo chemical treatment. This may involve a high pH or low pH treatment, adding a reacting chemical in sufficient quantities and to an excess to

complete the reaction, and after the chemical treatment, neutralization and removal of the excess reaction chemical is required. To raise the pH of a large volume of collected waste water every day, or continuously, or to lower the pH and then neutralize again, surprising quantities of chemicals will be consumed. Although these are inexpensive chemicals, such as caustic soda or sulfuric acid, with large quantities of dilute waste, it is quite conceivable that the inexpensive chemicals will have consumed more in total expended chemical cost than the reacting chemicals, such as the chlorine and SO<sub>2</sub> gas which are both relatively high-cost chemicals. In the integrated treatment system, only the dragout is treated, that is the few droplets remaining on the work processed, and while the process is operated with an available excess of chemicals in the system, these chemicals are not wasted, but are kept in recirculation, replenished as consumed. The only chemical losses are by dragout which again is a comparatively small concern.

7. Quality of treatment: If the waste water is to be discharged to a river or storm sewer, and therefore one aims to gain the economical advantages of being able to bypass the sanitary sewer system, the quality of the effluent is most important. There are two reasons for the far superior treatment quality provided by the integrated system. In the recirculated chemical rinse, the reacting chemicals are always present in a great excess over the stoichiometric equivalents needed. In batch treatment, or continuous instrumented treatment, an excess is required, but this naturally has to be kept to the minimum because the excess chemicals go to waste. The chemical reactions are greatly accelerated due to the excess of reacting chemicals available, and we can further add that with some toxic compounds, if the quoted excess chemicals would not be present, complete treatment could not be accomplished in any reasonable time. The integrated treatment system is the only method where a high excess of available chemicals can be employed and the time for the reaction is also extended in view of the recirculation where the completion of the reactions may go on for 1 to 2 hours in a treatment solution reservoir tank before it is returned back again to the treatment wash station.

It may not be well-known that for the reduction of chromic acid, unless the treatment is effected at a low pH (2.5 or lower), and excess of reducing chemicals or sufficient time (20 to 30 minutes) is needed for the complete reduction. Neither is the oxidation of the cyanide compounds to cyanogen chloride, and the breakdown of the cyanogen chloride to cyanate, as easily accomplished as it is normally assumed. The oxidation of the cyanide compounds depends greatly on the metal complex that has to be treated. While sodium and potassium cyanides, also cadmium and zinc cyanide, may be oxidized within a few minutes, the breakdown of the copper, silver, and gold cyanides will take far more time in the stated order. Nickel cyanide may be the slowest of the metal complexes insofar as the breakdown is concerned. Even with an excess of 250 to 300 parts per minute available chlorine, the breakdown of the silver cyanide will not be complete within 1 hour. Cyanogen chloride, the breakdown product of the oxidation reaction, may not be hydrolyzed to cyanate within 24 hours unless the pH is at least 10. Even at pH 11, this reaction will not be completed in 1 hour. We could not call waste treatment complete, just because we went through the motions of treatment, if we would not consider that the reaction products should be nontoxic. Cyanogen chloride may be considered more toxic than the free cyanide ion and far more toxic than the metal complex, such as copper cyanide, from which it may be derived.

Another factor leading to the exceptional quality is the fact that the heavy metal compounds and chromic acid that are precipitated in the treatment solutions can be far better settled in the treatment reservoir part of the integrated system than would be possible in a clarifier receiving the treated batch waste dumps or the continuously treated rinse water flow. It is well known that the settling of the precipitated hydroxides from dilute rinse waters is nearly an impossible task. Neither can the dissolved metals be precipitated completely since each particular metal requires a somewhat different pH for complete elimination. The ability to provide a final effluent that will have less than 0.3 parts per minute copper, or less than 1 part per minute zinc, or less than 1 part per minute nickel can be only guaranteed with this method. This extreme quality of the effluent, which will easily meet the U.S. Public Health Service drinking water standards, doesn't cost more in chemicals consumed, but actually, in view of the aforementioned, it will consume less, when one aims to discharge the treated waste to the storm sewer, or even to a fishing stream. A crystal-clear effluent that not only meets the chemical standards, but also looks like drinking water, and has the chemical quality of drinking water, has also considerable esthetic advantages.

8. Water savings and water reuse: We have discussed earlier the fact that the chemical rinsing provides better rinsing than can be accomplished with copious quantities of rinse water. We have also mentioned earlier that the quantities of water needed to wash off the residues of the chemical rinse are far less than the water that would be required to eliminate the contamination that may remain on the work surface from the process solution. Inserting a chemical treatment rinse in the process will by itself reduce the total water consumption requirements that would have been otherwise needed for the process to one-third to one-fourth of the volume of water consumed.

Where water costs are high, or acute water shortage exists, we have further refined the inherent water economies of this process. According to this technique, the rinse waters leaving the metal finishing plant overflow a large external reservoir or lagoon. In this reservoir the precipitated water hardness, possible iron salts from the rinses after pickling, acid dipping, aluminum salts from anodizing, etc., are settled. A wet well on the far side of the overflow weir contains a pump which brings back for reuse into the plant, 65 to 75 percent of the waste water. This reuse water then is piped to the rinse tanks which can be considered to be less critical, such as rinsing after cleaning, acid dipping, rinses after zinc plating, etc. Fresh water is used only for the final hot water rinses and ahead of nickel-chromium or other plating processes, etc. Fresh water entering the system is only 25 to 35 percent of the total water in recirculation and can be considered as allowing a continuous slowdown, keeping the dissolved salt concentration at a reasonable level. The reuse rinse water is better quality in these systems than many a finishing plant has to use as pure water in hard water areas. Usually the dissolved salt concentration is increased by 250 to 300 parts per minute and maintained at around this level. It will be evident that water treatment, for which the only cost is the power cost to operate the pump and the installation costs of the second pipeline, is a most economical system everywhere where water costs are significant or in water shortage areas.

The question may be raised: Why do we think that a recirculation method such as this can be used only in conjunction with the integrated treatment system? First of all, we are assured that the toxic components and metal complexes will be kept out of the

system. The only metals that are deliberately allowed to enter the rinse water are iron and aluminum which both act as flocculating agents aiding precipitation, clarifying the effluent, and removing the suspended precipitated water hardness salts. Secondly, the considerable quantities of treatment chemicals which would have had to be added to the rinse water, and which would have significantly raised the dissolved salts concentration, in a batch or continuous instrumented system, are completely kept out of the rinse water effluent. In this manner, the dissolved salts concentration increases by not more than the quoted 200 to 250 parts per minute. Since the effluent leaving the plant meets the drinking water standards anyhow, some good use of the water can be made before it is altogether wasted.

In the foregoing I have attempted to show that the complete elimination of toxic pollutants from the rinse water effluent is possible using a simple and economical process. Integrating waste treatment into the metal finishing process teaches better housekeeping, a clean operation, avoidance of waste, and leads to economy in the use of chemicals and water. We have witnessed the pride of many managers, technicians, and workers alike, in a crystal-clear and pure effluent and we may be proud of the technological advances teaching us better and better finishing methods and also allowing us to discharge our waste water having nearly the same good quality as it had when it entered the plant.

#### LISA HOWARD LOWENDAHL

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SCHEUER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SCHEUER. Mr. Speaker, on July 4, 1965, Lisa Howard Lowendahl passed away. I lost a dear friend; our Nation lost a gallant citizen dedicated to creating a better world.

The death of a lovely, charming, talented, and intelligent woman at 38 is always tragic. It is particularly so when that woman is an accomplished participant in the attempt to make a better world.

Lisa Howard Lowendahl was an actress, a television and radio commentator, an author, political leader, publicist, and lecturer. In her 38 years she lived a full and rich lifetime.

There are not enough citizens who take the world's business as their business. Lisa was one of the few who did. The world will miss her, but will be a little bit better for her short span.

#### SOVIET UNION UNREST

Mr. DERWINSKI. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DERWINSKI. Mr. Speaker, I place in the RECORD conclusions from an article which appeared in this morning's Washington Post by reporter Chalmers

Roberts. The article by Mr. Roberts is based on personal observations in the Soviet Union.

May I point out that Mr. Roberts emphasizes the existence of many non-Russians in the Soviet Union and points out that the Russians in effect carry on a policy of colonialism within their present borders.

My point in making this observation, Mr. Speaker, is to again ask that the administration recognize and take advantage of the continued unrest within the Soviet Union proper and in the satellites of Eastern Europe. We know that the Soviet Union and its satellites are providing growing direct support to the Communists in North Vietnam while at the same time maintaining a colonial policy against non-Russians within the U.S.S.R. and maintaining Communist governments in Eastern Europe in contradiction to the true aspirations of the people in those previously free nations.

It is the failure to take advantage of the domestic weaknesses in the Communist world that is handicapping our policy in Vietnam and contributing directly to increasing U.S. losses. May I point out, Mr. Speaker, that not a single American lost his life in combat during the 8 years of the Eisenhower administration, in obvious contrast to the growing casualty lists in Vietnam under this administration which is more intent on co-existence with communism in Eastern Europe.

Russians, in short, run Central Asia but the native majorities, except for a small percentage at the top, seem to have done little more than accept the inevitability of one more foreign ruler, however beneficial his rule in some respects.

People of more than 100 nationalities, including some 42 million Ukrainians, make up the minorities to the Russian majority of 118 million in the U.S.S.R. At the worst this is no more than a new form of colonialism; at the best only such colonialism could produce a Central Asia where progress is in such contrast to much of the lands to the south inhabited by related peoples across the great mountains of Asia.

#### REPEAL OF SECTION 14(b) OF TAFT-HARTLEY LAW

Mr. SICKLES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SICKLES. Mr. Speaker, during the hearings of the Special Subcommittee on Labor of the Education and Labor Committee on H.R. 77, which repeals section 14(b) of the National Labor Relations Act, testimony was received from several interested citizens who were concerned with the impact of the Federal legislation authorizing the union shop upon those who may have religious beliefs which would be violated if they were required to join or financially support a labor organization. The testimony raised several complicated questions with respect to the rights of these citizens. H.R. 77 was not amended with respect to this subject, and it is my understand-

ing that under the rules of the House, may not be when it is considered either in the Committee of the Whole or by the House.

I have introduced a bill which suggests one approach to the resolution of this matter which I think should be considered by the Congress. It seems to me that this problem area should be explored whether H.R. 77 is passed or not.

Among the questions which have been raised by the testimony are not only the administrative problems of resolving which individuals are to be affected and what special provisions should be made for them, but also what impact this legislation would have on other Federal labor laws or other laws passed by the Congress of the United States.

My bill, H.R. 9619, authorizes the National Labor Relations Board to issue certificates permitting an individual who is conscientiously opposed to joining a labor organization to qualify for an exemption from union membership. The Board would be empowered to establish terms and conditions for an individual to qualify for the exemption certificate and these terms and conditions should insure that employment of such an individual by an employer without membership in the labor organization will not impair a collective bargaining agreement providing for a union shop.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HANNA (at the request of Mr. BOGGS), for today, on account of official business.

Mr. BONNER (at the request of Mr. LENNON), for Tuesday, July 6, Wednesday, July 7, and Thursday, July 8, on account of illness.

Mr. NELSEN (at the request of Mr. GERALD R. FORD), for an indefinite period, on account of illness in his family.

Mr. HOSMER (at the request of Mr. GERALD R. FORD), for the week of July 6, 1965, on account of death of his father.

Mr. MATSUNAGA (at the request of Mr. ALBERT), for today, July 6, 1965, on account of official business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative programs and any special orders heretofore entered, was granted to:

Mr. THOMSON of Wisconsin, to address the House today, for 15 minutes; and to revise and extend his remarks and include extraneous matter.

Mr. FLOOD (at the request of Mr. HOWARD), for 60 minutes, on July 21, 1965; and to revise and extend his remarks and include extraneous matter.

Mrs. BOLTON (at the request of Mr. DEL CLAWSON), for 5 minutes, today; and to revise and extend her remarks and include extraneous material.

#### EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL

RECORD, or to revise and extend remarks was granted to:

Mr. KASTENMEIER.

Mrs. GREEN of Oregon.

Mr. McCULLOCH to revise and extend his remarks made today and include a copy of the bill H.R. 7896.

(The following Members (at the request of DEL CLAWSON) and to include extraneous matter:)

Mr. CURTIS.

Mr. LIPSCOMB.

(The following Members (at the request of Mr. HOWARD) and to include extraneous matter:)

Mr. GILLIGAN.

Mr. OTTINGER in two instances.

Mr. COOLEY.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 602. An act to amend the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

#### ADJOURNMENT

Mr. HOWARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 42 minutes p.m.) the House adjourned until tomorrow, Wednesday, July 7, 1965, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1302. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated March 4, 1964, submitting a report, together with accompanying papers and illustrations, on a review of the reports on, and an interim hurricane survey of Lake Pontchartrain and vicinity, Louisiana, requested by resolutions of the Committee on Public Works, U.S. Senate, adopted January 28, 1949, and February 4, 1957, and authorized by the River and Harbor Act approved March 2, 1945. It is also in partial response to Public Law 71, 84th Congress, approved June 15, 1955 (H. Doc. No. 231); to the Committee on Public Works and ordered to be printed with illustrations.

1303. A letter from the Secretary of the Army, transmitting a letter from the Acting Chief of Engineers, Department of the Army, dated June 9, 1965, submitting a report, together with accompanying papers and illustrations, on an interim report on Walnut River, Kans., requested by a resolution of the Committee on Public Works, House of Representatives, adopted October 16, 1951 (H. Doc. No. 232); to the Committee on Public Works and ordered to be printed with seven illustrations.

1304. A letter from the Secretary of Defense, transmitting reports of violations of section 3679, Revised Statutes, and Department of Defense Directive 7200.1, pursuant to the provisions of section 3679(1)(2), Revised Statutes; to the Committee on Appropriations.

1305. A letter from the Administrator, General Services Administration, transmitting a report of the proposed disposition of certain small diamond dies, and of non-stockpile grade bismuth alloys now held in

the national stockpile, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act, 50 U.S.C. 98b(e); to the Committee on Armed Services.

1306. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting report of operations of the Federal Deposit Insurance Corporation for calendar year 1964, pursuant to the provisions of section 17(a) of the Federal Deposit Insurance Act; to the Committee on Banking and Currency.

1307. A letter from the Administrator, Agency for International Development, Department of State, transmitting a report on the eligibility of Ceylon to receive economic assistance under the provisions of section 620(e) of the Foreign Assistance Act of 1963, as amended, and Public Law 480; to the Committee on Foreign Affairs.

1308. A letter from the Director, Congressional Liaison, Agency for International Development, Department of State, transmitting a reply to the report of the Comptroller General dated April 12, 1965 (B-146995), on ineffective utilization of excess personal property in the foreign assistance program; to the Committee on Government Operations.

1309. A letter from the Chairman, Federal Power Commission, transmitting a draft of proposed legislation to amend the Federal Power Act, as amended, to authorize the Federal Power Commission to issue licenses for facilities for the obstruction, diversion and reentry of water in navigable waters of the United States for cooling, condensing, or other purposes connected with the operation of any existing or proposed installation or plant generating electricity by means other than hydroelectric generation; to the Committee on Interstate and Foreign Commerce.

1310. A letter from the Secretary, Department of Health, Education, and Welfare, transmitting the second semiannual report on the problem of air pollution caused by motor vehicles, and measures taken toward its alleviation, pursuant to section 6(b), Public Law 88-206; to the Committee on Interstate and Foreign Commerce.

1311. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation of certain aliens together with a list of the persons involved and the reasons for ordering suspension, pursuant to 244(a)(2) of the Immigration and Nationality Act of 1952, as amended; to the Committee on the Judiciary.

1312. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation of certain aliens together with a list of persons involved and the reasons for ordering suspension, pursuant to 244(a)(1) of the Immigration and Nationality Act of 1952, as amended; to the Committee on the Judiciary.

1313. A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to authorize the disposal of the Government-owned long-lines communication facilities in the State of Alaska, and for other purposes; to the Committee on Armed Services.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII., reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 589. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. THOMPSON of Louisiana: Committee on Public Works. S. 956. An act to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws", to extend construction authority for facilities at Guam and the Virgin Islands of the United States (76 Stat. 87; 19 U.S.C. 68); without amendment (Rept. No. 590). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois:

H.R. 9625. A bill to amend the Internal Revenue Code of 1954 to provide for deduction of certain education expenses of teachers; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 9626. A bill to provide for the administration of title III of the Legislative Reorganization Act of 1946 by the Comptroller General of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 9627. A bill to provide fellowships for graduate study leading to a master's degree or doctor's degree for elementary and secondary school teachers and those who train, guide, or supervise such teachers; to the Committee on Education and Labor.

By Mr. FULTON of Pennsylvania:

H.R. 9628. A bill to amend title 39, United States Code, to provide a new system of overtime compensation for postal field service employees, to eliminate compensatory time in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HALPERN:

H.R. 9629. A bill to establish a National Highway Traffic Safety Center to promote research and development activities for highway traffic safety, to provide financial assistance to the States to accelerate highway traffic safety programs, and for other purposes; to the Committee on Public Works.

By Mr. McDADE:

H.R. 9630. A bill to amend the Sherman Antitrust Act (15 U.S.C. 1 et seq.) to provide that exclusive territorial franchises, under limited circumstances, shall not be deemed a restraint of trade or commerce or a monopoly or attempt to monopolize, and for other purposes; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 9631. A bill to establish a Federal sabbatical program to improve the quality of teaching in the Nation's elementary or secondary schools; to the Committee on Education and Labor.

By Mr. REINECKE:

H.R. 9632. A bill to provide educational assistance to certain veterans of service in Vietnam; to the Committee on Veterans' Affairs.

By Mr. SPRINGER:

H.R. 9633. A bill to establish and prescribe the duties of a Federal boxing commission for the purpose of insuring that the channels of interstate commerce are free from false or fraudulent descriptions or depictions of professional boxing contests; to the Committee on Interstate and Foreign Commerce.

By Mr. TEAGUE of Texas (by request):

H.R. 9634. A bill to amend title 38 of the United States Code with respect to payments to State homes for the care of certain veterans and with respect to the formula for determining the number of beds in State home facilities which may be assisted with grants under that title; to the Committee on Veterans' Affairs.

**By Mr. YOUNGER:**  
H.R. 9635. A bill to amend the tariff schedules of the United States to exempt from duty certain educational material, and for other purposes; to the Committee on Ways and Means.

**By Mr. SCHMIDHAUSER:**  
H.R. 9636. A bill to amend the National School Lunch Act, and for other purposes; to the Committee on Education and Labor.

**By Mr. GUBSER:**  
H.J. Res. 563. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

**By Mr. HAGEN of California:**  
H.J. Res. 564. Joint resolution proposing an amendment to the Constitution of the United States providing that the term of office of Members of the U.S. House of Representatives shall be 4 years; to the Committee on the Judiciary.

**By Mr. ADAIR:**  
H.J. Res. 565. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

**By Mr. McDOWELL:**  
H.J. Res. 566. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

**By Mr. ROOSEVELT:**  
H.J. Res. 567. Joint resolution that the United States reaffirms its support of the United Nations; to the Committee on Foreign Affairs.

H. Res. 444. Resolution providing for consideration of the bill (H.R. 1153) to amend section 302(c) of the Labor Management Relations Act, 1947, to permit employer con-

tributions for joint industry promotion of products in certain instances or a joint committee or joint board empowered to interpret provisions of collective bargaining agreements; to the Committee on Rules.

**MEMORIALS**

Under clause 4 of rule XXII, memorials were presented and referred as follows:

336. By the SPEAKER: Memorial of the Legislature of the State of Connecticut, relative to incorporating the Italian-American War Veterans of the United States, Inc.; to the Committee on the Judiciary.

337. Also, memorial of the Legislature of the State of Mississippi, relative to calling a convention for the purpose of proposing an amendment to the Constitution of the United States relating to apportionment of membership of State legislatures; to the Committee on the Judiciary.

**PRIVATE BILLS AND RESOLUTIONS**

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

**By Mr. BRADEMAS:**  
H.R. 9637. A bill for the relief of Florenca H. Fernandez; to the Committee on the Judiciary.

H.R. 9638. A bill for the relief of Ivo Herbert Christopher Thomas; to the Committee on the Judiciary.

**By Mr. BURKE:**  
H.R. 9639. A bill for the relief of Maria Angelina Bettencourt deOliveira; to the Committee on the Judiciary.

**By Mr. McCLORY:**  
H.R. 9640. A bill for the relief of Walter M. Gomez; to the Committee on the Judiciary.

**By Mr. McCORMACK:**  
H.R. 9641. A bill for the relief of Dr. Morelly Maayan; to the Committee on the Judiciary.

**By Mr. McDADE:**  
H.R. 9642. A bill for the relief of Dr. Nebil Deger; to the Committee on the Judiciary.

**By Mr. MATHIAS:**  
H.R. 9643. A bill for the relief of Halder Raza and his wife, Irene Raza, and their children, Afzal Anthony and Halder Raymond Raza; to the Committee on the Judiciary.

**By Mr. O'NEILL of Massachusetts:**  
H.R. 9644. A bill for the relief of Hom Siu (King) Wong and Lim Chung Huo Wong; to the Committee on the Judiciary.

**By Mr. RESNICK:**  
H.R. 9645. A bill for the relief of Sy-Chan Hwu; to the Committee on the Judiciary.

H.R. 9646. A bill for the relief of Emanuele Incorovia; to the Committee on the Judiciary.

**PETITIONS, ETC.**

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

240. By the SPEAKER: Petition of Grand Lodge of Massachusetts, Order of Sons of Italy in America, Boston, Mass., urging the enactment of pending immigration legislation; to the Committee on the Judiciary.

241. Also, petition of Henry Stoner, Fishing Bridge Station, Wyo., relative to the price of bread and rice; to the Committee on Agriculture.

**EXTENSIONS OF REMARKS**

**Nation Magazine**

**EXTENSION OF REMARKS**

OF

**HON. EDITH GREEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1965

Mrs. GREEN of Oregon. Mr. Speaker, it is fitting that in an age of discontent, abroad in the rising nations, at home on the questions of race, of war and peace, of education, of lifting the impoverished, that the Nation celebrates its hundredth year. Pick up the Nation and it jars the complacency, questions haste, defies orthodoxy, discovers the uncommon. It is a magazine that has tenaciously outlived its enemies and stays arm's length with its friends.

For 100 years the Nation has been at the front in the struggle for human decency and expression. There is no question but that it is the most consistent supporter of civil rights and liberties among journals of opinion. There is no hesitation to take the unpopular cause, to dig into official decision and opinion and expose misgovernment and waste. For all of this it is a wonder the Nation still survives, but however long it clings to overthrowing the shibboleths, to undermining tyranny and deceit, to defending dissent and minority opinion there will be readers and I will be among them.

The Nation is to be congratulated on its long and distinguished history.

**Notes United Arab Republic Publication of Book on the Nile by Jew**

**EXTENSION OF REMARKS**

OF

**HON. RICHARD L. OTTINGER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1965

Mr. OTTINGER. Mr. Speaker, I would like to call the attention of our colleagues to a very wonderful book on the Nile River, "Nile: Lifeline of Egypt," Scarsdale, N.Y.; Garrard, 1965, written by a well-known American author, Mrs. Violet Weingarten.

No greater tribute could be given this work than that paid by the Egyptian Government which has purchased the rights for its publication in the United Arab Republic in Arabic. I believe that this is the first instance in modern history of United Arab Republic purchase for publication of a book written by a Jewish author. Perhaps it is a presage of better relations to come between the Arab world and the Jews. I hope so. At the least, it is a deserving honor to a fine author and her very worthy book, "Nile: Lifeline of Egypt."

**Public Service by KABC-TV**

**EXTENSION OF REMARKS**

OF

**HON. GLENARD P. LIPSCOMB**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 6, 1965

Mr. LIPSCOMB. Mr. Speaker, station KABC-TV, Los Angeles, Calif., recently rendered a unique public service to the southern California community which I am sure will be of general interest to communities and cities nationally.

This service, as is often the case, had its inception as a project to fill a need and, for a variety of reasons, grew into something much bigger. It began when the station was interested in informing the school systems of certain of its community service activities relating to subjects such as high school guidance clinics, scholarships, dropouts, a search for teenage reporters, and so forth. Surprisingly, it was found that there was no listing of institutions of higher education readily available for use in connection with such a project. KABC-TV itself therefore stepped in to fill the breach and compiled such information in an attractive and informative booklet "College Handbook—A Guide to Schools of Higher Education in Southern California."

The handbook devotes a page to each of the institutions of higher education