The House met at 12 o'clock noon. Rabbi Herbert W. Bomzer of Young Israel of Ocean Parkway, Brooklyn, N.Y., offered the following prayer:

**Behold how kindly and how pleasant, when brethren dwell together.**

Our Father in Heaven, we ask Thy blessing upon these Members of our Congress, enabled to deliberate and decide the welfare of all the American people. May they successfully carry the awesome responsibilities they have freely assumed in this most scientifically advanced and perilous generation in history.

Grant us Thy inspiration as we seek the solution to political, social, and economic problems: to eradicate prejudice, hatred, suffering, racial tension, hunger, armed conflict, and oppression; to achieve lasting peace and brotherly love.

Teach us, O God, to ever appreciate the priceless heritage of freedom endowed to the land and to all the inhabitants thereof, from the historic demand of Patrick Henry, "Let my people go," to the biblical command, "Proclaim liberty throughout the land to all the inhabitants thereof," from the historic demand of Patrick Henry, "Give me liberty or give me death," to the declaration "that all men are created equal," to this very day men have never ceased yearning and dying, for liberty.

Enable us to preserve freedom's holy light. Let us maintain a government "which gives to bigotry no sanction, to persecution no assistance." Protect and sustain our beloved President, Vice President, and these distinguished leaders, the spiritual heirs of those who proclaimed our independence 189 years ago this week.

May mankind soon usher in the long awaited millennium when the rays of freedom shall enlighten the world, when life, liberty, and the pursuit of happiness shall be the irrevocable right of all men for all times. Amen.

**THE JOURNAL**

The Journal of the proceedings of yesterday 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 bills and concordant resolutions of the following titles, in which the concurrence of the House is requested:

- **S. 611.** An act for the relief of Emilio Malorano, Lucia Malorano, and Cesare Malorano.
- **S. 1120.** An act for the relief of Dr. Oritello Rodriguez Perez.
- **S. 1164.** An act for the relief of Cristina Franco.
- **S. 176.** An act to amend the Northern Pacific Railway Act in order to provide certain facilities for the International Pacific Halibut Commission.
- **S. Con. Res. 37.** Concurrent resolution authorizing the printing for the use of the Senate Committee on the Judiciary of additional copies of its hearings on economic concentration.
- **S. Con. Res. 38.** Concurrent resolution to authorize the printing of additional copies of a committee print of the Committee on the Judiciary entitled "The Soviet Empire—A Study in Discrimination and Abuse of Power."

**AN EDITORIAL OF THE WASHINGTON POST**

Mr. ALBERT. 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 Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I am sure that I shared the same surprise, if not the amusement of my colleagues, when I picked up the editorial page of the Washington Post this morning, dated July 8, 1965.

I hesitate to take the time of the House to discuss this editorial because I know all Members are anxious to resume our debate, now in its third day, on the voting rights bill.

Mr. Speaker, I have the impression that the procedures of the Committee on Rules are at least as effective and up-to-date as the procedures of the editorial board of the Washington Post. The Committee on Rules reported the voting rights bill, but I am certain that the editorial which appeared in the Washington Post has been bottled up for a period considerably longer than that.

Mr. Speaker, the Washington Post is a great newspaper and I know that there is not a Member of the House who would suppose for a moment that its editorial board is not in command of all the facts relating to legislation before this House. Indeed that board needed only to refer to the page opposite the Post's editorial page to find in the vicinity of the Art Buchwald column, the solemn announcement of the House, "Mr. Speaker, I was to meet with Governor John M. How of Ohio to-day to continue consideration of H.R. 6400, the voting rights bill.

Mr. Speaker, I can think of only one explanation. Certain forces within the Post's editorial board, most probably re­gionalist in philosophy and oblivious to what the rest of the Post knows is the public interest, are able to pursue their little game of delay unchecked by the others.

I call upon this great newspaper to update its procedures and to revise its operating rules.

Mr. Speaker, the editorial speaks for itself and I ask unanimous consent that it may be inserted in the Record.

The SPEAKER. Without objection, it is so ordered.

There is no objection.

The editorial is as follows:

**LULL ON VOTING RIGHTS**

What has happened to the voting rights bill? Some months ago this measure began its journey through Congress with a great deal of steam behind it. After a long debate the Senate passed the bill on May 26, and the House Judiciary Committee reported out a somewhat different bill. But since then virtually nothing has been heard of the bill, even though it was supposed to be moving through Congress with an emergency pace.

Experienced observers of the Washington scene who know where to look when they encounter delay will turn at once to the Rules Committee. Their instincts will be entirely right. The supposed traffic director on the legislative highway just sat on the bill for more than 3 weeks. Then it began hearings on June 34, as if it had the responsibility of duplicating the extensive work of the Judiciary Committees.

There are some indications that the bill may emerge the latter part of this week. If so, there may be plenty of time for the House to work on it and for conferences to adjust the serious differences between the two Houses in regard to abolition of State poll taxes and other features before the preadjudgment rush begins. But it will be well to keep an eye on the gentlemen who manage the rules. Even in its current reformed status, the committee is capable of mischief on a broad scale. No harm will be done if the country lets the committee know that it is waiting somewhat impatiently for the legislative traffic cop to get the voting-rights vehicle on the road.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman.

Mr. SMITH of California. Mr. Speaker, I congratulate the gentleman from Oklahoma.

I have some remarks to make along the same lines and ask unanimous consent that I may insert my remarks following my question.

Mr. Speaker, the Post's editorial speaks for all those who may have been more charitable, if it is just one more demonstration or, to be more charitable, if it is just one more example of the Washington Post's capacity for journalistic carelessness.

At any rate, I take this opportunity to enlighten the Washington Post and, hopefully, all those who may have been misled, that the voting rights bill had...
been debated on the floor of the House for 2 days before publication of this inaccurate editorial. The Rules Committee reported out the voting rights bill on July 1, a week before the Washington Post reported editorially that “no harm will be done” if the House left the committee know that it is waiting somewhat impatiently for the legislative traffic cop to get the voting rights vehicle on the road.

Mr. Speaker, under unanimous consent I include in my remarks the editorial entitled “Julii on Voting Rights” which was published in the Washington Post today, Thursday, July 8.

(From the Washington Post, July 8, 1965)

LELA ON VOTING RIGHTS

What has happened to the voting rights bill? Some months ago this measure began its journey through Congress with a great deal of steam behind it. After a long debate the Senate passed the bill on May 26, and the House Judiciary Committee reported out a somewhat different bill on June 1. Since then the House bill has been the subject of a delay, even though it was supposed to be moving through Congress at an emergency pace.

Experienced observers of the Washington scene who know where to look when they encounter delay will turn at once to the Rules Committee. Their instinct will be entirely right. The supposed traffic director on the Senate side who know where to look when they encounter delay will turn at once to the Rules Committee.

There are some indications that the bill may emerge from this body with any effect on legislative policy or legislative legislation highway just sat on the bill for more than 3 weeks. Then it began hearings on June 24, as if it had the responsibility of duplicating the extensive work of the Judici­ary Committee.

DEVELOPMENT OF THE NATION’S NATURAL RESOURCES

Mr. ASPINALL submitted a conference report and statement on the bill S. 21, to provide for the optimum development of the Nation’s natural resources through the coordinated planning of water and related land resources, through the establishment of a water resource council and river basin commissions, and by providing safeguards to the States in order to increase State participation in such planning; which was ordered printed.

TO ESTABLISH CONTROLS FOR DEPRESSANT AND STIMULANT DRUGS

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker’s desk the bill (H.R. 2) to protect the public health and safety by amending the Federal Food, Drug, and Cosmetic Act to establish special controls for depressant and stimulant drugs and counterfeit drugs, and for other pur-

poses, 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 3, line 17, strike out (A). Pages 3, lines 25 and 27, strike out after “4761” and down to and including “organization” in line 28.

Page 3, line 25, strike out all after “shall” over to and including “committees,” in line 1 on page 4.

Page 7, line 8, after “household,” insert: “In any criminal prosecution for possession of a depressant or stimulant drug as defined by section 201(q) (3), the United States, if it makes any showing that the possession of the drug involved or the possession involved does not come within the exceptions contained in clauses (1) and (2) of the preceding sentence.”

Page 11, strike out all after line 15 over to and including line 24 on page 15 and insert: “(q) (1) The Secretary may, from time to time, appoint a committee of experts to advise him with regard to any of the following matters involved in determining whether a regulation under subparagraph (2) (2) or (3) of section 201(m) has been satisfied, or amended, or repealed: (A) whether or not the substance involved has a depressant or stimulant effect on the central nervous system or a hallucinogenic effect; (B) whether the substance involved has a potential for abuse because of its depressant or stimulant effect on the central nervous system, and (C) any other scientific question (as determined by the Secretary) which is pertinent to the determination of whether such substance should be designated as a depressant or stimulant drug as defined by the Secretary pursuant to subparagraph (2) (C) or (3) of section 201(v).” The Secretary may suspend such a determination under subparagraph (2) (C) (1) unless the committee reports on the determination under subparagraph (2) (C) (1) shall not suspend the run­ning of the time for filing objections to such order and requesting a hearing unless the Secretary approves it.”

“(2) Where such a matter is referred to an expert advisory committee upon request of an Interested person, the Secretary may, if the request is not determined to be frivolous or made with the object of delaying proceedings, require such person to pay fees to pay the cost, to the Depart­ment, arising by reason of such referral. Such fees, including advance deposits to cover such fees, shall be available, until expended, for paying (directly or by way of reimbursement of the applicable appropria­tions) the expenses of the committee under this subsection and other expenses arising by reason of referrals to such com­mittees arising by reason of such referrals.”

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

Mr. SPRINGER. Mr. Speaker, reserving the right to object, I would expect the chairman of the committee, the gentleman from Arkansas [Mr. Harris] to give an explanation of the amend­ments.

Mr. HARRIS. Mr. Speaker, if the gentleman will yield, I shall be glad briefly to explain.

Mr. Speaker, the Senate amendments to H.R. 2, the Drug Abuse Controls Amendments of 1965, make three changes in that bill.

The bill provides greater controls over depressant and stimulant drugs and makes possession of these drugs outside of the legitimate channels of trade a crime. If the possession is for the personal use of the possessor or a member of his household, or for admin­istration to an animal owned by him or a member of his household.

The first amendment which I will dis­cuss provides that in criminal prosecu­tions involving the possession of drugs, the burden of proof shall be upon the United States, that the possession is not made a crime. The second amendment is in the nature of a clarifying amendment and is consistent with our intent in passing the bill.

The second amendment which I will discuss involves the use of advisory com­mittees to make scientific determinations with respect to the coverage of drugs under this legislation. Under the bill as passed by the House, advisory commit­tees were required to be appointed upon the request of the Secretary, and the person and could have been utilized to delay the effectiveness of orders issued by the Secretary.

The Senate amended this provision to make the appointment of advisory com­mittees discretionary with the Secretary, but encouraged the use of outside consul­tants by the Secretary. It is my under­standing that this amendment is not opposed by the industry, and I sug­gest its approval.

The last amendment of substance made by the Senate deletes the provision of the House bill which provided that the term “depressant or stimulant drug” does not include peyote used in connection with ceremonies of a bona fide reli­gious organization.

Some concern has been expressed to many by the religious groups affected, and the Senate made certain modifica­tions concerning the possible impact of this amendment on religious practices protected by the first amendment to the Constitution.

Two court decisions have been rendered in this area in recent years. One, a decision by Judge Yale McFate in the case of Arizona v. Attukai, No. 4098, in the superior court of Maricopa County, Phoenix, Ariz., July 26, 1960; and a Calif­ornia decision, People v. Woody, decided August 24, 1964, in the Supreme Court of California. Both these cases held that prosecutions for the use of peyote in connection with religious cere­monies was a violation of the first amend­ment to the Constitution.

In view of all this, I requested the views of the Food and Drug Administra­tion and have been assured that the bill, even with the peyote amendment appearing in the House passed bill, cannot forbid bona fide religious use of peyote.

Mr. Speaker, I ask unanimous con­sent to include the letter from the Food and Drug Administration at this point in my remarks.

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

There was no objection.
The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendments were concurred in.

Motion to reconsider was laid on the table.

PRIVILEGE OF THE HOUSE

The SPEAKER. The Chair recognizes the gentleman from Oklahoma [Mr. Albert].

Mr. ALBERT. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. The gentleman will state the question of privilege.

Mr. ALBERT. Mr. Speaker, in my official capacity as a Representative and as majority leader of this House, I have been served with a summons issued by the U.S. District Court for the District of Columbia to appear in connection with a civil action brought by the All-American Protectorate, Inc. against Lyndon B. Johnson, and others.

Under the precedents of the House, I am unable to comply with this summons without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

I request the chair to read the summons.

The SPEAKER. The Clerk will read the subpoena.

The Clerk read as follows:

SUMMONS FROM THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

The All-American Protectorate, Inc., plaintiff v. Lyndon B. Johnson, individually and as President of the United States of America; Mike Mansfield, individually and as majority leader of the U.S. Senate; Everett M. Dirksen, individually and as minority leader of the U.S. Senate; John W. McCormack, individually and as Speaker of the U.S. House of Representatives, Gerald R. Ford, individually and as majority leader of the U.S. House of Representatives, defendants.

To the above-named defendant, Gerald R. Ford, individually and as minority leader of the U.S. House of Representatives:

You are hereby summoned and served upon you, exclusive of the day of service, if you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

[SEAL OF COURT]

Date: June 25, 1965.

The SPEAKER. The Chair, in his official capacity as a Member of the House, has been served with a summons issued by the U.S. District Court for the District of Columbia to appear in connection with the case of the All-American Protectorate, Inc., v. Lyndon B. Johnson et al.

Under the precedents of the House, the Chair is unable to comply with this summons without the consent of the House, the privileges of the House being involved. The Chair therefore submits the matter for the consideration of this body.

The Clerk will read the summons.

The Clerk read as follows:

SUMMONS FROM THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

The All-American Protectorate, Inc., plaintiff v. Lyndon B. Johnson, individually and as President of the United States of America; Mike Mansfield, individually and as majority leader of the U.S. Senate; Everett M. Dirksen, individually and as minority leader of the U.S. Senate; John W. McCormack, individually and as Speaker of the U.S. House of Representatives, Gerald R. Ford, individually and as majority leader of the U.S. House of Representatives, defendants.

To the above-named defendant, John W. McCormack, individually and as Speaker of the U.S. House of Representatives:

You are hereby summoned and served upon you, exclusive of the day of service, if you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.
the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

[SEAL OF COURT]

HARRY M. HULL,
Clerk of Court.

AMELIA G. SHANNON,
Deputy Clerk.

Date June 25, 1965.

The SPEAKER. The Chair has addressed a letter to the Attorney General of the United States. The Clerk will read the letter.

The Clerk read as follows:

JULY 8, 1965.

The Honorable the ATTORNEY GENERAL,
Department of Justice.

Dear Sir: I did on July 8, 1965, accept service of a summons in the case of The All-American Protectorate, Incorporated v. Lydon, et al., a civil action file No. 1989-65, pending in the United States District Court for the District of Columbia. The summons filed in this action names me, individually and as Speaker of the House of Representa­tives, the Honorable JOSEPH V. FORD, and the minority leader, the Honorable GERALD R. KEOGH, both of whom are named as defendants in this proceeding, accepted service of summons on July 7, 1965.

I am including herewith the summons served upon me, and those served upon Representatives Ford and Keogh, individually and in their official capacities as majority and minority leaders, respectively, in order that you may proceed in accordance with the law.

Sincerely,

JOHN W. MCCORMACK,
Speaker of the House of Representatives.

CALL OF THE HOUSE

Mr. PELLY. 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. 171]

Ashley
Ayres
Bonner
Bow
Clark
Craley
Edwarda, Calif.
Edwards, Tex.
Evins
Friedel
Green, Oreg.

Guisebo
Hanna
Harvey, Ind.
Holifield
Howardland
Hosmer
Irwin
Ketch
McEwen

Minshall
Pessman
Powell
Purcell
Scott
Thompson, Tex.
Toll
Wilson, Bob

The SPEAKER. On this rollcall, 409 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. ROGERS of Colorado. Mr. Speaker, I make the point of order that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6400) to enforce the 15th amendment to the Constitution of the United States.

The SPEAKER. The motion is on the motion offered by the gentleman from Colorado.

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 further consideration of the bill H.R. 6400 with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose, the gentleman from New York (Mr. Celler) had 1 hour and 19 minutes remaining and the gentle­man from Ohio (Mr. McCulloch) had 1 hour and 43 minutes remaining.

The Chair recognizes the gentleman from Colorado (Mr. Rogers).

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee (Mr. Grider).

Mr. GRIDER. Mr. Chairman, I rise in support of the amendment.

I hope, however, that this body will accept an amendment which I shall offer at the proper time. The amendment will provide in section 7(a) for a provision that where the Attorney General, an applicant before a Federal registrar alleges that he has been denied his right to vote by the local registrar. This amendment will conform H.R. 6400 in this respect to the bill adopted by the other body.

Mr. Chairman, the purpose of H.R. 6400 is to gain equality of voting for all Americans. As it is presently drawn, section 7 will tend to crystallize ancient patterns of inequality. Moreover, it will appear to many Southerners eyes to be punitive in its operations.

I will immediately concede, Mr. Chairman, that there are some communities in which it would be an added indignation to require the disenfranchised to again apply to the very official who previously denied him his rights. In such communities there would be no point in requiring such an empty act.

But there are many communities, Mr. Chairman, in which the great majority of the people are now willing to grant the right of equality to all citizens. Yes, even communities that have been guilty of past discrimination. I say that where this spirit exists it ought to be fostered—how else can the goal be achieved?

I believe, Mr. Chairman, indeed in my mind it is a certainty, that most southerners are now willing to comply with a voting rights law. The contrary impression is wild of a government, and inflexible position—not a gesture of spite. They will sense the bitter dregs of Thaddeus Stevens' cup of victory, of which our chairman spoke, rather than the advice of Abraham Lincoln that we consented ourselves with malice toward none.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. Celler).

Mr. TENZER. Mr. Chairman, I consider it a high privilege to have the opportunity to speak in support of H.R. 6400, the Celler bill implementing the message of the President of the United States to the Joint Session of Congress on March 15, 1965. H.R. 6400 was considered in 13 public hearing sessions together with 123 other bills all dealing with voting rights.

In executive sessions the subcommittee made five additional amendments to the administration's original bill and the full Judiciary Committee made three additional changes. The main purpose of the Celler-administration bill, and all the others, with some slight variations, is the granting of voting rights for Negro citizens.

During the debate mentioned was made of the fact that this is the fourth time in 179 years that we have debated the power of the United States government, the Congress, with due respect for the states, to sanction and vindicate the right of American citizens to vote. This debate has been occasioned by the amendment to the Federal Voting Rights Act of 1960, which the Congress passed and the President signed into law, after due consideration of the legal and constitutional principles involved.

The Constitution of the United States guarantees to all citizens the right to vote. The Fourteenth Amendment to the Constitution provides that the right to vote may not be denied on account of race or color. The Fifteenth Amendment provides that the right to vote shall not be denied on account of race or color. The Thirteenth Amendment, which forbids slavery and involuntary servitude, is also applicable to all persons born free or naturalized in the United States.

The Fourteenth Amendment to the Constitution of the United States guarantees to all citizens the right to vote. The Fifteenth Amendment provides that the right to vote shall not be denied on account of race or color. The Thirteenth Amendment, which forbids slavery and involuntary servitude, is also applicable to all persons born free or naturalized in the United States.
system from which they fled, they sought to establish a system which was new, sometimes different, something dramatic—and so it was that the United States was born out of revolution, a revolution, however, which was more or less continuing to this day. In the process, the rights of some have been violated and the rights of others have been denied. It is the duty of the Congress through eternal vigilance to answer the crying needs of justice. And so it was that the United States, as a world leader, has undertaken as part of our labors in the vineyard of the United States—a world leader, of making our Constitution and the wisdom behind it a living document. But through eternal vigilance to answer the rights of some and the misery whenever and wherever it occurs, and is brought to our attention. Yet, we have failed to answer the cry for justice of 20 million Americans. A large segment of whom are denied the right to vote—a right guaranteed by the Constitution of the United States—a right denied by those who represent themselves as religious men and as patriots Americans.

What religion do they practice? What is the definition of patriotism? The Prophet Malachi—chapter 2, verse 10—in a sublime admonition to mankind regarding the Fatherhood of God and the brotherhood of man, asks: 

"Is there one God that created us? Why do we deal a denial of divine law and a sign of resistance to the memory of our Founding Fathers and a complete disregard of the provisions of the Constitution of the United States who deny to any American, otherwise entitled thereto, the right to vote.

And what about patriotism? The denial of the right to vote to so wide a segment of American citizens does not help establish us an "one Nation under God, indivisible, with liberty and justice for all." Today we have a great stake in the maintenance of the United States as the leader of the free world, a world which is constantly being challenged by those who now practice the denial of human rights behind the Iron and Bamboo Curtains. How can we expect to encourage the practice of our American brand of democracy in other lands, when we do not effectively practice it in our own country.

Just as there are no degrees of honesty, there can be no compromise with human rights, of human dignity, of human rights, of voting rights. This is the time for men of good will on both sides of the aisle to join in answering the cry for justice from those who have been denied the right to register and the right to vote.

Mr. Chairman, we will be judged not alone by how we voted on legislation to preserve our natural resources or by how we voted to restore the areas damaged or destroyed by hurricanes, floods, and tornadoes. We will be judged, rather, by how we vote to preserve our greatest natural resource: the right to vote. I urge my colleagues to vote in favor of H.R. 6400 to give effect to every amendment which seeks to weaken its provisions. Let us pass H.R. 6400 by so overwhelming a majority that we will put an end to divisive talk about "discrimination against the Negroes" by striking down "discrimination against its citizens."

Let the message go forth from the floor of this House in clear terms to every section of America, to every corner of the world, that in America means what we say and practice what we preach.

Mr. McCulloch. Mr. Chairman, I yield 15 minutes to the gentleman from Florida. [Mr. CHAMBER.] Mr. CLEPPER. Mr. Chairman, following the theme of the gentleman who just preceded me I wish to say that I am profoundly interested in trying to make certain that every American in America should have the right to exercise the privilege of voting.

As a matter of fact, my home State of Florida has registered 67 percent of the Negroes. More than 200,000 Negroes have registered in the past 3 years. As a matter of fact, there is a vote drive on the way now. I am encouraging it. I am hopeful that all who want to and can properly qualify will register and vote and exercise the right of franchise.

I yield the floor, east, west, or south, in my desire and in my activities, with respect to this legislation throughout, as to a good faith effort to try to make certain that a bill is drafted and comes before this body that when we do the job we will do the job all over the country. I believe one that will do the job everywhere.

I do not believe this body will do its job if it attempts to pass a bill which is discriminatory. I do not believe the Congress will do its job if it focuses its attention on only 7 States and substantially ignores the 43 other States of America.

I brought this out throughout the debate and throughout the hearings on this legislation, which the administration sent up. The administration witnesses, the Attorney General and everyone else, admitted—and there was not any question about it—that the bill as proposed would not even cover 43 of the 48 States in the United States of America, and would have the effect of making second-class citizens out of every Negro in America outside of those 7 States.

I want to address these views on these two major points to those who might be tempted to vote against the McCulloch-Ford substitute and vote for the committee bill.

I am not doing this because I am from the South or because I am from a State which is going to be penalized by the committee bill. My State and the Negroes therein are going to be penalized unless the substitute is passed.

Did you hear what I said? That is a fact.

I am one who in the hearings on this bill brought out the fact that the administration bill will penalize seven States. Believe me when I say I want something done in those seven States. Please do not misunderstand me on that.

In one who said: Yes, we should have something adequate and reasonable that will do the job and will not make second-class citizens out of Negroes in other States in America, while doing the same to the citizens of those seven States.

I do not wish to be in a position of saying, "Yes, I want to do something in 7 States but at the same time I am willing to discriminate against the Negroes in all the other 43 States"—and I mean in the State of Florida as an example.

My State was out of this bill as proposed, and I am one of those who insisted on drafting adequate legislation to make sure that the citizens of Florida and all other States who have been discriminated against would be covered by the bill with equal force.

That is the point. That is the point. With equal force, with equal right, to bring complaints. Not just to rely on the Attorney General to do it on his own discretion. With equal right to bring a complaint—25 people anywhere in America, anywhere in America, can bring a complaint and get an equal, quick, adequate remedy under the substitute McCulloch proposal. Not so in the Celler bill.

So, what did the committee do? The committee knew full well a mistake had been made. The committee knew full well it could not come before this House with a bill that would solely penalize 7 States and not do something in those 43 other States. I measured my word when I said "something." I say something but not nearly enough.

Now, I will say to any Member on the floor on this House outside of those 7 "massive resistance" States that want to do something about voting rights in America and guaranteeing them to every American citizen, myself included, that if they want to do this, they will not vote for the committee bill, but they will vote for the McCulloch-Ford substitute.
That is what they want to vote for, because that is what the job. It does the job uniformly through- out America have been brought. And we supposedly have the greatest crying need for the registration of voters in this history of this country today, or else we should have been brought. And this is what they did with the bill. And they were interested in those seven States. I say advisedly and after having deliberated on this from the very beginning of the time when the bill was introduced and having read the entire bill itself. I say to you advisedly and unequivocally under the committee-Celler bill you are making second-class citizens out of all of the Negroes in the rest of America as well as those in the seven States. And I say to you that we do nothing in this field in Florida would support the committee-Celler bill, because it does not give to the people of Florida an adequate remedy. Twenty-five people cannot demand that an action be brought and thus to force the Attorney General to act under the Celler bill—there can under 70 cases—only 70 cases—that were filed under the pattern-or-practice section, by the Attorney General, of the existing law. That is all you are making available to the State of Florida and to the Negroes in the other 42 States to bring an action and then only on a limited basis and a very limited basis.

The record is replete with the fact that in the last 4 years, as a matter of fact, since the 1960 act, there have been only 70 cases—only 70 cases—that were filed under the pattern-or-practice section, by the Attorney General, of the existing law. That is all you are making available to the State of Florida and to the Negroes in the other 42 States to bring an action and then only on a limited basis and a very limited basis.

I say I want an adequate remedy in my State also—an adequate remedy. I want 25 citizens anywhere in my State to be able to force a suit to be brought so that they can be registered immediately and not have to rely on the Attorney General. Past Attorneys General have been recalcitrant. I think, and I say advisedly, derelict in their duty in not fully enforcing the 1957, 1960, and 1964 Civil Rights Act which is already on the books. Do we have any reason to believe the present or future Attorneys General will not be equally ineffective in the future? In effect, the 42 States throughout America have been brought. And we supposedly have the greatest crying need for the registration of voters in this history of this country today, or else we should not have the bill. Is that not true? Yet what kind of a remedy do we give to these people out of these seven States? I say advisedly and after having deliberated on this...
vote frauds. There is not a Member in this Chamber who is not familiar with what happened in Chicago in 1960. There has not been a Member in this Chamber, if he has looked at the record of the debate on this very issue in the other body which took place on April 26, 28, and 29. who does not know what has happened relating to vote stealing and buying.

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

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

Mr. CRAMER. Mr. Chairman, there is not a Member in this Chamber who has not heard of this. I was utterly shocked. Talk about wanting a strong vote frauds. There is not a Member in what happened in Chicago in 1960. if he has looked at the record of the debate on this very issue in the other body which took place on April 26, 28, and 29. relating to vote stealing and buying.

I was shocked when the Judiciary Committee of the House of Representatives told 15 to 19 against the Williams-Cramer bill? I was shocked, and it was after just a few days ago-just a few days before, I was shocked when the Judiciary Committee of the House of Representatives told 15 to 19 against the Williams-Cramer bill. Who could vote against this? This is what I offered in committee. Who could vote against this?

(d) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration or illegal voting, or pays or offers to pay or accepts payment either for registration or for voting shall be fined not more than $1,000 or imprisoned not more than five years, or both:

Provided, however, That this provision shall be applicable only to electoral officers, Members of the United States Senate, and Members of the United States House of Representatives.

There is no question about the constitutionality of the proviso which was adopted on the Senate floor and which I included in my amendment, making this applicable to Federal elections.

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

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

Mr. CRAMER. So there would be no question of constitutionality I accepted the Senate amendment, and offered it in amended form before the Judiciary Committee. But, I do not believe, that is the story. The committee turned down the Williams-Cramer clean elections amendments 19 to 15.

I know what the answer of the advocates of the Celler bill is going to be, or the advocates of this amendment. The Committee will not give an answer, however. They are going to suggest we put a vote-protecting section in this bill. I will examine this for a minute. They are not adequate, they will not do the job, and the sponsors know it. Not one of these have I raised. The Celler committee bill does not touch the question of ballot destruction or alteration outside of those voting districts in which an examiner has been appointed. This which is the vast majority of the areas in America, especially under weak section 3. In the other 43 States we will probably not have an examiner. In those 43 other States under section 3, which is the only section applicable to those 43 States, you will not have examiners in very many areas—very few. Only 70 cases in 4 years triggered with the pattern or practice present law—1960 to 1964—only 70. How many do you think there are going to be in the next 4 years?—70 more? How about the thousands of other voting areas in those 43 States you are going to be asked to look into? They are not going to get any help, nor should we even attempt to express itself whatever to the giving of false information to election officials for the purpose of establishing eligibility to vote anywhere, where a situation might exist, except on a limited basis only in the few areas covered by action taken under section 3 of the Celler committee bill.

Falsification before examiners or hearing officers is not universally prohibited and similarly, if you please, so, too, according to the committee even mentioned anywhere in the committee proposal that is presently before us.

An examination of that bill will prove this.

Now the argument may be made—weel, we ought to restrict this bill perhaps to what the examiners do under the bill when we are talking about penalties and when we are talking about my amendment. And they took that attitude on the Senate floor, but, they let it go by the way on others.

Look at the observers' section. Look at the observers' section 8 of the Celler committee bill. The Civil Service Commission at the request of the Attorney General is authorized to send observers. And, incidentally, this was added without the request of the administration. Any election held in a subdivision in which examiners have been appointed under this act, and that observer may observe relating to all persons in all elections. All persons. Not related to those people who register through the examiners, but, they let it go by the way on others.

And, Mr. Chairman, there is no Federal law to prohibit the stealing the vote buying even in Federal elections—there is no Federal law to prohibit it.

So in good faith I offered this amendment, having fought this issue out now for years and being aware of what the problems are, just look at the Senate record and you can find citation after citation of vote fraud, votes stolen, absentee ballots improperly cast, and vote buying even in Federal elections.
not allowed to vote—this is where the party involved is not even allowed to vote—or actually they will say, we will allow anybody to come in with a complaint even though it has nothing to do with an examiner’s office or functions of the examiner—so, it will be impossible for them to do with Federal elections and nothing to do with discrimination of minorities.

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

Mr. McCulloch. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. Cramer. Therefore, this section 12(e) is not limited to Federal elections and is not limited to individuals registered by an examiner. So they conducted a broad remedy where any person is not entitled to vote but lo and behold, they would not give a person a remedy under my amendment if he falsely votes or if he makes an application and lies to a registrar other than an examiner—no remedy. Outside of the places where the examiners are appointed, there is no remedy relating to lying to a registrar but there is under my amendment. And therefore, I also say that there is nothing at all in the bill with regard to vote buying. So now if we want to do something all over America relating to everybody, if not limited only to certain things and certain areas, you will vote for my amendment. You are going to have the opportunity to do so in the substitute offered, the McCulloch-Ford substitute. So I say for these two basic reasons, if for no others, the Celler committee bill should be substituted for the McCulloch bill. I want the citizens in all States to be first class citizens and not second class citizens. I want them to have the same rights as everybody else and not be discriminated against as it is under the Celler committee bill and under section 3, the pocket trigger.

Now I would be delighted to yield to my chairman.

Mr. Celler. I would prefer to respond to the gentleman on my own time.

Mr. Cramer. I want to keep faith with my distinguished chairman for whom I have, obviously, the highest regard in recognizing his request to ask a question. I now yield to my other distinguished colleague of the committee, the gentleman from Arizona [Mr. Senner], who first asked me to yield.

Otherwise, I yield to the distinguished gentleman from New Jersey [Mr. Rosten).

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCulloch. Mr. Chairman, I yield 1 minute to the gentleman from Florida for the purpose indicated.

The CHAIRMAN. The gentleman from Florida is recognized for 1 additional minute.

Mr. Rodino. Would the gentleman mind if I attempted to clarify a statement he made relating to section 12(e) where he makes the categorical statement that a person who claims within 48 hours that he has not been permitted to vote is then automatically permitted to vote?

Mr. Cramer. I did not say that. What I said was that the committee was willing to offer broad relief when votes were not cast or counted but it was not willing to offer broad relief to all other places throughout America with regard to discrimination. Under my amendment, they would broaden their approach relating to this matter of votes not cast, but not relating to my amendment concerning vote frauds.

They would not broaden the bill for my amendment, but they did broaden it for this purpose. That is all I said. I cited it as an example.

Mr. Rodino. I merely point out that there are certain provisions which must be beared. Mr. Cramer. I do not doubt that. They did provide relief, but would not provide relief when the votes were being stolen or being bought or when graves were being voted.

Mr. Celler. Mr. Chairman, I yield myself 5 minutes.

Answering the gentleman from Florida, I will say that the gentleman does not evaluate properly the contents of the Celler bill.

Section 3 applies to all States—I say that with every degree of emphasis—to all States where there is a violation of the 15th amendment. It does not apply to merely a few States. It applies to the entire country equally, and it involves a judicial remedy.

But section 4 applies to States where there is the so-called massive and per­sonal discrimination. There is the greatest need for prompt, swift remedy.

In States like Mississippi, Louisiana, and Alabama, where section 4 would apply, there is but token admission of Negroes to the ballot. Most of the actions brought in these States have been, indeed, rendered absolutely abortive by the cunning and trickery involved in new laws and new processes invented to nullify the 15th amendment only in the substitute. All they do is provide for an administrative remedy without the complicated complaint procedure which is found in the McCulloch-Ford substitute.

Literacy tests in those areas where there is this massive discrimination are suspended in part only in the substitute. Mr. Celler would suspend these tests—what the courts have called engines of discrimination—completely, not half-heartedly. And they should be suspended completely, not in a half-hearted manner as is the case with the McCulloch-Ford substitute.

These tests, ladies and gentlemen, we must remember are the very keystone of the wholesale pervasive voting discrimination about which we have been concerned. To suspend these tests and their unfair application.

The gentleman from Florida was also critical of the Attorney General, Mr. Katzenbach. I challenge the assertions he made, that there is any unfair--Attorney General Katzenbach is a painstaking, articulate, erudite, effective Attorney General. He, and his predecessor, constitute two of the most worthy officials ever to hold the high office of Attorney General.

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

Mr. Celler. I yield to the gentleman from New Jersey.

Mr. Joelson. I merely wished to comment that the statement of the gentleman from Florida was most curious. He started off by proclaiming that in the State of Florida there is absolutely no discrimination that people are allowed to register without let or hindrance. Then he proceeded to bemoan the fact that in his opinion this law would not apply to the State of Florida. I merely point out that the Ford-McCulloch substitute is the stronger law, although he would ignore completely the sentiment I find here that those Members from the States where there is active massive resistance to registration of Negroes are definitely supporting the Ford-McCulloch substitute.

Mr. McCulloch. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. Cramer], so that he may reply, if he desires to, because his name has been used in the most recent debate.

Mr. Cramer. Mr. Chairman, I thank the gentleman. As I said earlier, I did not yield to the distinguished chairman because of my great respect for him and because I certainly wanted, if I could, to answer any question he might have. I will attempt to do so in this manner if he failed to yield to me.

I will say to the distinguished chairman it is my understanding when he appeared before the Committee on Rules that he made the observation, when the distinguished chairman of that great Committee on Rules asked him the question, that the section 3 pocket trigger was largely a restatement of the Ford substitute. And that is what it is. There is not any question about it. It is a restatement of existing law so far as providing a triggering device is concerned. All they do is provide for an interlocutory procedure, but they ignore the need for a reason to bring about a triggering device in 43 of the States not covered by section 4. I repeat that in those 43 States you do not have a reasonable triggering device, but only the Attorney General has the adumbration to bring a suit under present law. I repeat, only 70 such suits have been brought in the last 4 years. I repeat that if in that period of time, those 4 years, only 70 such suits have been brought under the powers presently existing and if there is discrimination in as many areas as we are led to believe—and I am not contesting it, because I have heard the testimony—then what more than 70 suits brought under the existing law, and this being so how will there be a better remedy offered under section 3, which merely restates existing law, so far as the triggering device is concerned?

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

Mr. Cramer. I will be delighted to yield to the chairman.
Mr. CELLER. Of course, the reason why 70 cases is the limit of the cases brought to this court is that the procedures they were brought in the hard core areas which complicate such lawsuits and where literacy tests are used and where the strategists and lawyers have tied these into the case. The procedure were endless. One case took almost 4 years to develop. And because of these delays we bring in this bill. Section 3, it is true in part only a restatement of the present law but it goes much further than that. It provides that the court can authorize the appointment of examiners, which is not in the present law. It provides the the court can retain jurisdiction in these cases, to pass upon the validity of new voting laws passed since the suit was instituted which is also not in the present law. Those two provisions are very important.

Mr. CRAMER. The distinguished chairman has taken the position I am advocating which is the valid and essential point, that the triggering device under section 3 is the same as the triggering device in existence under present law today. In 43 States, if it is so applied, the only remedy which now exists is the present law. In this case the principal author of the Republican substitute, the gentleman from Ohio, has long ago won his spurs not only as a great constitutional lawyer but as the author of the broadest and most comprehensive civil rights bill ever enacted by the Congress—the Civil Rights Act of 1964. It is not an exeggeration to state that without the inspiration and leadership of the gentleman from Ohio you would not have had a bipartisan coalition of support forged for the passage of this bill. Yet today because the Ford-McCulloch bill, of which the gentleman from Ohio is a principal author, has attracted the support of some erstwhile foes of any civil rights legislation, we have begun to read and hear subtle—in some cases it is a genuine, insinuations that there has been a rebirth of that allegedly sinister and nefarious alliance of southern Democrats and northern Republicans. The professional civil-righters declaim that an objector to the dubious constitutional validity of some bills is ipso facto a member of that coalition. The inference is that only by swallowing the committee-Cellar bill can one be wholly above suspicion in this devotion to the cause of civil rights. I have heard Members on both sides of the aisle say that "Yes, we dislike certain parts of the Cellar bill very much.

Mr. McCulloch. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois.

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

The CHAIRMAN. The Chair will continue. One hundred and two Members are present, a quorum.

Mr. ANDERSON of Illinois. Mr. Chairman, I have been constrained to ask for this time, and I have prepared a written statement which I desire to develop during the course of the general debate on this bill and principally on yesterday.

Mr. Chairman, on great constitutional questions honest men can and do disagree. Constitutional questions of grave import are inherent in our discussion of the legislation now before us. Therefore, it is not strange that in this debate there is disagreement above and beyond that which is normally represented by party lines. In this case the principal author of the Republican substitute, the gentleman from Ohio, has long ago won his spurs not only as a great constitutional lawyer but as the author of the broadest and most comprehensive civil rights bill ever enacted by the Congress—the Civil Rights Act of 1964. It is not an exaggeration to state that without the inspiration and leadership of the gentleman from Ohio you would not have had a bipartisan coalition of support forged for the passage of this bill.

But if we who support this bill are right; if the provisions of this bill are sound; if they go quickly and incisively to the heart of the problem without doing violence to our constitutional system, then we surely are entitled to welcome their assistance to a noble cause regardless of the motives that may have prompted the support of those who stand with us.

Mr. Chairman, last year those in the majority were given strong endorsement of support of some of my conservative allies like me in what proved to be a most successful coalition; my presence among the supporters of the Civil Rights Act of 1964 apparently did not embarrass the framers of that bill. Nor should any other similarity to me quite alien to those who profess liberalism are his political philosophy, was not regarded as any taint on my good intentions. Nor should we now permit the disparagement of those who join with us in offering the Ford-McCulloch substitute. Mr. Chairman, in closing, I have another thought about those who may appear as sudden converts to the cause of voting rights and therefore suspect of some secret and confessed sin of mental reservation. In the white glare of publicity that has attended some of the turbulent events of recent months and years, I am willing to believe that hearts and minds of some of my Southern friends have changed. It is difficult to convey without sounding patronizing or appearing to speak with condescension. Yet I do not mean it to be so. Some who have been asleep have woken up. Some who were slow. Some who were on other action and custom, have regarded the Negro in the light of conditions long since passed away do now realize that the process of change must inexorably affect the field of race relations just as it has to dramatically penetrate every other field of human endeavor and relationships. These men in the Congress, our colleagues who now manifest revised attitudes on the subject of voting rights, represent areas whose people where others will stand with them in their changed assessment of the problem and the remedies to be applied. In the spirit of reconciliation we ought to encourage the cooperation of those who some from areas where the problem is the greatest. Instead some among us would challenge their credentials and disdain their help in encouraging the people whom they represent to rise up against the century past and "with malice toward none and charity toward all" seek a new beginning in this area of human conflict.

Mr. Chairman, I believe in the cause of civil rights and voting rights. I love and
Mr. Chairman, you have heard very ably expounded from members of the committee, particularly by the gentleman from Florida who just preceded me in the discussion of this bill, the committee-Celler bill, which is supposed to be a holy writ, and not subject to change should not be passed. I think the gentleman from Florida has demonstrated that there are very serious basic defects, indeed, in what has been offered as the committee bill. Those who are interested in voting rights, not just in vindictive action with respect to seven States, but in spreading abroad the man­date of the 15th amendment and making it clear that everywhere, in every county, in every voting district, people are going to have the right to vote should support the Ford-McCulloch bill. That right should not be dependent upon the discre­tion of the Attorney General, which he may or may not exercise, but proceed on the basis, as the Ford-McCulloch bill provides, of 25 valid and meritorious complaints. Then the Federal Gover­nment can come in with examiners and administer the registration of the voting laws of any jurisdiction that is engaging in voter discrimination. I submit this is not only the constitutional way to solve the problem; it is the superior solution.

Mr. Chairman, I include, as part of my remarks, the following editorial taken from the Washington Daily News of Thursday, July 8, 1965:

"IMPROVING THE VOTE BILL

The House has an opportunity this week to make a major improvement in the voting rights legislation now before it. It can do so by accepting a substitute offered by Representative William M. McCulloch, Republican, of Ohio, in place of the Senate-passed bill backed by President Johnson.

Representative McCulloch's measure is better than the administration plan. It aims at the same objective—ending all discrimination at the ballot box—but goes about it in a superior manner.

The administration bill, for instance, assumes arbitrarily that a State or locality is guilty of discrimination if it has had 25 or fewer of 50 persons of voting age registered or voted last November. This may or may not be true. But it is bad legislation—if not unconstitutional—for Congress to declare it so in the absence of concrete evidence.

Representative McCulloch would replace the schematic triggering of the administra­tion bill by permitting the Attorney General to order Federal voting examiners sent into any area where there may be complaints of discrimination had been received.

Voting statistics would be disregarded, as would literacy tests if the compliant has received a sixth-grade education.

Representative McCulloch also would eliminate the flat ban on poll taxes written into the House version. He believes such taxes to be discriminatory under the 14th constitutional amendment. In this, he agrees with the Senate, though not with the majority that is sitting here, regarding this matter on which he is ranking minority member.

Congress seems certain to pass some form of voting rights legislation in this session. By the choice of McCulloch's substitute, it can be sure it will not have to do the job over again later—as might be the case if the courts declared the administra­tion version unconstitutional.

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

Mr. ANDERSON of Illinois. I yield to the gentleman from Illinois.

Mr. McCLOY. I commend the gentle­man for his remarks. During the early part of the hearings, the Celler administra­tion bill contained no provi­sion or no relief whatever for the 43 other States. It was not until after witnesses came before the committee and com­mented that the bill did not go far enough that we got the valid­ity of the Ford-McCulloch type of Fed­eral legislation, that that defect was rec­ognized. While they have taken a much watered-down version of the Ford-Mc­Culloch bill in section 3 of the Celler administration bill, it still is wholly in­adequate insofar as an expeditious or effective remedy is concerned. I think the gentleman has pointed out well the comprehensiveness of the Ford-McCulloch bill.

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

The CHAIRMAN. The Chair will call the roll. [After counting.] Eighty-eight Members 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:

[Roll No. 172]

Ayres Hansen, Wash. Passman
Biatnik Harvey, Ind. Powell
Binmore Holifield, Miss. Powell
Bow Houlihan, Tous.
Crail Haley, Tex. Scott
Dulski Hover, Ill. Toll
Friedel Keogh, Wash. Wilson, Bob
Hanna Keogh, Oreg. Wilson, Inez
Hanna Minshall

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 Com­mittee had considered the bill H.R. 6400, and finding itself with­out a quorum, he had directed the roll to be called, when 405 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.

Mr. RODINO. Mr. Chairman, I yield such time as he may desire to the gentle­man from Texas [Mr. Puszynski].

Mr. Puszynski. Mr. Chairman, as a means of protecting the privilege of people to vote, the pending bill is meaning­less. That is because we already have, on the books, all the laws that could pos­sibly be used by any American citizen in his legitimate rights to reg­ister and vote. Therefore, the only possible justification for this far-reaching invasion of the prerogatives of the people under the State and local units of government, is to attract gullible votes. The mask should be removed and this legislation considered in the light of its real purpose.

I point out that I represent a district that would not be directly affected by the enactment of this bill. Texas does have a requirement for a poll tax, but that

has nothing to do with discrimination because it applies to whites as well as colored. Everyone in our State who is of age, sane, and not a convict, is now eligible and has been for many years. Therefore, in considering this legislation, the Texan has no ax to grind and no weeds to hoe. We can be objective.

Now, what are the facts? Title I of the Civil Rights Act of 1964 contains an array of Federal provisions dealing with all areas of voter discrimination. The bill now before the House is designed to prevent discrimination on account of race. It was written by civil rights ad­vocates. It went far beyond anything every proposed in the past. It closed all gaps. It left nothing out that the most violent advocates could think of.

Yet, only 1 year later we are faced with this proposal, which strikes a heavy blow at every concept of local self government as it has been practiced in this country since the Republic was established. In­deed, the clamor for more voter laws arose months ago. The stage was set for it when Martin Luther King invaded Selma, Ala., with his blood-splattered demonstrations.

While in Selma, long before anyone had suggested the need for additional voter legislation, King was quoted in the Christian Science Monitor as saying:

If Alabama doesn't do it, there will be Federal registrars here. If the registrars don't do right, President Johnson will have to speak to them. And if President Johnson doesn't do right, we'll have to speak to him more.

Thus, Martin Luther King was the first person to suggest that Federal registr­ars would be included in voter legisla­tion. And that is what we have before us today—a king-sized provision which would allow Federal registrars to strong­arm their way into hundreds of commu­nities, push local officials aside, take over and override all local voting procedures, dictate the terms of holding elections and determine who is eligible to vote—regardless of State laws. This could in­clude the election of mayors and justices of the peace, as well as all other office­holders.

Martin Luther King killed two birds with one stone: he not only dictated the terms of voter legislation, but he set the stage for the collection of a sizable amount of money which followed the bloodshed which his demonstrations brought about. The Reverend Ralph Abernathy, treasurer of King's Southern Christian Leadership Conference, was recently quoted by the Associated Press as saying that they will take in a million dollars this year.

As to the need for more voter laws, it will be recalled that last February, long before Martin Luther invaded Selma, H. H. Thomas issued an order—under existing laws—protecting all voting privileges for people living in Dallas County, where Selma is located.

That order included the following:

1. From failing or refusing to receive and process expeditiously applications for registration to vote;
in Dallas County by receiving and processing facilities for registration of voters so that present themselves for registration; in spelling out the registration process, the receipt of applications for registration to might prevent the registration from proceeding on schedule. And the court order concludes with this clincher: any rejected Negro applicant from this date law, to protect the voting privilege. The other court actions, under the existing of 42 Montgomery, Ala., dated April 8, 1965, contains this:

82 of the rejections the time the circuit court rendered its opinion, many of the Negroes had been registered and 36 remained.

Mr. Chairman, what more do they want? Is emotional hysteria to become the order of the day? Does intimidation, spearheaded by Martin Luther's discredited money-raising publiclicity-seeking demonstrations staged in Alabama several months ago? Is emotional hysteria has been instrumental in many of the Negroes who deny their right to vote under color of law is punishable by fine and imprisonment—18 U.S.C. 242. Any election official who denies any qualified voter his right to register and vote under color of law is punishable by fine and imprisonment for 10 years, or both—18 U.S.C. 241.

Mr. Chairman, I yield such time as he may desire to the gentleman from Florida. Mr. Fouga.

Mr. Chairman, I believe in the right of American citizens to vote. In my own State of Florida, we do not have a literacy test nor do we have a poll tax. It might be said that we are exempt from the provisions of this bill. But there is a great constitutional question at stake.

The Constitution gives each State the right to determine voter qualifications and the bill which has been presented by the Judiciary Committee is discriminatory in that it applies only to a few sections of the Nation. It would include Alaska as one of the States that will have to prove that they are not discriminating, although all proponents of the bill have generally said that this is not the case.

This bill would eliminate poll taxes as a voting requirement in State and local elections, although it took a constitutional amendment to outlaw poll taxes from Federal elections. And let me point out that it was a Floridian, Senator Burke, who defeated Mr. McCulloch bill, applies to the entire Nation and whatever discrimination in voting exists. It recognizes that poll taxes may be eliminated only by constitutional amendment, and provides that a sixth-grade education is a presumption of literacy, and those with less than a sixth-grade education may register if they establish their ability to meet the State's literacy requirements. Further, this bill recognizes the integrity of our judicial system by not including the provision that those areas affected by the bill can make no change in their election laws or voting procedures without the approval of the District of Columbia Court. The McCulloch bill is a much fairer bill, it is constitutional, while I believe that the bill which has been reported by the Judiciary Committee is not.

We should not tamper with our basic system of Government for laws which are not needed and which have provisions which are simply not constitutional.

If a bill is needed, then it should be the McCulloch bill and not the one which is being rammed down our throats so
vigorously, and without regard to its constitutionality.

Mr. RODINO. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. FASCELL].

Mr. SCHMIDHAUSER. Mr. Chairman, the people of the United States of America have long been appalled by the blatant violation of human and civil rights that have occurred in certain regions, particularly the South, over the last decades. In the original design of the great Constitution of the United States, the framers of that Constitution recognized that the single most critical tenet of democracy was the right to vote. The experiences of many decades led to additions to the Constitution, one of the most important of which was the adoption of the 15th Amendment.

The language of this amendment is so clear and so direct that it is not susceptible to confusion. Section 1 of this amendment provides, "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."

Section 2 of this amendment appropriately provides the simple imperative that the Congress shall have power to enforce this right to vote "to the fullest extent of my ability and with the deepest devotion to the basic principles involved, I rise in support of H.R. 6400, the Voting Rights Act of 1965, to enforce the 15th amendment to the Constitution of the United States."

Our Spanish-American brothers have contributed significantly to the development and improved by extending its scope to include a strong amendment to enfranchise our thousands of Spanish-American citizens. The cultural heritage of our Spanish-American brothers encompasses a noble and significant heritage which is part of the great development of the entire American Nation. The forefathers of our Spanish-American brothers contributed significantly to the formation of the North American Continent. Our Spanish-American brothers have assumed the responsibilities of citizenship in the United States with dedication and patriotism of the highest quality. In war and in peace, they have been in the forefront of our national efforts. I feel that the time has come in 1965 for us to extend to them the recognition of their significant cultural contribution, and to ensure that our Spanish-American brothers have equality of voting rights with all other citizens of the United States.

Mr. RODINO. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, in support of the Voting Rights Act of 1965, H.R. 6400, because the right to vote and the franchise are vital to the State, our government is a fundamental guarantee under the U.S. Constitution and is the bulwark and the strength of our democracy and our representative government.

The evidence is beyond question that this right has been arbitrarily, discriminatorily, and capriciously denied American citizens.

It is also clear that existing law and the Civil Rights Acts of 1957, 1960, and 1964 are not adequate to deal with this problem.

Any barrier which prevents any American from the full and equal exercise of the right to vote and must be removed immediately. This bill is designed to do that, and, therefore, I fully support it.

Mr. RODINO. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Chairman, I rise to the fullest extent of my ability and with the deepest devotion to the basic principles involved, I rise in support of H.R. 6400, the Voting Rights Act of 1965, to enforce the 15th amendment to the Constitution of the United States.

The crisis in voting rights which reached its decisive stage with the demonstrations in Selma, Ala., and the special message President Johnson sent to Congress on March 17, 1965, has been developing for years. After an exhaustive study the U.S. Commission on Civil Rights reported in 1961 its conclusion that "the franchise is denied entirely to Negro Americans for a period of time has occurred for so long in certain regions of our Nation. We, Members of the 89th Congress, have a clear challenge before us, to fulfill the great promise and the great hope that has been handed down to us, the American people, for the future."

In the light of these and other circumstances, the strengthened version which the able chairman of the House Judiciary Committee has incorporated in this bill. The section which extends coverage to denial of the right to vote by use of the poll tax is a particularly important and necessary issue which strengthens this bill over the Senate version.

Further, I believe that the voting rights bill of 1965 fills definite needs, and it is particularly important that we pass this bill in the House. In the light of the many situations, the strengthened version which the able chairman of the House Judiciary Committee has incorporated in this bill. The section which extends coverage to denial of the right to vote by use of the poll tax is a particularly important and necessary issue which strengthens this bill over the Senate version.

The bill, as amended, is designed primarily to enforce the 15th amendment to the Constitution of the United States and also designed to enforce the 14th amendment and to assure that the 15th amendment is not diluted for any reason. The bill accomplishes this objective. The bill, first, suspends the use of literacy and other tests and devices in areas where there is reason to believe that such tests and devices have been used to deny the right to vote on account of race or color, second, authorizes the appointment of Federal examiners in such areas to register persons who are qualified under the laws of such States, and third, empowers the Federal courts in any action instituted by the Attorney General to enjoin the officers of the States from violating the provisions of the 15th amendment. These provisions of the 15th amendment, to authorize the appointment of Federal examiners, pending final determination of the suit or after a final judgment in which the court finds that violations of the 15th amendment are being made, provide for civil and 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, civil and
criminal remedies are provided for the enforcement of the act.

Upon the basis of findings that poll taxes as a prerequisite to voting violate the 14th and 15th amendments to the Constitution, the bill abolishes the poll tax in any State or subdivision where it still exists.

A vital obligation and responsibility of the Congress is to provide appropriate implementation of the guarantees of the 15th amendment to the Constitution. Adopted in 1870, that amendment states the fundamental principle that the right to vote shall not be denied or abridged on account of race or color. It was intended that the bill abolishes the poll tax in any State or subdivision where it still exists.

The historic struggle for the realization of this constitutional guarantee indicates clearly that our national achievements in this area have fallen far short of our aspirations. The history of the 15th amendment litigation in the Supreme Court reveals both the variety of means used to bar Negro voting and the difficulty of such discriminatory policies through the defects of the Federal Government on account of race or color.

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Mr. Chairman, detailed analysis of the bill, means the least. It is most responsive to the justified outcry of all Americans. The urgency is felt across this land; our response carefully noted all around the world. Let us be thorough, let us be prompt, let us not be deterred from answering now, with this bill, the call of our President when he said:

"We cannot, we must not refuse to protect the rights of every American to vote in every election."

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. I recognize that outside this Chamber is the outraged conscience of a Nation, the grave concern of many nations, the harsh judgment of history on our acts.

America can only be truly great, whether in her own judgment or that of other nations or of history, if every American is a part of that greatness. Today, we have the opportunity to make America great, and members of other minority groups, are denied the right to be part of America. What we do today is not for the Negro. It is not for any minority. It is for America.

Mr. RODINO. Mr. Chairman, I yield such time as he may desire to the gentleman from Florida [Mr. SIKES].

Mr. SIKES. Mr. Chairman, there can be no thing as too much government. There cannot be a government which supervises and controls every action and every thought of every day that you live. For years we have pointed to communism as the prime example of total control of the individual by government.

But now in our zeal for solving everybody's problems and our enthusiasm for establishing new standards, the United States is treading the same path. There is such a thing as too much government and we are dangerously close to it.

I have stated many times that I do not favor practices or laws which discriminate against voters and which in effect prevent qualified citizens from voting. In Florida we have made it a practice to encourage all qualified persons to vote, and I believe that everyone should be made aware of the facts where there has been discrimination.

However, there has been discrimination against voters in some areas. As a result, there has been a widespread demand for federally sponsored voting laws. Some of this demand has appeared to me to be spurious in that it was carefully manufactured and highly publicized. Nevertheless, the desired effect has been achieved. The Civil Rights Congress has been called upon by the administration to pass a voting rights bill.

I am opposed to Federal laws on voting. I believe the Constitution is clear in that the States are given control of voting primaries. Federal laws mean Federal control of voting in America and can lead to some very unwholesome situations. Admittedly, there may be evils in some areas on the books today; but if so, the evils should not be replaced by another, and I am convinced that Federal control of voting processes could result in abuses just as serious as any that now exist.

Nevertheless, during the process of debate, the House will have to choose between the McCulloch bill and the Celler bill. In that choice I shall vote for the McCulloch bill. There are a number of reasons, but primarily the McCulloch bill will apply uniformly to the entire United States and would utilize the courts to guarantee the rights of the voters. By contrast, the Celler bill applies automatically to Southern States, and obviously is an unreasonable national punishment of the States and would utilize the courts to guarantee the rights of the voters. By contrast, the McCulloch bill is comprehensive, that is, it establishes a sixth grade education as sufficient proof of literacy. The Celler bill automatically suspends all rights.

The Celler bill would outlaw the poll tax as a voting requirement in State and local elections. This is an unconstitutional provision. By contrast the McCulloch bill specifies that where poll taxes are used to discriminate on the basis of race or color, the Attorney General should bring suits to nullify poll taxes so used.

To my mind the Celler voting rights bill is an act of vindictiveness which amounts to bills of attainder, that is, it arbitrarily at the Southern States but which could be aimed elsewhere at another time by the administration in power. Its obviously unconstitutional sections would be judicially approved, and individual guilty of unlawful acts by the process of mathematics and would arbitrarily impose punishment. These punishments could be lifted only if the defendants were able to prove their innocence. It would no longer be a requirement that a person is assumed innocent until guilt is proved.

Obviously the McCulloch bill is the best choice since a choice must be made.

The answers to these problems lie in the field of fact and reason, not in emotion and politics. Under the Constitution the Federal Government has no authority to control or supervise or otherwise interfere with the right of the States to establish the qualifications of voters. It has a right to remove discriminations against citizens who are qualified to vote. The provisions proposed in the committee bill go much further. It allows the Federal Government to take over from the States the control of voting procedures. The proposed law gives the Attorney General the
authority to interpret what he thinks should be the voting laws in any State, county, township, or community. Federal courts have not been granted the right to interpret or to enforce his interpretation and it is not beyond the reach of the imagination that they could be sent to elect the people of his choice. I am not ready to abandon the process which has preceded it and others which have preceded it still rampant, as the gentleman from New York claims, it is an admission from him that previous bills authored by him were else to which a civil rights label might be found inadequate as a result of legal responsibilities because he is the author of dodges and subterfuges, the gentleman discriminating is still rampant. The pend­

in my tactics and procedures against law-abid­
sions are aimed.

The pending bill is much needed. Previ­
us counts at which this bill and its provi­
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The advocates of the bill claim that there is an escape clause. Mr. Chair­
man, the escape clause provision is a device. A State may be trapped by the automatic trigger can es­
cape coverage only by journeying to Washington, filing a suit against the United States in the District Court of the District of Columbia, and proving its innocence for the last 5 years. This not only reverses the traditional presumption of innocence, but abandons the doctrine that trial court cases should be heard in the jurisdiction where the accusation was made.

In H.R. 6400, State literacy tests are suspended in States covered by the bill, and, by implication, upheld in all other States. Clearly, Mr. Chairman, the same rule should apply throughout the 50 States. No State or locality covered by the automatic trigger can hereafter make any enforceable change in any of its vot­
ings laws without the prior approval of the Attorney General or the District Court of the District of Columbia. It nullifies both poll taxes and all other payments prerequisite to voting in State and local elections and referenda. H.R. 6400 grants the right to vote to those registered by Federal examiners and al­
ows the counting of their votes and the certification of election results, even though challenges of their qualifications, unresolved on election day, may later be upheld by a court. It destroys a decision, and might result in subverting the decision of a majority of the voters to an arbitrary decision of examiners, in­
spectors, or others.

Mr. Chairman, even if this legislation should be enacted, those who support it and urge its passage will be back again and again and again, declaring that the Voting Rights Act of 1965, like previous acts, has been found to be inadequate. The facts are, Mr. Chairman, that certain groups and certain individuals, short of domination and control of election re­

suits, not in their own States, districts, and municipalities, but in States, dis­

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bottom of the ladder so far as finances are concerned.

I was born and raised on a large farm where an average of 100 colored people worked every year during the 14 terms I have served in the House. Never once did we have any friction or any trouble between the colored and white people on our farm. They worked together and understood each other's customs.

Some of the best friends that I have ever had are among the colored people and they are always exhibiting a great interest in my future and welfare while I am at home.

So far as the present bill under consideration is concerned, I resent the fact that South Carolina was included in the number of States to be policed by the Federal Government.

During the 14 terms I have spent here as a Member of Congress, I have not received one complaint from one colored person stating that he was prevented from voting freely in the State of South Carolina. In fact, I have spent more funds during my political campaigns in South Carolina in trying to get both colored and white to register and vote than on any other item in connection with my campaign.

I hope the people responsible for writing this legislation and the supporters of this unreasonable proposal have some magic plan whereby they can compel both the colored and white to register and vote than on any other item in connection with my campaign.

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the State spent much less on his education than it did on that of his white contemporary.

Congress should have no hesitation about prohibiting poll taxes and I urge that it do just that in the voting rights act of 1965. If it does anything less than that, Congress will have done only half its job.

We cannot refuse to act because some persons doubt the constitutionality of our action and shy away from taking a firm stand on this issue.

They use for an excuse the fact that the levying of poll taxes in national elections was unconstitutional. But this is the time to disregard the constitutional amendment rather than by legislative action. How can this method chosen for its expediency be cited as proof that legislative action banning poll taxes is unconstitutional? Five times since 1939 this House has passed anti-poll tax legislation into law. Now that the 24th amendment is part of the supreme law of our land, we are asked to swallow unquestioningly the untenable theory that only what the Constitution says to those among us who desire to eliminate the poll tax and the ugly abuses which inevitably accompany it when it is tied to the right to vote is constitutional amendment. Mr. Chairman, I do not accept this rationale. I believe that not every legislator who opposes this ban is doing so for selfish reasons.

Many of the most devoted advocates of civil rights are doing so because they honestly believe that our constitutional authority to take such action is open to question. I respect these men and the position they are taking. However, I would ask them to reconsider that position. The House Judiciary Committee is of the opinion that legislative action in this area is not only constitutional but is also very necessary. Many noted lawyers and legislators share this opinion.

Until the legislation is actually passed and the issue is before the Supreme Court, this issue can never be settled. In view of recent Court decisions in the field of civil rights, there is little reason to expect a turnabout when the same Court determines the validity of anti-poll tax legislation. In fact, congressional action at this time could do much to strengthen the case against the poll tax. The Justices of our highest Court would not take lightly the position expressed by this Congress. I believe that we as representatives of all the people have a moral obligation to see to it that all the people who desire to vote should have the opportunity to do so. A price tag tied to the voting right obviously restricts that right. It is our duty to tear off that price tag wherever we find it.

To condition the right to vote on the payment of a tax which falls more heavily on nonwhites than on whites abridges the right to vote on account of color. The argument that any head tax falls more heavily on nonwhite voters than on white cannot be disputed. According to the 1960 census, the average white family income in Virginia was $1,991 times that of the nonwhite family. That multiplication rises to 2.02 in Texas, 2.37 in Alabama, and 2.91 in Mississippi.

The proponent of poll taxes admits that poll taxes fall more heavily on Negroes but reminds us that the 15th amendment has already taken that action of abridging the right to vote. The four States, he says, had nothing to do with the fact that Negroes do not earn as much as whites. Therefore the States are not responsible for any account of color when they condition the right on payment of an equal tax by voters of all colors.

The validity of this argument stands or falls on the truth of his minor premise: "the four States had nothing to do with the fact that Negroes do not earn as much as whites."

Did they? It is true that in its opinion the Court said:

A law that is fair on its face and is also fairly administered is not rendered invalid even if its enforcement is discriminatory in the manner of its administration. Negroes in Tallahatchie County, Miss., and elsewhere, tried year after year to pay their poll taxes but could find no official willing to accept them.

But this opinion would apply to poll tax laws only if they had been administered fairly and without discrimination. Instances can be cited, however, to prove that this has not been the case. The laws were passed by legislators who intended them to be discriminatory and administered by officials who made certain that they were applied in a discriminatory manner. Negroes in Tallahatchie County, Miss., and elsewhere, tried year after year to pay their poll taxes but could find no official willing to accept them.

Defenders of the poll tax invariably point out cases in which the Supreme Court upheld the constitutionality of the poll tax laws. They would have us forget, however, that none of these cases involved a poll tax law fairly administered. The validity of the poll tax laws in face of these built-in abuses has never been tested.

We know also that the Supreme Court held in Brown v. Board of Education, 347 U.S. 483, 493, 495, 1954, that separate educational facilities are inherently unequal and that even though physical facilities and other tangible factors provide equality by these States for Negroes is not equal.

The number of books per pupil in school libraries illustrates one gap between white and Negro schools. In 1940, Negro schools and white school libraries and only 6 per pupil in Negro schools. By 1950 the figures had risen 4.4 and 2.1, respectively.

The disparity between current annual expenditures per white and Negro pupil is another index of unequal educational opportunities. In 1940, Alabama spent $41.71 per white pupil and only $7.34 per Negro pupil. Even in 1952, when States began to realize that they would not be able to maintain segregated schools unless they were truly equal, Mississippi spent $117.43 per white pupil and only $35.27 per Negro pupil. Are these figures indicative of equal educational opportunities? Mr. Chairman, I do not accept this rationale. This is an unreasonable classification, this one which bears no relation to a man's capacity to vote. To make it is to deny the right to vote those who are not able to pay a poll tax because they do not have the money to buy it.
Someone has said that the power to tax is the power to destroy. Let us assume for a moment that a State really does have the power to impose a tax on the right to vote. Is there any limit on the power? What if the tax were $10 instead of $10,000? Or what if the tax were one of these figures, depending largely on the amount which would discourage him from voting, every man will exclaim "But that amount is unreasonable." To deny him the right to vote is to deprive him of his right to participate in a re-publican form of government. I say to you that Congress will not have done its full constitutional duty until it has prohibited the States from depriving the poor man the right to vote because he is poor. And to require the rich man to pay the poll tax, simply because he can afford to do so, is equally unreasonable.

The most abusive and discriminatory practice involved in the levying and collecting of the poll taxes is that of making them cumulative for the entire period of liability. The poor person or the Negro who might be able to pay $1 would have to pay $100.00 if he were not allowed to vote. If he pass legislation that would eliminate other discriminatory practices, we can expect the States which have tried for years to restrict the voting right to rely more and more heavily on the poll tax as a means of doing so. By raising the tax and making it cumulative they would be able to defeat the purpose of our voting rights bill. It is our job in this session of Congress to outlaw their last attempt to eliminate it now, we will be faced with it next year and the year after that until finally we take the bit between our teeth and do something about it. And I ask you—why wait when we can do something now?

Racial discrimination is like gangrene—if the surgeon's knife cuts out only part of it, the remainder will spread its poison to other parts of the body. If we may use this slogan, it would mean only some of the abuses the remainder will fester and spread. We all have a vital stake in the preservation and enhancement of representative government. Not only is it essential that the right which makes representation a really operative principle of government be eroded away by discrimination. This right—the right to vote—must be preserved. By passing a voting rights act which includes a prohibition against poll taxes linked to the voting privilege we will do much to secure that right for all of our citizens. I ask Is this unreasonable?

Mr. RODINO. Mr. Chairman, I yield such time as he may desire to the gentleman from Georgia [Mr. O'NEAL].

Mr. O'NEAL of Georgia. Mr. Chairman, the supporters of this bill are ob-viously not interested in voting rights. If the law is working, the Negro should have used it. There are many cases where they would have taken. This bill, placed together with bailing wire and politics, is designed to persecute the South and apease the power grabbers. It has long been a popular game in Wash­ington.

We do not deny that in some isolated places, North and South, there have been some malpractices in the area of voting rights. But rectification of these rare cases does not require the complete destruction of State powers to establish voting requirements. If the administra­tion is sincere in its desire for voting rights, it would use existing laws to ac­complish an end. The President has asked Congress to arm him with a baseball bat to swat flies.

There is no doubt that the bill before us was deliberately designed to discrimi­nate against certain States. To my colleagues who represent States not af­fected by this bill, I appeal to your sense of fair play and your ability to reason. To play with complicated formulas, to make and break promises, and to aim punitive laws at certain States violates both the letter and spirit of our Constitution.

In an earlier statement to the dis­tinguished Members of the body I ques­tioned the constitutionality of this bill. While my questions have not been satis­factorily answered nor my reservations allayed, I will not repeat the same ob­jections. My primary desire is to impress upon you the grave ramifications involved in supporting such a bill as the one we are now considering.

Do not be deceived by the fact that your State is not directly concerned with the legislation. Remember as you vote that no State is an island. Every State is an interlocking part of the whole. When the constitutional rights of one State are destroyed, the rights of others are also affected. Likewise, when the governing process of one State is weakened, so is the privilege of self­government for the others.

Gentlemen, my State along with se­lected others in the South is the victim of men with low ambition for retribu­tion. This Congress may well be com­pared with a lynching mob if the voting rights bill is passed. The majority, being used to prevent Negro citizens from voting, will cast their ballots with the hope that Negro applicants must be judged by the same lenient standards of fair play and your ability to reason.

The majority of us hoped that the Civil Rights Act of 1964 would solve the problem of discrimination in voting but this has not been realized. The basic reason for the failure of the 1964 act is that complete and massive resistance to it in certain selected areas had to be met. The District of Washington State, I have worked with the Department of Justice on these matters since 1961, and I know of the conscientious effort of the Department to make the Civil Rights Act of 1960 and 1964 work. For example, in one lawsuit in one county in Alabama the Depart­ment was required to spend 6,000 man­hours analyzing voting records in order to present one suit. In each suit there has been an attempt to limit the vote and then of the injunction and often thereafter of the enforcement of the in­junction.

The basic problem is a simple one. In certain areas of our country this system has been used to prevent Negro citizens from registering and voting. The report of the Civil Rights Commission and the testimony presented to the House and Senate Judiciary Committee make this very clear. They demonstrated that our system is flexible enough to use a series of discriminatory devices such as discriminatory applica­tion of literacy tests, intimidation, poll taxes, requiring already registered voters to vouch for a new registrant, and legal interpretations of complex sections of various State constitutions. In many Southern States such as Alabama, regis­tration is permanent and, therefore, white citizens have been registered for many years and are thereby required to take new and complicated tests. In many cases in the past, the literacy test has been applied in a cursory manner to white citizens.

For example, in some examples, in Dallas County, Ala., of which Selma is the county seat, the Justice Department filed a case on April 13, 1961. Dallas County has a voting age population of approx­i-mately 29,500 of whom 14,500 are white and 15,000 are Negroes. In 1961, 9,195 white persons or 64 percent of the voting age total were registered, whereas only 156 Negroes were registered.

The Department of Justice proved discrimination on the part of the registrars and found that exactly 14 Negroes had been registered between 1954 and 1960. The suit that was filed on April 13, 1961, took 13 months to come to trial and the result of the trial of one of the registrars was in office and they were not discriminating and therefore refused to file an injunction. On September 30, 1963, 2 ½ years after the suit was filed, the Government of the United States de­cision and ordered an injunction against discriminatory practices, but it refused to hold that Negro applicants must be judged by the same lenient standards
that had been applied to white applicants during the past. Since registration is permanent, the white registrants were not required to take new tests. In November 1963, the Department of Justice notified the registrars in Selma and showed that the new registrars were blatantly discriminating. Between May 1962 and November 1963, 445 Negro applicants were rejected. Of these applicants, 175 had been rejected by registrars with at least 12 years of education including 21 with 18 years of education and one with a master's degree. In October 1963, when most of the applicants were Negro, the number of persons allowed to fill out forms for registration was only a quarter of the average in previous years when most of the applicants were white.

A new test was devised in 1964 in Alabama to prevent Negro registration. Applicants in Selma were required to spell such difficult and technical words as "emolument," "impeachment," "appor­tionment," and "despotism." Applicants were required to give an interpretation of examples of constitutional and federal law. On March 4, 1964, the Department of Justice filed another case and on February 4, 1965, nearly 4 years after the Department first brought suit, the district court finally enjoined use of the complicated literacy and knowledge of government tests. We hope this decree will be effective but after 4 years of litigation only 383 out of 15,000 Negroes in Dallas County have been registered to vote.

This was the condition in Selma.

The Civil Rights Voting Acts of 1960 and 1964 set up judicial procedures by which the Attorney General could challenge discrimination in voting. The example I have given above is a small capsule of what has happened in the application of this act of Selma. I want to stress that in many other communities in the South the Civil Rights Voting Acts of 1960 and 1964 have been successful and Negro registration is proceeding on a fair basis, and I commend these southern communities for their actions.

Hard-core discrimination remains in several counties in certain other States. This discrimination is apparent by two easily identifiable signs. These two indicators establish a pattern of discrimination when combined. The signs are, first, a literacy test, and second, less than 50 percent of the total eligible voting population being registered or voting in the last election.

We are now dealing with hard-core discrimination. This has required a direct attack on the problem under the Constitution of the United States, amendment XV which 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.

Section 2 clearly authorizes the Congress to deal with discrimination in voting because of race or color. I favor the remedy of H.R. 6400 as being absolutely necessary to deal with the problem. I have examined the Republican alternative, H.R. 7896, and from the debate I understand that certain of our southern colleagues are joining with the Republicans to support this bill.

I believe a new case-s­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­­}&
from voting and that they do not want to discriminate on race or color. H.R. 6400 is only designed to correct abuses, and all any State has to do to avoid its provisions is to open its polls to all of its citizens on a nondiscriminatory basis.

Mr. RODINO. Mr. Chairman, I yield such time as he may desire to the gentleman from California (Mr. Burton). Mr. Chairman, I rise to support H.R. 6400, the voting rights bill. This measure, to enforce the 15th amendment of our Constitution, is long overdue. This amendment was adopted in 1870. Yet, today—95 years later—there are still citizens in our land who are denied the right to vote, in violation of the 15th amendment, because of their race. This is an intolerable situation for which this Congress must help supply a remedy. The strongest possible voting rights bill is a step in the direction of providing that remedy.

If democracy is to be made a reality for all the people of the United States, we must assure every citizen the right to register and to cast his vote. This is the very basis of our democratic system. We must see that effective legislation puts an end to the harassment and intimidation of those who seek to register and to vote. We must make it clear that the violence and brutality worked upon those who seek to exercise their basic constitutional right to vote is the concern of all Americans and of this Congress. This is a mandate which this Congress cannot ignore and which requires the passage of the voting rights bill.

Mr. RODINO. Mr. Chairman, I yield such time as he may desire to the gentleman from Washington (Mr. Meeds).

Mr. MEEDS. Mr. Chairman, I consider my support and vote for this legislation to be my most significant contribution to the cause of civil rights. I consider it thus because this bill strikes at the core of one of the greatest deprivations of civil liberty our Nation has known—of a right which lies at the base of all rights of freemen.

When it is clear, as it has been made clear by recent events, that people are being systematically deprived of a right to register and vote, the Federal Government has not only the right but the duty to protect this guarantee. As a lawyer I would rather have seen this matter resolved in the courts, but our experience teaches us that the judicial procedures thus far promulgated are not sufficient to deal with the ingenuity of those who would deny certain segments of our population the right to vote. In those communities where there are conscious efforts to keep any individual from the polls. There are many instances in which the courts have found after 4 years that a given individual must be registered.

Mr. Chairman, it seems to me that no Member of this House would stand up and defend a system which requires a person to proceed for 4 years of litigation to obtain a right which is guaranteed by the Constitution and which this Congress has a duty to enforce.

I have heard some describe this act as an act of discrimination against certain States of our Nation in that it would apply to only a handful. I say this: This is not a discriminatory act, but the States to which it would apply have put of the road of all those who would use discriminatory activities in those States will never receive their right to vote without the passage of this type of voting rights bill.

It is said by others that we have no right to outlaw the use of literacy tests as a measure of qualification to vote. To this I point out first of all that literacy tests are unconstitutional in the United States. Further, literacy tests would be abolished only in those States which met the criteria of the bill—less than 50 percent registered or voting.

In three of the States which would come within the triggering device, evidence is overwhelming that the literacy test has been used as a method of denying the right to vote. The Department of Justice has instituted 12 voting discrimination suits in Mississippi, 11 in Arkansas, and 14 in Louisiana. No voting discrimination suit has ever been instituted without a judicial finding of racial discrimination by either the district court or the circuit court of appeals. These cases thus far defined in these three States the courts have found discriminatory use of tests and devices. Perhaps the most sinister aspect of the literacy test, however, is the fact that it is subject to unfair administration. Time after time we see evidence of the objective judgment of the examiner shaded in favor of whites as opposed to members of the colored race. To retain such tests after the passage of this act would merely freeze the present registration disparity created by past violations of the 15th amendment.

One of the greatest arguments made against H.R. 6400 is that it abolishes the poll tax. I have always been opposed to poll taxes and have always felt that placing a monetary value upon the right to vote is indeed a violation of not only the 15th, but the 14th amendment. The poll tax is indeed a violation of not only the 15th, but the 14th amendment. I am very sure that in those days no Republican Congressman from Michigan would have dared to join with Southern Democrats in watering down a voting bill to open the polls to Negro voters in States where now they are all but disfranchised. NEGR0 VOTE KEPt ILLINOIS REPUBLICAN

My adopted State of Illinois for many long years was hopelessly Republican, but this was largely true because the Negro vote was overwhelmingly Republican. It may come as a surprise to some, but it is worth noting, that in all the long years that Illinois was safely in the Republican column the margin of Republican victory as a rule was less than the Negro Republican vote. In those years no Republican Congressman from Illinois would have dared to join with Southern Democrats in watering down a voting bill to open the polls to Negro voters in States where now they are permitted neither to register nor vote.

The first political speech that I made was in the African Methodist Church in Benton Harbor when I was a high school boy. I remember vividly when I was accosted by the good folks of Benton Harbor, Mich., High School. I am in that photograph and on my right are a Negro teammate and schoolmate and immediately back of me is another Negro teammate and schoolmate.

That photograph was taken 66 years ago and is the same as the one which lies at the base of all rights of freemen.

Yet, today—95 years later—there was no discrimination on the lines of color and race and if there was any discrimination of any sort, except that based upon character, it was so rare and exceptional that it never came to my attention.

I always have been conscious and appreciative of my great good fortune in being raised by parents whose faith was in an everyday democracy in a community where there was no discrimination on the lines of color and race and the visitation of discrimination that operate to close the mind and the heart to the concept of a God and all mankind of all races and all colors His children.

NEGR0 VOTE KEPti ILLINOIS REPUBLICAN

There were quite a number of Negro men in Benton Harbor, Mich., and we were treated the same as their white neighbors, and the Negro women did not vote nor did the white women because at that time all women were disfranchised. Almost since the Negro men of 21 and past voted the Republican ticket, and this was understandable since they remembered Abraham Lincoln as the emancipator and the Democratic strategy was still based on the solid South plus one or two of the larger Northern States.

I am very sure that in those days no Republican Congressman from Michigan would have dared to join with Southern Democrats in watering down a voting bill to open the polls to Negro voters in States where now they are all but disfranchised.
there year after year, election after election, despite the fact that Congress after Congress, overwhelmingly under Republican control, did absolutely nothing to change the registering and voting practices of Southern States that closed the door on Negro voters.

DEPARTMENTAL CRUSADE OF MORALITY

Mr. Chairman, interrupting briefly the continuity of what I have to say, I pause here to remark that in the legislative pursuit of objectives of morality there is no place for the play for partisan advantage.

I deeply regret that in the consideration of the present bill there has been a departure from that which we witnessed in this Chamber in 1964 and which gave thrill and inspiration to all mankind. Democrats and Republicans working side by side for a cause in which all believed and cherished so preciously that none would think to mar with partisan grasping the crusade of morality.

The plain blunt truth is that the overturning down of this bill would mean the defeat of all for which good people of both parties have so long and valiantly been battling. If this were not already apparent to me, certainly it came as plain as the hand held before the eyes when opponents of civil rights and voting reforms urged the adoption of the Republican substitute over the administration bill.

You do not have to be smart to see what has been painted out for you in letters as high as a giant.

It is the true legislative medicine in the administration bill is strong, but may I respectfully suggest that ill as deeply rooted as those we attack are not subject to the aspirin treatment.

INFLUENCE OF GROWING-UP YEARS

Now, Mr. Chairman, I shall return to a narrative of the circumstances of my upbringing that afford the reason for my being what I am. In my sincere accept­ance of the order and the philosophy of their upbringing that afford the reason for my believing, too, that others who grew up in a different social climate cling loyally to that old order as far as the enduring status quo. But the change is coming, and to know that it is all for the good.

Change, Mr. Chairman, is life. Without motion, which is change, there would be no life.

There is no permanent status quo, although it happens that an established order endures through several generations, its gradual diminution unnoticed, and its adherents come to look at it as a permanent and sacred thing. Then comes the revelation of the change that has been taking form all the years, and it comes as a shock.

The fact is, Mr. Chairman, that what the white man has accomplished was the enactment of the most sweeping civil rights law in history and what the 89th Congress is on the eve of accomplishing with the enactment of a voting law that really and truly will open the ballot boxes to Negroes and women, Mr. Chairman, is not come of a sudden and unannounced.

RIGHT OUTLINES THE FOOT THAT CRUSHES IT

They were long in coming, but each year brought them closer.

Right is immortal. It may be crushed to earth but it outlines the foot that crushes it. That is the story and the history of mankind. These are the lesson of the ages, illustrated in every upward push of man in his long climb from the caves, after each slipping back, ultimately another forward plunge that reached heights never before attained.

Mr. Chairman, I came to the Congress in 1949. I then was 67 years old and had lived a full life. I resolved that in this body as long as the good Lord gave me the strength and my constituents at home in their goodness returned me I should never spare myself in combat against discrimination in every form and in every manifestation whenever it showed its ugly face.

I have been in every fight for civil rights and for voting equality, for laws against lynching and poll taxes, and all the line of cruel and undemocratic prac­tices that those 88th Congress accomplished in the 20th century. Political philosophers then were saying that wherever the banana grows man is incapable of self-government. A President of the United States publicly proclaimed that he had never been bred with a Negro. John L. Sul­livan disclaimed being champion of the world because he said he would not lower the white race by entering the same ring with Peter Jackson, a Negro.

In my view, the time has come something transpired that left me with an iner­faceable memory. It was before the turn of the century. The memory that with me is inerfaceable is framed with the vivid background of a gorgeously beautiful sunset in the tropics. My father was talking to a great physician of South America, one of the outstanding physi­cians of the world at that period. This man was telling me something that I shall never forget because I place in my heart and mind the expression of his affection for the United States. My father remarked that hav­ing such great admiration for our country he hoped that this great physician someday would visit our shores. The expression on the physician's face changed, "That I cannot trust myself to do," he said.

"I want always to go on admiring the great contribution that the United States has made to all the world and to all of mankind, but if I went to New York or Chicago and were not admitted to one of your hotels because there is Negro blood in my veins could I understand?"

Later a few years there was another experience. I was on duty with two Cuban Negro soldiers, penetrating within the Spanish lines at Santiago. We were lost in hostile territory. We had one canteen of water and that one canteen was half full. We had the thought that some of the lips that touched the canteen were white and some were black. Never after that could I understand why in my own country, my own blood had the right to the land that I was defending.

In the struggle for the last stand, the Negro fought shoulder to shoulder with the white. The Negro soldier was to the white soldier a brother.

The gallant little band of my colleagues making the last stand for the status quo will be proven as groundless as were the fears of countless other gallant little bands in the history of the world making the last stand for the status quo.

Again change is ushering in new orders advancing the dignity and the content­ment of mankind. The bill we in this House will pass this week will mark another milestone in our country's march to perpetual freedom, as the servant under God of all mankind.
NEAR THE END OF LONG HARD FIGHT

Mr. Chairman, those remarks were made in this Chamber 9 years ago this month of July. Even 7 years before that we had fought all through the day and all through the night until near 5 o'clock in the morning for some semblance of recognition of the civil rights of all Americans. I was happy and felt privileged that in this it was given unto me to play a part in the beginning of it all. Although it may have been, I then being in my first term.

It indeed has been a long hard fight.

With the enactment of H.R. 6400 I shall have a sense of security that the cause of equality in opportunity, in the enjoyment of all the blessings, responsibilities, and privileges of running a free and a happier country because of color.

Mr. Chairman, ours will be a greater and a happier country because of what now we are about to do. Strength that is rested on morality is an enduring strength. Strength that is rested on the belief in which all citizens share according to worth and without distinction on lines of race, color, religion, station, sex, and may I add age, inevitably must produce the kind of government that can never be wiped from this earth.

No race can live alone. By all of us blessed with American citizenship working together, one for all and all for one, voting together and working together on a basis of equality and mutual respect, all that the Lord of our creation intended for us will fall to our lot.

I think, too, Mr. Chairman, that we have learned that in the world of today, narrowed as it has been by quick means of transportation, no nation can live alone. Surely if we as a nation have set the pattern in unity envisioned in the legislation we are here considering its influence cannot be lost on the world.

JUDICIARY, A HARD WORKING COMMITTEE

I cannot close without adding my voice to the heartfelt appreciation of the great chairman of the Judiciary Committee, Mr. Celler, whose stout championship of the cause of civil rights during many long years constitutes an epic in the legislative history of our country. I also join in expression of appreciation of the large contribution of the gentleman from Colorado [Mr. Ross], the gentleman from New Jersey [Mr. Ronco], and the others on the committee who worked so long and hard in a difficult and complex field, and not forgetting William R. Foley, the able and dedicated general counsel of the committee. While I regret that the distinguished ranking minority member of the Judiciary Committee, Mr. McCulloch, loaned his name to the watered-down substitute here offered, I cannot forget, nor should the country forget, that he stood, shoulder to shoulder with the Chairman, Committee on Rights in those long days in 1964 that ended with the enactment with bipartisan support of the greatest civil rights law of all times.

I think, Mr. Chairman, all my colleagues will agree that the quality and character of the membership both Democratic and Republican of the Judiciary Committee is extraordinarily high, a source of pride to all of us.

Mr. RODINO. Mr. Chairman, I yield to the gentleman from California [Mr. DYAL].

Mr. DYAL. Mr. Chairman, I stand in support of H.R. 6400. As one of those members of this House who visited Selma and observed this discrimination legislation. It should be passed without qualification or amendment, and its passage should do much to bring constitutional freedom to all of our citizens.

Mr. McCULLOCH. Mr. Chairman, I yield to the able and dedicated general counsel, Mrs. Dy vexy [Mrs. Dwyer] such time as she may require.

Mrs. Dwyer. Mr. Chairman, just 1 year ago last week, the President signed into law the most far-reaching civil rights legislation since the Reconstruction era. It was a thoroughly bipartisan measure, and its enactment was an occasion for much congratulation on the strength and promise of the system of freedom which was begun in Philadelphia 189 years ago.

It is, therefore, both timely and ironic that Congress should now be considering such fundamentally important legislation as the voting rights bills before us. Temporarily, in that our continuing dedication to individual freedom compels us, in the aftermath of Independence Day, to make another attempt to fulfill the promise of freedom inherent in the Declaration; and ironic, because nearly two centuries after men fought and died to be free and to bequeath freedom to their survivors there are millions of Americans who have never known what freedom is solely because of the color of their skin.

In the face of past failures, Mr. Chairman, it is absolutely essential that Congress enact a law which can—within the limits of reason, justice, and constitutionality—be enforced swiftly and effectively to secure the right to register and vote in local, State and Federal elections to all qualified citizens. We cannot afford another empty gesture. Caution about the wisdom of such a measure is not to be allowed again to turn us away from the clearly defined objective which lies directly ahead. How much longer can we expect Negro Americans to accept our assurance of good will in place of effective action?

Fortunately, there is little, if any, dispute about the need for or justice of guaranteeing the right to vote. Nor is there any substantial difference of opinion between those of us who have been denied that right illegally and unjustly. The facts are, after all, overwhelmingly and depressingly persuasive: Negro citizens have been prevented from exercising their right to register and vote by force and the threat of force, including murder, arson, violence, brutality, and social, economic, and psychological intimidation. There have been overwhelming and persuasive documentation provided by the U.S. Commission on Civil Rights and the first-hand accounts of numerous trained and objective observers to be convinced of discrimination and the inhumane methods used to enforce this form of racial segregation. State and local governments have openly and covertly encouraged the deprivation of the voting right of their Negro citizens-deliberately, systematically, and often with the full support or protection of State and local law.

Despite almost universal agreement, at least in principle, that the right to vote belongs to all qualified citizens and in the face of solemn legislative determinations and judicial decisions to enforce that right, State and local governments have persistently and ingeniously and, on the whole, successfully withstood the efforts of law and judicial procedure to thwart the intent of the law and the meaning of the Constitution.

They have been so successful, in fact, that they have convinced most Americans that the election system is inoperative, the laws are not enforceable, and the courts are not effective.

I stand in the firm belief that the time has come for Congress, as the sovereign body having the power to enforce the 15th amendment to the Constitution, to assume the responsibility for amending our national laws to make good the trust and confidence that the people of the United States have for the Constitution, and so to provide for the guarantee of that right that we have long striven to secure and to take the first step toward its implementation.

The real question before us, Mr. Chairman, is not whether we shall enforce the voting rights guarantees of the 15th amendment but how. We have before us two basic alternatives: the committee bill and the Ford-McCulloch bill. Amendments will undoubtedly be offered to one or the other in an effort to improve the final version of the legislation.

In common with many of our colleagues, I believe, I have mixed feelings about both of the bills. Each, in my judgment, would be a constitutionally valid exercise of Congress' power to legislate in the voting rights field. But each has its weaknesses. Each could be strengthened, but not to the point of losing some of the strong points that the bills have. The Ford-McCulloch bill has the advantage of giving the Federal regulatory agencies seems especially appropriate. Congress has the power to enforce the 15th amendment to the Constitution, just as it possesses the power to regulate interstate commerce, and the administrative processes which we shall provide for that purpose will be equally as appropriate and constitutional as those under the Interstate Commerce Commission and the Federal Communications Commission.

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July 8, 1965

CONGRESSIONAL RECORD - HOUSE

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ing rights bill. We must, therefore, de-
cide for ourselves which of the bills, with
which the people have given us the duty
of removing—one and for all—the bar-
riers of discrimination, prejudice and in-
humanity which have for generations
denied to our Negro fellow citizens their
most precious constitutional right.

In doing this, Mr. Chairman, let us re-
solve to make this bill as effective as pos-
sible, as fair and workable as possible,
and as quickly and cleanly enforceable
as possible. We cannot, in good con-
science and in the eyes of history, do less.

Mr. RODINO. Mr. Chairman, I yield
to the gentleman from Ohio [Mr. ASHLEY].

Mr. ASHLEY. Mr. Chairman, the ma-
jority of us are agreed, I think, that the
pending legislation is necessary, that
voting discrimination is rampant in
many parts of our country, both North
and South. Surely we are aware of the
language of the 14th amendment which
for 95 years has been an integral part of
the Constitution.

Section 1 provides that the right to
vote shall not be abridged because of
race, color, or previous condition of
voting. Section 2 of the amendment spe-
cifically states that Congress shall have
the power to enforce this article by ap-
propriate legislation. This has been the
law of the land for 95 years. Mr. Chair-
man, but who among us can deny that
this law has been flagrantly denied and
broken each and every year since it be-
came part of our Constitution.

The legislation before us is no more
than the outcome of our long overdue—
to enforce the 15th amendment by outlawing voter discrim-
ination.

The real question we are concerned
with, I think, is the scope of the remedy
to be provided. Surely enough evidence
has been presented to justify action by
this body which will bring an end to the
discriminatory tests and devices which
bar Negro citizens from exercising their
right to vote. Ridding ourselves of so-
called literacy tests which in one section
of the country require that a dark-

skinned citizen be able to recite and in-

terpret the Constitution, while in other
sections the colored voter is compelled
to know only how to sign his name.

And just as surely we must recognize the
need for impartial Federal examiners in
districting those areas where there continues to be a pattern of denial of the right to
discard or vote.

Nor can we overlook the inconsistency of
banning literacy tests as a prerequisite
to voting while at the same time leaving
untouched the poll tax—which is actu-
ally an even more widespread and ef-
fective means of discrimination. While
the 24th amendment abolished the poll
tax in Federal elections, it did not cover
State and local elections. The assump-
tions which that amendment would not be neces-
sary because it would be impractical for a
State to maintain separate voter lists for
Federal and State elections.

This assumption, unhappily, has
proved to have been totally without foun-
dation. It has been the practice of some to
circumvent guarantees of the 14th
and 15th amendments. In my view,
however, it is properly within the pur-
view of the Congress, as a means of im-
plementing these amendments and the
language of the Constitution, to say once
and for all that failure to pay poll taxes
will no longer be a barrier to registration
or voting.

In closing let me say that there is no
issue more fundamental to the preserv-
aion of our democratic process than the

guarantee that all our citizens have a
right to vote without regard to race or
color. The time is at hand for us to
end this intolerable practice of disen-
circling our fellow citizens for this and all
generations to come.

Mr. McCULLOCH. Mr. Chairman, I
yield such time as he may desire to the
gentleman from California [Mr. DON H.
CLAUSEN].

Mr. DON H. CLAUSEN. Mr. Chair-
man, once again, we find ourselves de-
liberating on the question of providing
adequate voting rights for our citizens.

Once again, we must offer legislation for
opportunities, free of discrimination, for a
qualified individual to exercise his right
to express himself in the election booths
throughout the country.

The members of the Judiciary Com-
mittee have worked themselves very
well on the subject and I believe there
is very little that I can add that would
alter the final outcome.

I do want to take a moment to single
out one member of the Committee for
his outstanding work to advance the civil
rights cause in America. Quite frankly,
I do not believe he has been sufficiently
recognized and thanked for his brilliant
leadership on the floor of the House
Civil Rights Act of 1964. Were it not
for his great effort, I doubt very much
that the bill would have passed.

I am referring to none other than the
very able and distinguished gentleman
from Ohio [Mr. McCulloch]. There has
never been a Member of Congress de-
serving of more respect than BILL Mc-
Culloch. He is completely fair, totally
honest, and truly must be categorized as
integrity personified.

Last year, during the civil rights de-
bate, I listened intently, primarily be-
cause it was my first exposure to debate
on this vital subject. It was at that time,
I became sold on BILL McCulloch and
his approach to civil rights legislation.

After listening again this year, I see no
reason to change my feelings and I will
once again follow the leadership of this
great and courageous man. I will sup-
port his voting rights bill because it is
designed to get to the heart of the dis-

crimination problem.

As we seek legislative resolutions and
offer recommendations, I believe we must
keep two basic aims firmly in mind:
first, the bill we adopt must be upheld
as constitutional by the courts and sec-
ondly, it must serve to win as much vol-
untary compliance as possible.

There has been a lot of talk about
the voting rights legislation we adopt,
being confined to only a few States. I
cannot agree with this. I'm convinced that we
must stamp out discrimination in all the
50 States and in the territories.

There has also been suggestions that
we eliminate literacy tests. I think this
would be a dangerous precedent and
should be rejected. This could set the
stage for the purest form of "bought off"
without these people knowing what
they were doing or voting for. Certainly
we are trying to improve the opportunity for the individual to express
himself at the polls and not set the stage
for just a few more unscrupulous political professional or group.

The dignity and self-respect of the
individual must still reign supreme if this
democracy in a Republic is to properly
function and flourish. The fact that a
minimum literacy requirements are
a prerequisite to attainment of natural-
ized citizenship should be ample justifi-
cation for holding to the test in our vot-
ing rights bill. The Civil Rights Act of
1957, passed with President Johnson's
support, when he was the Democratic
majority leader included a provision
that a person was not competent for
Federal jury duty unless he could read,
write, speak, and understand the Eng-
lish language.

Of course, we must all recognize that
the States, where illiteracy continues,
have a continuing responsibility to see
that their educational efforts are ade-
quately supported so that all of our citizens are not restricted. But I do
believe this problem has to be resolved
separately. Once again, I must reiterate
very strongly—for those of you who want
to preserve States rights, you have no
choice but to accept and support States
responsibilities.

In conclusion, Mr. Chairman, the
voting right must be provided to every
qualified voter in this land, without dis-
crimination on a basis of race, creed, or
color—the 15th amendment to the Con-
stitution grants and guarantees this.

But, the individuals throughout America
should also recognize this right as a
prerogative and a responsibility.

Rights and responsibilities go hand
in hand. One of the reasons I feel so
strongly about equal rights is contained
in this question, "How can you hold
hundreds of millions of our citizens
not to exercise their God-given rights?"
But once granted these rights, the individual must
then exercise his responsibilities as a
citizen, in a manner befitting this great
privilege.

One final thought, the challenge to
America still remains—we must be con-
stantly vigilant and responsive to the
task before us, the development of our
human resources to the maximum—ever
mindful of our role as the leader of all
democracies throughout the world. Amer-
icanism and our free, constitutional Fed-
eral system need to be exported and
implemented in the developing nations
as rapidly as possible. I believe our fu-
ture security depends upon it. But,
again, we cannot retain the confidence
and respect of people abroad if we don't
practice what we preach" here at home.

I believe our only hope is to commit ourselves to eliminate
discrimination everywhere in
this country. For this reason, I un-
dedly once again to follow the leadership
of BILL McCulloch and vote to enact his

Mr. Chairman, I yield 5 minutes to the
gentleman from Idaho [Mr. HANSEN].
Mr. HANSEN of Idaho. Mr. Chairman, I would like to direct a question to the committee chairman, the gentleman from Colorado. I would like to get a clarification briefly of what are the devices being employed for enforcement and for the ascertaining of what is a violation of this proposed voting rights bill.

The COMMITTEE CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. MCCULLOCH. Mr. Chairman, I yield 5 additional minutes to the gentleman from Idaho.

Mr. MACGregor. Mr. Chairman, will the gentleman from Idaho yield, for a reference pertaining to his own State?

Mr. HANSEN of Idaho. I yield.

Mr. ROGERS of Colorado. If you will examine section 3 of the bill you will find that the Attorney General may file an action under any statute of the United States for the enforcement of the 15th amendment. Now, the 15th amendment says that no State or the United States shall deprive a citizen of the right to vote because of race, color, or previous condition of servitude. The same amendment also provides that Congress shall have the right to enforce the provisions of this amendment.

Section 4 provides a method whereby if a violation of the right has been determined in those areas where less than 50 percent of the people are registered to vote, or less than 50 percent voted on November 2, 1968, they will use, by this law, if it becomes a law, to determine whether there has been discrimination in any given area?

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

Mr. HANSEN of Idaho. I yield.

Mr. ROGERS of Colorado. If you will examine section 3 of the bill you will find that the Attorney General may file an action under any statute of the United States for the enforcement of the 15th amendment. Now, the 15th amendment says that no State or the United States shall deprive a citizen of the right to vote because of race, color, or previous condition of servitude. The same amendment also provides that Congress shall have the right to enforce the provisions of this amendment. Now that is the basis of this question?

Mr. ROGERS of Colorado. Section 4 provides a method whereby if a violation of the right has been determined in those areas where less than 50 percent of the people are registered to vote, or less than 50 percent voted on November 2, 1968, they will use, by this law, if it becomes a law, to determine whether there has been discrimination in any given area?

Mr. HANSEN of Idaho. I thank the gentleman.

I should like to ask one additional question of the committee chairman or his spokesman. I should like to have an answer in 10 words or less.

Do you consider prostitutes to be covered under the 15th amendment?

Mr. ROGERS of Colorado. Prosecution for violation of the law?

Mr. HANSEN of Idaho. Do you consider prostitution to be covered under the 15th amendment?

Mr. ROGERS of Colorado. Prosecution for violation of the law?

Mr. HANSEN of Idaho. Do you consider prostitution to be covered under the 15th amendment, under these considerations?

Mr. ROGERS of Colorado. Prostitutes?

Mr. HANSEN of Idaho. Yes, sir.

Mr. ROGERS of Colorado. Does the gentleman agree or disagree?

Mr. HANSEN of Idaho. Do you consider prostitution to be one of the categories covered under the 15th amendment you cited previously?

Mr. ROGERS of Colorado. The 15th amendment goes to race, color, and previous condition of servitude. If this happens to be a prostitute, because of that, that is one thing, but we are going only on the question of the 15th amendment, which covers race, color, and previous condition of servitude and discrimination in that area, as to the elimination of the right to vote.

Mr. HANSEN of Idaho. I thank the gentleman for his answer in 10 words or less.

Mr. Chairman, I should like to say this: The point they are holding against the State of Idaho involves the Idaho Code, section 15-901, which says:

No common prostitute or person who keeps or maintains, or is interested in keeping or maintaining, or who resides in or is an inmate of, or frequents or habitually resorts to any house of prostitution or of ill fame, or any other house or place commonly used as a house of ill fame, or as a house or place of resort for lewd persons for the purpose of prostitution or lewdness, or who, being male or female, do lewdly and lasciviously cohabit together, shall be permitted to register as a voter or to vote at any election in this State.

I would like to state at this particular time, if this is what is bothering you, if you who favor the bill also favor prostitution, we have not enforced this law in the State of Idaho. Mr. Hansen of Idaho, prior to the recollection of the Attorney General in office at this time, I would like to say also that the State of Idaho has had 366,000 eligible voters and 362,000 registered voters for a 94-percent registration.

Mr. ROGERS of Colorado. Prosecution for violation of the law?

Mr. HANSEN of Idaho. I thank the gentleman.

You do not yield, the gentleman from Colorado. You do not yield again, that you are using 1960 census data, is that correct?

Mr. ROGERS of Colorado. Prosecution for violation of the law?

Mr. HANSEN of Idaho. I thank the gentleman.

You do not yield, the gentleman from Colorado.

Mr. HANSEN of Idaho. Do you know, again, that you are using 1960 census figures of registered voters in Idaho? How about it? How much fluctuation can there be in this sort of thing in a nation with a fast-growing, fast-shifting population? How much fluctuation is supposed to be there? If you would like to have passed is something that is picking out on an ex post facto basis certain areas for arbitrary citation
The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BARRETT. Mr. Chairman, I yield to the gentleman 1 additional minute.

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

Mr. HANSEN of Idaho. Yes. I yield to the gentleman.

Mr. CALLAWAY. Did I understand the distinguished gentleman from Idaho to say that his State is covered because the device under which you are covered as a test is the device you read, which is the test of prostitution in your State?

Mr. HANSEN of Idaho. It is so.

Mr. CALLAWAY. Was it not the method under which your State is working?

Mr. HANSEN of Idaho. It appears so from the committee report.

Mr. CALLAWAY. Did I understand you to say that this particular method was chosen by my colleagues to serve on the Judiciary Committee in responding to an urgent need, because it has so many military people in it at a military base, who are not expected to vote there, and, therefore, the county falls below the 50-percent figure?

Mr. HANSEN of Idaho. This appears to be so.

Mr. CALLAWAY. I would like to say in my district I have a county which, under the rules of this committee and this bill, voted 4.4 percent of the total people there, but that is entirely due to the fact that they have a military situation there which is very similar to that of the gentleman. I pointed out yesterday that many formulas can be devised. I submitted one about humidity and temperature covering the same situation. I would like to thank the gentleman and say that this formula has nothing to do with discrimination, as you so ably pointed out.

Mr. RODINO. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan. [Mr. CONYERS.]

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

Mr. CONYERS. Mr. Chairman, this Congress is now demonstrating its determination finally to guarantee to all Americans the right to vote and finally enforce the 15th amendment of the Constitution, incidentally 86 years after its passage. For this reason it will be an everlasting source of pride to me that I was a Member of this 86th Congress, for it is a Congress marked for greatness by the historic measures it has passed. It was particularly honored to be chosen by my colleagues to serve on the Judiciary Committee which has toiled these last few months to fashion fully effective legislation securing the right to vote. For the first time in American history, guarantee the right of all Americans to fully and fairly participate in the democratic process.

President Johnson's speech on March 18 was the most explicit and far reaching ever made by an American President concerning the right to vote. Can Congress do any less than fulfill its own responsibility in this area? The overwhelming national support given the President's speech showed it reflected the sentiments of the great majority of the American people. We have seen thousands of miles of life journeys to Selma, Ala., and other places in this country to make personal witness of their determination to support equal rights for all Americans. The great majority of this House, I feel sure, will approve the strongest bill necessary to finally guarantee the right to vote because we know such a measure is vitally needed and long overdue. The American people have clearly shown that they fully support such a bill, and we, therefore, must overcome the crippling legacy of bigotry and injustice—and we shall overcome.

Over the last 8 years Congress has passed three different laws designed to guarantee the right to vote which primarily relied on the Federal courts for enforcement. However, that method has been painfully slow and woefully inadequate. It is only after this discouraging record of obstructions and destitution that we, by resorting to more far-reaching remedies. The committee bill establishes a Federal system of administrative enforcement. I readily admit that such a support goes against all that is normal and instinctive of the American governmental system which prefers local and judicial instead of Federal and administrative enforcement. However, we have no other choice if we are to pass effective legislation. Surely there can be no doubt, at this late date, about the continuous refusal of local officials in so many areas of our country to enforce the constitutional guarantees of the right to vote.

My concern is that this bill must be fully effective if we are to meet our responsibility to deal with the moral and political crisis facing the country. Every time the Civil Rights Acts millions of Americans are still denied the right to vote by means both devious and blatant. After three unsuccessful attempts, if our fourth try at drafting legislation guaranteeing the right to vote is to be successful, we must risk creating a feeling of cynicism and frustration among many Americans regarding the effectiveness and justice of our system of Government.

May I quote you an example of that deep feeling of cynicism and frustration expressed by one of America's great Negro statesmen, Frederick Douglass, a number of years ago. He said:

So far as the colored people of the country are concerned, the Constitution is but a stupefying sham, a rope of sand, a dead sea apple, fair without and foul within, keeping the promises of it to the heart. The Federal Constitution, so far as we are concerned, has abdicated its functions and abandoned the objects for which it was constituted, we worship and adopt, and for this I arraign it at the bar of public opinion, both of our country and that of our civilization, and as one man to tell the truth, and tell it without fear or favor, and the truth is that neither the Republican Party nor the Democratic Party has the courage to break with Congress, taken by their prospective representatives, to support the Constitution and execute
the laws enacted under its provisions. They have promised us law, and abandoned us to anarchy; they have promised protection and given us violence.

Such was Frederick Douglass' cry of accusation against the Federal Government in 1866. Today we are assembled to answer and refute this cry of outrage. CONSTITUTIONAL BASIS OF VOTING RIGHTS BILL

Now much has been said to the effect that we are overreaching the limits of the 15th amendment. I believe that this is not the case. At the very heart of the firm constitutional basis upon which H.R. 6400 rests. In the year 1939 the Supreme Court indicated the very wide scope of the 15th amendment, in its decision striking down the Oklahoma constitution's grandfather clause.

The reach of the 15th amendment against contrivances by a State to thwart equality in the enjoyment of the right to vote by citizens of the United States regardless of race or color has been amply expounded by prior decisions. The amendment nullifies sophisticated as well as simple-minded modes of disfranchisement. It hits once and for all procedural requirements which effectively handicap the franchise by the colored race although it is possible for some to vote may remain unrestricted as to race.

But if for any reason it may be unclear that the 15th amendment empowered Congress to guarantee the right to all Americans equal access to the ballot in State and local elections, we need only remember the special responsibility of the Federal Government in order to do so. Mr. Chairman 6 additional minutes. Mr. CONYERS. However, a firm and enforced declaration by Congress that Negro-Americans are to be treated equally by guaranteeing that most basic democratic right—the right to vote—will go a long way toward dispelling the whole complex of prejudices which form the psychological base for racial discrimination in this country.

Modern science has shown us that it is only a belief in prejudiced stereotypes of the Negro that makes him somewhat less than human which allows otherwise compassionate human beings to be unmoved when Americans commit barbaric acts of cruelty and violence against their fellow countrymen. To do these things a person apparently must believe that Negroes, as such, with only few exceptions, are essentially different from whites. This person must nourish a desire to make them and Negroes as relatively unteachable and therefore ignorant; as insensitive to the demands of abstract ideals, and therefore less troubled by discrimination than the white man; as devoid of moral fibers and therefore predisposed to crime; as scornful of cleanliness and personal fitness and therefore susceptible to disease; and as motivated solely by bodily appetites.

H.R. 6400 will not end this kind of prejudice. Indeed, no law in and of itself, can or ever will. But H.R. 6400 is a beginning, a very cruel, vital, and important beginning, if we are to achieve the promise of "the last best hope of the world."

Throughout this debate runs the theme of recognition by the majority of the heroic role Negro-Americans have played in their country's history. Negro-Americans have shed their blood in every American war from the Revolutionary War down to the present. Members of this great body—"the United States"—from both sides of the aisle and representing various regions of the country—have spoken eloquently of how, within the brief span of a few generations, Negro-Americans have overcome the crippling legacy of slavery.

This petition for redress of grievances—therefore presented in American history—is, thank God, being heard, understood, and supported overwhelmingly by the American people. And it is the American people who are called upon to do more than in its most elementary political sense—the right to vote. This, then, is what brings us here today. And I for one, my colleagues, am confident that we will acquit ourselves in these deliberations with great distinction.

Mr. RODINO. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona (Mr. SENNEX).

Mr. SENNEX. Mr. Chairman, in 1961, the U.S. Civil Rights Commission issued its report with the conclusion:

The franchise is denied entirely to some because of race and diluted for many others. The promise of the Constitution is not yet fulfilled.

Attempts to deal with the problem of voting rights through litigation under Civil Rights Acts passed in 1957, 1960, and 1964 have proved largely ineffective. H.R. 6400 recognizes the need to enforce the proscription of the 15th amendment against racial discrimination in voting by administrative rather than by judicial formulas.

The constitutionality of H.R. 6400 has been undeniably established by my distinguished colleagues on the House Judiciary Committee as well as by many learned individuals who testified during hearings.

The need for H.R. 6400 is clearly self-evident in the tens of thousands of American citizens who are denied a voice in our government because of the color of their skin.

Mr. Chairman, American history is the struggle of a Nation to achieve a workable system of democracy; it is the struggle to isolate and refine from the myriad of cross-pressures and opinions those means and ends which will give substance to an ideal. H.R. 6400 is a part of that struggle.

Opponents argue that the laws and against the States affected by the provisions of this legislation are non-discriminatory, that tests are given to all, that everybody must pay the poll tax. I answer in the words of the late Mr. Justice Felix Frankfurter:

"There can be no conception of juriprudence to confine the notions of laws to what is found written on the statute books, and to disregard the gloss which life has written on it."

The gloss which life writes, the embedded traditional ways are what give life and immediacy to words on paper. The works are but symbols, dead until they are put to the test of action. In this area in which we are now legislating, it is the action which has failed—or rather, it is the action which has succeeded—succeeded in negating the words:

"The right of the 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."

Opponents argue that this legislation is an invasion of States' rights. I ask them that if this discrimination exists, let there be an end to it. If none exists, then let the truth be known. Again I ask, what is there to fear? Who among us trembles in the presence of justice, equality, honor, dignity?

Mr. Chairman, within my Third Congressional District, one of the counties—specifically, Apache County—has been
singly out by the Attorney General as being susceptible to the provisions of this legislation. Let me assure my colleagues that we will welcome Federal examiners if, in fact, the need for them exists. We do not fear the microscope of justice.

Section 13 requires the Attorney General to terminate examiners appointed under section 6(b) of the act, of discussing sections 13 through 16.

Are you in favor of legislation that would prevent discrimination because of race, creed, or color in the right to vote?

An overwhelming 86.8 percent said, “Yes.”

I do not intend to take this body through a section by section analysis of H.R. 6400. Instead, the wise and learned chairman of the Judiciary Committee, the gentleman from New York (Mr. CELLER), has given me the assigned task of discussing sections 13 through 16.

Section 13 provides the methods by which the tenure of the Federal voter registration examiners may be terminated. It is this section of the bill which is activated when the work of the examiners ends.

Method No. 1 applies to examiners appointed under section 6(b) of the act, whenever the Attorney General certifies first, he has received no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in that political subdivision.

Section 6(b) authorizes the Civil Service Commission to appoint as many examiners for a political subdivision as is deemed necessary whenever the Attorney General certifies first, he has received complaints in writing from 20 or more residents alleging they have been denied the right to vote on account of race or color that is a literacy test—on account of race or color, and that he believes such complaints to be valid; or second, that in his judgment the appointment of examiners is otherwise necessary to enforce the guarantees of the 15th amendment.

Under method No. 2 of section 13, examiners are terminated by an order of the court that originally authorized their appointment in accordance with section 3(a) of the act. Examiners in this particular classification are appointed by the Civil Service Commission whenever the Attorney General files suit to enforce the guarantees of the 15th amendment in any State or political subdivision. The court determines where the examiners shall serve and how long.

The final detriger method permits a political subdivision to petition the Attorney General to terminate examiners appointed under section 6(b). This method, in effect, places the initiative in the hands of the people.

Section 14 essentially defines terms and establishes legal jurisdiction. Section 14(a) assigns to the Attorney General matters arising under the act within the jurisdiction of section 151 of the Civil Rights Act of 1957.

Section 14(b) declares that only the District Court of the District of Colum-
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, and finding itself without a quorum, he had directed the roll to be called. 404 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Chair resumed its sitting.

Mr. DOWDY. Mr. Chairman, all of us know why this bill is before us. Ecloding mobs have already publicly stated that the enactment of the pending bill will not appease them. Certainly the U.S. Congress, known as the greatest legislative body in the world, should have a sounder base for any action than contention; the demands of a mob are insatiable. When the mob once learns that its actions will lead to granting of its every demand, there is a multiplication both of its demonstrations, riots, and wanton destruction, and of its demands. Already, the mob leaders seemed convinced that they have the Government of this country on the run; they are quite brazen; they get what they want, or they disrupt societies, they break the laws, but give it a fancy name, and call it "civil disobedience."

As President Johnson so aptly stated early in April, "No nation can long endure a domestic system of its own national conscience, if hoodlums defy the law and get away with it;" but Martin Luther King said that he would not pay any attention to a Federal Court order, and that he felt no obligation to obey any law he did not want to obey, and in May, King told an audience, in referring to the pending bill, that after it is enacted:

If the registrars don't do right, President Johnson can't speak to them. And if President Johnson doesn't do right, we'll have to speak to him some more.

The Supreme Court has held, in effect, that a participant in a mob cannot be punished for violating the law, because such a participan! is acting from "right of free speech." The mobs are learning that if they dislike a law, they do not obey it; if they want something, they demand it; if they do not get it, they disrupt societies, and practice "civil disobedience."

This reminds me of the child who, not getting his way, throws a temper tantrum; his parent, to appease the child, gives in. The mobs seem to believe that to be the philosophy of the Federal Government—give in, so they will not throw another tantrum. I am not in favor of that belief. I believe that protection should come in a proper and constitutional manner.

So, as this unprecedented proposal comes on for consideration, it should be recognized that few, if any, would deny the vote to any qualified citizen on account of his color. Yet, to the Court, the U.S. Constitution, there should be no discrimination at the polls against a person merely because of his color. However, it is quite another thing to deny the constitutional guarantee, as this bill does, that the individual States have the right to establish voter qualifications within their respective boundaries. Article I, section 2 of the Constitution specifically provides the initial qualification requisite for electors. This provision was reconfirmed in the adoption of the 17th amendment, in 1913, which was many years subsequent to the adoption of the 15th amendment, which the proponents of the bill refer to those transactions and circumstances as "triggers."

The proponents of the bill refer to those transactions and circumstances as "triggers."

The U.S. Supreme Court has, itself, held that the 15th amendment does not confer the right to vote upon anyone, stating that it only prevents the giving of preference to one citizen over another, on account of race, color or previous condition of servitude; and as late as 1959, that Court determined and upheld the literacy test as being the exercise by a State of lawful power vested in it, and not subject to the supervision of the Supreme Court. As Federal Attorney General Katzenbach has stated, the Court has pointed out that it is the duty of Congress to protect the right of exemption from discrimination in the exercise of the elective franchise on account of race, color or previous condition of servitude.

It is so frightful so, that discrimination cannot be practiced in enforcing voter qualification laws, whether they apply to literacy, age, poll tax, or anything else; but this is not to say that Federal Government, through the U.S. Congress, has authority under the Constitution to deprive the States of their constitutional right to determine who shall be qualified to vote. Congress has no authority on that basis. It is the States' responsibility, and the Federal Government can intervene only when there is discrimination by reason of race, color, or sex. The Federal Government may act to prevent such discrimination, but in taking such action, there is no justification or constitutional basis upon which it can "suspend" State laws. In taking action, it is limited to the prevention of discrimination.

H.R. 6400 does violence not only to article I, section 2, and the 17th amendment to the U.S. Constitution. An even more flagrant contempt, if such is possible, is shown for article I, section 9, which specifically limits the power of Congress, it being the exercise of Federal authority, and two respects in particular, namely:

No bill of attainder or ex post facto law shall be passed.

We fully understand that the Federal Attorney General instructed us that the Supreme Court has followed him in every case he has taken before it, and I believe that the bill hold this bill to be constitutional, with the exception of the section outlawing poll taxes in State and local elections, and he thinks the Court may even go along on that.

In spite of this assurance, I cannot believe the Court will overlook the all too obvious unconstitutionality of H.R. 6400 in its many provisions. I have already shown the constitutional provisions relative to the sole authority of the States to fix voter qualifications, and the recent Court decisions confirming such authority. I cannot believe the Court would uphold the ex post facto law or the right of the Federal Government to intervene in the States, on motion of the Attorney General, to prevent alleged unconstitutionality. I have already shown the constitutional provisions relative to the sole authority of the States to fix voter qualifications, and the recent Court decisions confirming such authority. I cannot believe the Court would uphold the ex post facto law or the right of the Federal Government to intervene in the States, on motion of the Attorney General, to prevent alleged unconstitutionality. The proponents of the bill refer to those transactions and circumstances as "triggers."

The proponents of the bill refer to those transactions and circumstances as "triggers."

Neither can I believe the Supreme Court will hold a bill of attainder to be constitutional. This is a bill of attainder—a legislative act, directed against designated States and localities, pronouncing them guilty of alleged offenses, without trial or conviction according to the regularized procedure, and passing sentence and attainder upon them.

I would not wish to be repetitious of other speakers, but, as time permits, I cannot escape the conclusion that any ill-advised provisions of this proposal, dangerous to the continuation of our Federal system.

In section 3(b), authority is given the courts, on motion of the Attorney General, to prevent the States from enforcing laws for such period of time as it deems necessary. My study of the law and the Con-
stitution leads me to believe it is a court's duty to see that laws are uniformly enforced, but that it has no authority to suspend the operation of law, and the Constitution gives no authority to Congress to suspend it, unless to a court such jurisdiction. Under martial law, the operation of laws, perhaps, may be suspended in certain cases; but the language in this bill is nothing short of the language which might be expected in a police state.

In section 3(e), the Federal Attorney General is given a veto power over an act of a State legislature, by providing that a State legislature cannot change its election laws, without first obtaining the consent of the Attorney General. There is no authority in the Constitution for the Attorney General to have such power, or for Congress to grant it to him. In fact, the words of the Constitution would forbid any such thing.

We are reminded of the words in the Declaration of Independence, 189 years ago, reciting a "long train of abuses and usurpations, pursuing invariably the same object--the common destruction of the free and independent existence of the people--under absolute despotism," including in those abuses:

- He has refused his assent to laws, the most wholesome and necessary for the public good.
- He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.
- For * * * abolishing our most valuable laws, and altering fundamentally the forms of our governments.

Section 3(e) most assuredly does fundamentally alter our form of government in placing the veto in the Attorney General.

Section 4 of the proposed bill gives to the Attorney General the arbitrary authority, to bring the election laws and election machinery of any State under his control, and to make them, if he sees fit, not reviewable in any court and which shall be effective upon publication in the Federal Register. This is a totalitarian authority. There is only a partial control over the machinery of government by the officials of the victim State to travel to the District of Columbia, and see a declaratory judgment in the U.S. District Court for the District of Columbia. This requirement that the victims travel to a foreign jurisdiction, to be heard by a foreign court, reminds us again of the Declaration of Independence, and another of the recited abuses; namely, "for transporting us beyond seas to be tried in courts remote from us." The offenses with which this is concerned could well be only pretended, because, for good or evil, the totalitarian power given to the Attorney General is absolute, and with his power over the selection of judges, the victims would be helpless when in the hands of an evil man.

Section 5 of the proposal would require a victim State to bring an act of its legislature to court, before the District Court for the District of Columbia, and obtain a declaratory judgment before it could become effective, unless, of course, the Attorney General consents to the act. We have observed that the Attorney General is given veto power; this section effectively makes the U.S. District Court for the District of Columbia a third house of the legislature of a victim State, and it finds no authority within the Constitution for such a thing.

Again, we return to the Declaration of Independence, and find the British King interfered with the right of the American colonists to retain the legislative bodies they had formed. This bill is a like interference, and the requirement of the bill is likened to the abuse recited in the Declaration:

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

Further abuses recited were:

- He has obstructed the administration of justice, and he has made judges dependent on his will alone.
- This same manner of abuse will be evoked, if this bill is enacted.

In this connection, there was a newspaper article by John Henshaw, in April this year, reporting that President Johnson has had a long conflict with this section of the bill which provides that the State cannot change its existing voting laws, or pass new voting laws, without the approval of the U.S. District Court of the District of Columbia. The article quotes him as saying:

After reading the section again, I can't believe it is constitutional. That provision is very discriminatory. If a State wants to regulate its voting laws under the ground that it has been free of discrimination, it must go to Washington to seek a judgment there. That has never been required before.

And further:

- If that is going to be in the bill I am sure glad the bill is not going to be known as the Johnson bill.
- Finally, I must mention section 10, which recites as a finding of Congress that the poll tax was adopted for and is used for the purpose of denying persons the right to vote because of race or color. Such a finding has no basis in fact, and is ridiculous on its face. I am amazed that reasonable men could have dreamed up and presented such a statement as being a fact. I was not around 60 or 70 or more years ago, and do not know about the situation then, but, if perchance, the poll tax was so used at that time, to now enact a law punishing modern States because of transactions of long ago would be a bill of attainder, and ex post facto.
- Today, when we are all around, and know conditions, I believe we will agree that the purposed finding in the bill that the payment of a $1.50 or $1.75 per annum poll tax is an arbitrary and unreasonable restriction upon the right to vote is not warranted by the economic facts of life, and that such finding is in itself unreasonable, uncalled for and unwarranted.
- Whether or not a State has a poll tax requirement in State and local elections should be, and is, rightfully within the province of the State itself, and has no place in this bill.

For the assigned reasons, and many others, this bill should be defeated. I urge your vote against it. Thereafter, the Committee on the Judiciary, if legislation is deemed necessary, will have a chance to reconsider this question in a reasonable, sane manner, without emotionality, and vindicativeness, to write a bill to solve this issue in a well-considered and constitutional manner, free from the hysteric lawmaking atmosphere during the drafting and consideration of the pending bill.

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

Mr. DOWDY. I yield to the gentleman from Mississippi.

Mr. COLMER. In light of the gentleman's remarks about the ability of the States to meet the requirements sought under these proposals one wonders if they really want the laws of the States to be in conformity with their stated wishes. I say that in view of the fact that the Governor of my State recently called the legislature into extraordinary session, with all its power, to pass some of these voting laws that have been complained about, whereupon the demonstrators to the tune of some 1,500 or more have been demonstrating in front of the Capitol, in the State of Mississippi in order to prevent the legislature from doing that which they say they wanted done. It would appear that they are more interested in having an issue than they are in seeking what they are pleased to call reform.

Mr. DOWDY. I have read about that, about the mob rioting down there and trying to prevent the legislature from doing the very thing that they say they wanted done. I cannot understand it.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, I am taking this opportunity again to address this House of Representatives upon this issue I have previously spoken and, if need be, will speak again and again.

In the balance rests the unqualified right to vote for 10 percent of the American citizenry. We do not have the power to grant a right—not to aliens, not to visitors, not to residents of foreign countries, but to full-fledged U.S. citizens; this present granting is an anomachism, for it was scheduled 100 years previously.

That this measure is to date 100 years in the process to eventual fruition, is an ignoble tribute to the perspicacious and agile minds that have worked to circumvent the right of all citizens to the vote. It would be an absurdity of sagacity and dedication to thwart this attack on the Constitution until recently, left much to be desired and thus added to the mockery of the ideas and writings of Paine, Jefferson, and Lincoln, to name but a few. The time has come to negate the gyrations and manipulations of those who deny this unalienable right. We are fortunate today to have legislation before us to see this equality for all Americans, and we will abolish this body with the multitude of available information and statistics on the brutality, hatred, and discrimination in certain areas of the South. What I do
wish is that each Member take cognizance of what is truly at stake—the right of all to vote. This fact must not be countermanded by voluble rhetoric, but must stand out for what it is—simply the right to vote.

That the Negro is discriminated against in a plethora of forms is well known, but the denial of his vote is an issue that must be fully entertained. That Negroes pay taxes, serve and die in defense of this country is a major incongruity, in a country which 186 years ago justified a revolt against Great Britain on these premises. The rallying calls of that past Revolution are cherished but not adhered to: "Taxation without representation" runs rampant in the South; "life, liberty, and the pursuit of happiness" is a myth in the South; and "all men are endowed by their Creator with certain unalienable rights" would be filibustered against in almost any southern legislature. These rings and more face citizens in the South, and this body should commit itself to a rededication of these ideals—these pillars of our democracy.

Democracy is an elusive and arduous system of government, however, when it is considered that the results are enormous and far surpass the results of any other form of government. It is for this reason that I hold this system as a precious heritage. The right to vote is the fulcrum of this democracy and the resultant benefits are enormous and far surpass the results of any other form of government. It is for this reason that I hold this system as a precious heritage. The right to vote is simply the right to vote.

Mr. WILLIAMS. Mr. Chairman, I am opposed to this legislation.

Mr. Chairman, the question of whether all qualified citizens should be permitted to exercise that right is one which is not subject to argument. Indeed, the right of franchise for every qualified citizen is one which should be protected zealously by our laws and our enforcement officers. No purpose is served by attempting to attack an American who loves his country and its cherished institutions, in good conscience, advocate the denial of the right to vote to any person solely on the grounds of his creed, or religion. When there is a blanket discrimination against Negro Americans. The Voting Rights Act of 1965 might not be the last action that this body will take to protect the right of all Americans to vote, but it is an effective measure that will attack the problem at its core.

Mr. Celler. Mr. Chairman, I yield this body is likely to pass a voting right bill, and by so doing we will strengthen the Constitution of our Nation and we will broaden the American concept of equity, justice, and equality.

Mr. Celler. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia [Mr. Kee].

Mr. Kee. Mr. Chairman, I rise to express and offer evidence that the honorable Emanuel Celler, chairman of the House Judiciary Committee, and to express my full and complete support of H.R. 6400, a bill to enforce the 15th amendment to the Constitution of the United States, which we are now considering.

In this connection, Chairman Celler has served his congressional district, his State, and our Nation effectively and with utmost credit since he first assumed the responsibilities of office as a Member of Congress in 1923.

During his performance of these additional responsibilities as chairman of the House Judiciary Committee, he has been a leading exponent of the highest responsibilities and no Member of this House has the benefit of his experience, firsthand day-to-day knowledge, and complete familiarity with the complicated measures that have been considered over the years by his committee.

Chairman Celler labored diligently and thoroughly studied the provisions of H.R. 6400 and I feel that under his able leadership, the Judiciary Committee has reported an effective bill that will guarantee all American citizens the right to go to the polls and cast their ballots for public officials of their choice.

Our Nation has been engaged in combat with unfriendly nations whose desires have been to take away from the American people the right to select their public servants. The right to vote is one of the most sacred obligations of every citizen, and I am most hopeful that the Members of the House will pass H.R. 6400, as reported under the leadership of Chairman Celler.

Mr. Celler. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi [Mr. Williams].
Mr. Chairman, at the turn of the century, writing of the Reconstruction era, the great President Woodrow Wilson said:

For several years, therefore, Congress was permitted to do by statute what, under the long-practiced conceptions of our Federal law, constitutes the completion of a constitutional amendment. The necessity for that gone by, it was suffered to embody what it had already enacted and put into force as law into the Constitution, not by the free will of the country at large, but by the compulsion of mere force exercised upon a minority whose assent was necessary to the formal completion of its policy.

By this legislation, Mr. Chairman, we are striking a parallel to the situation that prevailed in the tragic era that followed the War Between the States. We find a Congress apparently willing to sweep away all vestiges of State sovereignty and to ignore constitutional restraints in order to placate the demands of the militant and lawless mobs in the streets who demonstrate for voting rights. We are not discussing civil rights, but never mention civil responsibilities. They refuse to recognize the need for an intelligent electorate, nor does their oratory dwell on character, conduct, or the moral obligations of citizenship which are essential to the success and well-being of any society.

Instead, Mr. Chairman, Members of this body are being fed statistics taken from reports of the Civil Rights Commission, carefully and cunningly manipulated so as to conform to their political desires. Constantly, the House witnesses oratorical contests among its members, each trying to outdo the others in promising more and more of less and less, hoping to reap the benefits of a cohesive minority bloc vote in their respective districts, and thus to perpetuate themselves in office.

In this season of racial antagonism, unrest, and agitation, it is my fervent hope that the cloud of hysteria will soon pass and let the sunshine of reason beam upon those who, in their current mad quest for votes, would place dangerous issues in the hands of the Federal Government.

Mr. Chairman, the bill before us is unfair and unreasonable in its approach. Through the application of an arbitrary and unmeaningful formula, it acts as prosecutor, judge, and jury to render a legislative verdict of guilt against six States of this Union, their officials and citizenry. It does violence to their pristine State of government, and saps away their constitutionally reserved powers. It confers upon the Attorney General of the United States dictatorial powers that would make a Caesar burn with envy.

Under the terms of this bill, the Attorney General becomes lord and master of all elections, from the selection of President to the naming of a constable in a Supervisor’s beat. Under this dictatorial power, the Attorney General unconstitutionally condemns the elective process, and more than that, paves the way for official mischief by politically motivated enforcers. It invites political corruption, and through invalidating certain State laws requiring payment of taxes as a price of voting, actually encourages tax violations.

There is no question but that a Federal voting law, particularly as broad and as vicious as the one presently before us, can and will serve as a vehicle for the political party in power in Washington, should it see fit to take advantage of the possibilities it presents. Politically motivated and unscrupulous Federal examiners will certainly abuse the influence over the voters they register, for indeed, the bill provides no meaningful safeguards against that kind of activity. Perhaps this is one of the latent purposes of the bill, but I would hope the House of Representatives will not place its stamp of approval on such an evil intent. If the bill must pass, and it appears that enough votes are available to pass it, it would seem that the House of Representatives should correct that dangerous feature.

Mr. Chairman, on previous occasions the Southern States have been the target of special force legislation. In the late great President Woodrow Wilson of Mississippi, there has been the primary whipping boy of the liberal elements, and has suffered much unwarranted, unjust, and unfair abuse. It is significant to note, I think, that in spite of all the atrocity stories that have been levelled at my State and its people—most of them the products of fertile imaginations—the fact remains that Mississippi has the lowest crime rate of all the 50 States of the Union. The Civil Rights Commission held hearings in Mississippi recently for the purpose of developing a "pattern of discrimination against Negroes" in the matter of voting, and took testimony from a parade of professional civil rights workers from within and without Mississippi, all of whom told carefully rehearsed stories of alleged intimidation, brutality, economic pressures, and the like. Many of these stories were deliberately exaggerated. It is significant that no witness who appeared before the Commission to tell these horror stories was subjected to cross-examination, either by the Commission counsel or by anyone representing the State of Mississippi. No rules of evidence were followed, and these professional witnesses were permitted to tell any kind of cock and bull story that they thought might serve to embarrass the State of Mississippi.

Mr. Chairman, that is typical of the kind of claque trap that the Congress is expected to use as the basis for inflicting this punitive legislation on the American people, and the excuse to be cited for overriding the Constitution with the enactment of this bill.

The people of the Southern States have had our faith shaken, but our spirits will not be broken. We are still Americans, and all the laws of this country are laws that are duly and legally enacted by the Congress of the United States. But, Mr. Chairman, we do not falter in our determination that honest government shall prevail.

The people of my State weathered the first Reconstruction era, and we will weather through this one. We have long since recognized the inevitability of change, and we are taking the necessary steps that will enable us to endure the impact of transition.

Inasmuch as it appears that our system of States can no longer be described as a partnership of Federal and State powers—a condition which we pray will be merely transitory and of short duration—the Mississippi Legislature has sought to abide by the sentiment of union and partnership of Federal and State powers now prevailing for the second time in a hundred years—the first of which was described by Wilson as "aggressive and aware of a sort of conquest."

In his address to the Congress, President Johnson said:

To those who seek to avoid action by their National Government in their own communities, who want to and who seek to maintain purification through such means, the answer is simple. Open your polling places to all your people.

The Mississippi Legislature has answered this challenge. It has approved a constitutional amendment to Federalize the law, but it will repeal the subjective tests about which the President complained, and undoubtedly this amendment will be ratified by the people of Mississippi when they pass judgment on it August 17. The amendment will repeal the constitutional requirement that applicants for registration undergo a literacy test that might be subject to varying interpretations. Instead, in the future the only requirements for voting will be that electors be 21 years of age, able to read and write, and not have been convicted of a crime involving moral turpitude. The payment of poll taxes is retained as a prerequisite to voting, but it should be noted that this applies without discrimination as to race, and the proceeds from such taxes go directly into the common school fund.

The people of Mississippi have made a good faith attempt to provide the alternative to Federal intervention and control in line with the President’s message. I can assure the House that there are no gimmicks or devices contained in the measures passed by the Mississippi Legislature that can be used to circumvent the requirements of the 15th amendment to the Constitution, nor is it intended that any be found, nor will any such things be tolerated in our State.

Unfortunately, Mr. Chairman, massive demonstrations and unsupported charges of "police brutality" in Jackson dominated headlines across the country, while the productive work of the legislature went virtually unnoticed. Presumably, that is the reason for the failure of the national press to give full coverage in reporting on these actions in the Mississippi Legislature. Therefore, Mr. Chairman, I ask your indulgence to give the House, the press, and the public, I include as part of my remarks an explanation of the voter registration bills to which I have made reference, and which were signed by Gov. Paul B. Johnson on
Mr. Chairman, Chief Justice John Marshall once wrote into an opinion that: "No political dreamer was ever wild enough to think of breaking the separation of the American people into one common class."

Were he alive today, he could not make that statement, for the political dreamers have taken over the controls of our ship of state, and are charging full speed ahead, without the consent of patients, even so much as the benefit of a compass. The privilege of voting in an election is not given to the residents of the other 49 States. To those of us who live in Louisiana, for instance, there is no right to vote. There are words in that sentence which cannot be omitted. They are the meat of the coconut. The words are "privileged" and "qualified."

Mr. McCulloch. I regret, Mr. Chairman, I yield some time to the gentleman from Louisiana [Mr. Waggonner].

Mr. Chairman, can the gentleman from Ohio yield some time to the gentleman also?

Mr. McCulloch. I regret, Mr. Chairman, I yield some time to the gentleman from Louisiana [Mr. Waggonner].

Mr. Chairman, there are, unfortunately for America, a number of people who feel that anyone who dares speak up in opposition to any measure connected with so-called civil rights, is automatically by the label of a racist, a bigot, and a hater. I am neither.

There are always two sides to every question. Many different solutions are available to reasoning and reasonable men. It may be that the problem may be that the problem may be, I have heard your side of the argument; now hear mine.

The privilege of voting is a precious one. I do not do for a moment advocate or condone any practice anywhere in this Nation that would bar any qualified man from the exercise of that franchise.

There are words in that sentence which cannot be changed, cannot be substituted for, cannot be omitted. They are the meat of the coconut. The words are "privileged" and "qualified."

The Constitution and any number of State and local laws in every State in the Union specifically provide that there is no right to vote. There is only a privilege to vote; a privilege which is given to some of the people of this land, but by no means, to all.

For the sake of example, consider these exceptions:

The privilege is not given to children. In all States, save one, voters must be 21 years old before they can vote. So, to those under 21, there is no right to vote. It is a privilege they are not yet old enough to have.

The privilege is not given to the unfortunate insane. To these unfortunate there is not a right to vote, through no fault of their own.

The privilege is not given to those convicted of certain crimes. It is held that they have relinquished their privilege of deciding upon matters affecting the law-abiding. To those so convicted, there is no right to vote.

The privilege of voting in a bond issue election is not given to those in many States who do not own property. To the tenant of property, there is no right to vote in many States on bond issue elections now. This proposal will allow the nonowner to vote.

The privilege of voting in an election in New York, as another example, is not given to those citizens who cannot read and write in the English language. To those who do not read and write English, no matter how many years they may have been a citizen, there is no such thing as a right to vote.

This list of exceptions goes on and on, gentlemen, as you well know. I think, however, that I have cited enough examples to prove the point. I wanted to point out that it is not the right to vote, but the right as another example, that it is not the right to vote, but the right...
The other word is “qualified.” I do not believe that the unqualified should be allowed to vote. I believe that each of the qualifications I have just listed are just, meet, and right.

Children should not be allowed to vote. The unfortunate insane should not be allowed to vote. Criminals whose liberty has been revoked should not be allowed to vote. Nonproperty owners should not be allowed to vote in bond issue elections. Louisiana should not be allowed to vote in New York. Those who wish to vote in New York, but who cannot read English should not be allowed to vote in that State, either, if the laws of that State say they should not. In each of these instances, the applicants are unqualified to exercise this privilege.

And it is on this point that the Constitution and all our State and local laws now stand. It is on this point they should stand and the Federal Government has no moral or legal grounds to hold otherwise.

The argument has been made time and again that the States have the right to establish the qualifications of its voters. No reasonable man can deny this fact. The only point that can be made is this: how did the right to vote which is a part of Article I of the Constitutions not exist.

During the floor debate in the House last year on the civil rights bill, it was conceded by the advocates of that proposal that the only responsibility resting on the States would be to administer whatever qualifications it did prescribe without discrimination.

I daresay every Member of the Congress knows that article I, section 2, clause 1 of the Constitution explicitly acknowledges the right of the States to set up their own voting qualifications, provided only that any citizen permitted to vote for the most numerous branch of a State legislature be also permitted to vote for the House of Representatives.

But, this is old hat, you are as familiar with this proviso as I am.

The lower courts of the land know it too; as does the Supreme Court. It has repeatedly and in recent years upheld the right of the States to set up their own voting qualifications. As I have already pointed out in a case involving the State of North Carolina, the Supreme Court decided unanimously that the States do have this right. In this particular case, the decision was unanimous, so each Justice has stated that this is his individual opinion.


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

The bill before us, gentlemen, is rooted in discrimination, mendicities, and hypocrisy and any law made from such a bill cannot deny its parentage.

Clearly, this bill is a punitive measure aimed at six Southern States, Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Virginia. It is not aimed at the other States which have eligibility tests.

This administration, the ones which have immediately preceded it, the leaders of both major parties, and the Supreme Court have all said over and over again and in every conceivable way that the 14th amendment of the Constitution guarantees equal protection of the laws to every citizen of this land.

Yet, this bill is designed to accomplish exactly the opposite: to set up one set of standards in 6 States that do not apply in the other 44.

This discrimination, this favoritism, cannot stand, nor can it be quoted from the 14th amendment. Nor can it be squared with section 2 of article IV which states that the “citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.”

This proposal at the whim and caprice of someone in authority, has singled out those States which on the arbitrary date of November 1, 1964, happened to have registered less than 50 percent of the persons of voting age residing in the State or in any political subdivision, or in which less than 50 percent of such residents voted in the presidential election last November. You do not understand what is the law. It is not because of discrimination.

Is there supposedly some magic to the number 50? What States would have been brought under the force of this proposal, had the magic number been 60? Or 70?

Is there supposedly some magic in last November’s election? Why not the presidential election of 1960. Or 1954? Is it the particular law, what happens to the American tradition of a man being innocent until he is proved guilty. Under the provisions of this bill, a governmental body not only would have to prove that it was not guilty of an act of discrimination, on a specific, arbitrary date, but also that of any other such act on any other date in the preceding 5 years.

This does total violence to the precept of presumed innocence. It must not be permitted.

This bill is riddled with obvious discrimination; the same discrimination that this administration and others which have preceded it against and legislated against. This bill recognizes no reluctance to discriminate against these six Southern States and make them the whipping boys for the Nation. This bill is not concerned with election fraud. It should be when registered voters can be and are stolen.

It is an old adage, gentlemen, but two wrongs do not make a right.

Any citizen has the right to be treated alike when the franchise privilege is at question. If he meets the age, literacy, residence, or any other qualifications laid down by the State in which he resides, he has been given the privilege of voting.

It is hypocrisy to pretend that whether 99 percent or 20 percent of his neighbors vote has anything to do with his individual privilege.

The entire duty of the Congress is to see to it that every man can equally exercise his privilege when he wants to if he wants to. We have no other duty.

We have no duty to lay a slide rule alongside voting statistics. We have no duty to abridge the right of the States to set qualifications. We have no duty to enact discriminatory legislation of any kind.

It is beneath the dignity of this body. It is beneath the moral sense of this body.

It is time for reasonable men to reason together. A solution can be found to this nationwide problem that is constitutional, that treats each State in exactly the same way and that achieves the same objective: the privilege of every qualified man to vote.

What can be done to insure every qualified man the privilege of voting?

Enforce the provisions of the 15th and 19th amendments of the Constitution and the Federal laws already in force. Strengthen them, if necessary. Double the penalties. Speed up the process of hearing and deciding cases. There are any number of reasonable means of enforcing these laws, and necessity to tear down the Constitution to enforce these laws.

We seem to be able to enforce laws against kidnapping, murder, rape and arson without tearing up the Constitution. Why then should it be impossible to enforce these laws? We must be judged as being worse than any case of voter discrimination. If we can enforce these laws, it is reasonable to believe we can enforce any other this Congress decides to enact.

Too many people, too many Members of the Congress, too many members of the clergy and the news media, have been stampeded by the hysteria of impassioned groups of citizens. We are on the verge of enacting a law that is being decried in private and in public as unwise legislation. This Congress must not pass a bill that is riddled with flaws, faulty reasoning and unvarnished facts. To do so is to invite back the violent days of the Reconstruction, drive the races further apart and, in the end, fail to accomplish the goal every reasonable man can support: the privilege of every citizen.
Mr. Chairman, the entire Nation will suffer together if the Republican substitute is passed. Only the South will suffer if the administration bill is passed. Maybe this is a case when misery loves company, but if this body will not be guided by reason, common sense, and the Constitution, then, let every State be punished alike for the foolishness. I will not vote to discriminate against the Southern States where no Negroes are registered to vote, even where the Negro population outnumbers the white population.

Beyond our knowledge of the fact that the right of voting is a basic and fundamental right which all American citizens for a long time have demanded, we are now aware that the law and to be equal participants in the electoral process regardless of extraneous circumstances.

Too often, those whose hearts and souls cannot accommodate a fundamental belief in the constitutionally guaranteed rights of all Americans seek to blunt the arguments and actions others of us use for the same emotional overtones to them. The segregationists will say, "Stripped of emotion, you are left with an unjustified attempt to secure special privileges for a certain class of people."

Of course, I deny the charge. My support of the pending voting rights bill rests squarely on the 14th and 15th amendments to the Constitution regarding civil rights. Or, shall Government's response be but an evolutionary Nation. The entire Nation will suffer together if the Republican substitute is passed. Only the South will suffer if the administration bill is passed. Maybe this is a case when misery loves company, but if this body will not be guided by reason, common sense, and the Constitution, then, let every State be punished alike for the foolishness. I will not vote to discriminate against the Southern States where no Negroes are registered to vote, even where the Negro population outnumbers the white population.

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Beyond our knowledge of the fact that the right of voting is a basic and fundamental right which all American citizens for a long time have demanded, we are now aware that the law and to be equal participants in the electoral process regardless of extraneous circumstances.
The contents of these two bills which I have introduced fairly represent my conviction as to the power and authority which I believe the Federal Government can and should exercise in wiping out voting denies from today's society. I point this out as I feel it is important to call to your attention the legislative elements which I have sponsored and which I seek to support in the action of the House.

While the bill which the Committee on Judiciary has reported for our consideration is not so far reaching in some respects as I would desire, it does not contradict the provisions I have sponsored and support. Therefore, I can and shall vote for passage of H.R. 6400.

Every civil rights matter is basic, because matters which deal with humanity and the rights of Americans to enjoy the protections for which their forefathers fought and died are entwined with the organic structure of democracy. All of these basic rights are precious, and the entitlement to vote and decide the destiny of this Nation is fundamental.

Mr. MCCLOREY. Mr. Chairman, I yield such time as he may desire to the gentleman from Alabama [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Chairman, as a Member of Congress, as an elected representative of the sovereign State of Alabama, and as one who believes in and who is sworn to uphold the Constitution, I am obliged to speak out. I do not rise to defend discrimination against any person on the basis of race or color, nor do I speak with the organic structure of democracy. Nor do I speak of the franchise within their own States. And I do not contradict the provisions I have sponsored and support. Therefore, if you should take away the right which now is and always has been exercised by the States, by fixing the qualifications of their voters, instead of Senator Johnson and his party to ratify this amendment, you might possibly get 6. I venture to say you could not get five in this Union.

You can tell from the speech I have just quoted that Thaddeus Stevens would not have voted for the bill that the Committee is now considering. The chairman of the Joint Committee on Reconstruction knew something the authors of this bill must have forgotten. Thaddeus Stevens knew that, when the Constitution which safeguards all of the rights of Americans to enjoy their Civil Service, by the Attorney General, regardless of whether he is qualified to vote under the applicable State law regarding many qualifications.

Sixth. Any person may be registered by the Civil Service Commission, by the Attorney General, or by the State, without regard to the qualifications of their voters. Therefore, if you should take away the Constitution of the 14th amendment was written back in 1877, the States had diverse qualifications for suffrage, and almost all of them had property qualifications of one sort or another. Is the bill which is to be approved, article 1, section 2, of the Constitution which the State governments the power of fixing the qualifications for voters. This section provides as follows:

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite to voting for the most numerous branch of the State legislatures.

How could any language be clearer? It would seem that something could not be clearer than the language in this section of the Constitution. When we consult Madison's notes, and the other authorities, we find that there were three schools of thought in the Constitutional Convention with reference to the matter of qualifications of electors to vote for Members of Congress.

One school of thought felt that the qualifications should be prescribed in the Constitution itself.

The second school of thought felt that the question should be left to Congress. The third school of thought, which as we know prevailed at the Constitutional Convention, was that the qualifications for the electors should be those fixed by the States for the most numerous branch of the State legislatures.

Congress was not given any power to prescribe the qualifications for voting and this omission was absolutely deliberate. When the Founding Fathers desired to give Congress power to alter State rules with respect to the times, places, and manner of holding elections for Senators and Representatives, they specifically did so in article I, section 4.

This bill before us is entitled "A bill to enforce the 15th amendment to the Constitution of the United States." But as early as the third paragraph the bill changed, and later the Senate majority of Congress granted by the 15th amendment. In section 4(a) the bill outlaws in 6 States and 34 counties of North Carolina plus 2 other counties any and
all testing of the ability to read, write or understand any matter and any requirement regarding moral character as a condition or qualification to the right to vote.

Attorney General Katzenbach has testified to the committee that the bill places a premium on compliance with section 4(a). But let us examine that section. Bill 402 is not a bill that a State can comply with that section because in every particular it refers to past factual events.

The test which completely exempts some States from the provisions of the bill and which brings other States under the bill is altogether arbitrary and bears no reasonable relation to discrimination against voters in violation of the 15th amendment. In other words, six States, including the State of Alabama, are subject to the bill simply because they maintained literacy tests on November 1, 1964, and less than 50 percent of the persons of voting age voted in the presidential election of November 1964.

No State in the Union so far as I know was under any legal obligation to see to it that more than 50 percent of its citizens of voting age voted in the presidential election of November 1964. Were any of the States under any duty to see that more than 50 percent of their citizens of voting age were registered to vote at that time. Just look how unfairly the bill applies in this respect. Two States, Texas and Arkansas, and the District of Columbia voted less than 50 percent of their citizens to vote in that election. Yet they are not under the bill, and, it cannot come under the bill simply because they did not maintain literacy tests in November 1964. In other words, they are free of the provisions of the bill, and can never be made subject to it, simply because they did not maintain literacy tests in November 1964.

This brings us to the crux of the unconstitutionality and manifest unfairness of the bill. Six States and the District of Columbia are exempt from the provisions of the bill because they did not maintain literacy tests in 1964. On the other hand, six States and a number of counties in other States come under the bill because they did not maintain literacy tests in 1964. However, this is an unreasonable and vindictive boundary line for the scope of the bill because in 1964, and even today, there is perfectly lawful for any State to maintain a literacy test as a qualification for voting.

The Supreme Court has left no room for doubt on this point. In Dunn v. United States, 248 U.S. 434, the Supreme Court said:

The establishment of literacy tests for exercising the suffrage is an exercise by the State of a lawful power vested in it not subject to the control of the Federal Government. [Constitution of United States, Article IV, section 4.]

Attorney General Katzenbach has testified that it is for Congress to see the boundaries. He said that is essentially a legislative function which the courts do not and cannot grumble about. However, the Attorney General is asking Congress to make an arbitrary distinction, without relation to any discrimination. The test relates only to the exercise of a perfectly lawful right that was being exercised at that time by nearly 50 percent of the people of the United States.
Not even the initial test of the constitutionality of the statute as a whole can come up in a Federal district court in the South. The test will have to be made in the Federal courts of the District of Columbia.

In addition, no State coming under the bill may continue to apply its literacy test as a qualification for voting. This is true without regard to any proof of discrimination by anyone else. Furthermore, no person placed on the voters' list in a State by the Civil Service Commission may be removed upon evidence from any citizen in that State except under strict, difficult, and sometimes impossible procedures.

When a State is under the bill, any person may be registered by the Civil Service Commission, by agreement with the Attorney General, without regard to whether he is illiterate, has not education at all, or is of illiterate character. Furthermore, no person placed on the voters' list in a State by the Civil Service Commission may be removed upon evidence from any citizen in that State except under strict, difficult, and sometimes impossible procedures.

There are many other bad features of the bill. One of the worst features of the bill is the section providing that none of the States under the bill may pass and enforce any law changing their voting process or altering the qualifications of voters without the prior approval of the Federal District Court in Washington D.C. Only a few weeks ago at hearings, a Member of the other body asked Attorney General Katzenbach the following question concerning this provision:

Do you know any act of Congress that has been passed since George Washington took his first oath of office as President of the United States during which a State could not pass a law that would not become effective until that law was approved by a Federal court?

Attorney General Katzenbach answered: No. I do not, Senator.

In other words, the revolutionary effect of the section is to join a Federal court to our State legislatures and Governors as an integral part of the State lawmaking process in all election matters. It has been commented that this is an unwise precedent and I entirely agree. It is not to be. This is a dangerous precedent. If such a procedure is adopted it may be emulated through similar procedures covering almost every facet, every subject, of mutual Federal and State concern and responsibility.

Also, I cannot understand why the Attorney General felt free in the bill to alter the State requirements regarding the poll tax, in view of his statement to the committee that the bill does not seek to abolish the poll tax, that they have been unable to adduce any evidence that the poll tax has been used to discriminate with respect to the right to vote.

This bill is much worse than the literacy test bill which was defeated in the 84th Congress. Let us make no mistake. This measure like the literacy test bill has been brought to Congress under the pressure of political expediency. It is said that if we pass this bill the Supreme Court will require us to apply the Constitution as the Supreme Court has. Indeed, with respect to legislation, ours is a more intimate trust for after Congress passes a bill, it becomes embossed with a presumption of constitutionality when it comes before the Supreme Court. We cannot ignore our responsibility. Let us renounce this bill now.

Let us support squarely the rights of the States and the rights of the States of these United States that our form of government may be preserved—that we may be faithful to our sworn duty—that we may remain true to the trust that we have taken for our office, and true to the trust that has been placed in us.

Mr. McCLORY. Mr. Chairman, I yield such time as he may desire to the gentleman from Alabama [Mr. Edwards].

Mr. EDWARDS of Alabama. Mr. Chairman, on the evening of March 15, 1965, the President of the United States stood in this Chamber and before the television cameras to say there must be no delay in enactment of voting rights legislation.

His remarks were widely applauded in a way which reflected the highly charged emotion which swept the Nation at that time and promised that the President's remarks would be translated into actual legislative activity.

The emotion had been created as the result of events at Selma, Ala., in the preceding weeks. And though many of the people of this country have developed strong feelings on this issue out of good intentions and a feeling in support of justice for all citizens, it is important that we recognize the background of those demonstrations.

Any discussion relating to legislation which bears directly on constitutional principles would include factual information regarding the events leading up to formulation of the bill.

Columnist Henry J. Taylor has written of the Lincoln project as devised by the Communist Party of the U.S.A. in December 1956. According to Taylor, and I have seen no attempts to refute his story, the Lincoln project directed the Communist Party's Central Committee to send agents into 11 Southern States in January of 1957 to survey 20 counties to determine which of them might be the most suitable targets for disorder in early 1965.

At that time, in December 1956, the Communist Party Central Committee had drafted voting rights legislation which it planned would be asked of Congress in 1965.

That legislative proposal provided for elimination of all educational requirements, including minimum literacy tests, excluding qualifications for voting in Federal, State, and local elections. It also provided for a system of direct Federal supervision and control of the local, county, State, and Federal elective processes.

In 1964 the Congress passed and the President signed a civil rights bill which included a voting rights section. And on February 4, 1965, in Mobile, Ala., Federal District Judge Daniel H. Thomas issued an order, acting under 1964 legislation, requiring the board of registrars in Dallas County, Ala., where Selma is located, to receive and register all persons who submitted applications.

Further, Judge Thomas ordered that if the requested registrations could not be completed by July 1, 1965, the Federal voting referee would receive and process applications.

The officials of Dallas County, though not in sympathy with the provisions of the court order, proceeded to comply. They recognized the need for transition and prepared to act accordingly.

Even before February 4, in January, the Dallas County Board of Registrars had requested and received approval from the State to stay open and register voters for 10 additional days during the month: that is, 10 days in addition to the regular days of operation previously provided.

During the first 6 of those 10 days, only 35 applicants appeared for registration. Only 20 of those were Negroes, and so far as anyone can determine, those 20 were registered without any pressure.

But Dallas County had been selected as the target for civil rights demonstrations by Martin Luther King, and nothing was going to interfere with the process.

So hordes of Negroes were led through the State to the registration desks. They overwhelmed the physical facilities which were available. It was physically impossible to process their applications at one.

And so the demonstrators thought they had an issue. They roamed the streets in protest, did everything they could to provoke violence so they could bring forth their charge of police brutality, and took every opportunity to disrupt law and order.

With the news media of the Nation focused on the scenes of demonstration, well-intentioned Americans throughout the country developed feelings of sympathy. The fact that Negro voters were being registered was lost. And the emotions were generated which led to the proposal of the bill before us today.

By March 15, the same evening the President made his statement, the nation had reached such a high pitch that we were on the very brink of anarchy. In Montgomery, Ala., that evening, a crowd having no apparent specific purpose or leadership, broke out on the streets with bricks, rocks, and knives, and blocked an
The facts of changes accomplished in the South in past years will be recognized by thoughtful people who also will recognize that profound social and economic changes do not occur as rapidly as many would like. The demonstrations and emotion over the voting rights issue have not been generated by thoughtful and responsible people. Much of the hard core leadership is by persons who, as the president of Howard University has said, “are not intelligent, and they are neurotically egocentric who seek to purge their own sense of guilt-by-inaction, the coldly calculating political idealogues, including, it must be said, the disguised white Christians who want to perpetuate disorder for disorder’s sake.” Under these conditions of emotionally charged demands for justice, it must have taken some courage for the pastor of a large Protestant church in suburban Washington, D.C., to say recently:

“We are putting premature pressure on the southerners, forcing them too soon into a situation for which they aren’t ready. Intergenerational change has been drastic and premature. Southern adults have hardened into their beliefs and can only protest at the sudden influx of Washington and world pressure. There is a need for people to understand not only the lawful procedures in the South have been employed. Immediacy is not expediency.”

Mr. Chairman, the bill before us today is charged with the very scenario that the atmosphere generated through demonstrations which to a substantial degree are led by people who are not interested in the civil rights of anyone but who stand for disorder for disorder’s sake. The bill places the quoted slant which picks out targets and shots at them with buckshot, hitting everything in the target area whether justified or not. The targets are Southern States.

It was a highly respected northern newspaper that referred to the Johnson bill as immoral. The Wall Street Journal says the bill is not designed to assure that literacy tests are administered free of discrimination, but rather to abolish the literacy test entirely in target States, which authorizes the individual Federal Government stays out and not targeted for control under this bill. The median time required from the time of filing an action in the court to the disposition after trial is 28 months. It is clear that this is not the way to seek justice.

The bill before us would also eliminate the poll tax. The constitutional risks of this action have been recognized broadly across the land. Even those who do not say flatly that the action is unconstitutional warn that to include the poll tax ban in the bill is so much open to a constitutional challenge that it should give cause for concern.

The bill contains little or nothing in strong State actions which is essential to a strong State action which purports to preserve the sanctity of the ballot in our American democracy. That is a provision for insuring the rightful counting of ballots cast and for Insuring against the practices of vote buying which are prevalent in many of the large cities of our Nation.

I want to commend the minority membership of the Judiciary Committee for attempting to add a clean elections section to this bill. I join in their complete dismay that the majority members of the Committee have refused to help the creation members in the effort to add a clean elections section to the bill.
As the Republicans say in their excellent report:

It is a cruel deception to give any man the elective franchise and then allow destruction of the effect of his vote through a multitude of corrupt practices.

Mr. Chairman, the real question in this issue before us today is not the existence of qualifications tests for voters. The real question is whether qualifications tests are administered in an impartial way so as to discriminate against persons because of race.

And in the Johnson bill, we are saying several States in the South administer tests so as to discriminate, and therefore, we will establish a statistical basis on which we can assume such discrimination and then impose Federal control over voting qualifications in those States.

And in so doing, we are destroying the Constitution which gives to the States the responsibility for setting voter qualifications.

I want to submit that it would be much better to accept a formula which applies evenly throughout the country regardless of the voting percentage was in 49 or 51 percent or some other level; a law which retains the constitutional right of States to establish voter qualifications but which insures the nondiscriminatory administration of qualifications tests.

The Republican substitute bill represents an effort in that direction, and therefore, it is my judgment that it deserves our support. It provides machinery for remedial action where qualifications tests have been administered with racial discrimination.

It is in accord with the Constitution, it avoids the kind of punitive action which lies deep within the Johnson bill, it applies evenly throughout the country, and it includes a section insuring clean elections to all voters.

I will support the Republican substitute bill and oppose the Johnson bill as an unnecessary and dangerous and unconstitutional piece of legislation which, I predict, will come to be recognized as such by a majority of the American people.

Mr. TALCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Talcott).

Mr. TALCOTT. Mr. Chairman, I asked for this time to ask some questions. I represent four counties in central California. In central California, they are sophisticated, knowledgeable, and interested in voting. In three counties some 80 percent of the population voted in the 1964 elections according to the committee report.

So I would like to ask the gentleman from Colorado (Mr. Rogers), this question: Are aliens, college students, military personnel, prisoners, migrant laborers, and tourists considered to be persons residing within the district? I would like a very concise and quick answer.

Mr. ROGERS of Colorado. What is the question that the gentleman is referring to?

Mr. TALCOTT. It is on pages 15 and 16 of the bill. We discussed this question a few minutes ago. I wonder if the gentleman could give me a quick answer since I have only 1 minute.

Mr. ROGERS of Colorado. The language at the top of page 16 of the bill provides that the State shall not impose any test or device in such a way as to prevent a person from voting whenever the Director of the Census determines that less than 50 percent of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 percent of such persons voted in the presidential election of November 1964.

Mr. TALCOTT. This is my question: Just who would be considered as residing within the State or political subdivision thereof?

The CHAIRMAN. The time of the gentleman has expired.

Mr. TENZER. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. Minish).

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 6400, the Voting Rights Act of 1965, and to urge its passage without the adoption of weakening amendments. In the past 20 days, I have urged that we provide at least an adequate implementation of the guarantees of the 15th amendment to the Constitution that states the fundamental principle that the right to vote shall not be denied or abridged by the States or the Federal Government on account of race or color.

As with the Civil Rights Act of 1964, the legislation before the House today is in response to the American conscience which saw the massive injustice done to citizens due to the color of their skin. The tragic events in Selma and other Southern communities have been eloquent testimony to the shameful fact that millions of citizens are not allowed to exercise their constitutional rights, the most basic of which is the right to vote. The free and secret ballot is the foundation of America. As President Johnson stated in his eloquent address to the joint session of Congress on March 15, 1965:

"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 more solemn than the duty to ensure that right. . . . The time of justice has now come."

For far too long now, many State legislatures have been playing a cat and mouse game with the courts and with Congress over the 15th amendment guarantee that they shall not deny the right to vote to anyone because of race or color. Some, recognizing the futility, if not the injustice, of their actions, have given up the game and are doing a reasonably good job of abiding by their constitutional obligations. There are others, however, which have been working feverishly on new legislative measures by which they hope to defeat the Congress to the punch and maintain their segregated registration rolls. Let me give you a few examples of how the game has worked in these two successful efforts to gnaw away at the Negro's constitutional rights.

One of our well-organized grandfather clause—literacy test which Oklahoma had adopted to keep Negroes from voting. The State constitution required that electors had to be able to read and write any section of that constitution unless on January 1, 1866, they had been qualified to vote under some form of Government or at that time resided in some foreign nation. Lineal descendants of immigrants were exempted from the literacy test. It did not take the U.S. Supreme Court long, when the question was presented to it in Lane v. United States, 238 U.S. 347 (1915), to recognize the test and by the Court, Oklahoma adopted a new scheme to enjoy the evil fruits of its earlier unconstitutional discrimination. It adopted a law providing that those who had voted in the last election before the grandfather clause had been invalidated would remain on the voting rolls and all others would be required to meet new registration requirements. Those of voting age at that time had a period of 12 days, or even longer if they did not lose their right to vote in Oklahoma. It was not until 1939, in Lane v. Wilson, 307 U.S. 268, that the Court finally looked at this scheme and held it invalid. This new case was where the Supreme Court furtherならば satisfied that the 15th amendment "nullifies sophisticated as well as simple-minded modes of discriminating." Id. at 275.

Another inclusion of the cat and mouse game played in Mississippi in 1960. The Commission on Civil Rights had discovered that it was difficult to prove a registrant's discrimination against Negro applicants unless the applications were retained for a period of time. The Commission recommended and Congress enacted in 1960 a law requiring that such records be retained. In that same year Mississippi repealed an earlier State law requiring applicants to keep records as proof of eligibility. It also adopted a new rule that registrars no longer need keep any record made in connection with an application to vote unless an appeal is taken from an adverse ruling and no hearing is held of the registrant's final judgment. Without such records Mississippi could register unqualified white voters and reject qualified Negro voters without much fear of detection.

As the committee bill will put an end to this disgraceful cat and mouse game that has gone on now since 1890. States which are covered by the bill, either because a court has found that they have discriminatory tests or because of the policies of the device, or because they have been unable to rebut the presumption raised by their voting statistics that they have used such tests to discriminate, cannot use any new tests until the court or the Attorney General agree that the tests will not discriminate or maintain the effects of past discrimination.

With all the evidence that has been amassed by the Commission on Civil Rights and the Department of Justice that local registrars have been using every device they could think of to keep Negroes from the polls, with similar findings made by the courts in some
70-odd cases brought since Congress passed the Civil Rights Act of 1957, there can be no real doubt that it is appropriate for Congress, in enforcing the prohibitions of the 15th amendment, to replace the courts with a more effective machinery to be sure that no Negro is denied the right to vote because of his race.

This week we observed with pride and satisfaction our Nation’s 189th birthday. But we must admit that not yet do all Americans enjoy the full blessings of liberty, the right to live in dignity and decency, to participate freely in our political processes. We Members of the Congress are committed to the opportunity to translate the precepts of the Declaration of Independence into reality for millions of our fellow citizens who have been denied the powerful and valuable right to vote. Let us use this moment and for all times the schemes and devices that have served to bar Negroes from the polls.

We protect the right to vote because of race or color, and it is, therefore, the moral duty of all to push for its enactment post haste. Indeed, it is the right, if not the duty, of every qualified person to vote, and it is not the hand of fate, under the suspension provision of the House of Representatives, that will end the disenfranchisement of the Negro.

Mr. TENZER. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. SELDEN).

Mr. SELDEN. Mr. Chairman, unfortunately, many citizens of this Nation assume that those who oppose the enactment of this bill are motivated by race prejudice and bias. But both within and outside the Congress, the notion is advanced, without qualification that no fairminded individual could oppose the right of all citizens to vote. The bill presently under consideration is described as ensuring the right to vote because of race or color, and it is, therefore, the moral duty of all to push for its enactment post haste.

This time, on this issue, there must be no compromise with our purpose.

And elsewhere—

The proponents of the measure would force seven States of this Union, and a number of counties in four others, to register and vote all persons in utter disregard of local literacy requirements; requirements designed to insure not just another vote, but a thoughtful, considered, and responsible vote. This, I repeat, will not occur in all 50 States of this Union, but under this measure in only 7.

If voters in 20 States now have to meet literacy prerequisites before their names are enrolled on any voter list, slightly more than two-thirds of these States will continue to disenfranchise illiterates. Yet, if the remaining seven States, where over 50 percent of the prospective voters actually voted in November 1964, had no literacy requirement, the automatic suspension and Federal registration provisos would not apply to that State. However, there are in Texas, according to figures compiled by the Congressional Quarterly, 137 counties in which less than 50 percent of the prospective voters actually voted in November 1964. This is twice the number of counties as there are in the entire State of Alabama. The problem of illiteracy is enacted into law in its present form, Texas would not be affected by it.

I am not suggesting here in any way that Texas discriminates against any of its citizens. The point is that officials
of any county in Texas could discriminate if they wanted to do so, and the only remedy would be that condemned as "a Bill too cumbersome" by the Attorney General.

Consider the State of North Carolina. Again, I am not suggesting that there are any practices in North Carolina that discriminate against those who are not of the white race. However, does have a "who can vote" literacy test for prospective voters. Yet, in the presidential election of 1964, 51.8 percent of its voters cast ballots, according to the Congressional Quarterly. The so-called automatic provisions of H.R. 6400 will not apply to that State as a whole, only to counties in which less than the minimum voted. Any county in which 50.1 percent of the voters cast ballots can discriminate and the heavy hand of the Federal Government cannot interfere.

In the State of New York, we also find a literacy test. Statistics indicate that, in 1964, 63.2 percent of the voters actually cast their ballots in the last election. However, in New York City alone, thousands of persons of Puerto Rican descent are prohibited from voting because they cannot read and write English language.

The ironic discrimination that would be worked by this bill, if enacted, was clearly revealed in the March 22 editorial in the Wall Street Journal which stated:

"Of more consequence is the fact that if we have this law, a citizen, white or Negro, can be entitled to vote in Alabama no matter how illiterate he is, or for that matter, even if he is a moron. But if the same citizen, white or Negro, lives in New York State, he will not be entitled to vote. This would create a truly ingenious paradox. The illiterate citizen, Negro or otherwise, would find himself with more rights in Alabama and her five outcast sister States than in the great State of New York. More, the educational level of the voting citizens of Alabama, the low level of which is part of the reason it is regularly against it by civil rights leaders, would be further reduced. And this by Federal sanction.

A careful reading of the bill reveals not only its discriminatory, punitive and harsh nature but, equally important, the total absence of any machinery that might afford an escape should one not meet the test. If he is a moron. But if the same citizen, white or Negro, lives in New York State, he will not be entitled to vote."

The House of Representatives took the initial step in adopting the 15th amendment. When it was reported to the Senate, it was amended so as to bar discrimination based on "nativity, property, education, and creed." Thereafter, the House defeated this amended version. But the Senate approved the States of their right to determine voter qualifications.

There is nothing in the legislative history of the 15th amendment to suggest that Congress intended to deprive the States of their right to determine voter qualifications.

The very first article to the Constitution authorizes the individual States to decide the qualifications of voters in both Federal and State elections, subject only to the proviso that whoever is deemed qualified to vote for the "most numerous branch of the State legislature" is automatically qualified to vote in Federal elections.

The March 22 Wall Street Journal editorial further states:

"Making this a State function was no casual decision. It was reaffirmed in identical language in the 17th amendment, incidentally, more than 40 years after the 15th amendment, which provided that such qualifications would be impartially applied among all citizens."

This principle in the Constitution has been repeatedly upheld and affirmed by the U.S. Supreme Court, not merely in dusty antiquity but as recently as 1959 (653) by Judges presently sitting upon that Bench.

The Supreme Court declared unanimously in Lassiter v. Northampton County Board of Elections, 360 U.S. 45 (1959), that the States may, without violating the Constitution, use a literacy test as a prerequisite to determine the eligibility for voting. The opinion of the Court reads in relevant part:

"We hold that there are any practices in the States which a State desires to adopt may be required of voters. But there is a wide scope for exercise of its jurisdiction. Residence requirements, for example, are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some
relationship to standards designed to promote intelligent use of the ballot.

The Court in the Lassiter opinion quoted from its earlier rulings in Gutierrez v. United States, 238 U.S. 347 (1915) as follows:

No time need be spent on the question of the validity of the literacy test, considered alone, since, as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and, indeed, its validity is admitted.

On March 1 of this year, the Court in Carrington v. Rash, 380 U.S. 99, confirmed:

There can be no doubt either of the historic function of the States to establish, on a nondiscriminatory basis, and in accordance with the Constitution, other qualifications for the exercise of the franchise. Indeed, the States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised ***. In other words, the privilege to vote is not a part of the federal Constitution itself, to be exercised as the State may direct, and upon such terms as to it may seem proper, provided, of course, no discrimination is made between citizens in violation of the Federal Constitution.

It is abundantly clear, Mr. Chairman, that from the beginning down through the present, the Constitution and the Supreme Court construction thereof have uniformly upheld the right of the States to set voter qualifications.

Another section of the bill that merits attention is section 10, which would outlaw the payment of a modest poll tax as a condition of voting. This proposal is premised on the notion that the aforementioned rule concerning payment in the past is totally unjustified notion that poll taxes discriminate on account of race or color.

Of course, the 24th amendment prevents the States from making payment of a poll tax a condition to vote in Federal elections. It is clear, however, that that amendment in no way prevents a State from making payment of a poll tax a condition to vote in State and local elections. Although the conclusion is not the same, it is admitted essential to accomplish the former, sponsors of this bill now believe they can secure the latter by majority vote rather than by a constitutional amendment. This assertion is so preposterous that no time need be spent on it. As concluded by the gentleman from Virginia [Mr. Tuck]:

*** If an amendment was essential in that instance, it is all the more indispensable when the object is to affect the conduct of State, as distinguished from Federal, elections. I, Mr. Chairman, can say that if I were enabled to draft a constitution, I would not have included anything that would give up the ghost of a written Constitution. Mr. Chairman, I respectfully urge the Members of this House to disregard the emotions of the moment and to vote to extend the 15th Amendment to United States—its very life hangs in the balance.

Mr. McCulloch. Mr. Chairman, I now yield 37 minutes to the gentleman from Minnesota [Mr. McGovern].

Mr. McCulloch, we heard in this well earlier today some expressions of dissatisfaction about the performance of both political parties in the field of civil rights. We heard yesterday some comments from the Democratic side of the aisle about the posture of the Republican Party in the field of civil rights. Mr. Chairman, I speak as one who is very proud that Republicans in this chamber in 1957, in 1960, and in 1964, and the percentage of affirmative votes for the Civil Rights Acts of those years than did the opposition party. I was not a Member of this body in 1957 or 1960, but I financed the Civil Rights Acts of those years that they were reason application and were productive of at least some of the desired results. As one who is proud to have had a hand in drafting and passing the Civil Rights Acts of those years that they were reason application and were productive of at least some of the desired results. As one who is proud to have had a hand in drafting and passing the Civil Rights Acts of those years, I am gratified to see that the deficiencies of committee-Celler quite frankly admit that the so-called "automatic" trigger of section 4 is aimed only at areas guilty of "massive violations" state by state. I believe the "pocket" trigger of section 3 is meant for the "pocket" trigger of section 3 is little more than a weak afterthought. It pretends to give new relief to those suffering from racial discrimination in voting areas not covered by the automatic trigger, but actually does little more than restate the provision of the existing law. The United States Code presently provides that, in suits by the Attorney General to enjoin States from denying qualified voters the right to vote or register on account of race or color, the court may, upon finding a pattern or practice of discrimination, appoint referees to register qualified voters in the political subdivision affected.

Mr. Chairman, I call the attention of the House to the fact that every major problem alleged in the voting rights area can be remedied by legislation already on the statute books. The Justice Department can file suits in any Federal, State, or local court, and has more than ample power to get any job done. In truth, many of the provisions of existing laws have hardly been used.

But worst of all, this bill, if enacted, would virtually disembowel the constitutional system of State governments.
new section adds nothing to the existing law. Furthermore—and this point deserves emphasis—both the so-called "pocket trigger" of the committee-Celler bill and the automatic trigger of the Ford-McCulloch bill have been described by the Attorney General as "the tortuous, often ineffective pace of litigation." The Republican bill applies new and quicker administrative remedies. But it is actuated unless there is demonstrable discrimination, and provides a truly national answer to the problems that face us.

Yet, even within the limited area of its application, the automatic trigger of the committee-Celler bill can result only in poor law through faulty policy. We agree with the distinguished members of the majority and the Attorney General that the judicial remedies of the present law are inadequate to cope with the situation with which we must deal. We regret the necessity which forces us to replace the traditional judicial process with an administrative procedure; however, every law which abridges the rights of citizens by the situations and the times. It is true that hard times can justify harsh laws. Yet it is one thing to pass harsh laws confined to a specific target, temporal, political subdivision, and discriminated with past procedure. It is quite another to impose harshness apparently for the sake of harshness. Our bill is a strong measure and an effective one, but it is not vindictive. The automatic trigger of the committee-Celler bill smacks of a Reconstruction measure. Our bill provides justice tempered by mercy, and the sternness of the justice does not diminish the sincerity of the mercy; and the target was chosen before the formula of the committee-Celler bill condemns without providing for the possibility of repentance. Added to this fact is the additional injustice that the arbitrary formula of the "automatic" trigger stimulates some who are innocent while it diminishes the sincerity of the mercy. The obviously ridiculous nature of this presumption is shown by the fact that the formula applies to the entire State of Alaska, Aroostook County in Maine, Elmore County in Idaho, and Apache County in Arizona. No one has ever accused these areas of racial discrimination, nor can we ask them to validly vote.

The effects of the formula are, however, even more serious than this. The bill suspends all-literacy tests in Louisiana where 47.3 percent of the voting age population voted in 1964, but does not touch Texas where only 44 percent went to the polls. Even those areas of Louisiana where literacy tests have not, by the admission of the Attorney General, been used to discriminate, are denied the right to set voting qualifications since the whole State is caught by the automatic trigger. Look at page 103 of the hearings for the following admission by the Attorney General:

"Mr. Katzenbach. In Louisiana, every parish would be in, although some have not discriminated."

A further comparison of these two States is even more telling. Texas is excluded in spite of the fact that it has a long history of voting discrimination. Terry v. Adams, 204 U.S. 402 (1907) and Terry v. Adams, 204 U.S. 402 (1907)—two of the landmark decisions of the Supreme Court in the area of voting discrimination—arose out of abuses caused by all-white primaries in the State. It is interesting to note in passing that Fort Bend County, the county whose discriminatory practices were the subject of the latter suit, still had less than 25 complaints of actual discrimination in one voting district. Would it be fair to deny the right to vote on account of race or color. Yet the combination of a poll tax and less than 50 percent voter participation does not place Texas under the necessity which forces us to operate upon those counties of Louisiana, Virginia, South Carolina, and elsewhere that are innocent of any discriminatory practices. Finally, in Texas it is estimated that only 38 percent of the citizens of Mexican descent go to the polls—transcript, page 647—yet these citizens are given no new relief under the provisions of H.R. 6400.

By this comparison I do not mean to imply that the application of the automatic trigger is inequitable only in these two States. Florida, Texas, and Arkansas, as well as Texas, and Virginia have been making valiant and successful efforts to register all citizens, yet they will be condemned.

The fact is that the formula of the committee-Celler bill is simply not calculated to root out voting discrimination wherever it exists and to leave alone those who are not engaged in discriminatory practices. If anything, the formula indicates that uncontested elections, a one-party heritage, or cold weather are not conducive to large voter turnouts. It is clear, and it is implicitly admitted by the authors of the bill, that the target was chosen before the formula was devised. Not only is it unwise as a matter of policy and questionable as a matter of constitutional law to attempt to eradicate discrimination by discriminatory means but also, in this case, the attempt will fail. The formula misses the target. The Republican bill, on the other hand, hits discrimination wherever discrimination exists, but leaves alone those who are innocent of any wrongdoing.

A second major difference is that the Ford-McCulloch bill is prospective in its application and has the flexibility necessary to treat discrimination whenever it should arise, while the committee-Celler bill is in the past which may not today, and certainly will not in the future, reflect the true dimension of the problem to be attacked. If, for example, today or tomorrow, or next year, Tennessee—and I choose Tennessee solely as an example—to purge its voter rolls of Negroes and pass a literacy test designed to exclude Negroes from exercising their right to vote, the automatic trigger of the committee-Celler bill would in the past which may not today, and certainly will not in the future, reflect the true dimension of the problem to be attacked. If, for example, today or tomorrow, or next year, Tennessee—and I choose Tennessee solely as an example—to purge its voter rolls of Negroes and pass a literacy test designed to exclude Negroes from exercising their right to vote, the automatic trigger of the committee-Celler bill would in the past which may not today, and certainly will not in the future, reflect the true dimension of the problem to be attacked.
ready to aid those in need. Its provisions would be as effective and as comprehensive in the uncertain future as they would be today.

The Ford-McCulloch bill allows the States to retain their constitutional right to set qualifications for voting so long as they do not use these qualifications to infringe upon the rights protected by the Fourteenth and Fifteenth Amendments to the Constitution. The committee-Celler bill, on the other hand, suspends the use of these tests in all States and counties covered by the automatic trigger even though the use of these tests may be constitutional and applied in many areas in a nondiscriminatory fashion. It is well established that article I, section 2 of the Constitution gives the States the right to set qualifications for voting so long as they do not use these qualifications to discriminate. The committee-Celler bill would suspend the use of a literacy test in seven entire States. If Alaska wished to make the long trek to Washington to prove its innocence, it could probably have its test reinstated. However, any innocent county in the other six States could not be released from this restriction even if it could prove its own innocence. In order to obtain relief it would be required also to prove the innocence of every other county in the State—an impossible task. Thus the automatic trigger of the committee-Celler bill would suspend the use of literacy tests—a use that is constitutionally protected. In Southern counties the test has never been used to discriminate. This again demonstrates the arbitrary and scattergun nature of the formula devised by the committee-Celler bill.

The Republican bill would allow, under present law as interpreted by the Supreme Court, the suspension of these tests wherever it is shown that they had actually been used to discriminate. However, it would not interfere with the tests in those areas innocent of discrimination. It would hit the target—voting discrimination—but only the target. It would not condemn the innocent and the guilty alike.

Fourth. The final and perhaps most significant strength of the Ford-McCulloch bill is that it is designed, in line with all of the civil rights legislation which Congress has so wisely passed in prior years, to encourage and promote good faith compliance with the letter and spirit of the 15th Amendment. The harsh, arbitrary provisions of the committee-Celler bill can only be expected to encourage widespread resentment contrary to the intent of the committee-Celler bill. It is incomprehensible that those who so wisely last year refrained from vindicating the 15th Amendment would now turn their backs on this approach and let emotion supplant reason. Yet we hear the Attorney General expressing a question concerning the intent of the bill, answer:

Yes; in a sense it says that we really can no longer rely on good faith. (Transcript p. 67.)

Not only does the committee-Celler bill not rely on good faith compliance. It does not even encourage it, nor in many cases does it permit of such an attitude. Many examples could be given to illustrate this difference in attitude and approach between the two bills. The activities of the examiner under the two provisions is particularly apropos. Under the committee-Celler bill, the Federal examiner effectively replaces the State registrar. He can register anyone "not otherwise registered to vote" whether or not they have made any effort to use the normal State channels. The consequences of this are that if the test has been bypassed the Federal power supersedes rather than supplements State power.

The Ford-McCulloch bill requires that an applicant before a Federal examiner allege either that he has attempted to register, if he has sought a court, that he has reasonable grounds for his belief that such an attempt would be fruitless or dangerous. The States are given a chance to show that they can carry out the duties which the Federal Government undertakes. If the applicant is protected from any action that might endanger his safety. The proper balance is struck between resolution and restraint. In its primary application, the committee-Celler bill loses its sense of proportion and its sense of balance.

This same distinction is true with regard to the voting requirements previously mentioned. The automatic trigger of the committee-Celler bill suspends all State literacy tests for a 5-year period wherever it applies. In the great majority of the cases there is nothing a State or political subdivision can do to make its good faith compliance escape from the ban of the bill. There is no incentive to encourage compliance since compliance brings no relief or reward by way of early reinstatement of local and State authority. This is contrary to all of our best moral and constitutional principles.

We have never before enacted, nor should we now pass, a law that is not designed to insure and encourage good faith compliance. This could only be justified in cases of dire necessity, but no such necessity has been shown. There is the necessity for a strong bill. There is the necessity for a bill that breaks with past practice and substitutes a speedy administrative remedy for the proper but ineffective judicial process. There is the necessity for a bill that attacks voting discrimination wherever it exists. However, there is no necessity for a bill that arbitrarily condemns innocent and guilty alike. There is no necessity for a bill that arbitrarily condemns innocent and guilty alike.

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As recently as 1963 this holding was reaffirmed in Gray v. Sanders, 372 U.S. 368, where the Court stated:

States can within limits specify the qualifications of voters in both State and Federal elections. It is not required that every voter's qualifications rest on State law even in Federal elections (art. I, sec. 2.). As we held in Lassiter v. Northampton Election Board, 354 U.S. 220 (1957), a State may if it chooses require voters to pass literacy tests, provided of course that literacy is not used as a cloak to discriminate against one class or group.

If a State uses a literacy test to discriminate, the use of this test can and should be enjoined. This is possible and has been done under the existing law. U.S. against Louisiana, decided this year, suspended the tests of that State and those of that State County pending before the Federal courts in Mississippi and Alabama. However, if the test has not been used to discriminate there is no justification for suspending its use. The automatic trigger of the committee-Celler bill would suspend the use of a literacy test in seven entire States. If Alaska wished to make the long trek to Washington to prove its innocence, it could probably have its test reinstated. However, any innocent county in the other six States could not be released from this restriction even if it could prove its own innocence. In order to obtain relief it would be required also to prove the innocence of every other county in the State—an impossible task. Thus the automatic trigger of the committee-Celler bill would suspend the use of literacy tests—a use that is constitutionally protected. In Southern counties the test has never been used to discriminate. This again demonstrates the arbitrary and scattergun nature of the formula devised by the committee-Celler bill. The Republican bill would allow, under present law as interpreted by the Supreme Court, the suspension of these tests wherever it is shown that they had actually been used to discriminate. However, it would not interfere with the tests in those areas innocent of discrimination. It would hit the target—voting discrimination—but only the target. It would not condemn the innocent and the guilty alike.

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Simple, comprehensive and strong—the Ford-McCulloch bill provides an effective, workable solution to the problem. It is not cut from the arbitrary, and scattershot in its application, the committee-Celler bill does precisely what our President warned us against—it looks "with prideful righteousness on the troubles in another section or the problems of our neighbors."
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 Alabama?

There was no objection.

Mr. MARTIN of Alabama. Mr. Chairman, I am opposed to H.R. 6400. I want it clearly understood that I believe in the right to vote for every qualified American citizen. I am opposed to the proposal that right for all the people in all the States.

There comes a time in history when it seems necessary to invoke legislative procedures to preserve the basic rights of the people. If they sincerely want to remove any inequities which may exist in the voting rights of qualified citizens, then let us remove the hypocrisy of H.R. 6400 and apply the protection to all the people who believe this is one of those times. There have been inequities in insuring the right of all qualified citizens to vote. I would remind you again that these inequities have existed in every State, not just in those six Southern States singled out by this bill.

I say that we should protect all qualified citizens in all 50 States. If the proposal is not acceptable to you, let it be considered in the light of the Five States which are mentioned in the bill. I would like to set the record straight and remove some of the misconceptions concerning registrations in my State of Alabama.

An old southern slang expression applies to H.R. 6400 in light of the effect on counties in Alabama, the expression being "stomp down ridiculous." Any State with less than 50 percent of voting-age population registered is automatically legally declared to have discriminated. This is regardless of the number of illiterates which it has properly and legally excluded from its rolls. Precedent orders after Federal court action which has discriminated only by registering the illiterate whites could by this device escape the consequences of the act even though they might be more guilty of discrimination than Alabama which has excluded thousands of illiterate whites from the rolls as required by its constitution.

This is "guilt by definition"—not by trial. Either the legal basic assumption of law, the presumption of innocence until proved guilty. The State is to be presumed guilty until it tries to prove otherwise, but to do so it must travel to Washington to defend the positions of the Justice Department. This is as contrary to all reasonable concept of law as the "presumption of literacy" provisions of the 1964 Civil Rights Act which states that "any person who has completed the grade level of the fifth year of school shall be presumed insufficient literacy, comprehension, and intelligence to vote in any Federal election." As a matter of fact, any amount of evidence is available to prove that there are many of this "level" who cannot now, if they ever could, so much as write their names. In one county in Alabama, where a literacy test has been given since 1952, using the same standards for all, 34 percent of all rejections have been of persons higher than sixth grade level, and two of every three rejections have been white persons.

Of the total number of persons of voting age in Alabama, a half million are two years too young to vote. In 1964, a substitute bill was introduced from the total "eligible," then Alabama has both registered and voted more than 50 percent. However, if the total including illiterates is used as a measure, then Alabama would have had 15 percent of all its registered voters in November 1964, in order to escape the "guilt by definition" clause.

I. 18 COUNTIES IN ALABAMA SHOW "DISCRIMINATION DEFINITION" AS CLEARLY RIDICULOUS

First, it declares "guilty" counties while the Justice Department has investigated and not issued complaints against.

Second, it declares "guilty" those counties with more than 50-percent illiterates. Of course, these counties have not discriminated is evidenced by the lack of meeting the 50-percent formula.

Third, it includes counties tried and freed of discrimination charges.

Fourth, it names counties because the Justice Department has used figures taken from an old newspaper as their statistics instead of actual registration figures.

Fifth, it excludes counties which have been found guilty of discrimination.

Sixth, it rewards (instead of penalizing) any county which has illegally registered illiterates (white or colored) and has thereby cleared the 50-percent hurdle.

First month. If brands as guilty a county frequently cited by Negroes as neither discriminating or discouraging Negro registration for voting, but "covered" by the definition due to influx of new registrants, as a special census, and the legal, fully nondiscriminatory exclusion from the rolls of more whites than Negroes who have been rejected due to illiteracy. Had only the illiterate whites been registered in this county, it could have easily escaped falling under the "discrimination definition."

There are 18 counties, of 67 in Alabama, which fall under the proposed 1965 Civil Rights Act definition of "discrimination," in which less than 50-percent of those 21 years of age are registered, in which the Justice Department claims less than 50 percent are registered but has given inaccurate figures, or which are operating under court orders after Federal court findings that eligible Negroes were excluded from voting at some time since 1952.

"GUILTY"—WITHOUT TRIAL

Nine counties would become immediately "guilty" by definition alone. They are Greene, Houston, Jefferson, Lowndes, Marengo, Montgomery, Dallas, Russell, and Wilcox.

There is absolutely no need for any further law in any of those counties. In two, literacy as a requirement for voting has been abolished by a Federal court, unless and until these counties strike their voters and hold a reregistration as Louisiana is doing. In two counties, complaints have been filed with the result that one has been cleared in Federal court and the other has never been brought into court because it is charged under the contradictory, impossible provisions of the 1964 Civil Rights Act. Five others could not possibly have registered 50 percent of their voters without registering both illiterates and convicted persons and the Justice Department has investigated all of these and has never even issued a complaint against them.

These nine counties are taken up now in the three groups referred to previously:

Dallas and Montgomery: In both these counties, Federal courts made a finding that boards had violated Alabama law in excluding qualified Negroes from voting and in putting on the voting rolls with a literacy test, not even if qualified, but who were not registered by "procedures meeting the minimal requirements of Alabama law." In both counties, Federal judges have issued orders for the counties to do these and have left them out making any literacy requirement at all for Negroes. Thus Negroes even in the hot center of "marches" at Dallas County have seen a Federal court do just what Martin Luther King said that he would do—abolish literacy as a requirement for voting in Dallas County. Grade completion statistics show that in Dallas County in 1960 there were 8,402 Negroes and 1,369 whites who could not pass simple literacy tests, and 5,080 Negroes and 11,304 whites which could be expected to pass them, according to the "presumption of literacy" provisions of the 1964 Civil Rights Act, which is, of course, by no means proof that they are literate. Percentagewise, this means that of the Negroes, 63 percent are illiterate and 37 percent possibly literate, and of the whites that 10 percent are illiterate and possibly 90 percent literate.

This also means that, if mass registration is forced on the county the ultimate potential is 16,000 voters who might be able to read their ballots, but 10,000 which could not be expected to do so.

CHANGE IN POPULATION

Dallas is also a good example of how agricultural changes, largely brought about by the control programs passed by the Congress, have resulted in an exodus of the better-educated Negroes to areas where industrial job opportunities appeared to exist for them. From 1950 to 1960, Dallas County had a decrease in Negro population of 2,565. It had a decrease of 1,357 in the number of Negroes from 11,745 down to 8,662, but an increase in literate Negroes of only 780 in 10 years. The county put through school grades 6 or 7 more than the 780 by far. Many of them on the leaving the county.

Figures on the literate—16,000—and the illiterate—10,000—are enough in themselves to show that Dallas County could not possibly register 50 percent of
these persons without registering illiterates and convicted because from the total of literates must be subtracted those servicemen from other States stationed in the county and not eligible under Alabama law to gain a residence by being stationed there as well as the convicted and sentenced nonresidents.

NONRESIDENTS COUNTED

In Montgomery County, the Justice Department cites a voting-age population of 105,867 and a registration figure of only 38,500. The facts are that Montgomery has only 66,769 literate persons and that several thousand of these are college students from other counties and States, are servicemen from other counties and States and are temporary employees of the State keeping voting residence in home counties, while others are convicted persons in prisons there. All such actual nonresidents were counted in the 1960 census as residents of Montgomery County of voting age, while the figure called by the Justice Department the number of "eligible" persons. The number of "eligible" persons, instead of being 105,000, is probably closer to 60,000 of which 42,000 are registered. Nevertheless, literates have been registered as a voting registration for voting in this county. The judge specified that this was to hold until the effects of past discrimination are removed. This expression has not been defined by law nor by the judge and, in his ruling, is as vague and indefinite as the charges brought against the requirement in Mississippi that a person "explain" a provision of the U.S. Constitution. It is not true that the Justice Department explain in terms other than vague and indefinite ones what it means by the orders which it writes out for the Federal judges to sign.

The Montgomery registrars sought to strike the rolls and hold a registration in a completely nondiscriminatory manner, however, they were told that they could not do so until the effects of past discrimination had been removed.

Apparantly John Doar explained it in Federal court in Montgomery on March 8, 1965, when he said, in answer to an inquiry, that the Justice Department would not accept reregistration as a solution to the Alabama problem if such were held under the administration of present officials placed in office by a discriminatory system. Asked by another judge if he meant all present elected officials out of business, Doar agreed.

In typically timed action, Martin Luther King has now announced that he will see to it that Governor Wallace will be removed out of the State. Said he if such were the case the registration of Negroes and as much as 53 percent larger on registration of Negroes and as much as 53 percent larger forregistrations within a single county. The source of the figures listed by the Justice Department in its complaint in the state-wide suit filed against Alabama, are allowed to stand and all recourse to courts is blocked for the ridiculous period of 10 years.

It is a ludicrous fact that the U.S. Department of Justice, without apparent justification, has spent the vast resources of money and personnel for accurate information, has cited in the court case filed against the State of Alabama the registration figures for each county in the state (on statistics published on May 3, 1964, by the "New York Times").

Some figures, taken from the actual files of registrars, are as much as 50 percent larger on registration of Negroes and as much as 53 percent larger for registrations within a single county. The source of the figures listed by the Justice Department was not given in the affidavit filed with the State court, but was admitted in an answer to an interrogatory filed by the U.S. Department of Justice.

Mobile, Macon, Sumter and Perry: These four counties are brought under the guilt definition because the figures cited by the Justice Department on registrations are not correct. Oddly enough, three of these counties are operating under Federal court orders and have been allowed to use literacy tests in a fully nondiscriminatory manner and they do not discriminate. The Justice Department's proposed act's definition of discrimination, using the correct registration figures. However, at the insistence of the Justice Department, the courts have refused to allow these counties to be dismissed from court supervision.

Mobile, second largest metropolitan area of Alabama, has a voting age population of 172,362, according to the Justice Department, with only 62,712 registered. The fact is that there are 55,952 registered out of a total of 139,040 literates, since 19 percent of voting age are in the illiterate class. Thus the county is not properly guilty even by definition and probably not having less than 50 percent registered, really more than 80 percent registered. Records have been repeatedly copied by the Justice Department but no complaints at all have been brought.

Jefferson County: Acts, the first to be charged in a Federal court and be placed under a court order on the grounds that one board of registrars had rejected some qualified Negroes for registration. This board had used an oral reading and dictation test for the purpose of the passage of the Alabama literacy law of 1982. It was not accused of registering illiterate whites. But some of the results
of Justice Department activity in this county include the following:

First. Registration of patients at a Veterans' Administration hospital who admitted on applications that their homes were in other counties of Alabama. Second. Registration of students from Alabama Institute College students from other counties and other States, with no claim to permanent residence in Macon County. John Doar told board members they must register all students there, regardless of their actual residence.

Third. Court orders to place nonqualified persons including dead persons on the rolls.

Fourth. Registration of more Negroes than the total number completing the sixth grade, clearly indicating that both illiterate Negroes and convicted Negroes have been forced on the rolls there.

Fifth. Registration of more than 9,000 persons to vote in a county with less than 7,000 literate persons.

Thus a county operating under court orders, and with which the Justice Department certainly should be familiar, is listing more than 50 per cent of its voting age residents registered whereas it has more than 50 percent registered even without subtracting from the figure on so-called qualified Negroes more than 1,500 college students from counties and other States who are present only to attend college. But the Justice attorneys seem determined to force the registration of all Negroes regardless of literacy and register on the Macon board permitting a literacy test because they recently brought contempt charges against the Macon board for using a literacy test different from the oral reading used before, a test which was different only as required by the 1964 Civil Rights Act to be different.

In Sumter County, with an actual literate population of only 5,000, the addition of illiterate Negroes to the voting rolls has pushed the total registration to 7,500. Still the Justice Department is not satisfied and is accusing the county of having less than 50 per cent registered. Furthermore, the U.S. attorneys recently brought a contempt against the board, but lost that case. This is further evidence that the Justice Department is not satisfied with the 1964 act only because they have not been able to use it to build a Federal judges into forcing the registration of all illiterate Negroes—as the proposed 1965 act would do.

FORCED TO REGISTER INELIGIBLES

With only 5,068 persons in the literate group in the county, Sumter's voting list now has more than 7,500 names of voting age over 15,000. With an illiteracy rate of 48 percent and with convictions making approximately 10 percent of these ineligible, according to a study in that county, Sumter has topped the 80 per cent mark of registering those in the illiterate and convicted group but doing it under Federal court orders and pressure. This illegally registered group is composed of Negroes, whereas 37 to 47 percent of the voting age population of that county is 10 times as high as for whites. Thus inaccuracy in Justice Department figures unjustly places another county within the "guilty definition," when it in fact should not be under that definition. Thus the only objective which the Department could have in the proposed 1965 act is to force on Alabama the remaining illiterate and convicted Negroes of the county. The proposed act to force some of these on the rolls in those counties now in the grip of court orders, such as Sumter. The objective of the proposed act is not to assure the vote of all Negroes, but, as in Sumter, to prevent any county carrying out the laws of Alabama in a nondiscriminatory manner.

USE OF INACCURATE FIGURES

Perry County is the fourth county which would be brought under the "guilty definition" by inaccurate Justice Department figures, whereas this county has more than 50 percent registered and has done it by following State law and by limiting all registrations to literates and those swearing under oath that they have not been convicted of disqualifying offenses. The Justice Department credits Perry County with only 3,500 registered, whereas the figure is properly 4,600 out of 6,500 total voting age of whom 42 per cent are illiterate. The county is within about 30 of having all persons registered who can be legally registered under Alabama law. Nevertheless, at the instigation of the Justice Department, Perry County has recently been given a ludicrous order by a Federal judge.

Here is the almost unbelievable series of events in Perry County:

First. After a period of about 3 years, 1959 to 1962, a board had turned down qualified Negroes.

Second. Perry was ordered not to discriminate but to continue using full constitutional requirements of Alabama law in registrations.

Third. New board appointed and they obtained use of a large courtroom and a permanent private office for files to handle the voter registration work.

Fourth. From September 1964 to February 1965, the number of Negroes who made applications to register on meeting days were as follows: 28, 4, 6, 6, 15, 1, 3, and 8.

Fifth. Suddenly on February 1 an organized drive resulted in the appearance of 376 Negroes late in the morning, all wanting to register at the same time. The board issued numbers preceded by A to those who had never applied before, and numbers preceded by B to those who had applied 1 to 10 times before and who, for the most part, could not write their names, or could barely write their names, and very few of whom could even copy their date of birth from a slip of paper brought with them. Of 4,700 Negroes of voting age in the county for whom grade completion statistics are given in the U.S. Census, 3,100 are illiterate and 1,600 have grade completion status of less than fourth grade. Thus, it is clear that the numbers mentioned here are but a very small portion of the total. Many of these Negroes have shown on applications that they have lost ability to read and write if, in fact, they ever had it. Most appearing February 1 were in the lowest grade brackets. That day the board was completely orderly, and at the end of the day mutual appreciation for the conduct of registration by the registrars and for the conduct of the Negro group were expressed by board members and local Negro leaders.

Sixth. On February 15 hundreds more of the Negro population were issued numbers and applications numbering 1,000. It is quite obvious that in the first week a second board member suffered a heart attack early in the day and was hospitalized.

Seventh. Martin Luther King arrived on the scene 30 minutes after the board closing time, in a disorderly manner and demanding registrations. The closing time was set out in court orders and it is perfectly obvious that this was known to the riotous group which mobbed the building. The registration of those Negroes then seated in the room, and resulting in officers removing from the room the remaining two board members and women clerks.

Eighth. A second board member has now resigned as a result of the constant threat of peaceful action on the part of King.

Ninth. Suddenly an order came from the district Federal judge stating that he had found the contempt of his 1963 orders, that they must speed up registration, and could no longer use a literacy requirement for voting.

Tenth. No notice of the motion had been given to the registrars. No hearing had been held. Worse than this, the order to speed up ordered the board to do less than it had been doing. The board had obtained the courtroom for the past months on a handling more than 100 persons a day, had obtained clerks to assist—although they had no authority to demand either space or clerks—and were seating far more than the order required in the registration area. The order told them to handle 100 persons a day, seat at least 8 at a time—the board had been seating up to 40 or more when they appeared to register after January—and to the contrary of the order numbers had been doing for about 2 years.

ORDERS CONFICT

Eleventh. It was even more astounding that such an order should be given when the district court had before it a motion by the State for reregistration of voters in that county to remove effects of past discrimination; and rulings of the Fifth Circuit Court of Appeals in a Dallas County, Ala., case, and on March 8, 1965, in the United States against Louisiana case by the Supreme Court. All back up the contention that any order by a Federal court to force a county to register by standards lower than required by a State law must automatically carry it the right of the county to hold a reregistration.

Twelfth. Had the Justice Department been aware of the Perry County situation, the seeking of such an order might be understood, but the Department is known to have been fully aware of the situation, including the appearance of only a few hundred Negroes by the board met during the time in 1964, when the Department filed a motion for a speedup order. In 6 months there had
being a total of only 67 Negroes to apply so the Perry board could not have handled 100 a day because they did not have that many to try to register. In addition, a representative of the Justice Department visited the Perry County board of March 1, was taken on a tour of the operations, shown the signup and appearance sheets and saw the operations handling up to 40 applicants at a time. The office was in use since court was in progress in the courtroom. Furthermore, this same representative was given a written report of the day's activities and the activities from February 17 following the close of business on March 1.

Thirteenth. Investigation has shown that the State attorney general's office was notified of the Justice Department motion, but the attorney general had pulled out of the case a year earlier and private counsel had been employed for the board. Thus, under the 1964 act it seems that a contempt charge can be brought against a board of registrars and the person representing the board in such actions can be fined even imprisoned without notice of the charges, without a hearing, without an opportunity to present facts in the case, without proper legal counsel being notified, and completely without the possibility that the operations should be made before any more dictatorial power is placed in the hands of an attorney general who has already taken steps to:

First. Accuse a board of failing to expedite registrations.

Second. Asking—and getting—an order for the board to furnish space and clerical personnel which it has no authority to demand and which it cannot provide on members' pay of $10 per day, but can only request be given them.

Third. Asking and getting a finding of contempt against a board on the basis of a hearing held in April 1964, without, in November 1964, even attempting to bring the case to date.

Fourth. Exposing to fine and possible imprisonment one elderly man with a heart condition and a wife almost entirely helpless in a wheelchair; one younger man retired from the Armed Forces; and one man who has a physical disability which could not withstand imprisonment; and one man in his eighties—all without notice or opportunity for trial, for hearing the so-called evidence against them, or having any of the real rights in the Bill of Rights of the U.S. Constitution, which Bill of Rights does not even mention voting but does hold to vital freedom the rights of the person to be confronted into the dust using punitive political propaganda whipped up by an unpeaceful, peace-hating, mob-using winner of the now besmirched Nobel Peace Prize.

Fifth. Seeking and getting an order to stop the Alabama registrar's office from voting in a county which has never been accused of registering illiterate whites but which was "found guilty" for using a literacy test "different" from the one used by the board in the Civil Rights Act, but different only in the way that the Civil Rights Act of 1964 required that it must be different—"literacy tests—wholly in writing."

BOARD CLEARED

This last allegation is obvious only when the full facts of this case are studied. The Justice Department had this board brought into court on a contempt charge and the board was cleared of this charge. At that time, the board was using for registration a much-simplified form of application and literacy test promulgated by the Justice Department in January 1964, and put into use in mid-February 1964. The Justice Department made no objection to this form of application. It was only after the State in September 1964, and put into use in mid-February 1964.

Sixth. Further bring down national criticism on a board of registrars in Alabama at a time when legislation is being sought in the Congress by ordering a speed up, when the board was already handling more persons than it was ordered to handle, doing it in a more expeditious manner than the order indicates, and in every way doing the best it could in the tangled State laws, Federal laws, court rulings—all of which are contradictory. And, further, the Department was the instigator of such unjust charges which it knew at the time of the court order were entirely false, even in the face of the 60 days marching on the board in an attempt to embarrass it by turning out more Negroes—including those who could not write their names—than the board could handle in the voter registration process. The Department through its own representative had ample information to show that the charges were false.

Bullock, Elmore, Choctaw, and Hale Counties all have court cases against the board of registrars of Montgomery County, and none of these cases under the bill's definition of automatic guilt of discrimination. There are only eight counties under court orders and only two facing complaints, yet three under orders and one facing a complaint do not fall under the definition of discrimination in the proposed act. This gives further evidence that discrimination did not exist.

One of two things must be true: either the Justice Department and the courts have under orders counties which have not discriminated since they top the 50 percent requirement, or the definition of discrimination based on the 50 percent formula has no merit at all.

JUGGLING STATISTICS

Madison County is an example of the stupidity of statistics used in place of reasonable laws. Here the voting age population is around 43,000 and 34,000 registered—although the Justice Department erroneously uses the figures of 64,000 population and 34,000 registered even though this was the first county in the State where photographs were made just after the November election and where full statistics were made available to the Department. This county registered more than 10,000 persons in 1964, handling 980 persons on 100 days—adding ample clerical help available under a special legislative act passed years ago and due to having experienced persons handling the operations.

NEGROES REGISTER FREELY

Here comes discrimination definition climbs to the height of the height of the heights. The earliest records of the county show Negroes registered freely. The return of Negro servicemen after World War II brought an upsurge in Negro male registration. Females of both races were admitted in numbers on the rolls until the poll tax came came in 1953. Since that time, Negro female registration has increased much more rapidly than white female registration.

Here are some of the statements which Negro leaders themselves have made about registration by this board:

1. Early 1950's—"Any Negro who is not registered to vote in Madison County is either too lazy to come and try or he cannot read and write." L. C. Jamsir, editor of the local Negro newspaper who has twice been a candidate for County Council and who printed the statement above in substance later in his newspaper.

2. In 1964 at public hearing of Alabama Assembly Civil Rights Commission: "Everyone is treated just alike. It's just that we can't seem to get many more Negroes registered." Robert Adams, head of the local NAACP committee. He admitted that Negroes simply could not qualify under the standards used by the board for all. A member of the board of registrars pointed out later that for every one Negro rejected from 1962 to 1964, two white persons had been rejected.

3. In 1965—Statement in the Huntsville Times: There is no opposition to Negro registration here. The drive is planned to increase interest among the Negroes in registering to vote," Ezekiel Bell, local Negro minister and civil rights leader of the county.

Neither Negroes nor the Justice Department have ever made any complaints against this board. It has been months since the Justice Department copied the records of the board with the full cooperation of the registrars. James Webb, head of NASA, did make an accusation that someone had been kept from voting by the registrar for 5 years. He made it at the height of the presidential campaign when he was also quoted as threatening to move Government installations if the board was not made more efficient. Mr. Webb has denied the latter, but his office has refused to give to the solicitor of Madison County the name of the person he claimed was kept from voting. The solicitor and the board have required the newspaper to disclose that a complete investigation can be made. The name has been requested from the Justice Department which has given no help in the matter. The name was requested from the local Civil Rights Commission and from the Huntsville NASA installation, without any results.

FALSE CHARGES HURLED

This is a prime example of the way in which charges are being hurled against
Alabama without investigation, without the accused being given any chance to defend themselves, and with the full cooperation of the Federal Government intent upon using Alabama as a "whipping boy" to pass additional legislation to further punish and chastise a State and a Governor which dared oppose in any way the program of the present administration. Madison County was listed as one of the 189 counties in the South where "thousands of eligible Negroes are being denied the right to vote," and it was largely on the so-called discrimination of these counties that the Justice Department sought and got passage of the proposed registration bills. It has been admitted that Madison County has not been able to back up its accusations with fact—as in the case of Madison County—so it now asks to be excused from going to court to prove a charge and asked, instead, that a ballot dictator be set up to rule over any State which falls in the carefully framed—and by this is meant "framed"—definition of discrimination without the necessity of any proof at all.

The placing of Madison County under the definition results from factors which are not connected in any way with discrimination but which the 50 percent formula simply ignores in order to make the definition apply only to a few States and, thus, garner the votes of those States thus bribed with the promise that the act will not be used in their States. The formula, as applied to Madison County, completely ignores these factors.

First. Increase between 1960 and 1964 from 84,000 to 94,000 of persons of voting age, many of whom have not met the residence requirements of 1 year in the State.

Second. Presence of more than 1,000 college students, residents of other counties and other States, and all of them included in the figure of less than 5,000 literate Negroes in the county.

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Third. Approximately 95 percent of all men and 71 percent of all women are registered or are not eligible.

The proposed 1965 Civil Rights Act deals with persons of voting age; in a State or political subdivision, but constantly in administration testimony, in demands by the Justice Department for more and more power and less and less law, and in various forms of news media the defense of Negroes' right to vote is being made in an attempt to make it synonymous with the term "persons of voting age."

The act will condemn any State where less than 50 percent registered or voted of the tests which they are using for such date being selected and the act being so worded that only those which the administration wished to punish will be included. At the same time, every effort toward political subdivision and the Nation feel that all persons of voting age are also eligible to vote.

WHO IS "ELIGIBLE" IN OTHER STATES?

All person 21 years of age are not considered eligible to vote in other States. For example, there are barriers against the voting of persons convicted of crimes, against persons who do not hold U.S. citizenship, against persons who receive public aid from any level of Government, against persons who do not own property in the case of tax elections in some States.

The following 19 States, other than Alabama, have a requirement that persons must be literate to vote. However, Alabama has been unable to obtain copies of the tests which they are using for such date being selected and the act being so worded that only those which the administration wished to punish will be included. At the same time, every effort toward political subdivision and the Nation feel that all persons of voting age are also eligible to vote.

The President said he wanted every American to vote. Does he mean to wipe out the literacy requirements of all these States, to wipe out the public-aid disqualification in some of these States, to abolish the almost universal bar to the voting of persons being registered to force on States as voters even those who cannot speak the English language? There is no guarantee in the bill that those States fingered by the Attorney General, and put under such pressure by him regardless of any statistical definition, will even be allowed to require that persons be 21 years of age, be citizens of United States, literate, and 21 years of age.
of the United States, be outside of prison walls, or even be mentally competent. The act refers only to persons, not even to persons residing in the political subdivision affected.

Alabama gives a literacy test to all as required by the 1964 act—and the President ridiculed the procedure of Alabama giving a test to all. Does the 1964 act apply to New York, and, if so, does this mean that New York can no longer exempt from its literacy tests persons who in 1922 were 21 years old, persons who voted military ballots during World War II, persons now in military service and other specified groups?

Can little Rhode Island expect for long to escape the heavy hammer of the Justice Department if it attempts to keep its barrier against nonproperty-owners voting in tax elections? Can Massachusetts expect to escape punishment if it leaves on its books a law barring paupers from voting—even if it makes the weak excuse that the law is not enforced? Can New Hampshire expect to long keep its barrier against convicts voting if its representatives support a bill for “all persons” to vote?

Alabama has never barred its unfortunate and its elderly from the polls by reason of their having to have some support to survive. Alabama has never built a barrier around the voting machines in tax elections to exclude all but property owners. Alabama has never permitted aliens or convicted felons from voting, nor has it ever required them, if convicted in Federal court, to get a pardon only from the President of the United States as does one of the States.

Who is legally “eligible” in Alabama

If the literacy law is left in effect and is enforced as it has been in Alabama and elsewhere, it is seen that in a great many cases the law is not enforced. It can be enforced, how many persons by race and sex would become voters because they are truly eligible under the properly enforced laws of the State? Who is “eligible” in Alabama?

Using the 1960 U.S. census for those who have never gone to school, for those who went to the first to fourth grade and who are illiterate by the yardstick of the national literacy groups, and using those who went to the fifth grade and beyond as the illiterate group, it is clearly justified by years of experience of boards of registrars and U.S. selective service board members in Alabama. There will be some persons who finished the sixth down to the first grade who will pass a literacy test due to their own efforts after leaving school, but at least as many persons with seventh grade or higher education cannot pass such a test simply after reading or writing the words “United States,” or even writing their own names or birth dates. Thus, this accumulated reading and writing evidence and the almost 100 percent rejection rate for the draft for persons under the eighth grade level both indicate that use of this set of figures as “illiterates” is a conservative one whether the persons are given literacy tests by the state under the Alabama constitution or the method devised in the State of New York.

Following is a table showing the percentage of illiterates and literates in the State as a whole based on the use of 1900 U.S. census figures, based on the latest available figures on registrations from probate judges and registrars, based on partial returns from a new count of voters being made in Alabama, and based on results of purging of voter lists in many counties of the names of persons dead and nonresident. In round figures, these percentages are based on the following:

<table>
<thead>
<tr>
<th>Eligibility table</th>
<th>Illiterate</th>
<th>Literate</th>
<th>Registered</th>
</tr>
</thead>
<tbody>
<tr>
<td>White, male</td>
<td>205,000</td>
<td>1,900,000</td>
<td>800,000</td>
</tr>
<tr>
<td>White, female</td>
<td>241,000</td>
<td>2,000,000</td>
<td>820,000</td>
</tr>
<tr>
<td>Colored, male</td>
<td>30,000</td>
<td>70,000</td>
<td>120,000</td>
</tr>
<tr>
<td>Colored, female</td>
<td>39,000</td>
<td>93,000</td>
<td>109,000</td>
</tr>
</tbody>
</table>

The only reservoirs of unregistered but actually eligible persons are women of both races. The fact is that these women have never applied to register at all. If all the women registered and all that have applied to register and been turned down were put together, the figure would still not amount to 69 percent for white women or to more than 30 percent for Negro women.

Here again, figures used by the Justice Department are misleading. They treat as separate individual each rejection from the board, whereas records show that some individuals have tried to register as many as 24 times, and should be counted once, not 24 times, when comparing rejections against the literate numbers of persons. In one case in Dallas County where a figure of 247 rejections was cited, it was proven that only 58 persons were responsible for the total number of rejections.

Two facts in Alabama must be faced, if there is to be any fairness in the consideration of the registration situation in that State:

First, many men are disqualified from voting due to convictions, probably many more than have been indicted. According to the Uniform Crime Reports of the United States, issued by the Federal Bureau of Investigation, Alabama ranked 16th from the lowest in crime rate, but still for 1953 the rate was 848 per 100,000 population. Other counties indicate a conviction rate, mostly of men, of about 10,000 per year the last 10 years. However, Alabama does not throw up unreasonable barriers to such persons by restoring citizenship and voting rights, so that any figures on disqualifications by convictions will constantly change. However, Alabama certainly does not make so stern a requirement of the convicted person as New York State, which requires—article 7, section 152(3)—that a person convicted in Federal court cannot ever register unless “he shall have been pardoned or restored to rights of citizenship by the President of the United States.”

Second, lack of interest in registering and voting among women has to be a factor in holding down the total number of registered voters. The educational level of women of both races in Alabama is higher. Correspondingly their rejection rate for registration is in fact lower than for men.

To attempt to penalize the State for the failure of the highest educated to register—and remember that they would not have to pay any poll taxes to vote in Federal elections—is especially unfair and vindictive at this time. This is because registration by white women has been discouraged for a long time in Alabama by the repeated questioning of those who register by persons claiming to represent the U.S. Department of Justice. Those questioners have come at night. They have come to the homes of these women when women were not at home. Some of these women have been frightened by the occurrences and the reports have spread to other white women, causing them to refuse to register. In addition, the conditions existing around registration offices, where unpeaceful demonstrations have been the rule for a long time has kept white women away from the voter registration lines. Another of the demonstrators have also kept many self-respecting Negro women away from the registration office who might otherwise have come to register.

Nor has the effect been limited to those counties in which the Justice Department and Martin Luther King have been active. With news media screaming out the most sensational news possible to concoct, registrars in counties where there has been no registration trouble have also been forced to come to register when there is trouble in other parts of the State, thus again causing women, in this case eligible Negro women, to refrain from becoming voters.

III. Increase in Negro Literates and Voters

If Alabama has truly not discriminated other than in a few counties for very short periods of time in all the years of the literacy law, then why all the charges against Alabama from the press, television, radio, and the pulpits? Mainly, it is because in its testimony and in its court protests and public utterances the U.S. Justice Department has misled the Congress and the people.

The Justice Department has said that Alabama has denied Negroes an opportunity for education and is illegally denying them registration as voters.

The facts are:

First. Negroes have made greater strides in improving their educational level than have whites since 1940.

Second. School terms, amounts spent per pupil, and attendance have not differed between races, but differed as between city and rural children. The difference has been due to additional funds being put up by cities for education. No action of the State has made
any difference as between rural and city children.

Third. Any Negro in Alabama who can read and write enough to read his ballot and have any idea about the things on which he is voting can register freely in Alabama. Those being rejected are those who, regardless of grade level completed, either never had or have now lost the ability to read and write with intelligence.

Fourth. The real progress in Negro registration was made before the first Civil Rights Act in 1957 was passed. The progress due to increased interest and militancy, not due to the fact poll tax first came after World War II. The second spur of increased Negro voting came after abolition of the cumulative feature of poll tax in December 1953. This was an equal spur to registration by both white and Negro women, rather than solely on the basis of race, this increase was on the basis of sex.

Fifth. The Justice Department has found for itself that Alabama has been rejecting Negroes for the simple fact that it was obeying its own laws and that illiterate whites are not voting as they had claimed. Most of the qualified Negroes have registered, and the Justice Department has come face to face with the fact that the only way to register the thousands whom they claim are eligible is to abolish the literacy law—which is just what they are trying to do, and discrimination has no place in this. They cannot prove discrimination in courts of law, therefore they must get it out of the courts and make the finding of discrimination rest on a definition, not a hearing before a Judge.

Alabama Negroes have made progress in education in relation to literacy for voting.

1940 only 22 percent of Negroes were in the literate group.

1950, 32 percent of Negroes were in the literate group.

1960, 45 percent of Negroes were in the literate group.

While Negroes were increasing their literacy, the number of white illiterates in Alabama increased. The literate percentage still was 59 percent, or one in four were illiterate. The 1960 Census showed that Italy had more illiterates than the United States had Negro illiterates.

Nor has the United States ever been as completely literate as the Italian region known as the Marches, of which Rome is the capital, which is a region of nine counties in Arizona, Idaho, Maine, and North Carolina. In concluding his report in November 1961, the Honorable Howard W. Smith, from Virginia, opined that Alaska was innocent of discrimination but would, in effect, be a victim of this bill. I concur as to Alaska’s innocence, and admit that Alaska’s position has been somewhat clouded in this premise but concludes the bill too important to oppose for that reason.

Under the bill, H.R. 6400, the use of specified voting qualifications defined as “tests or devices designed or intended to discriminate against certain people from voting—would be suspended in States and political subdivisions up to the coincidence of two factors; namely, where first, such tests and devices were maintained on November 1, 1964, and second, less than 50 percent of the voting-age population was registered or voted in the presidential election of 1964. I will soon show that these factors do not apply to Alaska under H.R. 6400 as written. A third factor which has been alleged to be applicable to Alaska is set forth at the top of page 24 of the bill, as follows: ‘No order or point charge for failure to register or to vote because of his failure to pay a poll tax or any other tax.’

Alaska has a head tax charged to all employed individuals for school purposes, which tax has nothing to do with the right to vote. Alaska has never had a poll tax affecting the right to vote.

I agree with the provision which would do away with further use of poll taxes to prevent people from voting. I do not think that any citizen should be deprived of the right to vote for failure to pay a poll tax, and, referring to various other tax laws, I do not think, for example, that the Federal Government should issue general obligation bonds for public purposes should be limited only to property owners. Obviously, everyone who lives in any locality either owns his own abode or pays property taxes. If the owner of property charges enough rent to cover his property taxes as well as the use of his premises. In other words, landlords pass on to their tenants the cost of property taxes on their property, so that indirectly tenants pay property taxes, which means to me that citizens who pay rent have as much fundamental interest in whether or not a local government bonds itself as do the landlords. I have rented my own place in Alaska for years, and I have no desire to see my tenant deprived of the right to vote in any election.

Let me now go back to the literacy tests and devices, and the proposition that less than 50 percent of the voting-age population was registered or voted in the presidential election of 1964. It is important to point out that, since the “test or device” which is proscribed in this legislation is designed to eliminate discriminatory literacy tests in effect in less than 50 percent of the population or for failure to register or vote in the presidential election of 1964.
of H.R. 6400. Provisions of other State literacy tests have varied from, "read and speak English" to, "read and write English" to, "the reading and interpreting of the Constitution and other English prose." Obviously, such tests require a varying level of education, intellect and experience, and can perceptibly be used for purposes of discrimination.

Compare these tests or devices in various States with the situation in Alaska, where Alaska's State constitutional requirement is that a person registering to vote must only be able to, "read or speak the English language as prescribed by law, and speak English" to, communicate by speaking simple words in the English language. For emphasis, I repeat the unique and liberal disjunctive—"read or speak" found in Alaska's constitution. If Congress intends to eliminate as a "test or device" a provision requiring that a person seeking to vote be only able to speak simple English, then I would expect it to do so by expressly requiring such an ability, by far the most direct and appropriate way of expressing requirements of equal education, intellect and experience.

The issue we face is not whether we are going to pass a voting rights bill. Clearly, support for voting rights for all Americans is so basic a duty as to be not subject to challenge. Furthermore, the legislation itself is neither as controversial nor as comprehensive as previous civil rights bills have been. The result is that fewer people, if any, have been injured by the provisions of this bill. The bill does not relate to equal accommodation, integration of educational institutions, integration of transportation, or other aspects of the day-to-day life of Americans which have received previous civil rights bills. None of these problems have dealt with and over which there was strong philosophic disagreement.

Thus, the question before us is simply a matter of what kind of bill we are going to pass. It is my opinion that the President's voting rights bill but also many committee-drafted improvements which represent the thinking and conclusions of this committee, the bill is sound and the House should adopt it.

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new procedure permits any Negro in the affected area whose application has been rejected by local officials to apply directly to the Federal Court or a Federal voting referee for an order certifying him as a voter. The orders of the court so obtained are binding upon State voting officials with respect to both State and Federal elections. The Department of Justice brought 49 discrimination suits between the date of enactment of the 1960 and the enactment of the Civil Rights Act of 1964.

Despite the improved 1960 legislation, no appreciable dent was made in denying Negroes the right to vote and register. And as the Negro demand for full voting rights grew, more than threats to his life and livelihood increased.

Additional modifications in the voting laws were made in the Civil Rights Act of 1964. Title I of that act provided for the expedited registration of Negroes and in each case-by-case approach, no matter how well intentioned, will not end voting discrimination. The case-by-case approach encourages hard-core southern resistance. The case-by-case approach, no matter how well intentioned, will not end voting discrimination. The case-by-case approach will give some Negroes a rebuttable presumption of literacy from the completion of six grades in any recognized school.

The effect of the 1957, 1960 and 1964 voting rights statutes was limited. Although they were intended to supply strong and effective remedies, their enforcement encountered serious obstacles in various regions. Experience under these laws conclusively indicated that the case-by-case approach encourages hard-core southern resistance. The case-by-case approach, no matter how well intentioned, will not end voting discrimination. The case-by-case approach will encourage a rebuttable presumption of literacy flowing from the completion of six grades in any recognized school.

This brings us to the present bill which is designed to avoid the omissions of 1957, 1960, and 1964 by providing the machinery for a comprehensive program of voter registration and protection throughout the areas of the country where discrimination in voting has been conclusively shown to exist.

An attempt was made in 1960 to include a voter registrar plan in the House bill. After tentative adoption on the House floor it was stricken. Some opposition was also encountered in the Senate when it was filibustered. There are those who suggest we should follow the same route this year, that we should strike various provisions of the House Judiciary Committee bill to avoid a similar fate in the even conference with the other body. We cannot make that same mistake again for if we do, we will be back here next year writing a new law to cover the practices some would have us strike from this bill.

The fact remains that the Senate has adopted a bill which provides for major changes in the existing registration provisions in the House Judiciary Committee bill, although in certain respects, H.R. 6400 is significantly more effective. The basic machinery of the House bill must be retained in the effective voting rights bill in this Congress. I could think of no more effective way of failing in our job and deferring the challenge to next year than to adopt the provisions of the Senate Judiciary Committee bill and face such proposals. However, even as they have been rejected in committee—and by the Senate—they should be rejected again here. We cannot adopt a different triggering device, different means of excluding political subdivisions from coverage, different means of ending the examiners' jurisdiction without requiring the conference committee to redo the entire job of writing a new voting rights bill entirely and exclusively will result in severe delays and postpone the right to vote and at worst would be the death knell of voting rights legislation in this Congress.

The House Judiciary Committee bill does vary in some respects from that bill passed by the Senate, however. One major difference is that the House bill contains a poll tax ban in State elections, what we have already eliminated in Federal elections by the 1964 amendment. I believe that the adoption of the poll tax provision is critical to an effective bill. We seek in this Congress to make voting rights a reality for all. I do not think that any of us who support this bill would like to see it pass and then see the right to vote again denied because of the failure to pay poll tax. We would not like to see States raise the barriers of the test that they might now do to keep Negroes from voting. Let us foreclose this possibility to assure the purposes of the voting rights bill. There can be no doubt that the poll taxes are imposed primarily to restrict Negro voting. In 1963 a Senate Judiciary Committee report, it was observed:

'& We think a careful examination of the so-called poll tax constitutional and statutory provisions, and an examination particularly of the constitutional conventions by which these amendments became a part of the State laws, will convince any disinterested person that the object of these State constitutional conventions, from which emanated mainly the poll tax laws, were motivated entirely and exclusively by a desire to exclude the Negro from voting.

Indeed, the Mississippi Supreme Court, shortly after the enactment of the poll tax in that State, candidly held that the tax was primarily designed to restrict Negro voting. In 1963 in a Senate Judiciary Committee report clearly sets forth the basis for the poll tax in that State.

Near the beginning of the convention Senator Glass made a speech in which he expressed what he thought the object was, after all, of the convention. He did this in his usual commentatory method of getting at the real cream in the coconut. Near the beginning of the convention he made a speech in which he said:

'The chief purpose of this convention is to amend the suffrage clause of the existing constitution. It does not require much prescience to foretell that the alterations which we shall make will not apply to all persons; there will be a classes. We were sent here to make distinctions. We expect to make distinctions.

Near the conclusion of the convention, Senator Glass delivered another address in which he referred to the deadly performed by the convention. He said:

'I declared then (referring to the beginning of the convention and the debate on the oath) that no body of Virginia gentlemen could frame a constitution so obnoxious to my sense of right and morality that I would be willing to submit its fate to 146,000 ign­

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revolution of rising expectations. The Supreme Court’s "one man, one vote" decision is equally a part of our times. What we seek to accomplish by this voting rights bill, equal and fair representation, would be impossible had it not been for those who seek to overturn the "one man, one vote" decision. Whereas we seek to give every man an equal voice in government, overturning the Supreme Court decision would give a disproportionate value to the votes of some segments of our population. If not foolish, it is at least inconsistent to condemn vote frauds where fictional people are allowed to vote on the one hand while seeking to set up a system of representation which will permit the votes of two people living in one area to equal the vote of one person living in another. This is the central theme of our time in history—the protection of the integrity of the right to vote and the value of the vote. I must emphasize again that it is not whether we shall pass a voting rights bill this year but whether the bill we will stand up to the challenge of our time—equal voting rights. It is within our capacity and within our duty. We must not let the country down.

Mr. CELLE R. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. Donohue].

Mr. DONOHUE. Mr. Chairman, I rise in support of H.R. 6400.

Mr. Chairman, I must earnestly urge my colleagues here to, and I hope they will, promptly and overwhelmingly adopt this historic measure before us, H.R. 6400, the Voting Rights Act of 1965, without any crippling changes or extended delay. In considering this measure today I believe it is very pertinent to remind ourselves that three times, since 1957, this Congress has attempted to implement the Constitution’s admonition that, “the right of citizens of the United States to vote shall not be denied or abridged on account of race, color, or previous condition of servitude.”

Although these current laws were designed to prevent free and effective remedies against any restrictions upon and discrimination in the exercise of the voting right, unfortunately and regretfully, but unquestionably, the history and the evidence of these past 7 years reveals their attempted fulfillment has encountered obstacles, in various regions of the country, of such a serious nature as to practically negate and defeat their primary intent and purposes.

In my opinion it is a special opportunity to move ahead with the right to vote, and in fulfillment of it. Let us speedily and overwhelmingly seize the opportunity.

Mr. CELLE R. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. Ryan].

Mr. RYAN. Mr. Chairman, almost 100 years after the adoption of the 15th amendment, Congress is debating whether or not to pass implementing legislation to secure for all Americans the right to vote regardless of race or color. It is common knowledge that the promise of the Constitution has not been fulfilled; it is common knowledge that there has been a determined conspiracy in the South to prevent Negro citizens from voting. Tragically, it has taken violence, brutality, and murder to awaken the Nation to the nature of this conspiracy. Finally Congress realizes that post legislation has not been adequate to deal with the question. In 1957 and again in 1960 civil rights laws were enacted, and last year we enacted the historic Civil Rights Act of 1964. None of these laws fully secured the right to vote. H.R. 6400, confronts the problem more directly than any past bill brought to the floor of this House.

Of course, there are some—those in this House—as the gentleman from Louisiana [Mr. Waggoner] told us, who do not believe there is a right to vote. This is a fundamental issue which I think we must face. However, we would not be here now, debating this bill, if this basic proposition had not been denied, if eight States had not left the determination of a voter’s quali-
flications to the prejudice of local registrars.

From the beginning of my service in Congress, one of my principal concerns has been the guarantee of the basic right to vote, and in every Congress in which I have served—both in the 87th Congress, and H.R. 6028, which I introduced in the 88th Congress, would have provided for the appointment by the President of Federal enrollment officers upon the recommendation of the Commission on Civil Rights. H.R. 6023, which I introduced in this Congress, also would establish a system of Federal registrars.

Of the 13 Congresses I have also introduced bills to outlaw literacy tests and abolish poll taxes in all elections. The bill before us today, H.R. 6400, embodies many of the proposals incorporated in my earlier bills. I consider them essential to the effectiveness of any legislation designed to correct the voting evils—many of which I have observed firsthand on my visits to Alabama, Georgia, and Mississippi—which continue to exist in a good many areas of the Nation.

Section 10 of the voting rights bill, as reported out by the Committee on the Judiciary, specifically bans poll taxes in all elections. This is one of the most fundamental of the principles on which I have fought for ever since I came to Congress. I would point which I have drafted in the voting rights section of the constitution, give a reasonable interpretation of it, and, in addition, demonstrate to the registrar "a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government."

Since the adoption of this amendment the States have followed these standards so as to make it easy for white applicants to register and most difficult for Negroes to register. In 1960, the registrars was given a new arbitrary power and the evidence is that he has exercised it arbitrarily and capriciously. He can now refuse to register, at his own whim, any applicant who is not of "good moral character." Can anyone seriously doubt that Congress must prohibit the use of such a test? Can anyone seriously debate that Congress must prohibit such flagrant discrimination?

The State of Mississippi has deliberately and systematically denied the right to register and vote to a substantial number of American citizens because of its race. It is no accident that there are approximately 500,000, or 67 percent, of the voting age or approximately 180,000, or about 20 to 25,000, to only 5 to 6 percent of the Negroes of voting age registered to vote.

Similiar carefully planned patterns of voting discrimination were brought out by the Supreme Court in Louisiana v. United States, 330 U.S. 145—1965—in Divis v. Schnell, 336 U.S. 933—1949—an Alabama case, as well as other cases. These cases present a picture of concerted violation of the Constitution by State governments, in order to deprive American citizens of their legal rights.

Mr. Chairman, H.R. 6400 recognizes that tests or devices have been the principal means used under State law to prevent Negro citizens from voting. I have seen at first hand how the constitutional interpretation test is used to discriminate. I have sponsored legislation to abolish such tests.

It is my judgment that, by making the completion of six grades of education presumptive proof of literacy, the Civil Rights Act of 1964 eliminated the effect of discriminatory literacy tests. Nothing could be further from the truth. It merely transferred the same subterfuge, means used under a literacy test to an education presumptive test. Mr. Chairman, the test isf a constitutional interpretation test used by the Louisiana Supreme Court. The Court said:

"This is not a test but a trap, sufficient to stop even the most brilliant man on his way to the voting booth. The cherished right of the people in a country like ours, that educational opportunities offered to Negroes were shamefully inferior to those offered to whites. After a court pointed out that the 1950 constitution gave the applicant on the altere- latives—democracy, registration, or understanding or interpret—the State changed the constitution to raise higher the barriers to Negro registration. A 1954 amendment to the constitution required each applicant to carry any section of the constitution, give a reasonable interpretation of it, and, in addi-
Mr. CELLER. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, my good friend the gentleman from Alaska [Mr. FURNESS] who just proceeded me made reference to a statement that I had made on the floor the other day, that Alaska was one of the victims of this bill and would be caught under the triggering provisions of H.R. 6400.

Let me first say that I do not know whether they are or not. I merely took it from the record that was presented to us in the Rules Committee. The testimony showed that there were six Southern States and the State of Alaska who are caught under the triggering provision, because there had been a storm up in Alaska and the people could not get to the polls.

Mr. Chairman, the gentleman’s statement that the situation in Alaska was cloudy illustrates just what I was talking about. Not only is the situation of Alaska going to be cloudy if you pass H.R. 6400, but the situation, with respect to a lot of other folks sitting in this Chamber and a lot of other States in the Union is going to be cloudy also.

Mr. CELLER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. JOELSON].

Mr. JOELSON. Mr. Chairman, while we have been debating the legalisms and the technicalities of the voting rights bill, my mind kept straying to two constituents of mine. One had the unusual name of Jessie James III. He was a lance corporal in the Marines who was killed in action in Vietnam, and he was a Negro.

The other was named Robert J. Rhodes. He was a second cousin to Corporal James, and he was killed in an airplane crash in California on his way to Vietnam with a contingent of marines. Like Corporal James, he was colored and, like Corporal James, he gave his life for this Nation.

Mr. Chairman, how can anyone deny the basic voting right to a people while still expecting them to risk their lives for their country? It is unfair and inhuman.

The greatest tribute we can pay to these young men and their families is to pass this bill which would make the Negro people full participating partners in democracy. This measure will be a living monument to these lads. I shall vote for it proudly, and will always thing of it as the James-Rhodes bill.

Mr. CELLER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. KEARNS].

Mr. KEARNS. Mr. Chairman, during the last few days I have tried to diligently follow the debate on this most important legislation, the voting rights bill, H.R. 6400. Though it is a complex and legal document it has certainly been drug out by the opponents in a fashion by the outstanding Judiciary Committee.

Today, there can be little doubt of the need for this legislation. If any such doubts exist, however, I would recommend a thorough reading of the exten-
Mr. Chairman, the promise of the Constitution must be fulfilled without further delay. I strongly adhere to the Constitution in all its provisions including that of the 15th amendment. By subscribing to this great document I subscribe to its provision that "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.

The bill drafted under the excellent chairmanship of our colleague, the gentleman from New York [EMANUEL CELLER], has as its purpose to carry out the letter and the spirit of the Constitution. This bill is in conformity with section 2 of the 15th amendment which recognizes that "the Congress shall have power to enforce this article by appropriate legislation." The Judiciary Committee, composed entirely of trained attorneys, who diligently worked through weeks of hearings and studies and has, indeed, presented the country with that appropriate legislation called for in the Constitution.

I am honored to be a Member of this 89th Congress which has already distinguished itself in meeting head on the undeniable inequities in voting patterns throughout the length of the country. Moreover, I will long remember that this was the time when statesmanship raised itself just a little bit higher by courageous acts of Congressmen who see their duty and do not hesitate to act, even when such acts may not be popular in their congressional district.

I commend the statement of a few days ago by our colleague, the gentleman from Florida, Representative CHARLES E. BENNETT, and salutes his act of courage in supporting this historic measure that will remove shackles which have, for too long, restricted the voting freedom of some Americans.

Mr. Chairman, America knows the need for this legislation; let us heed her call and vote for the effective Voting Rights Act of 1965, H.R. 6400.

Mr. CELLER. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts.

Mr. O'NEILL of Massachusetts. Mr. Chairman, today our Nation is confronted with the problems of keeping our political process responsive to the people. In an age when bigness has become commonplace in so many areas of human activity, it is easy to forget that it is the people, acting in their capacity as voters, who are the sovereigns of this Nation. Many Americans realize the problem of keeping the political channels open exists and are determined to see that no qualified person is prevented from fulfilling his civic duty.

This is not a novel idea dreamed up by Americans of this century. The late Justice Miller writing the opinion for a unanimous court in the case Ex parte Yarbrough decided in 1894 expressed similar sentiments when he wrote:

> It is essential to the successful working of this Government that the great organs of its executive and legislative branches should be free.

The Congress like Justice Miller wants our political institutions responsive to the people. This was one of the reasons the Civil Rights Acts of 1957, 1960, and 1964 contained voting rights provisions. It is for this same reason that the Congress is considering the voting rights bill this year.

During the month of March I had the opportunity, Mr. Chairman, of being present when a deposition took place in the State house in Boston concerning the voting abuses in Mississippi. The testimony of a young Negro girl, talented and able, with the following background: She had been graduated from Jackson State Teachers' College, had attended the University of Texas, and was working for her doctorate at Harvard University.

This girl, able, educated, and talented, when she went to register to vote in her town in Mississippi was confronted with the following:

First. She had to go to the registrar and make application to register to vote. Second. Notice was placed in the weekly newspaper citing her intention to become a voter, and were there any reasons, moral, civic, or Judicial, that anybody objected to her as a voter? Third. She came back the following week. And she was given an intelligence test. She was asked to read and interpret five of the amendments of the Constitution. She failed. Are these the States' rights that you people want to protect? I say to you, Mr. Chairman, now is the time for us to act. Certainly this is aimed at a handful of States, and rightly so, because of an incident just like what I have told you and that you can repeat, and repeat, and repeat similar instances throughout these six States.

The voting rights bill now before this body is based upon the provisions of the 15th amendment. The first section of that amendment states that it is unconstitutional for the Federal Government or the State Government to deny or abridge the right to vote of citizens of the United States "on account of race, color, or previous condition of servitude." The second section grants to the Congress power to enforce the provisions "by appropriate legislation." The second section grants to the Congress power to enforce the provisions "by appropriate legislation." The Constitution holds that legislation designed to protect the voting rights of American citizens is within the scope of this body's authority.

It is unfortunate that all Americans do not realize that by limiting some of their countryman's rights they limit their own rights—unfortunate but true. Our history since the adoption of the 15th amendment is replete with demands for Congress to act to assure that persons who are qualified to possess the means to exercise their right to vote.

We have but to recall the misdeeds of the Civil War and the more subtle techniques adopted later such as the grandfather clause and the white primary to realize that the guarantees of the 15th amendment have at times been disregarded. Nor has this disregard for the rights of some Americans been relegated to the distant past as the recent activities of our Government attest.

The Congress in the last 8 years has passed three Civil Rights Acts which dealt in part with voting rights. Acting in harmony, the Congress and the States proposed and adopted the 24th amendment which forbids the use of the poll tax in Federal elections. Acting under authority granted him by Congress in the Civil Rights Acts has brought suits before the courts of the United States acting under authority granted him by Congress in the Civil Rights Acts. The bill drafted under the excellent background: Mr. President, the Honorable Professor Sutherland, an outstanding constitutional professor at the Harvard Law School, said:

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voting rights law asked that the 15th amendment be enforced and said:

There must be no delay or no hesitation or no compromise.

Commenting on the President’s address the Boston Globe contained the following appraisal:

Few citizens will fail to agree with him, for, as I have pointed out, the official machinery of a representative democracy is in gear.

The Senate heard this call for action from the President and the Nation. Today the House of Representatives is asked to answer with the same clear response our national conscience requires.

Ninety-five years ago our forefathers agreed that no citizen of the United States should be denied the right to vote “on account of race, color, or previous condition of servitude.” Today we are being called upon to enforce this commitment with appropriate legislation. We must not, we cannot, do less and be true to ourselves and our heritage. Let us support H.R. 6400.

Mr. McCulloch. The gentleman from Ohio [Mr. McCulloch] has 2 minutes remaining and the gentleman from New York [Mr. Celler] has 1 minute remaining.

Mr. Celler. Mr. Chairman, will the gentleman from Ohio [Mr. McCulloch] yield 2 minutes to me so that I may yield 3 minutes to the gentleman from Florida [Mr. Pepper]? Mr. McCulloch. Mr. Chairman, I will yield to the gentleman from New York 1 minute, one-half of the time we have left.

The CHAIRMAN. The gentleman from Florida [Mr. Pepper] is recognized for 2 minutes.

Mr. Pepper. Mr. Chairman, for decades the American Negro wore the shackles of physical slavery. He was finally emancipated but he could not forget that only his body had been a chattel and that he had been bred like cattle for the profit of his proprietors. And for now more than a hundred years the struggle has been waged in this great Republic. Now we are engaged in another one of those battles in this long struggle for the most meaningful of his rights, indeed that right which is the criterion of participation in effective citizenship in this country, the right to vote.

Mr. Chairman, I speak not only as an American but as a southerner, and I am proud of it. Born in Alabama of a father of Alabama birth and of a saintly mother born in Georgia, I speak as a citizen of the South in hoping that this measure will help to lift from the conscience of my native and beloved land the burden that it has so long borne.

Mr. Chairman, I wish in the warmest terms to commend the able chairman of this committee, Mr. Conyers, and his fellow members on that committee for bringing to this House a measure which so nobly advances the high ideal of full Americanism for every American. I commend you, Mr. Chairman, and I hope that our colleagues by this meaningful gesture will advance that noble struggle and I believe we are going to do so in a very short time.

Mr. McCulloch. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. Gerald R. Ford].

Mr. Gerald R. Ford. Mr. Chairman, we have just listened to a story told by the distinguished gentleman from Ohio [Mr. McCulloch] and I must say that I agree with him but I suspect that there could be documentation of comparable stories in many, many States, including the State of Texas. I see no reason whatsoever for legislation that seeks our approval on the basis of discrimination based on color or race being applicable in an effective manner only to a limited number of States.

We in this body, on that side of the aisle or on this, do not want the story which the gentleman from Massachusetts mentioned repeated in any State. We believe a bill which is comprehensive, which covers every State—including the State of Texas and including some of our largest States—which is a legislation that ought to be approved by this body.

Mr. Powell. Mr. Chairman, I rise in support of H.R. 6400, the Voting Rights Act of 1965. This bill is one more, as I have said previously, one more milestone in the long road towards equality we all must tread in order to make the Constitution more meaningful for all American citizens—black, white, and Spanish speaking.

I wish to point out that earlier this year—January 13, 1965—I introduced the legislative forerunner of this present bill. My bill, H.R. 2649, which called for the appointment of Federal registrars to protect the right to vote, was introduced as a direct result of a personal visit to me on January 10 by Dr. Aaron Henry, that distinguished freedom fighter from Mississippi.

And the second imperfection of H.R. 6400 are two serious shortcomings in H.R. 6400 which I am hopeful can be remedied. One is the omission of judicial relief for Spanish-speaking Americans who are de facto penalized for their inability to read and write English, even though they may be entirely proficient in their native tongue and are loyal, hard working and productive citizens in many American municipalities.

The second imperfection of H.R. 6400 is the absence of a provision which would require new elections in those States affected by this act. When I testified earlier this year before the House Judiciary Subcommittee hearings on H.R. 6400, I pointed out that I had considered changes by several of my distinguished colleagues including Representative John Conyers, Jr., of Michigan, a member of the Judiciary Committee. I do not think you have ever publicly called for new elections. As chairman of the House Education and Labor Committee, which has the legislative responsibility for almost $5 billion of aid to elementary and secondary education to higher education, juvenile delinquency control, manpower training and redevelopment, correctional rehabilitation, national vocational student insurance loans, and, of utmost importance, the war on poverty, I wish to emphasize that these giant steps by our Government are disastrously crippled when citizens are unable to vote now and participate in the election of officials who will administer the funds for these programs at the local level.

It does no good to pass a law striking at the hard cancer of poverty in this country when a black man and his family, barely surviving at the tattered edge of society, are forced to vote in the primaries or for local officials who control these funds.

And yet, this is the state of affairs as H.R. 6400 now stands. Federal protection will be available for those seeking to vote at the polls but there are no provisions for the economically debarred to enter the political mainstream immediately to redress their grievances. And I submit to you today that the nearly $5 billion worth of Federal assistance the Education and Labor Committee has authorized becomes meaningless in the face of our failure to provide for new elections in those areas affected by this act.

I call upon my distinguished colleagues to seriously consider the void which the act presently contains if no provisions are made for present elections.

Finally, I would ask that our Government and the States act now to enfranchise our hundreds of thousands of Spanish-speaking Americans who cannot read or write English and are denied the right to register as voters because they cannot pass an English literacy test.

In California, there is no literacy test for Mexican-Americans. In all States throughout the Union where large numbers of Puerto Ricans live, the requirements that they pass English literacy tests should be abolished. In my own State there are over 750,000 Puerto Ricans, of whom more than 480,000 are of voting age. Yet, there are only an estimated 100,000 Puerto Ricans registered to vote, or less than one-third of those eligible.

This does not stem from any lack of civic interest on the part of these fine citizens, but rather the barrier of English literacy test. They participate fully in our economic and social life. It is time to enable them to enjoy the full blessings of participation in our political life.

I therefore urge that section 4 of H.R. 4600 should be amended to provide that any person has successfully completed the sixth grade in any State, territory or the Commonwealth of Puerto Rico where the language taught was other than English, he shall not be denied the right to
vote in any local, State or Federal election.

With the addition of these two changes in H.R. 6400, we shall bring before the American people a new day in electoral justice and political freedom for all of our citizens—black, white, and Spanish-speaking.

Mr. BOLAND. Mr. Chairman, I rise in favor of H.R. 6400, the Voting Rights Act of 1965. Passage of the Celler bill will give the Federal Government the power to enforce registration and voting rights. It is the duty of Congress to maintain the integrity both of the Federal Constitution and of the democratic process itself.

The 15th amendment imposes on us the obligation to secure to every qualified citizen of the United States the right to vote. The principle of government by the consent of the governed compels us to restore political liberty to the disfranchised Negro. Officials in some States have succeeded in denying Negro citizens the right to vote and they must be held responsible for making it necessary that we enact this Celler bill. These officials have threatened the integrity of the Constitution and of the democratic process.

Mr. Chairman, last March 14 and 15 I went to Montgomery and Selma, Ala., along with my colleague, Congressman SILVIO COSTE, and Bill Evans, Administrative Assistant to Senator EDWARD M. KENNEDY. We went to Alabama representing the Massachusetts congressional delegation during the historic march of civil rights representatives from Selma to the State capital, at Montgomery. Also, we investigated voter registration conditions in that State, and talked to representatives of both sides in the dispute. I can report to you that we found conditions exactly as our colleague, Congressman RUSNNR, reported to you in his speech yesterday, conditions that he and other Members of the House discovered when they visited the Dallas County Courthouse in Alabama earlier this year.

Mr. Chairman, I support the position of the United States and State officials in the States which have made use of such tests and devices as those enumerated in section 4(c) of the act in order to fabricate the appearance of legality in rejecting applicants for registration when, in reality, they rejected these applicants on account of their race. All of these tests and devices—literacy and interpretation tests, evidence of good moral character, the requirement that an applicant be vouched for by others already registered—all of these are tests and devices which the Civil Rights Commission has reported have been used as techniques of discrimination.

In the Civil Rights Acts of 1957, 1960, and 1964, we left it up to the Federal courts to determine the instances in which such tests and devices have been used as means, not to determine the qualifications of applicants, but to disenfranchise the Negro. We left it up to the Federal courts to enjoin such discriminatory practices whenever they found them.

Official resistance on the State level was widespread and determined, and it was unrealistic to expect the courts swiftly to abolish all such practices when it came to a test of strength with State and local officials.

Congress must now move swiftly to abolish the use of all such tests and devices wherever they have been used as techniques of discrimination.

On June 19, 1963, President Kennedy asked Congress to enact a provision in the 14th Amendment to the Constitution, the Civil Rights Act of 1964, authorizing the Federal courts to appoint temporary voting referees under certain conditions before a final judgment is reached in voting rights cases. As disciplining referees appointed under 1960 Celler bill after final judgment, referees appointed while a case is pending would have heard complaints of discriminatory denials of the right to vote and would have reported their findings to the courts for the issuance of orders for the registration of those found qualified. Voting rights could have been safeguarded much more expeditiously by referees appointed before final judgment. This provision was deleted. In his message of March 15, President Johnson, speaking of this provision, said:

And when that bill came to my desk from the Congress for my signature the heart of the voting rights issue was entirely removed.

That provision had been meant to offset the delay which is inevitable in protecting voting rights through judicial process. Due process of law and the protection of voting rights case by case necessarily entail too great delay.

Voting rights require to be determined without delay. Delay very often means disfranchisement. The Celler bill resolves the issue in the most effective way possible. It does so by providing for appointment of Federal examiners either by court order before or after final judgment or on request of the Attorney General. And these examiners will not be officers of the courts but of the executive branch of the Federal Government. They will take over the registration process wherever necessary and will insure to all who ought to vote the right to do so.

Mr. Chairman, I support the position of the Junior Senator from Massachusetts, EDWARD M. KENNEDY, to ban State poll taxes in this voting rights bill. The Kennedy amendment was defeated by a close margin in the Senate, but I sincerely hope it will remain in the Celler bill before us. Like the various tests I have previously mentioned, the poll tax was adopted in some States neither as a means of revenue, primarily, nor as a genuine qualification for voting, but in order to disfranchise the Negro. Congress has the clear and certain right, therefore, under section 2 of the 15th amendment, to abolish this means of discrimination by statute. As a deliberate hindrance to voting, we cannot now, and should not now, stand together with other techniques which have been used to deny political liberty to the Negro.

Mr. Chairman, when we have secured the political liberty guaranteed by the 15th amendment, and when we have safeguarded the suffrage by consent, we shall have done our duty as representatives of the American people.

Mr. MOORHEAD. Mr. Chairman, I rise in support of this legislation to ensure voting rights to all our citizens. This is one of the most important, most basic problems now facing our Nation. As the President put it, the problem involves "the dignity of man and the destiny of democracy...the essence of democracy because the right to cast a meaningful vote is the essential right which distinguishes a democracy from other forms of government. It is the 'dignity of man' because it gives any democracy which denies to one man an equal opportunity to vote with other men denies his essential human dignity.

This legislation has my support because it is designed to promote the destiny of democracy and the dignity of man.

It has my support despite the fact that it does not include what I consider an important provision for the enforcement of section 2 of the 14th amendment to reduce the proportion of congressional representation of those States which abridge the right of some of their citizens to vote.

The framers of the 14th amendment anticipated the fact that there might be racial discrimination in voting rights in elections in which representatives in Congress were chosen. They provided in section 2, as the remedy for such a situation, that a States representation in Congress be reduced in the same proportion as such discrimination was practiced. Let me read that section of the 14th amendment:

Sec. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in the election of the President and Vice President of the United States, Congress may, by law, reduce the proportion of representation therein shall be reduced in the proportion which the number of such male inhabitants is to the whole number of male inhabitants twenty-one years of age in such State.

We need legislation that will cause the white power structure to want to register as many Negro voters as possible—an example, if you will, which will promote moderate leadership to come to the fore.

Now, despite the absence of provision for enforcement of section 2 of the 14th amendment, the legislation before us today does contain a provision that the the right to vote can be obtained. It recognizes, too, that attempts may be made to prevent persons from making use of these new techniques and provides criminal penalties for such action. There is denied to any of the male inhabitants of the country, and elsewhere taught us a clear lesson—that the Civil Rights Acts of 1957, 1960, and 1964 did not go far enough.

It is no secret that the various types of "tests" given voters in some areas of our country have been applied unequally. On frequent occasions white citizens have not been subjected to these tests at all. On many occasions they have
been applied only to Negroes. I should like to quote from the excellent report of the Judiciary Committee on H.R. 6400:

Even the most cursory examination of the content of many of these tests * * * for example, the constitutional interpretation tests, the requirement of a certain degree of citizenship-knowledge tests—reveals that they are vague, arbitrary, hypertechnical or unnecessarily difficult, and have little if any bearing upon the capacity to cast an intelligent ballot. The inescapable conclusion is that these tests were not conceived as a device designed to hurdle qualifications in any sense, but are intended to deprive Negroes the right to register to vote. The only real function they serve is to frustrate and belabor them. These facts are clear. In widespread areas of several States tests and devices, as defined in this bill, have been effectively and repeatedly used to deny or abridge the right of Negroes to vote.

I should like to draw emphatic attention also to the conclusion of your Judiciary Committee that this legislation is constitutional: The legislation implements the requirement 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 U.S. Supreme Court in more than one instance has specifically recognized the power of Congress to deal with racial discrimination in voting.

The New York Times, in an editorial on Tuesday, pointed out what I regard as the major defect in the proposal to be offered for the sake of the Republican minority. I quote from the Times editorial:

The test is whether (the Congress) passes (a bill) that will do the job and not need amendments and revisions a year or two.

Under the able leadership of Representative William M. McCulloch, of Ohio, the Republican minority has prepared a substitute that approaches the problem of voting discrimination by a different route than that laid out in the administration bill. Their substitute will provide for Federal action whenever 25 or more citizens in a voting district complained that they had been denied the right to vote by local officials.

A feasible approach, but it lacks one of the chief requirements for a good voting bill—namely, that it go into effect as soon as possible. The Federal authority in rural Mississippi and Louisiana, for example, ought not to depend upon the bar of a sparsity of local Negroes who are subject to many kinds of coercion and intimidation. On these grounds alone, the automatic triggering provisions of the administration bill make it preferable.

An airtight bill would include a complete ban on the poll tax in local and State elections. If the House votes such a ban, it would be well not to reject it, as the Senate may take this opportunity to reconsider its adverse decision on this issue.

It is important that the bill contain the provisions recommended by the Civil Rights Commission. These would make it possible for Negroes to register with the Federal examiners immediately without having to await an indefinite period of time. It would empower the Federal Government to appoint poll watchers.

The right of Negroes to vote by mail in the Deep South have repeatedly demonstrated remarkable ingenuity in devising regulations and legal stratagems to prevent Negroes from voting. Congress has a responsibility to write a voting law that will frustrate all such maneuvers in the future.

That is surely our duty here this week: to write a voting law that will frustrate all future maneuvers designed to prevent Negroes from voting. We cannot call ourselves the land of the free, the home of the brave, until we do.

Mr. HUOT. Mr. Chairman, I rise in support of H.R. 6400.

It is unnecessary at this time for me to belabor these arguments in favor of the constitutionality of this bill. The distinguished chairman of the Judiciary Committee has carefully and comprehensively outlined the constitutionality of this legislation.

I agree with the chairman that the court has left no vestige of doubt. In my opinion no one can excise a vote against this legislation on constitutional grounds. There can be little doubt that the procedures provided in this bill constitute "appropriate legislation" within the meaning of section 2 of the 15th amendment. As the Supreme Court stated in 1921:

"Appropriate legislation," as used in this section necessarily means such legislation as will effectively accomplish the provision completely operatively and effective.

Obviously this means the Congress cannot be unduly restricted in its choice of methods of enforcing the 15th amendment. The means adopted are a matter of policy. I feel that as long as these means are "reasonably adapted to the end permitted by the Constitution." In the past, Congress has adopted other means to enforce the right to vote. Unfortunately history has shown that to date these attempts have not accomplished the desired ends.

Throughout the South we find shocking examples of the disparity between the percentages of registered whites and Negroes. In such situations some steps must be taken. The bill we have under consideration, containing, as it does the less-than-50-percent "trigger mechanism" will, I feel, an effective step toward ending discrimination at the polls. The elimination of the poll tax as a condition of voting in State and local elections also represents a significant move toward ending such discrimination.

But, of course, the States alone have the right to register voters. I submit that no State can raise the barrier of its State boundary to justify discrimination against its Negro citizens. The national interest will not so easily be deflected. Certainly the States have the right to register voters but only if these States will also assume their correlative responsibility of registering voters in an impartial, non-discriminatory manner in compliance with the 15th amendment. If the States will dilute their rights by discrimination, they cannot now be heard to complain against Federal action.

In closing, I would like to raise a note of caution which has been heard before. Those who believe so firmly in the justice of the bill, those who find discrimination so alien to our principles, must be prepared for disappointments. In February the Federal Civil Rights Commission held hearings in Jackson, Miss. These hearings are replete with examples of the subtle forms of intimidation and harassment employed to keep the Negro from the polls.

We should exercise their right to vote. Arrest on trumped-up charges, loss of employment, physical threats, even murder; all are used against the would-be voter. There are, of course, provisions against such tactics in H.R. 6400. Similar provisions were in previous acts but these unspeakable practices go on. We in Congress must urge the Justice Department to take every appropriate step to arrest the end of such harassment.

It may, however, be that present legislation will prove ineffective and further steps will be necessary to assure that all our citizens can exercise their inalienable right to vote safely at any time.

Mr. FARNUM. Mr. Chairman, as President Lincoln observed, this is a nation conceived in liberty and dedicated to the proposition that all men are created equal.

Mr. Lincoln at Gettysburg in 1863 spoke sadly of the fact that the founders hopes were as yet unfulfilled.

He called on the Americans of his day to be dedicated to the unfinished task of attaining government of the people, by the people and for the people.

As the facts brought out in debate at this test, Mr. Lincoln's goal—and particularly his goal of government by all the people—is still unrealized. It is our historic responsibility to fulfill the promise of the 15th amendment and to assure the right to vote to every citizen.

Mr. Chairman, to recall again Mr. Lincoln, I feel that we in this Congress have the historical duty to take action that all the world will long remember. It is our proud opportunity—by making a reality of government of all the people by all the people—to give concrete form to the idealism that motivated our forefathers.

I ask an affirmative vote in the name of history and our heritage.

Mr. FRASER. Mr. Chairman, I first wish to commend the members of the Judiciary Committee, and particularly Chairman Celler, for their enlightened and responsible work in drafting and refining H.R. 6400. I am pleased to rise in support of the committee's bill as reported.

Mr. Chairman, there is no question of the need for strong and direct voting rights legislation. As was said Tuesday by the ranking Republican and gentleman from Ohio:

It is unnecessary, at this late date, to dwell on the 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.

There are a few people, Mr. Chairman, who say we already have adequate voting rights laws on the books. In response, I would again quote the gentleman from Ohio:

The judicial remedy takes time; it sometimes demands delay; and it calls for great resources of manpower to successfully prosecute. These, in turn, may affect only a limited area. Those whose rights are denied, are unjustifiably impatient.

It is an empty legal victory, indeed, to have one's voting rights vindicated after the election has come and gone.
We have depended upon judicial processes to enforce the 15th amendment since the turn of the century. Yet, we have not secured this fundamental right to vote to all residents of our democratic Republic. I regret that we must use administrative remedies to guarantee this right, Mr. Chairman, but use them we must. The alternative is further delay at a time when further delay is unacceptable because of its dangers.

WHY NOT THE FORD-MCULLOCH BILL?

A number of members of the minority, as well as some new and welcome supporters of civil rights legislation, are backing what has been named the Ford-McCulloch bill. I would like, Mr. Chairman, to state my support for the committee bill, H.R. 6400, by presenting what I consider to be the major weaknesses of the proposed minority substitute.

Let me recall President Johnson's words in his special message to Congress on March 15, nearly 4 months ago:

"The answer to all three is "Yes."

One of the main reasons for the vote to adopt the Ford-McCulloch substitute, and the administration bill, H.R. 6400, is that the poll tax is discriminatory and should be eliminated.

The Senate bill, the Ford-McCulloch substitute, and the administration bill, H.R. 6400, are all substitutes for the poll tax law, or at least so the poll tax is discriminatory and should be eliminated.

The fact that a previous Congress chose, whatever the reason, to use a constitutional amendment instead of a federal statute to prevent the poll tax does not and should not prevent us from keeping the anti-poll-tax provision in this bill.

I would note again, Mr. Chairman, that the Republican bill is long on principle and promise about the poll tax, but is short on action, thus perpetuating State restrictions on rights guaranteed by the 15th amendment.

THE PROMISE OF AMERICA

Mr. Chairman, in passing H.R. 6400, we are seeking to effectively guarantee the broad right of franchise which has held for 65 years by constitutional amendment. One of the main themes of American history is the progressive enlargement of the franchise—beginning with the elimination of economic qualifications—finally to include all American citizens.

There is no one in this Chamber who would argue that the amount of money in a person's pocket qualifies his right to participate in choosing the men who shall operate his Government.

Let us therefore, Mr. Chairman, pass the poll tax bill with the rest of H.R. 6400 and demonstrate once again that the Congress of the United States and the people it represents do not believe that some people are more equal than others. Let us fulfill the promise of the 15th amendment.

A PERFECT BILL?

We have heard many times, Mr. Chairman, that no bill is perfect. I support the progess of the committee although it is not yet a perfect bill. The bill was made better when our chairman accepted the amendment of the gentleman from the West (Mr. RYAN), while we discussed and effectively enfranchise thousands of Puerto Rican residents of New York City.

I had hoped in addition, Mr. Chairman, that a triggering mechanism similar to the single minority trigger would be used for the pocket areas which deny the right to vote. An administrative remedy is just as appropriate for these pockets as it is for the hard-core areas, and I will support an amendment which has that single intent.

Moreover, although the minority's clean elections section is at least partly a political gesture, I will support a genuine attempt to strengthen that part of H.R. 6400.

THE TIME IS NOW

Mr. Chairman, we have under consideration in this Committee of the Whole House on the State of the Union a good bill. Let us accept only amendments which will strengthen the bill. Let us waste no time while we discuss and debate thoroughly. The first slaves were
brought to this country in 1619—before the Pilgrims. We have not asked Negroes to wait only 10 years or even 95 or 100 years. They have waited 346 years, and not one more day that we can wait.

Our President summed up our present situation nearly 4 months ago:

There is no constitutional issue here. The command of the Constitution is plain. The time is now. There is no moral issue. It is wrong—deadly 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.

Mr. Chairman, let us pass the strongest possible bill, and let us waste no time. The time is now.

Mr. MACHEN. Mr. Chairman, 100 years ago Negro Americans were granted the freedom of the ballot box under the 15th amendment to the Constitution. But within 25 years from the ratification of the 15th amendment in 1870, various States had—by subterfuge and intimidation—nullified the enactment of the legislation and eventually Congress itself repealed most of the enforcement legislation.

Once more we have come back to the purpose of the 15th amendment. And in doing so, let us hope this time with the illiterate and inexperienced former slave or the embittered and defeated former rebel. Instead, we have seen Negro leaders arise to focus the situation nearly 4 months ago:

If the enactment of the voting rights bill did not win.

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August 7, 1965

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by the examiner as provided for in section 4(e), shall be reviewed solely on the basis of the written answers included in the examiner's report required by sections 4(e) 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 shall be established only if (a) a pattern or practice of denial of the right to register or to vote on account of race or color has been found to exist in the voting district for a period of at least one year; (b) the evidence upon which such finding is based is clear and convincing; (c) the pattern or practice of denial of the right to register or to vote on account of race or color has resulted in an uneven distribution of registered voters in the voting district; and (d) a pattern or practice of denial of the right to register or to vote on account of race or color has resulted in an uneven distribution of votes cast in the voting district.

"JUDICIAL REVIEW

"Sec. 7. A petition for review of the decision of a hearing officer may be filed in the United States District Court for the district in which the person challenged resides, or in the United States Court of Appeals for the circuit in which the person challenged resides, or in the United States Court of Appeals for the circuit in which the Attorney General has issued his 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 whose names appear on a 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 described in section 8 shall not be stayed pending judicial review of the decision of a hearing officer.

"APPLICATION AND PROCEDURE

"Sec. 9. (a) Consistent with State law and the provisions of this Act, persons appearing before an examiner shall make application for reconsideration of a final decision of the examiner. No further appeal shall be taken from such decision.

"(b) An application for reconsideration of a final decision of the examiner shall be made in the same manner as provided in section 5 and shall be disposed of by the hearing officer in accordance with the provisions of this Act.

"TERMINATION OF LISTING

"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 the list of eligible voters by reason of the removal of the person's name from such list. A person whose name is allowed by an election official to be placed on the list of eligible voters by the examiner as provided in section 4(d), and who is later removed by the examiner, shall be entitled to vote in any election held within any twelve-month period, less than twenty-five persons within the voting district, prior to such election.

"INTERFERENCE WITH ELECTIONS

"Sec. 14. (a) No person shall, for any reason, (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 persons' vote; or (3) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any person for registering or voting in any manner as provided in section 4(d), the examiner shall have jurisdiction of proceedings instituted pursuant to this Act and of any order of the Commission pursuant to section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1970). (b) No person shall in any matter within the jurisdiction of an examiner or a hearing officer, knowingly or willfully fail or refuse to answer any true, material fact, or make any false, fictitious, or fraudulent statement or representation, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry.

"ENFORCEMENT

"Sec. 13. (a) Whenever a person alleges to have been denied or deprived of the right to register or to vote on account of race or color, such person shall be entitled to register and to vote. No person shall be entitled to vote if such person is not a citizen of the United States.

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any record of voting in such election made by a voting machine or otherwise. (4) A person knowingly or willfully gives false information as to his name, address, or period of residence in a voting district or in the county in which he is entitled to register or vote, or conspires with another individual for the purpose of encouraging such false registration to vote or illegal voting or to pay for illegal voting in any county, town, or city, or to make payment for registration to vote or for voting. (5) 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.

SEC. 7. This Act shall be enforced by the Attorney General of the United States, or by the district attorney of the district wherein the violation is alleged to have been committed, or by the district attorney of the county in which the violation was committed, or by any other officer authorized to enforce the law in the county or district in which it was committed.

Mr. McCULLOCH. Mr. Chairman, I ask unanimous consent to print the amendment to the Constitution of the United States, which provides for the admission of Wyoming to the Union, and that the amendment be printed in the Record 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.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker then assigned the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the proceedings to be in every way expedited.

(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 1253, title 28, United States Code. It shall be the duty of the judges designated to hear the case to assigns the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the proceedings 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. McCULLOCH (interrupting the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, and that the amendment be printed in the Record and be open for amendment at any point.

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

There was no objection.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on the so-called McCulloch substitute and all amendments thereto be limited to 2 hours and that the same be then be laid before the House for 1 minute, to revise and extend my remarks, and to include certain tables and figures with reference thereto.
The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. ROGERS of Florida. Mr. Speaker, stepped up efforts are needed to halt allied shippers trading with the Vietcong.

The construction of missile sites protecting the port of Haiphong, where the bulk of allied merchant ships call, is proof that the Communists feel shipping is important.

It will be necessary to watch shipping figures into North Vietnam very closely in the near future. Recall that during the Soviet buildup of missiles in Cuba during the summer of 1962, those missiles were transported in compartmented ships. However, the normal supply traffic was diverted for hauling aboard vessels of the allied flag. This morning's reports of possible missile-bearing Red flag ships being spotted in waters around North Vietnam underscores the need to curb free world ship trade with the Vietcong.

Latest estimates by the State Department assess allied ship trade with the Vietcong to account for approximately 17 percent of all nonstrategic goods flowing into North Vietnam. This figure is based on the most recent information available to the Department, as I am advised. Also, the State Department last Friday reported a 5 percent drop in the overall free world ship traffic to North Vietnam, however the indication was given that such trade is of little significance.

Clearly, more diplomatic efforts must be made to discourage this trade, whether it goes on now or in the future. From January to June 28 of this year the latest Pentagon figures show 191 American troops killed in battle against the Vietcong. Under these circumstances of rising military action, one allied ship working for the Vietcong is one too many.

I am including in the Record a list of those allied ships and shipowners who have engaged in Vietcong trade for the first 6 months of this year. An analysis of this list will show that many of the same ships or owners repeatedly haul Red goods. It should be easier to crack down on these repeat offenders, particularly when many of the cargos are being shipped from the same ports in or near Red China.

Mr. Speaker, I urge greater efforts to end this assistance being supplied the Vietcong by certain of our allies.

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Free world shipping to Communist North Vietnam January to June, 1965

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**FEBRUARY**

- Cardross and Golden Alpha: Hemisphere Shipping Co., Ltd., Hong Kong
- Longford: Peninsular Shipping Co., Ltd., Hong Kong
- Elbow River: River Line, Ltd., Hamilton, Bermond
- Newfangled: Peninsular Shipping Co., Ltd., Hong Kong
- Stanwax: Stanhope Steamship Co., Ltd., London
- Wakanse Bay: Viking Shipping Co., Ltd., Hong Kong
- Wishford: Ocean Tramping Co., Ltd., Hong Kong
- Cardamaltia: Strovili Cia. Nav. S.A., Panama
- Syros: Hunter, M.C. Fred (London)
- Melia Maru: Nittu Shosen K.K., Tokyo

**MARCH**

- Biddford: Hemisphere Shipping Co., Ltd., Hong Kong
- Codderton: Peninsular Shipping Co., Ltd., Hong Kong
- Golden Alpha: Cortina Shipping Co., Ltd., Hong Kong
- Longford: Peninsular Shipping Co., Ltd., Hong Kong
- Santa Granda: Verder & Co., Ltd., Hong Kong
- Ilfeke Fish: River Line, Ltd., Hamilton, Bermond
- Turk; Norwegian: A/S Arne Sven's Rederi
- Nilea Paros: Georgopulos, C. F., Piraeus
- Baitsdts: Strovili Cia. Nav. S.A., Panama
- Dnepro: Olistin Nav. Co., Ltd., Moscow, Libe
- Hollands D.lop: Hollands Vrachtsvaart Maats, Amsterdam
- Sambas: Kemikltiki Pakistaat Maats, Amsterdam

**APRIL**

- Santa Granda: Verder & Co., Ltd., Hong Kong
- Steftford: A/S Arne Sven's Rederi
- Miel Hing: Cia. Mar. Villa Nova S.A., Panama
- Grecian Keri: Greek

**MAY**

- Antarctica: British
- Cardross: Tat On Shipping & Enterprises, Ltd., Hong Kong
- Fortune Wind: Continental Navigation & Enterprises, Ltd., Hong Kong
- Kawan: Willow Shipping Co., Ltd., Hong Kong
- Nancy Des: Red Anchor Line, Ltd.
- Shirley Christine: St. Mary's Shipping Co., Ltd., Hong Kong
- Hellebore: Hemisphere Shipping Co., Ltd., Hong Kong
- Gisfrid: Paulsen, Egil, Fredrikstad, Skils-A/S Karlsberg, Oslo
- Herberg: Vabona Rederi-A/S
- Neku: United States Trading, Inc., Panama
- Plaeveoa: Ampthill Shipping Corp., Panama
- Iren: Ossipch Cia. Nav. S.A., Panama

**JULY 8, 1965**

**SPEAKER.** Is there objection to the request of the gentleman from Florida?

Mr. ROGERS of Florida. Mr. Speaker, stepped up efforts are needed to halt allied shippers trading with the Vietcong.

The construction of missile sites protecting the port of Haiphong, where the bulk of allied merchant ships call, is proof that the Communists feel shipping is important.

It will be necessary to watch shipping figures into North Vietnam very closely in the near future. Recall that during the Soviet buildup of missiles in Cuba during the summer of 1962, those missiles were transported in compartmented ships. However, the normal supply traffic was diverted for hauling aboard vessels of the allied flag. This morning's reports of possible missile-bearing Red flag ships being spotted in waters around North Vietnam underscores the need to curb free world ship trade with the Vietcong.

Latest estimates by the State Department assess allied ship trade with the Vietcong to account for approximately 17 percent of all nonstrategic goods flowing into North Vietnam. This figure is based on the most recent information available to the Department, as I am advised. Also, the State Department last Friday reported a 5 percent drop in the overall free world ship traffic to North Vietnam, however the indication was given that such trade is of little significance.

Clearly, more diplomatic efforts must be made to discourage this trade, whether it goes on now or in the future. From January to June 28 of this year the latest Pentagon figures show 191 American troops killed in battle against the Vietcong. Under these circumstances of rising military action, one allied ship working for the Vietcong is one too many.

I am including in the Record a list of those allied ships and shipowners who have engaged in Vietcong trade for the first 6 months of this year. An analysis of this list will show that many of the same ships or owners repeatedly haul Red goods. It should be easier to crack down on these repeat offenders, particularly when many of the cargos are being shipped from the same ports in or near Red China.

Mr. Speaker, I urge greater efforts to end this assistance being supplied the Vietcong by certain of our allies.
BRIGHTER BUDGET

Mr. KREBS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

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

There was no objection.

Mr. KREBS. Mr. Speaker, under leave to extend my remarks in the Record, I include an editorial entitled "Brighter Budget," from the Newark News of June 21, 1965.

To those of us who look forward to the days when our Federal Government can boast of an actual balanced budget, this recent editorial from the Newark News was indeed good news. I am sure my colleagues will find this editorial of interest. The Johnson administration not only has forecast a surprisingly low budget deficit of $3.8 billion, the lowest in 5 years, but actually is working toward a balanced budget in the not too distant future. I agree with the Newark News that such a prospect is magnificent.

The editorial follows:

BRIGHTER BUDGET

It is becoming increasingly evident that last year's $11.5 billion income tax cut was not as great a risk as defenders of orthodox fiscal policy feared. With the reduction which the administration designed to stimulate the economy, it was felt the revenue loss would result in a still larger deficit unless Federal spending were substantially reduced.

In April, President Johnson disclosed the budget deficit for the current fiscal year would be $5.3 billion. Dr. Johnson, the economist, not $6.3 billion as he forecast in January. When he sent the excise tax reduction proposal to Congress, the deficit was dropped to $4.4 billion.

And now, only a month later, Mr. Johnson has come out with the comforting news the deficit may drop to $3.6 billion. If this becomes a fact, the deficit will be at a 5-year low. In the last fiscal year the deficit was $6.5 billion.

Mr. Johnson's figures, of course, are projections. The actual financial statement will be issued after the books are closed the end of the fiscal year. However, the general direction in which the Johnson administration is headed may well be the economy the administration designed to stimulate. It was felt the revenue loss would result in a still larger deficit unless Federal spending were substantially reduced.

In April, President Johnson disclosed the budget deficit for the current fiscal year would be $5.3 billion. In May, he dropped the estimate to $4.4 billion, and a month later, he dropped the estimate to $3.6 billion.

And now, only a month later, Mr. Johnson has come out with the comforting news the deficit may drop to $3.6 billion. If this becomes a fact, the deficit will be at a 5-year low. In the last fiscal year the deficit was $6.5 billion.

From Mr. Johnson's figures, of course, are projections. The actual financial statement will be issued after the books are closed the end of the fiscal year. However, the general direction in which the Johnson administration is headed may well be the economy the administration designed to stimulate.

I have received the following letter, dated June 23, from Mr. Lewis B. Hershey in reply to my request for a statement of the Selective Service System.

Hon. Lewis B. Hershey,

Director, Selective Service System,


Dear Mr. Saylor:

I have your letter of June 3, 1965, concerning the destruction by some registrants of their selective service registration certificates.

Where it can be established that a registrant has deliberately destroyed his registration certificate he may be declared a delinquent and his processing for induction accelerated.

The determination of whether an indictment should be sought in any such instance rests with the appropriate U.S. attorney.

In the cases of the reported destruction of registration certificates in California this Agency has suggested that the Federal Bureau of Investigation interview and obtain signed statements of the registrants allegedly involved for the use of local boards in determining whether these registrants should be declared delinquent and their induction accelerated.

I appreciate your offer of support for any legislation which may be necessary in this area. However, adequate authority exists to enforce compliance with the law either through accelerated induction or by criminal prosecution.

If I may be of further service, please call on me.

Sincerely yours,

Lewis B. Hershey,
Director.

Mr. Speaker, because of the serious nature of the actions of those defiant of the selective service law, particularly since the infractions have taken place at this time when our armed forces are exposing their lives to enemy fire in Vietnam and to the guerrilla tactics of die-hard Dominican Republic factions, Congress will be insistently upon checking the profanations of the draft law elsewhere in the country can be substantiated. I am also interested in learning whether the "appropriate" U.S. attorney automatically undertakes to determine whether the charges can be brought to be heard or if the request for such course of action must come from the selective service system or other appropriate agency of the Government.

Finally, does referral to local boards "in determining whether there"—California cases—"registrants should be declared delinquent and their induction accelerated" indicate that selective service is not considering criminal prosecutions as an alternative to accelerated induction?

The answer to the latter question will be important to Congress because it is highly probable that some of the individuals involved would not qualify physically or morally—for military service. If any of the involved offenders resemble some of the degenerates that appear at many of the demonstrations where patriotism and the flag are scorned, a court-martial and an incarcerated defendant would be preferable to accelerated induction.

REAFFIRMING SUPPORT OF THE 10TH AMENDMENT TO THE U.S. CONSTITUTION

Mr. BUCHANAN. 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 Alabama?

There was no objection.

Mr. BUCHANAN. Mr. Speaker, I have introduced today a concurrent resolution which upon passage by the House of Representatives and the Senate will reaffirm our support of the 10th amendment to the U.S. Constitution, which in clear, simple, and precise words states:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This amendment, 1 of the 10 amendments which comprise our bill of rights, is as important today to the fundamental structure of government upon which our Nation is founded as it was when first proposed by the Congress in 1789.

The resolution which I have introduced is needed now because of the safeguard to individual freedom and the balance which the 10th amendment extends to our Nation and to our people in every part of our land, and the misunderstanding that has been generated in our time as to the purpose and intent of this amendment in relation to the basic prin-
about certain changes in our internal domestic affairs, we are unified in our faith in our national heritage of freedom and in our absolute support of all of the means to develop in accordance with the means that is the foundation upon which our Nation stands firm and strong.

CRASH OF SOVIET TROOP TRANSPORT DEMANDS AN EXPLANATION; RAISES QUESTIONS OF SOVIET INVOLVEMENT IN YEMEN WAR, STATE DEPARTMENT APPROVAL OF GRAIN SHIPMENTS TO NASER

Mr. WIDNALL. 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. WIDNALL. Mr. Speaker, reports in the press this morning tell of what otherwise might be considered an obscure and relatively unimportant plane crash in Egypt. It involves a Soviet-built Antonov that crashed into the desert killing all but 2 of the 29 persons aboard.

Although the Nasser government has thrown a tight security lid on the story and has barred newsmen from the crash site, we do know that the aircraft manifested 22 Egyptian military personnel and 7 Soviet crew members. It seems clear that the aircraft was headed to Yemen and that at least 12 Egyptian troops are deployed in a bloody war of aggression with significant Near Eastern military implications.

Mr. Speaker, as far as I know, this crash represents the first clear proof that the Soviet Union has committed both arms and personnel in support of the war in Yemen. It raises the further question of just how many Soviet air men and troops are actively involved in the Yemen conflict.

More important, however, is that this latest evidence of Soviet and Egyptian aggression in the Yemen comes less than 2 weeks after the Johnson administration announced that massive shipments of Public Law 480 grain to Nasser would be resumed, in direct conflict with the anti-aggressor clause to the 1963 Foreign Assistance Act.

If yesterday's crash is not proof positive of direct military aggression on a scale like ours, it surely is a pretty good proof otherwise. Moreover, it seems hard to believe that the United States diplomatically recognizes, and helped to create the present Communist government of Yemen which is being militarily aided and assisted by both the Soviet Union and Nasser in its war of attrition against the Yemeni Royalists, whose government we helped to dissolve.

With the grant provided by the United States under Public Law 480, Nasser could not afford to prop up the Yemeni Communists with 60,000 troops, or finance research in military rocketry. Today's evidence clearly points up the futility of relying on discretionary lan-

Guage to express congressional intent where the State Department is concerned.

Mr. Speaker, yesterday's air crash demands a full explanation by our State Department. The American people deserve, at long last, the facts concerning this war in the Yemen which could reshape the entire balance of power in the Near East.

AGGRESSION BY NASER IN COLLUSION WITH THE SOVIET UNION

Mr. HALPERN. Mr. Speaker, I want to commend the gentleman from New Jersey (Mr. WIDNALL) for calling the attention of this House to this latest development which points to obvious overt aggression by Nasser in collusion with the Soviet Union.

I have been pointing to Nasser's tyrannical role in Yemen for a long time here on the floor of the House. I have pointed to his illegal actions in that country—his mammoth expenditures of arms from the Soviet Union to carry out his mass murders there, and subsidized, mind you, Mr. Speaker, by our economic assistance.

What more blatant example do we need as to why we should cut off our aid in any form to the United Arab Republic?

We have a nonaggression clause, as the gentleman from New Jersey pointed out, in our Foreign Assistance Act. What more proof do we need that Nasser is an aggressor? What more reason do we need to implement this provision in our law?

CONTROVERSY BETWEEN AAU AND NCAA

Mr. MICHEL. 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. MICHEL. Mr. Speaker, you will recall my recently having brought to the attention of the House the running controversy between the National AAU and the NCAA, and what a bad effect it was having upon our young athletes around the country.

This past week I received a telegram from Mr. Don Boydston, chairman of the U.S. Gymnastics Federation, the subject of which I feel compelled to bring to the attention of this House.

It seems the defending AAU National Championship Women's Gymnastic Team from Southern Illinois University was declared ineligible July 1 at the national AAU meet, held last week in Cleveland, Ohio.

The women's team had made the trip to defend their national title, when all but one member was declared ineligible.
for the national AAU competition in a special meeting called by the central AAU in Chicago on June 19. Heading the meeting for the AAU in Chicago and certifying their eligibility were Mr. Paul Fina, a vice president of the national AAU and gymnastic chairman of the central AAU, and Mr. Melvin Thomas, central AAU registration chairman.

Mr. Herbert Vogel, coach of the Southern Illinois girls, represented his team at the meeting. Miss Judy Wills, who had won the world title in tumbling and trampoline in London earlier in the year, had been competing in the same meets as other members of the Southern Illinois team, but the central AAU would not reinstate Miss Wills at the June 19 meeting and an appeal was being taken to the national group on her eligibility when the ruling was made at Cleveland that none of the Southern Illinois women could compete, although they had made the trip and were on hand for the start of the competition.

Mr. HALL. Mr. Speaker, I am gratified in his telegram that he believes, "the circumstances of this case indicates not only AAU inconsistency but a complete lack of regard for the individual and our international prestige in sports."

I must subscribe to what he has said.

### SUGGESTED SUBJECT FOR TEACH-INS

Mr. HALL. 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 Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, the celebration of the birth of our Nation recently was marred by a series of riots across the country, one of which occurred at Rockaway Beach in the Seventh Congressional District of Missouri. The chief perpetrators were not impoverished or poverty-stricken youngsters. They were, in fact, members of young, middle-class men and women. They were living proof that a good education and economic prosperity do not, in themselves, insure morality or high moral character, or good citizens.

Riots and demonstrations in defiance of law and order are always to be regretted. But they are even more shameful when they occur on the solemn occasions of the observance of American independence. We must demonstrate that too many young people have little or no conception of the heritage that has been given to them through the sacrifices and hardships endured by their forefathers in order that they might be free.

And free for what purpose? we might ask. To riot? To destroy private property? To mock the law and those who are sworn to uphold it? Free to disregard the values of decency and every code of moral behavior?

According to published reports of what happened, I take some consolation in the fact that most of the young men and women, who were involved in the riot at Rockaway Beach, were not residents of the area, or even of that part of the State, but were, instead, from some of the larger urban areas, as far as 200 or 300 miles from there. I cannot help but regret that the urban areas in which that will grow in political power, as the result of recent Supreme Court rulings on reapportionment. Does this kind of behavior indicate that the urban masses are ready to assume the responsibility of total political control, which the Supreme Court decision has thrust upon them?

I do not suggest, Mr. Speaker, that Karasas Chi Chi, Miss Illinois, or any other young lady who, from an area from which some of these students came, are to be condemned, per se, for what happened. But surely this sickness, which evidenced itself on July 4 must be attributed, in some degree, to the lack of parental supervision in the homes and the lack of exposure to principle, discipline, and civic responsibility on the campus.

Not only would what happened be considered as a condemnation of all young people. Indeed, I believe those who ran wild in the streets represent but a small, albeit vocal, segment of our young people, but the very fact that six States experienced these riots shows that these are symptoms of a serious ailment in our society.

Not long ago, I met with representatives of the various high schools in southwest Missouri, and I was tremendously impressed with their knowledge, their alert interest in national affairs, their sense of patriotism. Most, if not all, of these youngsters came from homes where respect for law and order was imbedded as a basic value, an element of sense of right and wrong, an element of conscience that was badly lacking in the thousands of young people who found it all too easy to conform to the mob in instant and rule. What lessons did their parents and their teachers fail to teach them?

Uppermost, quite obviously, among the taught lessons was a basic respect for law and order. But, let us plaus, individuals, elsewhere, escape their own responsibilities by assuming that the entire blame rests with parents and teachers.

Have the highest courts in our land contributed to respect for law and order when they customarily release and absolve from blame thousands of street demonstrators, on the basis that the cause they claim to espouse permits them to disregard the law?

However, one of the leading political spokesmen of our Nation contributed to respect for law and order by praising and commending those who would defy existing law, in the name of a good cause?

Is respect for law and order increased by the tendency on the part of some judges to give only token sentences to people who, though still juveniles by legal definition, commit adult crimes?

I cannot comment on these events without offering praise for the actions taken by public officials, those responsible for upholding the law. Every sheriff's office in the surrounding counties responded to the call for help. But for their performance above and beyond the call of duty, the result might have been worse.

Prosecutor Rea was in the crowd when a young student nearby picked up a rock and heaved it at a State highway patrol car. This young prosecutor, standing alone in the center of a swirling hostile group, grabbed the youth and arrested him. When one of the persons arrested complained to Magistrate Judge Crouch that he was a "college man," Prosecutor Rea snapped back: "You a college man? Then start acting like a college man. Stay away from that kind of situation."

The cooperation among law-enforcement agencies was nothing short of magnificent. In spite of the violence and high tensions, there were no serious injuries. As Prosecutor Rea stated: And neither one of us has ever been arrested."

One of the law officers described the scene this way:

Sitting alongside the curb nearly hidden under the curb, "which has never been taught to comb their hair, to put in their short pants, or to wipe its nose."

I was seared to death that, with all that pressure, something might happen. But the officers all restrained each other and kept them from letting loose their heads.

Already plans are being made to make certain that similar riots do not occur in the future. I am confident that the men responsible for enforcing and upholding the law are taking all necessary steps to ensure that tourists can continue to visit the resort area and enjoy its facilities without fear of recurrence of what happened last week.

Mr. Speaker, I do not have the answer to all the problems I have described, but I hope very soon to have them.

Let all the college professors, ministers, parents, and college students who are currently engaging in "teach-ins" change the subject of these "teach-ins" from our policy in Vietnam to the proper behavior for young men and
women who take advantage of the opportunities for higher learning in this country. Instead of telling the Congress and the administration to abandon freedom and liberty in southeast Asia, let the 'teach-ins' go back to fundamentals and teach respect for law and order, respect for the decent opinions of mankind, respect for private property, respect for public officials appointed to uphold the law, respect for personal cleanliness and appearance, respect for young women, respect for the courts, respect for the country they are about to inherit, and ultimately, let them teach the meaning of self-respect. In the incident of the Congress, we must refurbish and strengthen the judicial backing of law and order and of our enforcement agencies.

I suggest that, if some of the college professors who are now barnstorming as self-appointed experts on foreign policy, would go back to teaching young men and women how to be good, decent, law-abiding citizens, our foreign policy will take care of itself.

This matter of the geographical distribution of research and development funds was the subject of a study carried on during 1964 by the Subcommittee on Science, Research, and Development of the House Science and Astronautics Committee.

In his letter of transmittal accompanying the subcommittee's report, the chairman, the distinguished gentleman from Connecticut [Mr. Debnar], had this to say:

"As the subcommittee chairman pointed out, the report does not represent a complete investigation of the entire geographical distribution area. But the area encompassed in the subcommittee's investigation was more than sufficient to point up the glaring inequity of distribution upon the basis. The methods of the report included such bases of measurement as per capita dollar value of research and development contracts and grants per State; research and development per industrial employee, per scientist, per scientist employed in educational institutions, per student enrolled in such institutions, per advanced degrees conferred, per Federal tax contributions and others."

Our Nation is often described in terms of regional areas. Each area is defined by several factors such as geographic location, physical similarity and to a great degree by convenience and common usage. These areas are often used to describe broadscale effects and trends. In a breakdown which results in nine regional areas we find only three of the nine regions substantially benefited by the present research and development distribution policies. My own area of the country ranks last. This is a five-State area which saw its manufacturing employment decrease by three-quarters of a million jobs in the 10 years from 1953 to 1963. This shrinkage in industrial employment was down 15 percent compared to a national average of 3 percent. Fortunately the long-range decline in manufacturing employment was matched by a similar rise in nonmanufacturing employment.

This same area produces more than one-third of all the scientists and engineers in our Nation. It has demonstrated its scientific competence and capability, and it has been bypassed in the distribution of the growing amount of Federal research and development funds. There is a tendency, a natural tendency for scientific activity to be drawn to and collect around established centers of scientific accomplishment. This effect is greatly magnified when huge sums of Federal research and development funds are concentrated in a relative few of such centers. The location of intensively used research and development activities is to a great extent a product of peculiarities in particular city or region provides a focal point for the development of science-intensive industries in the surrounding area.

In a report on "Basic Research and National Goals," prepared by the National Academy of Sciences for the House Science and Astronautics Committee, it is noted that probably the most efficient way of conducting scientific research is to concentrate activities in established centers of scientific accomplishment. But the report goes further to state:

"From the economic and social point of view, however, and perhaps even from the longer run scientific point of view, there is a strong case for encouraging the development of scientific research centers in the underdeveloped and lower income sections of the country, as a means of raising the economic and social level of the population in those sections."

We have reached a point in our history, scientific, economic, and social, where the need for a reevaluation of our research and development fund distribution policies can no longer be ignored. It is, I believe, the appropriate time to place the recommendations of the Subcommittee on Science, Research, and Development in concrete form. It is for this reason I have introduced the resolution which calls for the convening of a Government-industry conference by the Subcommittee on Science, Research, and Development to explore ways and means of distributing Federal research and development funds on a more even geographical basis.

VICTORY AGAINST ARAB BOYCOTT

Mr. ROOSEVELT. 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 California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, I take great personal satisfaction in noting that Arab harassment of American business has been dealt a severe blow by legislation which I, together with many of my colleagues in the Congress, sponsored.

On June 30, 1965, President Johnson signed into law the Export Control Act Extension—Public Law 89-63—with an
antiboycott provision for which I have fought, and the enactment of which marks a singular victory in my efforts to protect American businessmen and women from harassment and interference with American commerce.

The antiboycott provision of Public Law 89-63 is the climax of a determined legislative effort to protect American commerce from involvement in foreign boycotts fostered or imposed by foreign countries against other countries friendly to the United States. 

The enactment of this antiboycott amendment was not easily accomplished. It was vigorously opposed by the Departments of State, Commerce, and Defense who felt that the antiboycott provisions of the bill would interfere with our foreign policy. 

But despite the obstacles, I and the other sponsors and supporters of this legislation persisted in seeking its passage. On May 5, 1965, I appeared before the Banking and Currency Committee to plead for consideration of our antiboycott amendments. That was followed by my appearance on May 19, 1965, before the full committee's International Trade Subcommittee to answer the opposition to our amendments. Later I presented a statement to the Senate Foreign Relations Committee to plead for consideration of our antiboycott amendments. 

As a result of our determination I am pleased to say that we prevented the shelving of our original antiboycott proposal, succeeded in obtaining public hearings on it, and finally were able to see the House passage of a much stronger and more effective version of the measure than was reported out of committee.

The legislation that emerged from the Senate was even further strengthened thanks to its supporters in that body. And Senate action was coupled with a letter from the Secretary of Commerce to the distinguished majority leader of the Senate in which Secretary Connally affirmed the Department's intent to administer the antiboycott law.

The Department of Commerce will have the obligation, and will, in fact, request American business firms not to cooperate in restrictive trade practices or boycotts imposed by a foreign country against another foreign country friendly to the United States. I am expressly authorized by the Secretary of State to say that the Department of State would, if H.R. 7105 is enacted into law, take all appropriate steps through diplomatic channels and other means that may be available to the Department in opposing restrictive trade practices or boycotts by foreign countries against a country friendly to the United States.

The Department of Justice has submitted to the House General Subcommittee on Labor a memorandum of the Department of Justice which states that title II of the Fair Labor Standards Act, as amended by the antiboycott amendment, will apply to nonprofit hospitals.

Mr. Speaker, now the stage is set. The law is on the statute books. It is not a mere sense of Congress resolution. It is a law that requires the issuance of regulations. It is a law that marks a significant victory on the part of the administration in its execution. And the Secretary of Commerce has announced his obligation to enforce the law. Behind all this there is a comprehensive legislative history on the subject and the objective of the antiboycott provision.

I hope that a first target of this new law will be to stop boycotts, and the interference with American commerce. There are the questionnaires, the requests for affidavits, and the negative certificates of origin that the Arab boycott has spawned in American commerce. I have been providing the tools to deal with these instruments of harassment, and to put an end to them.

The pertinent sections of the bill, as enacted by the House, are:

Sec. 2. (d) The Congress further declares that it is the policy of the United States (a) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States and (b) to encourage and request domestic concerns engaged in the export of articles, materials, supplies, or information, to refuse to take any action, including the furnishing of information or the signing of agreements, which has the effect of supporting or facilitating restrictive trade practices or boycotts fostered or imposed by any foreign country against another country friendly to the United States.

Sec. 3. (a) Such rules and regulations (as the President may prescribe) shall implement the provisions of section 2(d) of this Act, and shall require that all domestic concerns receiving requests for the furnishing of information or the signing of agreements as specified in section 2(d) must report this fact to the Secretary of Commerce for such action as he may deem appropriate to carry out the purposes of section 2(d).

Sec. 3. (b) Rules and regulations required to be promulgated pursuant to the amendment made by subsection (a) of this section shall be promulgated as expeditiously as practicable, and shall be published in the Federal Register within ninety days after the date of enactment of this Act.

Now the law requires that business firms and chambers of commerce receiving requests for these boycott instruments must report such receipt to the Secretary of Commerce as he deems appropriate. Further, the U.S. Government now will officially request American companies to take no action which might foster third-country boycotts or restrictive trade practices, and rules and regulations implementing these requirements must be published in the Federal Register by September 30.

The sponsors and supporters of the antiboycott legislation will observe with great interest as the executive action evolves. We trust it will be fully responsive to the requirements, both letter and spirit of the law. Thus it will provide the long overdue protection for American business concerns.

AMENDMENTS TO THE FAIR LABOR
STANDARDS ACT

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.
restrictions—the Fair Labor Standards Act can be extended to seamen on those vessels.

III. DISCUSSION

A. Minimum wage requirement as a condition of employment in foreign commerce

A vessel voluntarily entering U.S. territorial waters is not exempt from the application of our laws simply because it flies a foreign flag.

While the Supreme Court has said that all merchant vessels have implied consent to enter our ports, 4 this consent can be made subject to conditions which place foreign vessels in an inferior position to their entering American waters. On at least four occasions Congress has imposed such conditions to reduce the benefits of the act to seamen. Thus, in each of the succeeding sections in the act's present definition of 'seaman' shall not be extended to seamen on those vessels. See 

B. Extraterritorial application of FLSA to American-owned foreign-flag vessels which are part of an enterprise within the meaning of the act

Under the present "enterprise" concept of the act, Congress also has authority to regulate American-owned vessels operating outside the United States. Section 3(a) of the FLSA extends the coverage of the act to various categories of enterprises engaged in commerce or in the production of goods for commerce. Congress has defined enterprise in broad terms to include "the related activities performed (either through a parent corporation or otherwise) by any person or persons for a common business purpose, and includes all such activities whether performed in one or more establishments by one or more corporate or other organizational units." The minimum wage and overtime provisions in sections 6 and 7 of the act are directed to any employee in an enterprise engaged in commerce or production for commerce. Thus, an enterprise which is so engaged would be subject to the act even with respect to its operations entirely outside the United States, for example, a ship traveling between South America and Europe. Employment relations issues would be covered without amending the act's present definition of "commerce," since all employees of an enterprise engaged in commerce are covered, regardless of whether the specific employee is actually engaged in commerce.

Since the foreign conduct of American citizens, whether as owners or as employees of American corporations, may be regulated by Congress, 5 there seems little doubt that Congress has the authority to regulate the conduct of foreign-owned and foreign-registered vessel operating entirely outside this country to comply with the Fair Labor Standards Act.

C. International law does not present the United States with a conflict between asserting jurisdiction over vessels flying a foreign flag

A ship's registry determines its nationality, and the law of the flag usually governs all contacts between the ship and those belonging to her. Thus, it has been recognized, however, that this rule of international law does not foreclose Congress from enacting and applying legislation of a contrary nature. There are numerous court decisions holding that if Congress chooses to exercise its power, the general maritime law, including flag law, must give way to the extent that it is inconsistent with a principle of international law.

D. NLRA cases and the "points of contact" theory

In a number of cases, the NLRB has attempted to exercise its jurisdiction over foreign flag vessels, on the theory that the act applies to vessels registered in the United States. While the Supreme Court held that the Board lacked such jurisdiction, it did not rule that Congress was without authority to extend the act to foreign flag vessels. There should be a clear indication of congressional intent, in the view of the court, before a statute is applied in a manner inconsistent with the principles of international law. It found such evidence lacking with respect to the NLRA.

The Board has not attempted to apply the act to every foreign vessel which visits American ports. Rather, as illustrated in West End Steamship Co. v. NLRB (73 U.S. 572, 163, 179), it has looked to the guidelines set out in the Lauritzen case for determining whether a domestic statute has application to a foreign shipping transaction. For the purpose of "ascertaining and valuing points of contact between the transactions and the activities of the parties involved" and for "weighting * * * the significance of one or more connecting factors between the shipping transaction regulated and the transactions served by the assertion of authority." 6 The Lauritzen case involved tort law, and the question before the court was the applicability of the Jones Act, a statute which provides a remedy for the injury or death of a seaman arising out of the course of his employment. Employment factors alone or in combination, which influence the choice of law to govern a tort claim. 7

E. Conclusion

It is clearly within the scope of congressional authority to require American-owned vessels flying a foreign flag to comply with our maritime laws based on either or both of two legal theories:

1. Congress has the authority to require all vessels using American ports to comply with American law.

2. Congress has the authority to control the conduct of its citizens and corporations, and, therefore, an enterprise engaged in commerce, 8 outside the United States.

Efforts might be extended to American-owned vessels in a number of ways, provided that the act was amended to reflect a clear intent to do so. For example, section 9 of the Federal Criminal Code (18 U.S.C. 9) defines "vessel of the United States" as a vessel belonging in law to any citizen thereof or any corporation created by or under the laws of the United States, registered in any port of the United States, any foreign port, territory, district, or possession thereof. This section could be adopted to replace the present definition in the FLSA of "American vessel," which is limited to those registered under American law.

If the act was amended to apply to foreign-flag vessels, serious practical problems could arise in enforcing the act, particularly with respect to those American-owned vessels which limit their operations to foreign ports. Additional factors which the Congress would also undoubtedly wish to consider are those relating to the possible effect on foreign relations and our international relations 10 and our national defense. (See Opinion of the Solicitor of Labor, U.S. Department of Labor)

INTERPRETATION OF THE TERMS "EXTRAORDINARY EMERGENCY" AND "UNUSUALLY COMPELLING NEED"

The administration's bill requires the President to report his decision on double time for hours worked in excess of 48 a week—decreasing to hours in excess of 46 over a 3-year period—to Congress no later than 30 days after the enactment of the 1965 FLSA amendments. However, this double time rate will not apply when overtime work is required in the performance of an extraordinary emergency or unusually compelling need (as such terms are defined and delimited from time to time by regulations of the Secretary). It is not possible to outline the precise limits of these terms at this time. The legislative history of the proposal, including not
only materials submitted by the Department, but also statements in the Committee reports and statements made during the course of congressional proceedings. The exemption from the requirement of determining the scope of this exemption. Interested parties would also be given full opportunity to make their views known during public proceedings. But in order to determine the Department's procedures in this case, the Department should be in a position to define and apply its policy and criteria. At any rate, the effect of this provision is fair and reasonable to all concerned.

The term "extraordinary emergency" connotes a special occurrence as the phrase itself emphasizes. It is not merely a sudden and unforeseen happening; it is not an accident, or pressing necessity, which terms are ordinarily used to define emergency, but an extraordinary one, i.e., one exceeding the ordinary. It is obvious saying that the mere requirement of business convenience or pecuniary advantage is not an extraordinary emergency. Specifically, the statutory "emergency" could include broad military operations affecting our national security. It could also include natural disasters such as floods, tornadoes, or earthquakes.

"Unusually compelling need," on the other hand, will generally involve situations affecting one particular employer or a few employers. It could include situations requiring immediate action to prevent or remove immediate threat of injury to property or human life, as might arise from fire, explosions, broken water mains, or other events of a similar nature. In no event will it include situations involving only the "best interests" of the employer, or matters of convenience or mere expediency, or situations that could reasonably have been anticipated.

The characteristics of an event of unusually compelling need would seem to include (1) the unforeseeability of the event, (2) the lack of prior planning or notice of the event, and (3) the need for immediate action to prevent the event or minimize the losses which may result. Thus, the occasional fluctuations in employment—such as the Christmas holiday rush—do not come within the concept. Similarly, one cannot necessarily foresee a large increase in orders is not an unusually compelling need, since accepting or rejecting orders is within the control of the employer. Routine maintenance, including minor repair work of an incidental nature, would not seem to constitute an unusually compelling need since immediate action is not necessary.

In no case would the exemption apply unless the emergency condition were the only reasonable means of preventing the loss. Thus, the overtime schedule would remain effective prior to the arising of the emergency, the emergency work did not replace the regular work. Thus, the exemption would not be the only reason for the overtime work.

COMMUNITY BUSINESS PURPOSE OF NONPROFIT HOSPITALS WITHIN THE MEANING OF THE FAIR LABOR STANDARDS ACT

As discussed in the memorandum submitted last year, we believe that nonprofit hospitals can be considered as engaged in "a common business purpose" under section 8(r) of the act. This construction of section 8(r) is consistent with the Supreme Court statement that "the Act was enacted for the purpose of flexibility; and when used in a statute, its meaning depends upon the context or purpose of the legislation." Karmesin v. United States, 279 U.S. 231.

POOR EDUCATION IN THE NATION'S CAPITAL

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey (Mr. WIDNALL) 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?

The SPEAKER. No objection.

Mr. WIDNALL. Mr. Speaker, it is widely recognized that education in public schools of the District of Columbia is in pretty poor shape, and a great deal of the criticism has been directed at the school system of the District of Columbia. Yet one of the major problems of the District of Columbia, that of providing a sufficient supply of personnel of high quality, is a direct result of the Board of Education's failure to adjust personnel practices which demand this, and anything less is unacceptible.

The Board of Education of the District of Columbia is made up of able and dedicated people, and they are faced with a herculean task. I am confident that if they try to improve hiring practices the Congress, the administration, and the people of the District of Columbia will give them every support. But it is equally clear that the Congress, this administration, or any other administration cannot support hiring practices if it fails to measure up to the task which it is charged with. I would hope, now that one of the major problem areas has been pinpointed, that the Board of Education will not delay but will immediately take the needed reform immediately. The situation demands this, and anything less is not acceptable.

The present impasse is again the result of a lack of an effective voice of the people of the District of Columbia in their own affairs. Had the Republican proposal for an elected school board been in effect during the past two decades it is very doubtful that the Board of Education would have failed to respond to the need to adjust personnel practices which have saddled the District of Columbia with antiquated hiring procedures which have failed so miserably to provide the highly qualified teachers needed.

While the teacher situation is only one aspect of the education problem facing the District of Columbia it is a vitally important one. The most modern buildings, the largest libraries in the world will never imbue the Institute of Technology with skilled teachers who can supply the personal interest and motivation for learning to our children.

I include here the editorials to which I have referred, and the excellent recommendations made by Dr. Frances S. Chase, and Dr. Rufus C. Browning. [From the Washington (D.C.) Evening Star, July 8, 1965]

SOUND ADVICE

Dr. Frances S. Chase, the University of Chicago's professor of education, has perennially been in the news with her comments on how to revamp our school personnel policies and procedures. Dr. Chase informed authorities that the defects "and appropriate remedies" have been known to the school administration that "I really do not feel that you have any need of my services."

Among consultants, this sort of conduct never becomes an obstacle so complicated and tortuous that all the surrounding school districts get the pick of the teacher applicants before the District of Columbia gets around to picking any.

According to the Washington Post: The reason so little has been done is that some members of the school board have stood adamantly in the way of doing anything. That this will change, Dr. Chase insists, "I am not at all what the school board
had anticipated, and some members, unfortunately, are crying already for other consultants. What they ought to do is to stop crying, to get Dr. Chase's sound advice, and to begin coming to grips with some of the obviously sensible procedural improvements which already have been placed before them by Superintendent Hansen.

[From the Washington (D.C.) Post, July 6, 1965]

HIRING TEACHERS

For years the District school system has been handicapped in hiring qualified teachers because its qualifications for teachers have been too rigid. This has long been apparent to Superintendent Hansen, who has pleaded with the Board of Education to relax the rigidity. But the prospective Washington teacher found himself surrounded by unreasonable tests for teachers, seeking therefrom to raise the quality of teaching personnel. He has had to travel many days to different buildings to be interviewed by various officials, assembling everything and anything to possess samples of his teaching ability before learning if he will be offered a job.

Hansen selected Chase, who gained familiarity with local schools as Chairman of the President's Committee on Public Higher Education in the District. Chase's memorandum backed changes in personnel policies recommended by Hansen but not acted on by the Board.

Hansen contents that the personnel procedures, drawn up in bygone years when teachers stood in line for jobs, was unrealistic.

Teachers may be hired in an hour for jobs in top-ranked area suburban school systems. Hansen said that Washington teachers must travel around to different buildings to be interviewed by various officials, assemble everything and anything to possess samples of their teaching ability before learning if he will be offered a job.

Meanwhile, the best applicants are snapped up by other school districts while Washington could travel from school to school and produce a permanent teacher in Washington, candidates must pass oral and written examinations, not required in suburban districts. Education methods. The number qualifying for permanent teaching positions has dwindled each year, the number of temporary teachers has risen to 40 percent.

Hansen's effects to streamline application procedures and make requirements for permanent teachers more flexible met with opposition. The Board, which mem­ber replaced last month, who charged the administration was not adequately enforcing regulations.

The Chase memoranda noted that personnel management was only one factor in securing better teachers for city schools. It called attention to the lure of teaching as a nice comfortable berth. Yesterday the Board Hansen again to submit recommendations for improving personnel procedures. As it met, about six pickets marched outside, protesting the appointment of the Reverend E. A. Hewlett to the Board to replace Mr. Johnson.

[From the Washington (D.C.) Post, July 6, 1965]

CONSULTANT ON SCHOOLS QUITS HERE—CHICAGO PROFESSOR CALLS WASHINGTON POLICIES DEFECTIVE

(By Maurine Hoffman)

A University of Chicago professor asked to study Washington's school personnel policies has resigned, with the comment that the policies are defective and should have been corrected 15 years ago.

He is Francis S. Chase, former dean of the Graduate School of Education at the University of Chicago.

Interviewed by telephone yesterday, Chase said that his 3-day exploratory visit here in June that defective personnel procedures handicap Washington schools in their efforts to hire good teachers.

AMAZED BY NO ACTION

Personnel deficiencies were pointed out in the 1940's in the Strayer report, Chase added. "The amazing thing is that so little has been done in that period of time."

He is Dr. Francis S. Chase, former dean of the Graduate School Super­intendent Carl F. Hansen, giving Chase's impressions of personnel procedures gained from conversations with school officials, was discussed yesterday at a Board of Education meeting. His main points:

1. The present organization and administration of personnel services are not conducive to effective operation.

2. The defects of personnel administration as felt more keenly by those involved in personnel management than by the school principals.

3. The defects in the present system and its qualifications for teachers are not adequate to meet the needs for teaching here.

Many of the shortcomings of the existing personnel system were implied in the report prepared by Dr. Rufus C. Brown­ ing, Assistant Superintendent in Charge of Personnel, under the date of March 16, 1964. The report recommended that the Board of Education "consider with appropriate care the report of the Assistant Superintendent in Charge of Personnel." Moreover, the Strayer survey more than 15 years ago documented weaknesses in Board of Education personnel and other aspects of personnel management. The recommendations for improvement, which apparently led to little or no correction. It would seem, that Board's efforts were included.

Chase would be an excellent starting place for the Board of Education Committee on Personnel.

With regard to improvement of personnel management, I believe that the Superintendent, with the assistance of his staff, can make recommendations of greater relevance to the Washington schools than any outside consultant could make without an extensive study. It seems to me that the Board's own staff could make recommendations.

The degree of consultation and the changes in procedures proposed by the Superinten­dent should speed up the processing of applications, produce greater uniformity, and provide ready access to information needed for performance of control and audit functions. There is reason to believe that they might also contribute to better selection of teachers for the District of Columbia schools.

The principals with whom I conferred appear to feel that their requests for teaching personnel are being dealt with sympathetically and promptly under the present arrangement, although they are aware that the procedures tend to be somewhat cumbersome. They were quite explicit in their desire to continue to be consulted about assignments to their schools and when, the number of candidates before the final interviews with candidates before assignment.

Personnel management, however organized, is the responsibility of the superintendent. If large cities a sufficient supply of teachers with the qualifications required to meet the needs for education in our society. Washington may well be more fortunate in this respect than have the provinces of our better city school systems enjoyed. Today teaching in the city provides neither a nice comfortable berth nor a nice comfortable berth or a clear challenge; the teachers do not have the same freedom of having arrived or a clear challenge to the imaginative and venturesome. The cure may include making education as attractive to teachers as an occupation to the teachers and other cities in terms of salary and working conditions. I think the teachers may well be more fortunate in this respect than their counterparts in the provinces of the great cities, especially in the suburbs and other cities in terms of salary and pleasantness of living and working conditions. I suggest that teachers may well be more fortunate in this respect than their counterparts in the provinces of the great cities, especially in cities in terms of salary and pleasantness of living and working conditions. I suggest that this may well be more fortunate in this respect than their counterparts in the provinces of the great cities, especially in the suburbs and other cities in terms of salary and pleasantness of living and working conditions.
against the toughest problems confronting education today.

To attract such people, it seems to me a school system should provide maximum freedom for experimentation and adaptation by the faculties of the several schools. This can be achieved by a bulletin over the filling of vacancies than is usual in many cities; and it certainly will call for measures which lead teachers to identify themselves. This might include the achievements of particular schools as well as with the system as a whole. However, if a majority of the people are to keep a sense of identification with particular schools, it is probably also necessary to have a staff of "helping-teachers" (or teachers on special assignments) who can supplement school faculties for periods of weeks, months, or years may be required. These helping-teachers would include specialists with proven competence in working with the socially disadvantaged, providing diagnosis and remediation in reading, teaching mathematics, science, and other subjects, parent education, work-study programs, etc. The helping-teachers would participate in teaching as required, but would also provide demonstrations, discussion of new ideas, counseling the helping-teachers in the schools. Because of the unusual assignments of the helping-teachers, more credit might be given to performance than to formal qualification, and it was probably should be on a 12-month basis to allow time for the discharge of special responsibilities for remedial techniques. Salaries above the regular schedule would be justified—based in each case on the special qualifications and the responsibilities assigned.

The paragraphs on pages 2 and 3 are intended not as recommendations but only as an invitation to attention to the problems which at the moment seem to me to have some promise. In conclusion, I wish to thank you that I enjoyed my conversation with you, Mr. Steele, and members of your staff. While I would enjoy an opportunity to work with you and to become better acquainted with the promising programs being developed in the District, I really do not feel that you have any need of my services as a consultant on personnel matters. What I am furnishing is the information which at the moment seem to me to have some promise.

III. NEW SOLUTIONS ARE NEEDED

The educational program of the District of Columbia schools has achieved many notable results. However, there have been a variety of questions and criticisms raised about the present system. No attempt will be made to list the various criticisms because the addressers of this report have discussed these matters many times and in many contexts.

Many observers have voiced the opinion that a number of laws, Board rules, and administrative practices which are currently in operation are not as effective as they might be. It is agreed that many methods being followed today are designed to meet problems which no longer exist or have disappeared. Gone are the days when several scores of candidates sought a single vacancy. But still we need standards and for a system which generates multiple applications clerk in the department of personnel. Consideration of the most important selection factors including the candidates' level, kind, and quality of experience. At least three criteria should be used to judge the proposals made in this report. These are:

1. Does the proposal provide audit and control functions for the superintendent and the board of education?
2. Does the proposal provide services to the staff of the school system, and in particular does it tend to free leaders of the instructional programs from performing unnecessary tasks?
3. Does the proposal increase efficiency without sacrifice of standards or merit principles?

III. PROPOSED SOLUTIONS

The proposed solutions are discussed under 19 different headings, ranging from "recruitment" to "records and files." Other topics include Annually raise the maximum years of experience required for selection. (b) Annually raise the maximum years of experience required for selection. (c) Annually raise the maximum years of experience required for selection. (d) Annually raise the maximum years of experience required for selection. (e) Annually raise the maximum years of experience required for selection. (f) Annually raise the maximum years of experience required for selection.

1. Recruitment: Recruitment consists of the various techniques used to get individuals to apply for jobs. In the District of Columbia schools there is relatively little positive recruitment carried on, except: (1) Every vacancy is announced in a superintendency of public schools, and (2) recruitment of graduates of college and universities is conducted on an individual basis.

Recommendations: (a) Increase the annual recruiting budget from $1,200 to $2,400 and a consequent increase in actual recruitment by our professional staff.

2. Selection: The procedures to be followed are those of nonfully qualified personnel. With any exceptions, our problem is the selection of candidates who are to be offered employment. Some regard this as the most important step in the process. The selection and selection based on merit is espoused by all. How to do this at the same time avoid handicapping ourselves with inefficient personnel is the problem.

With some exceptions, our problem is the selection of candidates who meet licensing standards, pass the written test, etc. Currently, the most difficult selection problem is to determine the persons with the highest qualifications from among the pool of nonfully qualified personnel.

Until we are able to recruit more fully qualified candidates, candidates are facing the difficulties of people who apply. We should seek selection methods which are in consonance with today's highly specialized and for a system which generates multiple applications.

Recommendation: The following procedure is recommended for the selection of teachers:

(a) Applications are received a qualified candidate, in the office of the personnel. The personnel will assemble credentials and make a preliminary determination of the level of qualification which is appropriate (e.g., candidate is to be hired for probationary appointment, not for placement in the position)

(b) As applications are received a qualified candidate, in the office of the personnel. The personnel will assemble credentials and make a preliminary determination of the level of qualification which is appropriate (e.g., candidate is to be hired for probationary appointment, not for placement in the position)

(c) Applicants are interviewed by the personnel. In the personnel. The personnel will assemble credentials and make a preliminary determination of the level of qualification which is appropriate (e.g., candidate is to be hired for probationary appointment, not for placement in the position)

(d) As applications are received a qualified candidate, in the office of the personnel. The personnel will assemble credentials and make a preliminary determination of the level of qualification which is appropriate (e.g., candidate is to be hired for probationary appointment, not for placement in the position)

(e) As applications are received a qualified candidate, in the office of the personnel. The personnel will assemble credentials and make a preliminary determination of the level of qualification which is appropriate (e.g., candidate is to be hired for probationary appointment, not for placement in the position)
examinations and graduate record examination, personal characteristics such as voice, diction, etc. An overall numerical rating of the student will be given on a standard form, using the score of 70 as passing and 100 as top score.

(d) Candidates obviously not qualified will be placed on the list of eligibles and no further processing conducted.

(e) Persons seeking passing or borderline status on the probationary examination will be interviewed by the appropriate Assistant Superintendent. The principal of the school where the candidate is employed will be notified of the interview. The emphasis of the interview will be on the educational-curricular-instructional qualifications of the candidate. The overall numerical score on the 70 to 100 scale and supporting comments will be given on a separate rating form. If desired by the appropriate Assistant Superintendent additional interviews may be conducted and the ratings for the department averaged.

(f) Assistant Superintendent's overall score will be determined 50 percent by the department of personnel examiner and 50 percent by the operating agency interviewers. This is performed by the Department of Personnel.

(g) When recruiting takes place at out-of-town locations (campuses or professional meetings) only a single interview will be required.

(h) Lists will be prepared ranking candidates in order of merit. There will be the possibility of meeting the requirements of qualifications for probationary appointment. There will be the second list of ranking by merit for those who meet the qualifications for temporary appointments. Lists are kept open and new names inserted at the time scores are approved by the Chief Examiner.

(i) Names of those on lists certified by the Chief Examiner will be forwarded by the Assistant Superintendent in Charge of Personnel to the Superintendent. Any name where there is a waiver of the rules requested will be supported by a document detailing the nature of the request and the reason for making the request. The Superintendent will review the list if new vacancies and, if approved, will forward it to the Board of Education for final approval.

2. The sample tests have value because of their intrinsic validity, the objectivity of scoring, and the capability of ranking candidates based on scores. Their disadvantages arise from the following.

(a) the total profession does not use them;
(b) administration poses many difficulties;
(c) the District of Columbia schools lose money when the candidates are sent to the State for another background investigation.

In the section above entitled "Teacher Selection" there is no provision for mandatory tests for classroom teachers. The potential value of such tests may be recognized. However, we are handicapping ourselves in the market for teachers by making the test mandatory. I feel that a thorough review of the backgrounds of applicants and good preliminary ratings at the time of receipt of applications would determine merit and fitness for teaching.

Recommendation: It is recommended that for a period of 1 year no written test be made mandatory for original selection of teachers for the District of Columbia system. At the end of a trial an evaluation will be made and the recommendations of the Board of Education to determine whether tests will be restored to the program.

4. Credentials: When the administration wishes to hire a qualified teacher, a review of credentials is of great importance to have good background data on applicants. All candidates will be given stress translated into credits. This is sound, particularly for teachers with less than 2 or 3 years of experience. Greater stress should be placed on getting qualitative information on previous job experience. This is especially true for teachers with several years of experience.

Recommendations:

(a) Every experience of an applicant for the previous 10 years must be accounted for by a principal, superintendent, or other appropriate official.

(b) Statements must be on forms provided by the Department of Personnel or on letterhead stationary.

(c) Applicants will be provided the reference form, which will be responsible for contacting previous employers and giving them the forms and enclosure.

(d) Returns will be made directly to the Department of Personnel.

(e) Acceptable reference forms will be used to verify previous experience for salary purposes and to verify the moral-ethical character of the applicant.

5. Letter writing. The letter writing about an applicant's character: To my knowledge there has never been a candidate in the history of our schools who has not been able to muster two favorable letters. The idea behind the letters is excellent—as a measure they are worthless.

Recommendation: It is recommended that information from reference forms satisfy the requirement of a character check. If no reference data is available then other steps such as references to the department of personnel examiner and the idea behind the letters is excellent as a measure they are worthless.

6. Board orders: The term "board orders" refers to a wide variety of administrative activities associated with the induction of new employees and with other personnel activities (a) every experience of an applicant for the previous 10 years must be accounted for by a principal, superintendent, or other appropriate official.

(b) Increase flexibility by encouraging the issuance of membership certificates. If the district council does not use a level of administrative activity it should be abandoned. The trend is toward more administrative activity in order to provide more controls and greater standardization. Presently most if not all Assistant Superintendents also favor consolidation. The question is not whether to centralize or not, it is how to achieve it.

(c) Transfer positions, salary dollars, and personnel from various offices now writing board orders and from the Board of Education. In the Office of the Superintendent there is a Board of Education Records Division (FARD) of the Department of Personnel.

(d) Number of positions to be transferred can be determined from job classification data and from statistics on number of board orders prepared annually. These data are already on hand.

(e) Personnel transferred between departments should be given appropriate guarantees concerning their status as employees.

(f) During the transfer period there should be concentrated efforts made to eliminate duplications of the orders and to explore labor-saving techniques.

7. Temporary versus probationary appointments: Increasing the percentage of probationary appointments and decreasing the percentage of temporary appointments is desired by all. It is known that many temporary appointments are given to candidates who are not the best all-around teaching corps it is desired that we select those who meet all of our requirements. The fact of having a temporary status is not viewed as a disadvantage. It is our policy not to bad in itself. The real problem which has developed is almost solely the steadily increasing percentage of teachers who fall into this category.

In the context of the temporary-probationary situation there is another problem. Clarification is needed concerning the fact that the probationary period is an on-trial period. There is a widely held notion that once appointed as a probationer an individual automatically has a 2-year trial. In my opinion the probationer should serve only as long as he meets the standards of personnel and elementary purposes. He must fulfill our moral obligation of helping the new person over the difficult hurdles which may arise in the first months on the job. Once we have him past the probationary stage the obligation of helping if the person remains below standard or does not respond to help he should be terminated as a probationer. This applies to both temporary and probationary teachers.

Recommenations:

(a) Aggressively search for those who will meet all requirements for a probationary appointment.

(b) Provide an additional incentive to attract and retain fully qualified teachers by giving greater salaries to those who are probationary or permanent and lower salaries to those who are classified as temporary. This will help the school to make certain they reflect current thinking.

(c) Provide some flexibility so as to be able to appoint as probationers those teachers who may lack relatively minor qualifications. Individuals lacking minor qualifications should be appointed during the probationary period, or the requirement could be waived by action of the Board of Education at the time of original appointment.

(d) Hold in abeyance for 1 year the requirement of a written test for original appointments.

(e) Explore the possibility of establishing a system of issuing teaching certificates and having all schools having standards at least equal to ours.

(f) Consider giving graduates of National Council for Accrediting Teacher Education (NCATE) approval schools a probationary appointment when the individual is certified by the school as being prepared to teach.

8. The terms "temporary" and "permanent": The two terms "temporary" and "permanent" have acquired bad connotations. Although there are positions which are temporary and permanent, a new terminology is needed for such positions, a new terminology is needed for individuals who do not meet all requirements for a permanent appointment. Individuals who are otherwise qualified as "temporary," are classified as "temporary." The terms "provisional" and "conditional" are often used by various States in a manner in which we use the term "temporary." Our local term "permanent" is also objected to because it is often taken literally by school personnel. Most jurisdictions now use the word "tenure" to denote the status and rights accorded to the fully qualified individual who has demonstrated competency in his job.

Recommendation: It is recommended that for personnel the terms "provisional," "probationary," and "tenure," instead of "temporary" and "permanent," be adopted at such time that other legislation be prepared for approval by the Commissions and the Council.

9. Licensing: The license committee and its subcommittees have been meeting for over 2 years. Difficulties in finding dates to meet the requirements for the Board of Education to determine whether tests will be restored to the program.

4. Credentials: When the administration wishes to hire a qualified teacher, a review of credentials is of great importance to have good background data on applicants. All candidates will be given stress translated into credits. This is sound, particularly for teachers with less than 2 or 3 years of experience. Greater stress should
highly qualified when such candidates lack certain specific provisions (e.g., a particular method course other than reading). The Board would retain the right of approval. The recommendation to the Board would stipulate whether the candidate was to be permanent in a given school rather than in the school system, and whether the requirement was to be waived.

Recommendation: It is recommended that departments have position vacancies use a requisition to the department of personnel to fill the position.

12. Role of the Board of Examiners: Even with changes in techniques there will be need for a board of examiners. The proposed method is to develop a personnel requisition from a department (e.g., elementary) which would indicate (1) a vacancy exists or is anticipated at a given school, (2) the nature of the position (e.g., permanent), and (3) the fact that it is an approved position and salary dollars are available. Liaison between the operating department and department of personnel would determine the individual or individuals to be assigned.

Recommendation: It is recommended that departments having position vacancies use a requisition to the department of personnel to fill the position.

13. In-service training: There is a great deal of in-service training now being performed. It is each department's responsibility to conduct training with some special assignments given District of Columbia Teachers College. I favor a central coordinator of in-service training who serves in a advisory capacity to the superintendent for the entire school year.

Every educator today must keep up with a fast-changing world. In addition we must be able to take advantage of newly appointed teachers for special assistance. The coordinator could help in such programs. He would be responsible for arranging in-service training seminars, for coordinating with local colleges in that desired courses are offered, for arranging interschool seminars, for closer liaison with student teacher and their sponsoring colleges, and for working out programs with individuals who are striving for a single salary schedule. The Board should stipulate whether the candidate was to be permanent, or to be paid as an office assistant, or for special assistance. The recommendation to the Board of Education would retain the right for personnel purposes of establishing an in-service training coordinator on a temporary basis.

14. Men teachers: Practically everyone agrees with the idea that we need more men teachers. In order to attract and retain men teachers we cannot give them preferential salary treatment for this would unduly came for a single salary schedule which permits them to keep the same salary. If available with this principle there are apparently only two ways of getting greater annual salary. This is to extend the amount of credit for military service (with a 2-year limit as is done in most of the nearby school systems); (2) give more men employment in the evening and summer programs. This is, extend the period of a given temporary status.

Recommendation: It is recommended that departments have position vacancies use a requisition to the department of personnel to fill the position.

15. Officer appointments: In my estimate the most serious drawback in our system for officer appointments is the lack of a design for grooming future appointees. For the most part we leave it up to each individual to prepare himself and advance his own candidacy. Two often we get applicants with far more desire than talent.

Probably the most training for regular officer positions are the temporary officerships in the evening and summer programs. Services in laboratory schools and in demonstration schools would probably make good training positions. There should be other avenues.

Every September there are several vacancies for principals and assistant principals. Interns who will later fill these positions should be selected at midyear. They could undergo a program consisting of (1) on-the-job training in one or more schools, (2) taking one or two specified college courses as needed, and (3) orientation tours in various central offices.

In the selection of officers and interns there are modifications which might improve our selection procedure. I am suggesting that for each candidate a background rating be made by two or more independent raters. Simplicity would be on each officer's ability and quantity of training and experience. An averaged background score would be determined. When more than a certain number of a candidate's and a limiting number would be admitted to the oral examination; these would be the candidates with the highest background rating. This should allow the interviewing panel to spend more time with each candidate. The rating would be derived from averaging the background and interview scores, each to count 50 percent of the final score.

For certain positions (e.g., elementary principals) we repeat officer examinations several times each year. For the most part a large percentage of candidates appear time after time. I question if this is a good system. I find that it is not possible to predict that for each candidate a background rating be made by two or more independent raters. Simplicity would be on each officer's ability and quantity of training and experience. An averaged background score would be determined. When more than a certain number of a candidate's and a limiting number would be admitted to the oral examination; these would be the candidates with the highest background rating. This should allow the interviewing panel to spend more time with each candidate. The rating would be derived from averaging the background and interview scores, each to count 50 percent of the final score.

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will have to be housed in Webster Annex. In Webster there is little extra room on the first floor. The second floor is occupied by the special school for girls. It would be difficult and discouraging to have to utilize the third floor.

Recommendation: It is recommended that
In conclusion (Mr. Langen, page 35)
the procedures of the Department of Personnel that
decisions on physical facilities be made at the

19. Records and files: There is much work
to be done in the

1965
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in any consideration to change the func-

be presented in the present study.

activities. Details concerning this cannot
be presented in the present study.

Recommendations:
(a) The official papers on each employee
should be maintained in one location only,
that of the Department of Personnel.
(b) One full-time employee should be as-
signed the job of managing the files and
providing locator service on individuals.
(c) In developing new data processing
systems for the public schools the data on
employees should be integrated into the
overall system.

IV. ORGANIZATION NEEDED TO SUPPORT CENTRALIZED PERSONNEL FUNCTIONS

Practically all of the functions which have
been described (or proposed) in this report are
being performed somewhat in the
central office. In each of several offices pro-
fessional personnel are interviewing candi-
dates for employment; conducting
preparing board orders and keeping files
current, etc. Consolidating and centralizing
these activities should, in time, increase effi-
ciency and improve public relations which
are so vital to successful recruiting.

RECOMMENDATIONS

The following organizational structure and
staff is needed by Department of Per-
sonnel in order to meet the requirements of
centralization just described:
(a) Office of the Assistant Superintendent
in Charge of Personnel: One Assistant
Superintendent, one clerk (stenography),
and on a temporary basis, in-service
training coordinator.
(b) Professional Personnel Division: One
Chief Examiner (who is division chief), one
elementary personnel examiner, one second-
ary personnel examiner and a staff of eight
clerks.
(c) Classified Personnel Division: One
supervisor of classified personnel (GS and
wage boards) in the classification special-
ist, one personnel specialist (for recruiting
and examining) and two clerks.
(d) Personnel Actions and Records Di-
vision: One supervisor of personnel services
and nine clerical personnel for preparing
board orders, administering employee rec-
dords, handling general correspondence, pro-
viding centralized files, etc.

Comparison of the present and proposed
staff is as follows:

<table>
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<tr>
<th>Present</th>
<th>Proposed</th>
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<tr>
<td>Office of superintendent</td>
<td>1</td>
</tr>
</tbody>
</table>
| Office of Assistant Superin-
| tendent | 1 |
| Professional Personnel Di-
| vision | 3 |
| Classified Personnel Di-
| vision | 3 |
| Personnel Actions and Re-
| cords Division | 3 |
| Total | 10 |

Comparison of ratios of personnel staff to
total (Operating Budget, 1965): Present ratio
Department of Personnel only (16 to 8,353)
1 to 522 employees; ratio of Department of
Personnel only (16 to 8,353) 1 to 522
employees; ratio among District of Columbia
agencies (including the public schools) 1 to
154 employees; standard ratio among Federal
agencies 1 to 100 employees.

V. SOURCE OF ADDITIONAL STAFF TO DEPARTMENT OF PERSONNEL

The proposed plan is based on the premise
that already those functions proposed for
the Department of Personnel are now
being performed elsewhere in the central
office. Therefore, as functions are centralized
the staff performing the functions are also
centralized.

Determination of recommendations for
transfers of personnel are based on the
sources of existing data: (1) job classification
data in which employees and their
supervisors have indicated the amount of
time spent in performing various functions
and (2) number of board orders written in
a full year in a given department, which
gives an index of the relative amount of per-
sonnel processing which occurs in the vari-
ous offices.

Recommendation: It is recommended that
the following personnel be transferred to
the Department of Personnel:

| Office of superintendent or
depuy | Elementary | Junior-senior high school | Vocational | Pupil services | Buildings and grounds |
<table>
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<td>Tsa Gs</td>
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VI. TIMING OF CHANGES

Changes which are approved should be
made in increments rather than all at one
time. This phasing is necessary because of
the following factors:
1. Space adjustments will have to be made
at Webster Annex or elsewhere.
2. New employees will have to undergo
a certain amount of individualized in-service
training.
3. Procedural statements will have to be
developed and revised forms designed.
4. Trial and error situations will consume
extra time during the developmental stages.

Recommendation: It is recommended that
a three phase transfer plan be adopted, as
follows:

1. Phase 1.
(a) A major area of operation (e.g., junior-
senior high school) by the Superintendent
to be the first group to merge into a centralized personnel opera-
(b) Personnel from the selected major
area to be transferred would be identified
and the change made between offices.
(c) One clerk from the Superintendent
or Deputy's Office would be transferred so
that an existing employee in Personnel Ac-
(d) An unused teacher position would be
transferred so
(e) A major area of operation (e.g., junior-

2. Phase 2.
(a) The Superintendent would make his
Decisions on physical

3. Phase 3.
(a) The balance of the transfers would be
made.
(b) Evaluations would be made, includ-
ing an overall report on the project to the
Board of Education.

VII. OVERALL RECOMMENDATION

It is recommended that this report be
reviewed by the Board of Education and the
following actions taken:

1. The report be reviewed in detail by the
Superintendent, Deputy Superintendent and
Assistant Superintendents. Comments and
recommendations would be consolidated by
a staff person selected by the Superintendent.
2. The Superintendent would make his
recommendations to the Board at a meeting of the Personnel Committee.
3. The Board then to make decisions ap-
propriate to the situation.

NASSER OUTSMARTS UNITED STATES AGAIN

Mr. DEL CLAWSON, Mr. Speaker, I
ask unanimous consent that the gentle-
man from Minnesota [Mr. Langen] may
extend his remarks at this point in the
Racord and include extraneous matter.

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

There was no objection.

Mr. LANGEN. Mr. Speaker, Egypt's
Nasser has outsmarted us again. This
unfriendly dictator must be laughing up
his sleeve as he dips one hand into the
pockets of the American taxpayer and
embraces the Soviet Union with the
other.

I refer to published reports that cheer-
crowds greeted the first Soviet-aid
wheat shipment to Egypt last week. Just
a day after silence greeted the unloading
of 24,000 tons of U.S. wheat at the same
port. The U.S. wheat was part of a $37
million food gift to Egypt and was pre-
ented to Nasser in spite of last year's
action by Congress condemning such
foolish practices.

Now we find ourselves in the ridiculous
position of competing with the Soviet
Union for the dubious honor of seeing
who can come out worst for a nation
that has consistently supported the Com-
munist bloc. Why would the U.S. allow a
Soviet satellite to be the face of the
Shah in every opportunity?

I note that the Russian gift of wheat
was originally purchased from Australia
while the U.S. gift comes directly from the
taxpayer's pocket and only proves again
that sales of commodities to Russia
cannot be depended upon to feed or
benefit the Russian people, but might
rather be used as competition for mar-
kets and favors with other nations
around the world.

It is interesting to note that this latest
aid to Egypt comes about because the
President has decided that it is in the
best "national interest." Does the na-
tion's best interest call for us to give aid to
a country that professes lasting friendship
with Communist bloc nations? We have
to draw the line somewhere in our seem-
ingly perpetual willingness to dole out
U.S. dollars and products to anyone who
stands out their hand, either friend or
foe.

JOHNSON'S HOUSING VICTORY

Mr. DEL CLAWSON, Mr. Speaker, I
ask unanimous consent that the gentle-
man from Tennessee [Mr. Baskin] may
extend his remarks at this point in the
Racord and include extraneous matter.
The Speaker. Is there objection to the request of the gentleman from California? There was no objection.

Mr. BROCK. Mr. Speaker, the House of Representatives had a most difficult battle on its hands yesterday. I feel the two following articles entitled "Johnson's Housing Victory" and "Speaker Calls Rent Bill Hardest Task in Years" are an excellent summary of the debate. Under unanimous consent, I request that these be placed in the Congressional Record so that my colleagues may have the benefit of reading these interesting articles.

WASHINGTON: Johnson's Housing Victory (By Tom Wicker)

WASHINGTON: July 1—Congress is approaching the 4th of July in the usual midsummer mood and that spells trouble for any President. In the case of President Johnson, it spells a good deal less trouble than it has for others and there now is an undercurrent of confidence at the White House that there will be no major setbacks at this session.

So many things happened that smacked ominously of revolt. The Senate sought openly to remove one of Sargent Shriver's two hats and almost refused to suspend the law that guaranteed workers the right to name a representative as general as administrator of the Federal Aviation Administration. Representatives MERRILL EVANS, South Dakota, and Secretary McNamaras, got his back up on military pay and military base closings. The veterans' lobby and some outraged Members of Congress forced the President to compromise on closing outdated veterans' hospitals. Mr. Johnson was forced to veto, a minor flood-control project. That was a gesture against what he considered congressional incursions on Executive territory.

Some other things might have happened, but didn't. There could have been full-scale Senate debate on Vietnam and the Dominican Republic, or a major setback in either crisis, unseating the President's grip on his Democratic majorities. The public housing lobby saw the plan as an invasion of its interests, and—most importantly because it was a new idea, not long debated, long advocated, or well understood in the press or in Congress. Moreover, there was a troublesome racial aspect. The rental assistance program should help to break down the "ghetto idea." Thus, lower income, all-white neighborhoods, from which Negroes have been excluded largely because of economic inability, now may be opened to them through Federal rental subsidy.

Mr. Johnson compromised on details of the plan, but he did not compromise on the program. "It was one of the most controversial issues of the session, but also a tactical necessity."

Coming up soon, after all, will be the controversial rent补贴 program under the Taft-Hartley Act; an immigration bill eliminating national origins restrictions; the always difficult farm bill; a doubled authorization for a poverty program riven with political and administrative disputes; and a proposal for regional centers to treat heart, cancer, and mental illness. All of those things will be open to objections of "socialized medicine" than was the Medicare bill.

Members of Congress already have accomplished a great deal this year, enough for most sessions to quit on. Washington is getting hot and muggy, and somewhere the dog days of August are welcomed. That singleness of purpose is welcome in the dog days than in the brave early weeks of a session. Mr. Johnson burned up the phone yesterday not just to save a major item of his program but to keep necessary pressure on Congress for the hard work ahead.

[From the Washington (D.C.) Post, July 4, 1965]

Speaker Calls Rent Bill Hardest Task in Years

By Jack Eisen

For House Speaker John W. McCormack, winning approval for President Johnson's rent subsidy program was his toughest legislative task in nearly a quarter century.

After the House turned back the crucial challenge to the proposal with a tense 206-to-202 vote yesterday, the President's aides were relieved. Controversial issues are more welcome in the dog days than in the brave early weeks of a session. Mr. Johnson burned up the phone yesterday not just to save a major item of his program but to keep necessary pressure on Congress for the hard work ahead.

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The subsidy was particularly important to South Carolina's Representative JOHNSON (Mr. Johnson's dream of helping the middle-income American"

One of about a dozen Northern Democrats who broke party ranks to vote against the proposal, Representative PEET, of Spokane, said the concept of rent subsidies for qualified families that are middle-income and include extraneous matter.

An aid to another, Representative LIONEL VAN DERELIN, Democrat of California, who has a liberal voting record, said shutdowns of defense plants in San Diego have raised housing vacancies there to a critical level, and any vote that might lead to more low-rent construction would be political poison.

Representative Thomas S. Foley, Democrat, of Washington, who comes from a conservative Spokane, said the concept of rent subsidies "needs further study." He volunteered that there had been no arm-twisting to get his vote. "There was," Foley said, "the mildest and most gentlemanly persuasion."

Even as the rollcall passed the halfway point Wednesday, the outcome remained uncertain.

Hastily, the leadership arranged to "pair" the votes of four opponents of the subsidy with votes of four of its supporters—a move that had the effect of canceling the four votes while still recording opposition.

Three of the four were Democrats from the President's home State of Texas, Representative OLIN E. TRACO, EARLE CASELL and RICHARD C. WHITE. The other was Representative PAUL H. TODD, Jr., Democrat, of Michigan.

Had the four votes stood, rent supplements still would have passed—by a vote of 203 to 206.

In that case, the winning margin would have come from four Republican New York State, the only members of their party to endorse the program.

These were Representative JOHN V. LYNDSAY, of Manhattan, who is running for mayor of New York City; Representative SYMOUTH HALFEN, of Queens County; Representative Omer K. REU, of Westchester County; and Representative FRANK J. HORTON, of Rochester.

The 175th Anniversary of the U.S. Coast Guard

Mr. CLAWSON. Mr. Speaker, I announce a unanimous consent to request the gentleman from Maine [Mr. Tupper] to 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. TUPPER. Mr. Speaker, it is a pleasure for me to join my colleagues on the Merchant Marine and Fisheries Committee in presenting a resolution honoring the founding of the U.S. Coast Guard. The U.S. Coast Guard, founded August 4, 1790, is the only organization of its kind in the world, and the U.S. Institution maintains a service in any way like it. A maritime policing organization in times of peace; a part of our Armed Forces in time of war, the Coast Guard has been a source of pride and benefit to each and every citizen of this Nation.

The Coast Guard has served our Nation since the earliest days of the Republic. When custom duties were imposed on imports to raise money to meet Federal expenses, smuggling started on a large scale. To protect this chief source of revenue, the Congress passed a bill in the year 1790 establishing the Revenue Customs Service. This was the custodian of the revenues. Ships were obtained for this purpose, and before long the coast was being patrolled successfully. As a matter of fact, this predecessor organization served along with the U.S. Armed Forces afloat until the establishment of the Navy Department in 1798.

Since the date of its birth under the Republic, the Coast Guard has moved forward keeping pace with the growth of our nation. Since 1915 we have had patrolling duties of humanitarian service to the people of this Nation. In 1915 it was combined with the Life Saving Service, and the name was changed to the U.S. Coast Guard. In 1936 the Lighthouse Service was transferred from the Department of Commerce and combined with the Coast Guard. Three years later the Coast Guard took over the duties of the Bureau of Marine Inspection and Navigation, thereby undertaking the supervision of the discipline of crews and the construction and equipment of merchant ships, plus investigation of deaths and injuries on board ship.

The U.S. Coast Guard protects the entire American seacoast, the Great Lakes and all the navigable waters. Past events in Cuba and surveillance off our coastal areas by foreign fishing vessels have served to multiply the duties of this gallant force in connection with the protection of our seacoast. The Coast Guard warns shipping of dangers to navigation; it enforces the laws against smuggling and other laws governing the operations of vessels. In time of war the Coast Guard sends a vessel or even a plane to its aid at once. The service saves thousands of lives and millions of dollars' worth of ships and cargo each year. It gives aid to the sick and injured on ships and fishing boats. Sometimes it gives advice by radio or signals; at other times when necessary, it brings patients ashore by plane. It cares for and protects the seamen of our merchant fleet in distress of every kind in the world today, and other areas in which the Central Government is expected to extend its authority.

The principle embodied in this legislation enacted last year was supported not only by the liberals but by a majority of other citizens, and the legislation undoubtedly made a law of doubtful constitutionality go on the books as a means to contributing to the fair day where all citizens of this Nation were concerned. The unlawful employment practices quoted above was related, obviously, to the right of all Americans to seek and find employment, regardless of their color or national origin.

But when a minute, Tennessee Code, section 37-5-209, also applies.

Under the title, "Contracting for exclusion from employment because of affiliation or nonaffiliation with labor union unlawful," the section reads as follows:

"It shall be unlawful for any person, firm, corporation or association of any kind into any agreement, written or oral, for the purpose of securing the exclusion from employment of any person because of membership in, affiliation with, or nonaffiliation with any labor union or labor organization of any kind."

Examined the Federal and State statutes quoted above reveal that the Nation's liberals (actually totalitarian) have supported legislation that bars discrimination against a worker because of race or color unlawful but now want to, through repeal of section 14(b) of the Taft-Hartley Act, it is unlawful in all States for discrimination to be practiced against workers who do not choose to join and pay dues to a union. Actually, if a worker who does not choose to join a union belonged to an ethnic minority, then the 14(b) repealer would discriminate against him despite the provision in the civil rights legislation that bars discrimination on grounds of race or color.

Honesty, we do not see how a lawyer can look the public in the eye while taking such contradictory positions on what is essentially the same question—the right of an American citizen to work. What they are saying, in effect, is: "To bar a person from employment because of race or religion is wrong, but it's perfectly all right to bar a worker, black or white, from employment if he doesn't choose to pay union dues for the privilege of holding a job.

What kind of justice is this?

BILk AMEND THE TRADE EXPANSION ACT

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. QUILLEN] 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. TUPPER. Mr. Speaker, "Two Faces of Discrimination" is an editorial written by Guy L. Smith, editor of the Knoxville Journal, Knoxville, Tenn., which appeared in the Journal on July 6, 1965, as the Daily editorial.

I would like to make this thought-provoking editorial available to my colleagues and to all who read the Record.

Two Faces of Discrimination

On July 2 the Civil Rights Act of 1964 became effective. This VII of the legislation deals with equal employment opportunity and over a 3-year period becomes applicable to the Nation.

Among the unlawful employment practices set out under title VII is "to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, and national origin."

This bill was passed by Congress 4 days ago, applicable to every employer, but the principle of nondiscrimination was made to apply in other titles of this same act to voting rights, public accommodations, awarding of Federal contracts, and in every other area in which the Central Government is expected to extend its authority.
The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERRY. Mr. Speaker, during the past five years, bills have been introduced to moderate the possibly calamitous effects that would be produced by carrying out the 50-percent tariff cut under the Geneva negotiations. I introduced such a bill last year and again this year. We are told by our official trade figures that our exports in 1964 exceeded our imports by $6.9 billion. This heavy surplus is said to prove conclusively that we can sell all over the world and are competitive in world markets generally. Surely we could stand another tariff reduction without any real fear of injury.

If, however, we look behind the official statistics, any further surprise will vanish.

Let me quote from a recent bulletin of the Department of Agriculture:

U.S. agricultural exports are one of the major bright spots in the unfavorable U.S. balance-of-payments picture. Farm product shipments reached a peak in 1964.

This appears on page 4 of the July 1965 issue of Foreign Agricultural Trade, a monthly publication of the Department of Agriculture.

The statistics in the July 1965 bulletin show that of the total 1964 agricultural exports of $11.75 billion, $6.9 billion were government-financed under the various titles of Public Law 480. Over and above that were commercial sales of wheat, wheat flour, cotton and dairy products that were exported under the subsidy or export purchase program. Farm products that were not shown in the July issue of the bulletin but in the May number. These exports are shown for the fiscal year ended June 30, 1964, and amounted to $1.75 billion of sales under Public Law 480 and related programs for the calendar year 1964, the total amounts to more than $3 billion.

If we are to assume that during the calendar year 1964 commercial sales under subsidy or export payments were of approximately the same magnitude as in the fiscal year ended June 30, 1964, it follows that the agricultural exports attributable to either government finance or export payments—wheat, cotton, dairy products, rice—amounted to approximately $3 billion. This would bring our unsubsidized commercial agricultural exports to the world market down to $8.3 billion or less than our imports of approximately $8.4 billion a year.

Mr. Speaker, when the export statistics are analyzed in this fashion they lose much of their credibility. It can only mean that if our farm exports were left to compete in the world market without governmental support they would be cut in half and would be only 75 percent of our agricultural imports.

It is not surprising that this should be the case because of the higher costs of production in this country. We can hardly expect to have our cake and eat it too. If we demand high prices for our production we cannot expect to remain competitive in low-wage countries. Therefore if we mean to export in large quantities then it is absolutely necessary to subsidize. I do not condemn this. I simply say we should not regard such sales as evidence of our ability to compete in world markets. There was a time when the efficiency of the lower-wage countries was far enough below our level of productivity to offset their lower wages to a considerable degree; but today foreign countries in many cases are able to compete at lower wages. The imports have risen sharply in recent years. The bill that I am introducing provides that any item on which the imports have increased at least 15 percent since 1960 and has not been financed by the Postwar Reconstruction programs must be taken off the list offered for further tariff reduction.

This is a reasonable and moderate requirement in view of the facts of our competitive standing. I wish I could agree with the optimistic official statements that continue to paint a rosier picture about our trade. Unfortunately this is not possible in view of what I have already shown about our agricultural exports.

As for our industrial exports, particularly our exports of manufactured goods, the situation is no better; and for the same reason. Our share of the world market in manufactured goods has been falling startlingly, and even these exports contain AID goods as well as merchandise shipped to our Armed Forces overseas. The exports of some important items depend on AID shipments. In 1964, for example, foreign aid shipments accounted for 45 percent of our exports of fertilizers, 37 percent of our exports of railway equipment, and 30 percent of our steel exports. Unfortunately, Mr. Speaker, we rely on AID to export our surpluses.

Unemployment from our surplus is complicated by the fact that we are competitive in world markets. Quite the contrary. The time is past when the United States was by far the world's leader in mass production and advanced technology. One of the reasons is the wage scale. The United States has been a leader in the lowering of wages in many countries. The time is past when the United States was by far the world's leader in mass production and advanced technology. One of the reasons is the wage scale. The United States has been a leader in the lowering of wages in many countries.

To date these efforts have borne no fruit. We are also concerned over imports of lamb, either on the hoof or slaughtered.

Mr. Speaker, the alarm I have expressed here over another 50 percent reduction in our duties might cause surmise as to the lack of support that the withers of your colleagues may find to be necessary. I do not condemn this. I simply say we should not regard such sales as evidence of our ability to compete in world markets. There was a time when the efficiency of the lower-wage countries was far enough below our level of productivity to offset their lower wages to a considerable degree; but today foreign countries in many cases are able to compete at lower wages. The imports have risen sharply in recent years. The bill that I am introducing provides that any item on which the imports have increased at least 15 percent since 1960 and has not been financed by the Postwar Reconstruction programs must be taken off the list offered for further tariff reduction.

This is a reasonable and moderate requirement in view of the facts of our competitive standing. I wish I could agree with the optimistic official statements that continue to paint a rosier picture about our trade. Unfortunately this is not possible in view of what I have already shown about our agricultural exports.

As for our industrial exports, particularly our exports of manufactured goods, the situation is no better; and for the same reason. Our share of the world market in manufactured goods has been falling startlingly, and even these exports contain AID goods as well as merchandise shipped to our Armed Forces overseas. The exports of some important items depend on AID shipments. In 1964, for example, foreign aid shipments accounted for 45 percent of our exports of fertilizers, 37 percent of our exports of railway equipment, and 30 percent of our steel exports. Unfortunately, Mr. Speaker, we rely on AID to export our surpluses.
measure that will not have to be financed by our Treasury, which is to say the taxpayers.

The fact that we are not competitive is demonstrable as the trade statistics show. In order for us to maintain our export trade at present levels requires billions of dollars in subsidies of one kind or another.

We should do two things. We should avoid aggravation of the situation through unwise and premature tariff cuts; and this is one of the purposes of my bill. It would perhaps not go so far as it should. I question the wisdom of any further tariff reduction; but the bill would help substantially by providing for tariff adjustments from the President's list. Second, we should regulate imports so that they cannot upset our industries and farming pursuits by taking ever greater shares of our home market away from us.

If we do not do this we will invite more trouble than we have faced so far. Our industries will then continue to expand abroad while cutting down their costs in this country by reducing their dependence on labor-displacing machinery as fast as they can. If they did not they would be in deep trouble already; but in having this recourse they add to our unemployment problems, increase the need for retraining, for area redevelopment, and for antipoverty measures. The public cost of these programs can in good part also be charged to our national trade policy.

Mr. Speaker, if we do not act soon the necessary action will become more difficult and more drastic measures will be called for later. The recent so-called improvement in our balance-of-payments position is not basic. It is superficial, and until we meet the disparity in our competitive position in relation to the rest of the world, all measures will be temporary and doomed to failure.

I understand that there is little likelihood of a hearing during this session by the Ways and Means Committee. This is their responsibility, and it is not a light one. I trust that the committee will take a second look at the urgency of the situation and call for early hearings.

REAPPORTIONMENT—WILL CONGRESS APPROVE MAJORITY RULE?

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire (Mr. Clawson) 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, as the question of legislative reapportionment moves nearer to a congressional decision, I want to take this opportunity of presenting my reasons for supporting a constitutional amendment modifying the stark, unrealistic, and potentially harsh ruling of the U.S. Supreme Court in Reynolds against Sims. Much has been said and written on this subject; some light and more heat has developed. It is something I think we should discuss dispassionately, because of its great importance.

One of the most perceptive scholars currently studying the apportionment controversy, Prof. Robert G. Dixon, of the George Washington University Law School, in December 1964 Michigan Law Review:

Fair representation is the ultimate goal. * * * * * We are a democratic people and our institutions presuppose according population in form and substance representation. However, by its exclusive focus on bare numbers, the Court may have transformed the most intricate, fascinating, and elusive problems of democracy into a single exercise of applying elementary arithmetic to census data.

FAIR REPRESENTATION THE REAL GOAL

I believe, Mr. Speaker, that fair representation is our goal. I also believe that we shall not achieve it by forcing all States, regardless of their individual characteristics and problems, into one rigid mold so that there is no discretion in the State. Our traditional system of representation in our State legislature and our national Congress did not spring full grown out of the brawn of anyone, let alone the collective brow of a Supreme Court majority. It developed, instead, over many years of trial and error, and modification. The system varied from State to State, but in very few of them did it take the form of sole reliance on population in both Houses.

In the past several years, abuses turned up in a few States where extremely small numbers of people controlled the greater numbers of people of the State. In most instances, I am convinced that careful judicial intervention were available, but in any event, Baker against Carr did promise a curb to those abuses.

MAJORITY OPPOSES SUPREME COURT'S RULING

The promise, however, became an abuse itself on June 15, 1964 with the opinions of the full Court and its companion cases. I do not think that by and large the people of this country, urban and rural, approve of those decisions. Julius Duscha, one of the Washington Post's perceptive political reporters, recently wrote in the Reporter magazine:

There is a widespread feeling throughout the country that the Supreme Court seriously damaged the balance system of American Government. It is a feeling compounded of concern for minorities, of a rural nostalgia that still pervades the thinking of many city people, and of a genuine fear of all-powerful majority government.

I have introduced a proposal, House Joint Resolution 362, for a constitutional amendment which provides:

Nothing in the Constitution of the United States shall prohibit a State, having a bicameral legislature, from apportioning the several districts population on factors other than population, if the citizens of the State shall have the opportunity to vote upon the adoption.

CLEVELAND GIVES PEOPLE DIRECT VOTE

This, or a similar amendment, would prevent a recurrence of the occasional abuse of legislative apportionment and would give each State the opportunity to provide for the recognition of its own needs. Most importantly, it projects the people of each State into the determinative voice on the type of apportionment they are to have. One would think that the proponents of one-man, one-vote would be heartily in favor of this.

I believe that the guarantee of popular expression upon any apportionment plan deriving from the people is our surest guide to fair representation. It is not something to be determined by courts, or philosophers, or people in Washington. It is something that the citizens of each State are best able to determine for themselves.

As for me, I fully agree with Lincoln's expression in his first inaugural address: Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world?

VOTING RIGHTS BILL—WASHINGTON NEWS BACKS GOP, PUTS ISSUE IN CLEAR, CONCISE FERSPECTIVE

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire (Mr. Clawson) 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, this evening's edition of the Washington News, in the lead editorial, flatly endorses the Ford-McCulloch bill as the superior answer to the problem of guaranteeing the right to vote. In concise, clear terms, the editorial sets forth the major differences between this bill and the administration-backed legislation sometimes known as the Celler bill.

While there are additional reasons for supporting the Ford-McCulloch bill not mentioned in the editorial—notably its important addition of a "clean elections" section to guarantee that votes will be honestly cast and honestly counted, I offer the editorial at this point as the excellent statement which may help Members who are still weighing the issue:

IMPROVING THE VOTE BILL

The House has an opportunity this week to make a major improvement in the voting right legislation. This is a decision of the House.

If we can do so by accepting a substitute offered by Representative William M. McCulloch, Republican sponsor of the Senate-passed bill backed by President Johnson.

Representative McCulloch's measure is better than the administration plan. It is less radical and will affect only the States. It supports the House's position on the matter, for instance, assumes arbitrarily that a State or locality is
guilty of discrimination if it has a literacy test and fewer than 50 percent of persons of voting age registered or voted last November. This may or may not be true. But it is bad enough to be unconstitutional— for Congress to declare it so in the absence of concrete evidence.

Representative McCulloch would replace the current version of the bill with an administration bill by permitting the Attorney General to order Federal voting examiners sent into areas in which 25 or more valid complaints of discrimination had been received. Voting statistics would be disregarded, as would literacy tests if the complainant has received a sixth-grade education.

Representative McCulloch also would eliminate the proposal to permit taxpayers to appeal into any area from which 25 or more valid complaints of discrimination had been received. Voting statistics would be disregarded, as would literacy tests if the complainant has received a sixth-grade education.

The bill is certainly bad news for the taxpayer. It offers no hope for a cut from the present astronomical program cost.

The cost of the program has risen steadily in recent years. In 1962 it was $385.8 million; in 1965 it was $485.1 million; and last year, including the interim payments, it came to $606 million. According to statistics put together by USDA, the cost to taxpayers of last year’s program amounted to 38 percent of the value of the crop. The year before the percentage was 20, up from 16 in 1962.

The shocking rise in farm program costs in recent years is apparent in this tabulation:

<table>
<thead>
<tr>
<th>Commodity and crop years</th>
<th>Realized loss and CCC costs</th>
<th>Number of allotment farms</th>
<th>Cost per allotment farm</th>
<th>Harvested acres, SIS</th>
<th>Cost per harvested acre</th>
<th>Value of production 1</th>
<th>Government costs as percent of value of production</th>
<th>CCC cost relationship for specified commodities, 1961-64 crops</th>
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<tr>
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<td></td>
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<tr>
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<td>1,016.0</td>
<td>692.0</td>
<td>12</td>
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</tr>
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</table>

1 Fiscal year most closely comparable to crop year listed; e.g., fiscal 1965 costs relate most closely to 1964 crop year.

2 Includes in sales, donations, carrying charges, commodity export payments, gross costs of Public Law 480 programs and related costs. For what is included in IWA, last division, and price-support payments, see Appendix.

3 Feed grains also include price-support and land-diversion payments; cotton includes equalization payments. Public Law 480 costs do not include (a) dollar proceeds from sales of foreign currencies under titles I and II (b) dollar repayments under long-term credit and supply contracts (title IV). Interest and administrative costs are excluded (except for IWA).

4 Includes Government payments where applicable.

5 No diversion program in effect—no farm base established.

MOSEH SHARETT, EX-PREMIER OF ISRAEL

Mr. TENER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Roonev] 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 York?

Mr. FINDLEY. Mr. Speaker, the cotton bill approved today by the House agriculture committee is disgraceful.

The cost may surpass the all-time record established by the present program. One good, large-scale legislator Billie Sol Estes-type allotment manipulations, and another sly gimmick is intended to thwart the will of Congress in case an amendment is adopted placing a limitation on payments any single farmer can receive.

The bill authorizes authority for sale or lease of allotments, and therefore would legalize the cotton-allotment monkey business which got Estes into trouble 3 years ago.

Estes schemed with cotton allotment owners to shift to his own Texas land the valuable right to grow cotton.

The new bill legalizes this procedure and opens a big door for abuse and waste of tax dollars. Under one provision of the bill unlimited cotton production is permitted, and nothing in the bill would keep farmers from collaborating to beat the taxpayers.

Here’s how: One farmer could sell his allotment to a neighbor, then plant all his land to cotton, later selling it at the market price—expected to be about 23 cents a pound. His confederate would pocket the cotton allotment with the allotment just purchased, sign up under the Government program, and get the full advantage of lavish price support and diversion payments provided in the bill. The two could have a treasured deal for divesting up at harvest time.

Moshe Sharett was Prime Minister of the State of Israel from 1953 to 1955 and was Foreign Minister from 1948 until 1956, holding both posts for a time. He was a respected leader of the labor movement in Israel.

Mrs. Rooney and I had the privilege of first becoming acquainted with Moshe Sharett and his lovely wife in a visit to Jerusalem almost a dozen years ago. Subsequently, Mrs. Rooney and I were in the official party in the port of Haifa when Madam Sharett christened the SS Israel of the Zim Lines before her initial voyage to New York.

The following editorial was published in this morning’s New York Times pays
failing tribute to the memory of Moshe Sharett:

**Moshe Sharett**

When an independent Israel was only a becom­
ing vision, Moshe Sharett was its firm, persis­
tent, and incorruptible driven by the vision of a fu­
ture rich in hope and freedom for all the people of Is­
rael. He was a symbol of the Jewish people's am­
couraged commitment to build a nation from the ashes.

He was a man of deep piety, and his speeches were filled with a spirit of ur­
priety and love for his country. His words echoed with the power of a leader who un­
reservedly believed in the ultimate triumph of right and justice.

He was a master of the art of diplomacy, and his negotiations were marked by a

**Resolution of the Democratic Midwest Conference**

Whereas the democratic principle of equal representation in State legislative bodies has been eloquently affirmed by the Supreme Court in the case of Reynolds v. Sims, in which it said that "to the extent that a citizen's right to be represented is involved, he is a citizen of much less a citizen"; and

Whereas the vast migration of our popula­
tion has transformed our Nation from a predominantly rural to a largely suburban and urban character, which has brought with it new and different kinds of challenges to our legislative process; and

Whereas the adamant refusal of many State le­gislatures to reapportion themselves in the face of this migration has created an indifference to the problems of urban areas and the atrophy of strong State government and State initiative in solving urban problems; and

Whereas the effort to overturn the Su­

preme Court decision through the dual method of Senate Joint Resolution 2 and State petitions for a Constitutional Conven­
tion has imperiled the Supreme Court re­
apportionment decisions; be it

Resolved by the Midwest Democratic Con­fer­
ce (meeting in Chicago on June 26, 1965), That we oppose any effort to negate the Supreme Court decision on State legis­

lative apportionment decisions; be it

Resolved by the Midwest Democratic Con­fer­
ce, whereupon the motion of Mr. VIVIAN to

amend the Constitution be rejected; and be it

Resolved, That we oppose any State legislative apportionment decisions which may be adopted in any State in the Midwest.

AUSTIN T. WALDEN

**Mr. TENZER.** Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. VIVIAN] may ex­
tend 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 York?

There was no objection.

Mr. VIVIAN. Mr. Speaker, one of the most basic tenets of democratic government, that of equal and fair legislative representation at all levels of govern­
ment, is now under strong attack from those who would return our States to minority control.

It is pleasing to note that delegates to the recent Midwest Democratic Con­fer­
ce, many of them from rural areas, unani­
mously endorsed a resolution opposing any attempt to dilute or overturn the effect of the Supreme Court decisions requiring equal representation in both houses of State legislatures.

The district I have the honor to repre­sent contains both urban and rural citi­
zens, and I firmly believe that each one of these people should have an equal vote, no more or no less, than another. To give any minority a disproportionate voice in State government will contribute to the atrophy and decline of responsible State government. After all, it is our belief that this kind of thing, which would inevi­
itably result if the Congress were to amend the Constitution to nullify the reapportionment decisions.

Mr. Speaker, I am glad to insert into the Record the resolution on reapportionment adopted by the Midwest Democratic Conference on June 26, 1965.

The delegates at this conference repre­
sented 14 Midwest States, and I commend this resolution to the attention of all my colleagues.

A lot of people just didn't know what else
to call a Negro lawyer, because hardly anyone had ever seen one, let alone some respect for his abilities, some called him a carpetbagger, and they wouldn't take the dreed step of calling him Mr. Walden.

By that time he had won so many battles for Negroes (and for Georgia itself) that his determination and courage were beyond re­
sponsible doubt. His life had been on the line before most of his critics' lives had begun.

That it was time for him to yield leader­ships to younger men, he knew clearly that for decades he had provided a kind of leadership for Negroes in Georgia which could move the State when no other kind would have done so.

He worked with the better part of the es­

cablished leadership of the city and State. It may not have always suited him perfectly. But he had been a realist, a mover. Years from now, when many Georgians who seem prominent today have been forgotten, he will be remembered because he changed history.

We are saddened by his death but glad that he lived to be honored beyond the Negro com­
munity for what he had done for Georgia.

[From the Atlanta (Ga.) Constitution, July 10, 1965]

A. T. WALDEN: A GREAT SOUTHERNER

(By Eugene Patterson)

In the hot August sunshine of 1963 a frail old man climbed slowly up the grassy slope to the Lincoln Memorial in Washington and turned, leaning on his cane, to look upon one of the most profoundly meaningful sights in American history.

There stood in his mind's eye as he ob­

served the ultimate glory of his lifetime, the Washing­
ton march. His people, his race of Americans, had come up from the slave cabins to the capital city, where they stood, a quarter of a million of them, proud at last and moving on.

The old man was A. T. Walden. He was not ever asked to speak that day. He understood that. The younger men up there at the mike got their chance, but he, one of the most profound­ly meaningful sights in American history.

He was a great man, a great southerner, a great American. All of us are in his debt for the life he lived. I wish to insert two editorials of the At­

lanta Journal and an editorial of the Atlanta Journal:

[From the Atlanta Journal]

AUSTIN T. WALDEN

A. T. Walden was an infantry captain in

World War I, when Negroes among the off­
corps were as rare as whites among the valets.

He held higher rank again shortly after­
ward. In Georgia courtrooms, he became "Colonel Walden."

The old man was A. T. Walden. He was not ever asked to speak that day. He understood that. The younger men up there at the mike got their chance, but he, one of the most profound­ly meaningful sights in American history.

He was the son of slaves. His father was

poor, black and proud. The father found

the industrious boy shining shoes one day

on a street in Fort Valley, Ga., and took him

home. He told the boy not ever to shine

shoes, not ever to get on his knees again expect to pray.

The father also told the boy to be a work­

hard man, to take care of his work, to take care of the

money. The father said, "The things that was stealing. The father's pride

and strength got into the boy; white men

would not write that there was not trouble. He was bright and wanted to study
DISCRIMINATION IN SOUTH AFRICA

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentleman from New York (Mr. Wolff) 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 York?

There was no objection.

Mr. WOLFF. Mr. Speaker, in the past 2 months the South African Government has attempted to protect the landing of U.S. naval personnel to "white only," has refused to attend our Fourth of July receptions in South Africa because they are integrated, and has announced that no Negro American personnel would be permitted to man American tracking stations in South Africa. We cannot permit this blatant disregard of the rights of Americans to go unchallenged.

Here at home we are actively engaged in rooting out discrimination. We affirm that all Americans are equal—that they have equal opportunities and responsibilities under the law. Those men representing our Armed Forces are fulfilling their responsibilities as American citizens. We will not countenance the singling out of any of these men for subservience. Discrimination, of whatever type, by whatever means, wherever it occurs, against fellow Americans is palatable and repulsive.

This Congress has already gone on record as rejecting the attempts of the South African regime, and any other governments involved in similar actions, in unequivocal and clear language that such acts will not be tolerated.

We have gone on record, but the next step must be even stronger. Our representatives abroad must inform the South African regime, and any other government involved in similar actions, in unequivocal and clear language that such acts will not be tolerated.

Let me begin by saying that this is the first time that the members of the State Department have failed to serve to the American people. We cannot permit this to go unchallenged.

LOGIC DICTATES RIDGE FOR NATCHEZ TRACE PARKWAY

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee (Mr. Fulmer) 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 York?

There was no objection.
Hartzog, and officials from his office, along with my colleague, Representative William Anderson, and representatives from the Senate of Ross Bark and Senator Albert Gore.

The meeting was very satisfactory. The Park Service agreed to give our proposals further study and consideration before a final decision is made.


Mr. Speaker, I commend this editorial to the attention of my colleagues:

**Logic Dictates Ridge for Trace Parkway**

After the Washington Conference on Natchez Trace between Tennessee Congressmen, officials of the city of Belle Meade and representatives of the National Park Service, there appears to be hope for location of the trace on Backbone Ridge.

The patience of Representatives and Senators seems to separate the forest from the trees, or vice versa. But didn't put it quite so simply, but a park landscaper said the ridge wouldn't be scenic because the terrain was too much like a wilderness.

Representative Anderson, who grew up in the Tennessee Valley and has a great deal of knowledge about the area, came up with a pretty apt question: “When did trees stop being scenic?”

If the forest doesn't come up along the Tennessee River, I don't see how they could be developed. This would cost much less than cuts and fills in the foothills or river bridges, road overpasses and $1,000-an-acre land for a 900-foot right-of-way, in the lowlands.

Sitting on the ridge the traveler could look out over two valleys, that of the Big Harpeth, with Nashville in the distance, and the green, rustic South Harpeth Valley to the west.

The Banner suggests that the Park Service men get out of Washington and cruise some of their parkways. If they inspect the ridge they have stored in Mississippi, they'll see a lot of trees; but there will be clearings, with occasional views of the valleys on either side.

The Bristol conditions apply on the Blue Ridge Parkway.

Let's not become impatient. Let's try to overcome the federal obsession for problems and complications. We must convince the Park Service people they never had it so good.

Up on the ridge the old trail beckons. It's been there hundreds of years. Congressional legislation demands that the parkway be on the uplands. History dictates such a choice. The Congressmen are for it.

And for once the people and the newspapers in this fair segment of middle Tennessee will have their say, and they know it.

CIVIL SERVICE CHIEF WIELD POWER AS JOHNSON'S TALENT SCOUT

Mr. TANZER. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. Fulton] may extend his remarks to the request of the gentleman from New York?

There is no objection.

Mr. FULTON of Tennessee. Mr. Speaker, I would like to bring to your attention an article which appeared in the June 28, 1965, edition of the New York Times, entitled “Civil Service Chief Wields Power as Johnson's Talent Scout.”

Mr. Macy's task is one of the most demanding and difficult in Washington and I believe, based on his record to date, he deserves very high marks for his performance in carrying out his task.

Mr. Speaker, I commend this article to my colleagues for their consideration:

**CIVIL SERVICE CHIEF WIELDS POWER AS JOHNSON'S TALENT SCOUT**

WASHINGTON, June 27.—Historically, the Chairman of the Civil Service Commission has not been notably important in the Washington power structure.

But under Lyndon B. Johnson the current Chairman, John W. Macy, Jr., has become a major power at the White House. He has the large responsibility of helping Mr. Johnson fill such sensitive posts as the chairman of the Federal Power Commission, from which Joseph C. Swidler has announced he is resigning.

Since last November Mr. Macy has served as President Johnson's chief talent scout for the Justice Department, and he has also given him increasing responsibility for examining and improving the whole structure of Federal employment.

It seems ironie to some that Mr. Johnson, a consummate politician, has caused a decline in the patronage power of the Democratic Party, and given him increasing responsibility for examining and improving the whole structure of Federal employment.

Together the two men have given the administration a distinctive coloration. It is one of primarily merit appointments, almost half of them promotions from the ranks of career appointees. There has been a consistent effort to exalt Government service as a lifetime profession and to look first among career men when a major job is open.

The Blue Notebook

Mr. Johnson is acutely aware that he will be judged as a President partly by the appointments he makes.

The President, Mr. Macy keep up to date a blue-covered notebook detailing all of the major appointments Mr. Johnson has made since November 23, 1963, the first full day of his Presidency.

It shows that Mr. Johnson has made more than 200 “major” appointments, including those he has made to the Supreme Court. Ten of these were to full-time, nonjudicial jobs. Some of the others went to posts important but not full-time commissions and committees.

If judges are excluded, 48 percent of the appointees were chosen from the ranks of Government service. The other appointments were shared almost equally among three groups—lawyers, labor and industry, and universities.

Mr. Macy helped the President make most of these appointments. In most cases, he has, in the end, given the President three questions for a job: What kind of a man? Mr. Johnson does the choosing, but he is the first to say that Mr. Macy has considerable influence.

“I am not a job person,” says Mr. Johnson.

The Macy-Johnson friendship began when Mr. Macy was a young lawyer from New Jersey who served as President's Counsel in the summer of 1948—“as Johnson's Talent Scout.”

Mr. Macy worked very conscientiously with the various community committees. He even worked at night.”

Mr. Macy, 48 years old, has an almost boyishly youthful air despite a head of gray hair. Macy-Johnson friendship began when Mr. Macy was a young lawyer from New Jersey. Since 1938, he served as a personnel expert for both the Atomic Energy Commission and the Department of the Army before becoming Executive Director—the top career post—in the Civil Service Commission in 1953.

Mr. Macy has a precise and highly organized mind, and appears to be a fine model of the curricular White House duties in a precise way. He has put together a file of about 20,000 men of proven interest in Government service or have been recommended by a wide range of figures in public life.

The file often puts Mr. Macy on the track of men to fill a job vacancy. But the search really begins with a studious examination of the vacant job itself.

Mr. Macy usually writes a “job profile,” outlining the qualities and experience needed or most desirable in the job. This profile, which has also studied the President of many, makes the search easier by making clear what it is they are looking for. Finally, in the search narrow, Mr. Macy handles all details.

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Mr. HELSTOSKI. Mr. Speaker, I rise in support of the belief that the right of any citizen to vote should not be abridged under any circumstance in this Nation because of race or color.

It is regrettable that Congress must enact almost annually new legislation to bolster those guarantees which were to be given to all Americans under the Constitution.

I am sorry that this Congress once more is obliged to take legislative action to provide the guarantees of the 15th amendment to the Constitution. Additionally, I have a feeling that, after a period of a bloody war, this amendment states the fundamental principle that the right to vote shall not be denied or abridged by the States or the Federal Government on account of race or color.

But today, fully 95 years later, we are considering still another Voting Rights Act because Negroes have been excluded from the polls systematically in certain parts of our Nation, in defiance of the 15th amendment.

Evidence of the violations of human rights committed against Negroes fills many volumes, and I do not intend to restate a case that has been proved many times.

But the injustice that prevails can be told with one simple statistic: the percentage of Negroes of voting age who have been permitted to register as voters in certain of our States.

In 1964 in all of Mississippi, only 6.4 percent of the eligible Negro voters were registered. In Alabama this figure was 19.4 percent and in Louisiana 31.8 percent. In the latter State, I must point out, more than 80 percent of voting age whites are registered.

Thus, thousands of Americans have been disenfranchised in these States by antagonistic local and county government interests only in their own person but in those they have been intimidated, repressed, interference, violence, and the failure to carry out the responsibilities of public office.

This situation cannot be allowed to continue, nor can anything else, for we know there are pockets of prejudice to be found in all areas of this Nation.

The current Voting Rights Act, which we have before us, provides the strongest guarantee yet for the assurance of voting rights for all Americans. It provides the means to empower Federal authorities to register voters where local registrars have failed in their responsibility. It also provides penalties for those who would circumvent the voting laws.

The right to vote means more than a chance to cast a ballot for many native Americans. It will also become a strong force in the attempt by minorities to win equality of opportunity in all areas of daily living.

The Voting Rights Act of 1965 may not be the last step—lawmakers on past occasions have thought they had a final solution—but it is a positive step and a necessary one. I support this law and urge all of my colleagues to do the same. We must give a large percentage of Americans the right to vote—something which should have been theirs by birth not by legislative procedure.

OUR LATE COLLEAGUE, T. ASHTON THOMPSON OF LOUISIANA

Mr. TENZER. Mr. Speaker, I ask unanimous consent that the gentleman from New York (Mr. Rooswy) 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 York?

There was no objection.

Mr. ROONEY of New York. Mr. Speaker, I was indeed shocked when I learned on last Thursday evening of the sudden loss of our colleague, the late T. Ashton Thompson, the distinguished Member from the Seventh District of Louisiana. It was only late on the previous afternoon that I had a short chat with “Tommy” Thompson. He was a fine and dedicated gentleman who was admired by all of us on both sides of the aisle. It was my pleasure to have known “Tommy” Thompson since he first came to this House and I found him to be a wonderful friend and a splendid gentleman.

Mrs. Thompson and the children have our deepest sympathy and confidence in their great loss. Not only was his unexpected passing in the prime of life a great loss to them but to the people of the Seventh Congressional District of Louisiana and of the entire State of Louisiana. He was a credit to all of them.

HOUR MEETING ON JULY 9

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentlemen from Oklahoma?

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks in the Record on the bill H.R. 6400.

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

There was no objection.

EXCISE TAX CUTS OF 1965

The SPEAKER. Under previous order of the House, the gentleman from Ohio (Mr. Vanik) is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, during the past 60 days my staff and I have been making constant studies of retail prices of items affected by the excise tax reductions which were recently enacted into law.

In the course of these studies we made a comprehensive check of retail prices in three categories of stores in Cleveland and Washington, including discount houses, department stores, and small retail outlets. I have already been checking retail prices of various makes of automobiles and automobile accessories.

On June 2, I placed in the Congressional Record a complete breakdown for every factory-installed accessory, showing the dollar amount of price reductions which should flow from the excise tax cuts. On June 21, I placed into the Record a complete table of retail prices on automotive accessories purchased between June 2 and the date of the excise tax cuts. On July 2, I placed into the Record a detailed table of dealer-installed accessories purchased between the date of the excise tax cut and the date of the dealer-installed tax cut.

I also pointed out that because of the operation of the law it should be cheaper for the consumer to buy factory-installed accessories until January 1. After that date, it would become 4 percent cheaper to acquire dealer-installed accessories if the full benefit of the tax cut were passed on to the consumer. Before the Ways and Means Committees, the automobile manufacturers made assurances that the full excise tax cut would be passed on to the consumer.

It appears at this time that full benefit of the tax cut is being made available to automobile purchasers on ticketed items, those which appear on the automobile in compliance with the law. However, it must be borne in mind that automobile factory prices to the dealer must be discounted during the progress of the model year. Certainly an automobile cannot cost the dealer the same amount in July near the end of a model year as it does in September when it first appears on the market. Obviously, there is a discount procedure which makes it possible for a dealer to either provide a lower price or higher allowance for the trade-in. The buyer must be a skillful bargainer to obtain the benefit of the model year discount and excise tax reduction.

In our review of some 60 categories of items subject to excise tax reductions in Cleveland and Washington stores, we found that the excise tax reduction benefit was lessened with the smaller sizes and the lesser cost of the item. We found that practically no benefit of tax reduction was available on items which re­spect to phonographs, phonograph records, radios, clocks, sporting goods, and small home appliances. For all practical purposes prices for these items remained substantially unchanged after the tax cut.

On inquiry, many merchants stated that they had not yet received new price lists or that they did not know when they would be received. It was difficult to reconcile these statements with the promises and assurances which were made by the Ways and Means Committee that all of the benefits of the excise tax reduction would be passed on to the con­
One outstanding exception was the air-conditioning industry in which all manufacturers made provision for the refund of the excise tax benefit retroactive to the effective date of the law, May 14, 1965. However, at least one air-conditioning manufacturer has moved in to "wash out the excise tax benefit" by fitting the 1965 model with a new plastic grill which cannot cost more than 75 cents and which carries a new price tag which completely absorbs the tax cut.

My staff shoppers found that toiletries, cosmetics, jewelry, and other items on which the 10-percent tax was separately listed, the sales price was reduced by the proper amount.

My grave concern is that new model changes and prettier packaging will come along which will make the benefits of excise tax reduction impossible to identify within the next 90 to 120 days. The excise tax cut bargains are therefore only temporarily available to the prudent shopper who seeks out their identification. For the greater part, the imprudent shopper is at the mercy of the marketplace.

From projections which I made from price studies in Washington and Cleveland, I am distressed to predict that of the $1,750 million tax cut for this year, $750 million will be retained by either the manufacturer or the retailer, more likely the retailer who will seize upon the tax reduction as an area for profit bonanzas.

Price stability has become part of the creed of the Johnson administration. With stable prices, the American people can meet every challenge of these times, both at home and abroad. While I must join with those who oppose regimentation and price control, I must speak out fervently for "truth in pricing."

In conclusion, price schedules are price schedules in the Washington and Cleveland areas before and after tax reduction:

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**THE MAY CO. (CLEVELAND, OHIO)**

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<tr>
<th>Brand name</th>
<th>Style or number</th>
<th>Pre-tax cut prices</th>
<th>Post-tax cut prices</th>
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<td>Washers:</td>
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<td>Frigidaire</td>
<td>W1-45</td>
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<td>$1200.00</td>
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<td>Frigidaire</td>
<td>WDA-65</td>
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<tr>
<td>RCA Whirlpool</td>
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<tr>
<td>D Whirlpool gas dryer</td>
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<tr>
<td>Frigidaire</td>
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**States:**

- States:
  - General Electric: 35K-35A, 36K-36A
  - RCA Refrigerators: E1-35A, E1-36A
  - Whirlpool: E1-35A, E1-36A
  - General Electric: D1-407

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<th>Refrigerator-freezer combinations:</th>
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<tr>
<td>RCA Whirlpool</td>
<td>EL-L417</td>
<td>$390.95</td>
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<td>D, EMT-17J</td>
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<td>Frigidaire</td>
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<td>D, FDF-14-B2</td>
<td>$285.00</td>
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<td>TC-344</td>
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**Clock radio:**

- Magnavox: FM 44, $59.95, $54.95
- General Electric: T-357, $59.95, $54.95
- Zenith: T-315 W, $28.95, $28.95
- AM-FM: Magnavox: FM 44, $59.95, $54.95

**Portable TV's, 18-inch screen:**

- Zenith: M-2017-LU4, $399.95, $377.00
- General Electric: T-357, $399.95, $377.00
- Magnavox: T-357, $399.95, $377.00
- General Electric: TR-666, $399.95, $377.00
- Magnavox: M-345 A, $399.95, $377.00
- RCA Victor, 3 RC-41, $399.95, $377.00
- Zenith: T-315 X, $399.95, $377.00
- Zenith: M-2017-LU4, $399.95, $377.00

**Color TV's, console, 21-inch screen:**

- Zenith: M-3205 W U4, $399.95, $399.95
- RCA Victor: G65-W 65, $205.00, $189.00
- Zenith: T-405, $399.95, $377.00
- Zenith: M-3205 W U4, $399.95, $377.00

**Color TV's, 21 and 24-inch screen:**

- Zenith: P-2CL-3, $274.95, $274.95
- RCA Victor: G65-W 65, $205.00, $189.00
- Zenith: T-510, $299.95, $299.95
- Zenith: M-3205 W U4, $399.95, $377.00

**Golf clubs:**

- Wilson: K-28 (8 irons), right handed only, $100.00, $100.00
- Do: D-1694 (9 irons), right handed only, $125.00, $125.00
- D-1694, 1964 model, imperial (8 irons), $119.99, $119.99
- Do: Casper, $180.00, $180.00
- Spalding: Lady Citation, $144.00, $144.00
- Byron: $189.95, $189.95

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| Radios (AM-FM): | | | |
| General Electric | T 826 | | |
| Do | T 873 | | |
| Do | T 898 | | |
| Do | 729 | | |

| Stoves: | | | |
| General Electric | J-444-A | 214.00 | Le Mademoiselle Electric; GS210303WH |
| Do | J-464-A | 228.77 | |
| Do | KFF6A | 349.00 | |
| Do | KFF7A | 399.00 | |
| Do | GE260303WH | 187.00 | |
| Do | GEF96 | 177.00 | |
| Do | 2000-8W | 178.00 | |

| TV, 11-inch screen: | | | |
| General Electric | M11101 | | |
| Do | M111-ABC | 149.00 | |
| Do | M114XU | 126.88 | |

| Ironer: Trouxie | | | 85 |
| Do | 150XU | 279.95 | |

| THE HIGBEE CO. (CLEVELAND, OHIO) | | |

| The Halle Bros. Co. (Cleveland, Ohio) | | |

| SEARS, ROEBUCK & CO. CATALOG | | |

| SEARS, ROEBUCK & CO. CATALOG—Continued | | |

| WOODEWARD & LOTHROP | | |

| THE MAY CO. (CLEVELAND, OHIO), Continued | | |

| TOILET ACCESSORIES | | |

| KANS' DEPARTMENT STORE | | |

| LANSURGH'S | | |
### S. KLEIN CO. (ROUTE 236)

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<tr>
<th>Brand Name</th>
<th>Style or number</th>
<th>Pre-tax cut prices</th>
<th>Post-tax cut prices</th>
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<tr>
<td><strong>Air conditioners</strong></td>
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<td>Radio &amp; television set</td>
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### KORVETTE’S (LEESBURG PIKE, BAILEYS CROSS ROADS, VA.)—Con.

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<th>Brand Name</th>
<th>Style or number</th>
<th>Pre-tax cut prices</th>
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<td><strong>Refrigerator</strong></td>
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<td><strong>RCA Whirlpool</strong></td>
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<td><strong>Frigidaire</strong></td>
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<td><strong>Freezer</strong></td>
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<td><strong>Sporting goods</strong></td>
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<td><strong>Watches</strong></td>
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### ZAYRE DEPARTMENT STORE, SEVEN CORNERS, VA.

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<th>Brand Name</th>
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<th>Pre-tax cut prices</th>
<th>Post-tax cut prices</th>
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<tr>
<td><strong>Golf clubs</strong></td>
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<tr>
<td><strong>Lawn mowers</strong></td>
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<tr>
<td><strong>Refrigerator</strong></td>
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<tr>
<td><strong>Dishwasher</strong></td>
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<td><strong>Clothes washer</strong></td>
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<td><strong>Clothes dryer</strong></td>
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<td><strong>Air conditioner</strong></td>
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<tr>
<td><strong>Refrigerator</strong></td>
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<td><strong>Clothes dryer</strong></td>
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LEAVE OF ABSENCE
By unanimous consent, leave of absence was granted to Mr. Mills, for Friday and Saturday of this week, on account of personal business in the District.

SPECIAL ORDERS GRANTED
By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. Vank, to address the House for 15 minutes, today, and revise and extend his remarks.

EXTENSION OF REMARKS
By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks was granted to:

Mr. ROOSEVELT and to include material provided by the Administrator of the Wage-Hour Public Contract Division of the Department of Labor, in the body of the Record.

Mr. Williams to revise and extend his remarks made in Committee of the Whole today and include extraneous matter:

Mr. Dorn. (The following Member (at the request of Mr. DeC. Clawson) and to include extraneous matter:)

Mr. Tupper. (The following Members (at the request of Mr. DeC. Clawson) and to include extraneous matter:)

Mr. Irwin.

Mr. Murphy of New York.

Mr. Gathings.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED
Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2132. An act for the relief of certain employees of the Mount Edzicumbie Boarding School, Alaska; to the Committee on the Judiciary.

S. 221. An act for the relief of Alfred Naranjo; to the Committee on the Judiciary.

S. 226. An act for the relief of Yom Tov Yeshayasli Bricek; to the Committee on the Judiciary.

S. 228. An act for the relief of Maria Malnar; to the Committee on the Judiciary.

S. 231. An act for the relief of Alva Arlington Garnes; to the Committee on the Judiciary.

S. 235. An act for the relief of Pola Bostenstein; to the Committee on the Judiciary.

S. 1113. An act for the relief of Emilio Malvaro, Lucas Maivaro, and Cosimo Malvaro; to the Committee on the Judiciary.

S. 1120. An act for the relief of Dr. Orlando Rodriguez Fere; to the Committee on the Judiciary.

S. 1164. An act for the relief of Cristina Franco; to the Committee on the Judiciary.

S. 1175. An act to amend the Northern Pacific Rail Act in order to provide certain facilities for the International Pacific Rail Commission; to the Committee on Interstate and Commerce.

S. Con. Res. 37. Concurrent resolution authorizing the printing for use of the Senate Committee on the Judiciary of additional copies of its hearings on economic concentration; to the Committee on House Administration.

S. Con. Res. 38. Concurrent resolution to authorize the printing of additional copies of a committee print of the Committee on the Judiciary entitled, "The Soviet Empire: A Study in Discrimination and Abuse of Power"; to the Committee on House Administration.

ENROLLED BILLS SIGNED
Mr. BURLESON, from the Committee on House Administration, reported that the following enrolled bills were signed by the Speaker:


H.R. 3708. An act to provide assistance in the development of new or improved programs to help older persons through grants to States, local and community agencies 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." (By unanimous consent, leave of absence.)

H.R. 5184. An act for the relief of the port of Portland, Oreg.

H.R. 5506. An act to continue the authority of domestic banks to pay interest on time deposits of foreign governments at rates differing from those applicable to domestic deposits.

H.R. 5574. An act 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, to amend section 6(a) of Public Law 574, 81st Congress, relating to conditions of employment of teachers in dependents' schools, and for other purposes; and

H.R. 7647. An act to amend the Small Business Act.

ADJOURNMENT
Mr. TENZER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 19 minutes p.m.), under the rule, the House adjourned until tomorrow, Friday, July 9, 1965, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of rule XXIV, executive communications were taken from the Chair.

By Mr. Celler:

H.R. 9681. A bill to establish a Federal Sabatical program to improve the quality of teaching in the Nation's elementary or secondary schools; to the Committee on Education and Labor.

By Mr. Daniels:

H.R. 9682. A bill to provide fellowships for graduate study leading to a 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.

H.R. 9683. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities; to the Committee on Education and Labor.

H.R. 9684. A bill to amend the act entitled "An act to promote the safety of employees and employers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS
Under clause 2 of rule XXIII, reports of committees were delivered to the Clerk for printing and to the proper calendar, as follows:

Mr. ASPINALL: Committee of conference.

S. 21. An act to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a water resources council and related commissions; to provide financial assistance to the States in order to increase State participation in such planning (Rept. No. 603). Ordered to be printed.

Mr. RIVERS of Alaska: Committee on Interior and Insular Affairs. H.R. 8111. A bill to establish the Herbert Hoover Birthplace National Historic Site in the State of Iowa; with amendments (Rept. No. 604). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Joint Committee on the Organization of the Congress. Report on the organization of the Congress (Interim) (Rept. No. 605). Referred to the Committee of the Whole House on the State of the Union.

Mr. POWELL: Committee on Education and Labor. H.R. 9685. A bill to provide health and safety in metal and nonmetallic mineral industries, and for other purposes; with amendment (Rept. No. 606). 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 several referred as follows:

By Mr. Celler:

H.R. 9681. A bill to establish a Federal Sabatical program to improve the quality of teaching in the Nation's elementary or secondary schools; to the Committee on Education and Labor.

By Mr. Daniels:

H.R. 9682. A bill to provide fellowships for graduate study leading to a 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.

H.R. 9683. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities; to the Committee on Education and Labor.

H.R. 9684. A bill to amend the act entitled "An act to promote the safety of employees and employers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. Celler:

H.R. 9681. A bill to establish a Federal Sabatical program to improve the quality of teaching in the Nation's elementary or secondary schools; to the Committee on Education and Labor.

By Mr. Daniels:

H.R. 9682. A bill to provide fellowships for graduate study leading to a 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.

H.R. 9683. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities; to the Committee on Education and Labor.

H.R. 9684. A bill to amend the act entitled "An act to promote the safety of employees and employers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.
By Mr. FULTON of Tennessee:
H.R. 9685. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes; to the Committee on Education and Labor.

H.R. 9686. 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.

H.R. 9687. A bill to amend the Railroad Retirement Act of 1972 to provide for a 7-percent increase in all annuities and pensions payable thereunder; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWCH:
H.R. 9688. A bill to amend section 678(b) of the Internal Revenue Code of 1954 to increase the deductibility of charitable contributions which may be designated as short-term charitable trusts; to the Committee on Ways and Means.

By Mr. MOELLER:
H.R. 9689. A bill to amend the Railroad Retirement Act of 1937 to provide a 7-percent increase in all annuities and pensions payable thereunder; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEILL of Massachusetts:
H.R. 9690. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER:
H.R. 9691. A bill to strengthen the educational resources of our colleges and universities and to provide financial assistance for students in presecondary and higher education; to the Committee on Education and Labor.

By Mr. RIVERA of South Carolina:
H.R. 9692. A bill 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.

By Mr. ROSTENKOWSKI:
H.R. 9693. A bill granting the consent and approval of Congress to the Illinois-Indiana air pollution control compact; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:
H.R. 9694. 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. SICKLES:
H.R. 9695. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. WATSON:
H.R. 9696. A bill to Amend the Trade Expansion Act of 1962; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:
H.R. 9697. A bill to amend title 38, United States Code, to provide additional education and training for veterans who served overseas for 90 days or more after January 31, 1935, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DENT:
H.R. 9698. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. ST. ONGE:
H.R. 9699. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, to the Committee on Interstate and Foreign Commerce.

By Mr. BOW:
H.R. 9712. A bill to authorize the Attorney General to transfer to the Smithsonian Institution title to the "Air Force Memorial"; to the Committee on Interstate and Foreign Commerce.

By Mr. CHORDS:
H.R. 9713. A bill to create the Freedom Commission and the Freedom Academy, to conduct research to develop an integrated body of operational knowledge in the political, psychological, economic, technological, and organizational areas to increase the nonnuclear capability of the United States and other nations in the global struggle between freedom and communism, to educate and train Government personnel and private citizens to understand and implement this body of knowledge, and also to provide education and training for foreign students in these areas of knowledge under appropriate conditions; to the Committee on Un-American Activities.

By Mr. MORSE:
H.R. 9714. A bill to provide certain free mailing privileges for members of the U.S. Armed Forces in Vietnam; to the Committee on Post Office and Civil Service.

By Mr. COOLEY:
H.R. 9715. A bill to amend and extend the cotton provisions of the Agricultural Adjustment Act of 1938; for amounts expended by firemen for meals for duty purposes; to the Committee on Education and Labor.

By Mr. PEPPER:
H.J. Res. 571. Joint resolution to authorize the President to proclaim the week beginning October 26 in each year as National Parkinson's disease week; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:
H.R. 9716. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BUCHANAN:
H. Con. Res. 447. Concurrent resolution reaffirming amendment 10 of the U.S. Constitution as it reserves to the States those powers not delegated to the United States by the Constitution; to the Committee on the Judiciary.

By Mr. DEVINE:
H. Res. 448. Resolution amending the rules of the House to prohibit a single appropriation bill from carrying appropriations for more than one executive department; to the Committee on Rules.

By Mr. CAREY:
H. Res. 449. Resolution to authorize the Committee on Interior and Insular Affairs to conduct an investigation and study with respect to changes, improvements, and additions in and to Arlington National Cemetery; to the Committee on Rules.

By Mr. PINO:
H. Res. 450. Resolution that it is the sense of the House of Representatives that oppression of minorities in Rumania through a systematic pattern established by the Communist regime in control of Rumania be condemned and the President of the United States is requested to take appropriate steps with the Rumanian Government as are likely to bring relief to the persecuted minorities in the uncontrollable Rumanian regime and country; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII:
339. Mr. DADDARIO presented a memorial from the State of New York relative to a charter for the Italian-American War Veterans of the United States, which was referred to the Committee on the Judiciary.
PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and several referred as follows:

By Mr. BELI:
H.R. 9716. A bill for the relief of Francisco Balint and Elena Kassay de Balint; to the Committee on the Judiciary.

By Mr. COHELAN:
H.R. 9717. A bill for the relief of Elwyn C. Hargrove; to the Committee on Interior and Insular Affairs.

By Mr. FARBE:
H.R. 9718. A bill for the relief of Mrs. Erne Tenn Fatt; to the Committee on the Judiciary.

By Mr. MANLEY:
H.R. 9719. A bill for the relief of Stamatios Stelatos; to the Committee on the Judiciary.

By Mr. FEPPE:
H.R. 9720. A bill for the relief of Alberto Rey Moran; to the Committee on the Judiciary.

By Mr. FOWELL:
H.R. 9721. A bill for the relief of Joan Royer; to the Committee on the Judiciary.

By Mr. ROOSEVELT:
H.R. 9722. A bill for the relief of Hak Kyung Kim; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Making Cities Fit for People

EXTENSION OF REMARKS

OF HON. DONALD J. IRWIN
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 8, 1965

Mr. IRWIN. Mr. Speaker, one of the most significant steps taken by this Congress occurred when the House approved a bill creating a Department of Housing and Urban Development.

The need for such a Cabinet-level department is obvious. More than 70 percent of our population live in urban areas. By 1970 the figure will rise to 75 percent. And it will not stop there. In Connecticut, for example, it is estimated that 98 percent of our citizens will be living in urban centers of 10,000 or more by the year 2000. As one perceptual critic said, the growth of urban areas may qualify the State by the end of the century to be known as "the city of Connecticut."

And think of what this means in terms of problems for our suburbs, exploding all over the American landscape, and our cities, grooping with the problems of decay.

We have programs to deal with many of these problems: Urban renewal, public works, open spaces, public housing, and transportation, to name a few. But when the President meets with his Cabinet and wants to know how the Federal Government is doing overall in assisting areas where 7 of 10 Americans live the agency most concerned, Housing and Home Finance, is not there.

Perhaps the most cogent explanation of why a Cabinet department was offered by Vice President Humphrey in the July 3 issue of the Saturday Review. And I know my colleagues, as concerned about the problems of urban areas as I am, will be interested in the editorial. Under leave I extend my Remarks. I hereby include the editorial.

MAKING CITIES FIT FOR PEOPLE

(By HUBERT H. HUMPHREY)

Robert Herrick said in the 17th century that great cities seldom rest: if there be none to invade from afar, they will find worse foes at home. We know those foes today. They are slums, crime, a lack of playgrounds and parks, overcrowded schools, inadequate transportation, crowding, lack of clean air, and inequality of opportunity.

It was only 45 years ago that people in America numbered 150 million. There has been an addition of more than 100 million people on our farms. By 1960 only 11 States had more rural than urban population.

But most of the people who live in the suburbs have had that remain that way very long. The urban population of North Dakota, our "most rural" State in 1960, jumped 35 percent in the 1960's. Alaska's urban population increased 150 percent, and three other States—Arizona, Florida, and Nevada—more than doubled their urban population during this period.

By 1970 we can expect that three-fourths of our people will be living in towns, cities, and suburbs, compared to 70 percent in 1960. Most of this growth has been concentrated in metropolitan areas. At the end of 1964, two-thirds of our population lived in 219 such areas, an increase from 59 percent in 1950. By 1980 that proportion will increase to three-fourths and by the year 2000 to four-fifths.

There have been several patterns of metropolitan growth. One has been mass migration from farm to city. One has been mass migration of Negroes out of the South—virtually all of the 10 central cities. Another has been mass migration of middle and upper income people from the core city to the suburb. And great growth has come from a higher birthrate and from longer life expectancy.

This growth has imposed new and unprecedented burdens on our schools, housing, streets and highways, commercial expansion, transit, and welfare programs.

In the past 10 years, State and local debt has more than doubled, while Federal debt has risen only 15 percent.

State and local government employment jumped from 4,600,000 in 1953 to more than 7 million employees in 1963. During the same decade, State and local public expenditures more than doubled, increasing by 192 percent to $65 billion in 1963. Major among these were expenditures on transportation, education, highways, sanitation, and parks and recreation, with increases from 140 percent to 155 percent during the 10 years.

Interest on State and local public debt jumped by 250 percent.

Along with these sharp rises in costs of public services and facilities, the growth of these urban areas has brought explosive racial and economic pressures.

I remember during my two terms as mayor of Minneapolis, at the close of World War II, the strain placed on our city by changing population patterns. Those strains were small compared to those today. Example: In the Minneapolis-St. Paul metropolitan area, nearly three-fourths of the people lived in 1950 within the city limits. Today those cities' populations remain constant, while population in their suburbs has more than doubled. The same pattern is common to nearly all our major metropolitan areas.

And just think of what this means in terms of problems for our suburbs, an increase from 59 percent in 1950. By 1980 that proportion will increase to three-fourths and by the year 2000 to four-fifths.

Behind the statistics and population patterns are thousands of personal and community tragedies, many of them created by those of good intention. There are the impersonal housing projects that in many cases displaced people from the traditional fabric of neighborhood life. There are the freeways that have torn through people's homes and businesses, cutting through parkland, and done no more than add to the noise in our streets and poison in our air. There are the shortened zoning lines that have split neighborhoods and reduced property values.

Because of these discouraging experiences, it would be easy to say that many of our metropolitan problems stem from apathetic or inept local government. In a few places this is true. But in most it is not.

I have been working, at President Johnson's request, with the Nation's mayors, county officials, and city managers. Almost without exception I have found these men and women to be dedicated, competent, and deeply concerned with the problems pressing on their constituents. Most of them have long since initiated constructive programs of their own in an effort to keep one of the urgencies facing their cities. But they have been fighting massive problems with dwindling resources—like putting any single place to turn for counsel and assistance.

One of their major difficulties, they tell me, is that no one Federal department or agency has a line of duty to work with mayors and county officials in areas where they need most help. Our mayors and county officials have not, in many instances, been able to get advice or any rapid answer in Washington—much less federal funds.