Mr. Campbell took on the investigation, which he knew would be controversial; and he called Mr. Udall’s hand, and forced him to rescind the contract award and, subsequently, to reinstate his old friend and confidant with Founke.

Mr. President, I join the Washington Daily News in expressing the hope that the President will select another man of the dedication, character, and stature of Mr. Joseph Campbell to fill this most important position in our Government. Also, I wish for Mr. Campbell much happiness in his retirement, and extend to him best wishes for a speedy recovery from the ill health which has prompted his decision.

I ask unanimous consent that the editorial be printed at this point in the Record, in my remarks.

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

[From the Washington Daily News, July 7, 1965]

**BLOW TO THE TAXPAYERS**

It is a crying shame that ill health is requiring Commissioner General Joseph Campbell to leave his job.

Mr. Campbell is head of the General Accounting Office, and if it were not for the GAO the waste of money in the Government would be horrendous. With the GAO everlastingly on the job, the waste is merely staggering.

Mr. Campbell has been on the job since 1954. He heads a staff of around 4,3000 which audits, investigates, and analyzes Government operations. For the fiscal year, it was estimated the Government saved more than $321 million because of the GAO’s work.

The GAO’s independence is accounted only to the Congress, and the Comptroller General is appointed for a 15-year term. Which gives the agency a high degree of independence. Mr. Campbell has asserted that independence to the utmost.

Even GAO can’t keep track of everything. The Government is so widespread, too involved in too many things.

“You'd have to put together 200 or so of the largest corporations to even approach it,” Mr. Campbell once said.

So GAO operates more or less on a scatter-shot basis. It follows up suggestions from Congressmen and pokes into anything its health is accountable only to the Congress. MR. CAMPBELL—tough, inquisitive, independent—that's the man to name. This is no job for a soft, or a pliable politician.

**ADJOURNMENT TO MONDAY AT 11 A.M.**

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I now move pursuant to the order previously entered, that the Senate stand in adjournment until 11 o'clock on Monday morning next. The adjournment was agreed to; and (at 8 o’clock and 23 minutes p.m.) the Senate adjourned, under the previous order, until Monday, July 12, 1965, at 11 o’clock a.m.

**HOUSE OF REPRESENTATIVES**

**FRIDAY, JULY 9, 1965**

The House met at 11 o'clock a.m.

The Chaplain, Rev. Bernhard Brackamp, D.D., used this Scripture to preface his prayer:

Luke 6: 46: Why call ye me, Lord, Lord, and do not the things which I say? O Lord, Thou art ever near unto us but we are so slow to recognize the gentle ways of Thy presence and so dim of vision and dull to hear the music and melody of Thy voice.

Give us the will to make the adventure to become what we pray to be and the strength and courage to live more nearly as we pray and with the faith that makes us faithful in the hard way of duty and drudgery.

For our character and conduct give us the conscience of Jesus as our compass with which we may discover and determine the directions and dimensions of our life in its relations to Thee and our fellow men.

Help us to lay hold of Him more firmly for ourselves and seek to make normal and luminous to others in the building of a new humanity.

Hear us in our prayer to become comrades with Him in his holy mission. Amen.
In the first place, I should like to say that our objection to the approach taken by the Celler-committee bill can be exemplified by an analysis of the many serious deficiencies in the committee-Celler bill.

The very first matter I wish to discuss, Mr. Chairman, is the lack in the committee-Celler bill of a provision for provisional voting and for impounding the vote.

In reviewing what was done in that mighty battle that was fought in 1960, Mr. Chairman, I was pleased, indeed, to note that the chairman of the Committee on the Judiciary of the House supported the amendment which I offered for provisional voting and impounding of the ballots. At that time I was pleased to note that that lovely character, that inimitable fellow, my good friend from Chicago, the gentleman from Illinois, BARRATT O'HARA, improved and supported the amendment which I offered.

That amendment was adopted by the House and approved by the other body, and, as far as the legislation is concerned, it is the law of the land.

In general debate I said that under the committee-Celler bill a person could be registered to vote and, although properly challenged, his vote at that time would be counted and used to determine the outcome of a close election even if, after that were done, his vote was decided by the hearing examiner, by a three-judge Federal court, or by the Supreme Court of the United States to have been illegally cast.

Mr. Chairman, no place in the history of America is there any substantial evidence that any State has permitted such type of voting or permitted such votes to be used in determining the outcome of elections. In these days of emotion, it is possible that only a few votes may determine the outcome of an election of the President of the United States. When ever my time a Senatorship in the great State of Texas was decided by less than 100 votes.

Mr. Chairman, I said that in this provision of the committee-Celler bill lies the seeds of revolution.

Second, the triggering provision of the committee-Celler bill is one of pure fantasy. It is a presumption upon a presumption, and there is not a single able lawyer in all the House who does not know that a presumption based upon a presumption is not sufficient evidence to prove any kind of a case. My colleague, the able gentleman from Minnesota, so fully and so ably addressed the matter yesterday that I shall not take further time on it today.

Furthermore, in accordance with what has long been thought to be the law of the land, States have determined the qualifications of voters, and most, if not all, good constitution lawyers now believe that the qualifications fixed by States—unless those qualifications are used for or result in discrimination which denies or abridges the right to vote by reason of race or color—should stand.

The Ford-McCulloch bill attempts to carry out that fine State-National relationship. The Ford-McCulloch bill adopts the provision which was so strongly urged by the Attorney General in 1963 and 1964, so ably supported by the chairman of the committee, and so overwhelmingly adopted by the House— that is, that a sixth-grade education is a presumption.

Mr. Chairman, if an applicant cannot meet that test in any one of the States, he may be given a literacy test so long as it is in writing.

I repeat that this is the test which we adopted, and that is the test which is the law of the land today. Yet there have been only a comparatively small number of months since that provision became the law of the land, and the Department of Justice—able and devoted and dedicated Department of Government that it is and has been, in these important fields, has filed only approximately 70 or less cases under the law of 1964.

Yesterday, my colleague, the gentleman from Florida, discussed the prohibition of and the prescription against fraudulent and illegal voting. He described the Williams-Cramer amendment which was adopted in the other body by an overwhelming vote—if I recall correctly, 80 to 0.

While there are some weak and watered-down provisions in the committee-Celler bill, they do not begin to have the teeth or the coverage of the Ford-McCulloch bill.

Then, Mr. Chairman, there is a provision in the Celler-administration bill requiring seven States and political subdivisions to the Central Government to have validated laws and ordinances respecting any voting qualification or prerequisite to voting or standard practice or procedure with respect to voting different from that in force or effect on November 1, 1964.

Mr. Chairman, I call upon any member of the Committee to furnish to the Committee the precedent forcing New York, or the State of New York, or the city of New York, or any member of the State legislature, to have every new voting law, 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 own voting registration on the grounds 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."

Now, our triggering device is simple and comprehensive and reaches every pocket of discrimination in all of the 50 States of America.

We do not point a finger of shame at New York or at Florida or at any one of the other States. We say wherever there is discrimination by reason of race or color that denies or abridges the right to vote, then we must have the ability to say that a political subdivision say it is there and make the statement to the Attorney General in private, when the Attorney General determines that these are meritorious cases he must, under the mandatory provisions of the Ford-McCulloch bill, request the appointment of examiners to proceed to the States. And when the 25 cases have been determined to be meritorious the pattern or practice is found to be established and thereupon the operation of the law begins.

So, Mr. Chairman, I shall comment no further on the bill, but on reason of the very near coverage had yester-
day. Finally, Mr. Chairman, I should like to say this. The conclusions to be drawn from the language of the bill, the conclusions to be drawn from the provisions that have been made by the able members of the Committee on the Judiciary concerning the two bills, are clear. The Ford-McCulloch bill is a measure that will immediately and effectively promote the ends we seek in any federal legislation. Wherever voter discrimination can be found it will assure relief now and in the future with firmness, with uniformity, and with fairness to all the people, providing a single standard for the States that can be held upon inspection by future generations, when the emotions of today have passed, it will reflect upon us, even as the Declaration of Independence will forever reflect upon that great Southern Democrat and Virginian, Thomas Jefferson—it will reflect upon us as wise lawgivers.

Mr. Chairman, I suppose the lovable chairman of the Committee on the Judiciary will agree with me in his quota of historic consistency. It is a good quotation until one has had his 39th birthday. After one has had his 39th birthday we should come to some consistent conclusions, especially with respect to the verities of life, and that is what I hope the chairman will do. I first call upon myself and I call upon every Member of the Committee not to steer their course today by the light of each passing ship, but to steer our course by the stars. I urge every person interested in good government, interested in legislation in accord with the Constitution, to grind—save the interest shared by all the people, at all times, under all circumstances. No doctrine, no principle, can be found.

In light of the serious issues raised by the pending proposal, I again appeal for a return to fundamental principles. These issues far and away exceed our own personal feeling on racial matters. They go to the very heart of the Constitution itself. The Constitution—"the most wonderful work ever struck off at a given time by the brain and purpose of man"—transcends individual feelings of right and wrong. In resorting to first principles, it is important initially to recall the grand design of the framers as well as existing statutory and judicial proceedings. The Constitution is embodied in such constitutional doctrines as the doctrine of federalism, the doctrine of the separation of powers, the doctrine of government of laws and not of men, the doctrine of law and attendant conceptions of liberty. The restraint on governmental action secured by these doctrines will be effectively and irretrievably loosened by the enactment of the pending legislation.

The pending proposal would have only a minimal effect, if any, upon local conditions. Look for a moment, if you will, at the bill passed by Members of the Committee. By virtue of its perpetuation, it would permit a Spanish-speaking citizen to vote despite the absence of literacy in the English language. Florida proudly boasts countless thousands of Spanish-speaking citizens whose shortcomings in the English language have not deprived them of their right to vote. Whatever its effects in other parts of the Nation, this provision conforms to the practice in my State. Similarly, our election processes will not be undermined in any way by the proposed abolition of the poll tax as a condition for voting in State and local elections. Such requirement exists in 18 States, each continuing its personal interest to safeguard—no individual ax to grind—save the interest shared by all Americans which is to safeguard the Federal nature of our Government.

That this legislation is inimical to that interest, to that election structure. Contrary to well-settled principles of law, this bill would interfere with the right of a State to establish voter qualifications by suspending literacy tests and other hitherto legal voter tests; it would ban payment of taxes as a condition for voting; it would place the onerous burdens on the State of both proving nondiscrimination and disproving discrimination; it would punish private individuals for voting in connection with the conduct of State and local elections; it would make past actions—innocent when done—the basis for the impositions of present reprisals; it would condemn a handful of citizens whose shortcomings in the English language have not deprived them of their right to vote. Whatever its effects in other parts of the Nation, this provision conforms to the practice in my State. Similarly, our election processes will not be undermined in any way by the proposed abolition of the poll tax as a condition for voting in State and local elections. Such requirement exists in 18 States, each continuing its personal interest to safeguard—no individual ax to grind—save the interest shared by all Americans which is to safeguard the Federal nature of our Government.

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Certainly, Congress may enact appropriate legislation to enforce the protection afforded by the 15th amendment, but it cannot drive the remainder of the Constitution into the ground in the process.

In United States v. Miller, 107 F. 913 (1901), the Court, in discussing the power of the States to prescribe qualifications of voters prior to the adoption of the 15th amendment, stated:

The adoption of the 15th amendment, it was within the power of the State to exclude citizens of the United States on account of race, color, property, or education. Now it is not.

The language of that amendment is negative in its affirmations and it carries no mandate for particular measures of reform. Thus in his discussion on the amendment, Mr. Justice Story, in his volume on the Constitution—2 Story on the Constitution T19 (1861)—said:

There was no thought at this time of congressional amendment of the Federal Constitution, already stated; all the power of a State to control the franchise was not vested in the Congress. The adoption of that amendment did not confer the right of suffrage upon any one, nor did it limit the State's power of a State to control the right of suffrage in accordance with its own views of expediency or propriety. It simply secured the right to vote for Members of Congress to a definite class of voters of the State, consisting of those who were eligible to the elective branch of the numerous branch of the State legislature. Further than this, no power was given by the Constitution, before the adoption of the 15th amendment, to require the State to control the right of suffrage in accordance with its own views of expediency or propriety. It simply secured the right to vote for Members of Congress to a definite class of voters of the State, consisting of those who were eligible to the elective branch of the numerous branch of the State legislature. Further than this, no power was given by the Constitution, before the adoption of the 15th amendment, to control the right of suffrage in any way, nor did it limit the State's power of control upon Congress the authority to regulate, or to prescribe qualifications for the privilege of voting.

This view has been consistently upheld by the courts. In the case of United States v. Reese, 92 U.S. 214 (1876), the Supreme Court said:

The 15th amendment does not confer the right of suffrage upon any one. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. It did not vest in the Congress the power to prescribe and regulate voting qualifications.

The power of Congress under the 15th amendment and the power of the States under article I, section 2, was examined by Mr. Justice Story in his volume on the Constitution—2 Story on the Constitution T19 (1861)—said:

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ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and the like, but they were a marked class distinction. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where Nevertheless, the practice of requiring a voter to present some form of the written word, by which the State might conclude that he is illiterate, should be rejected. Cf. Franklin v. Harper (205 Ga. 779, 55 S.E. 2d 221, appeal dismissed 339 U.S. 946). It was said last century in Massachusetts that the test was designed to insure an "independent and intelligent" exercise of the right of suffrage. Stone v. Johnson (118 Mass. 414, 45 N.H. 51). North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards.

The most recent decision on this point is Camacho v. Rogers (199 Fed. Supp. 155 (1961)), wherein the Court held that the requirement of literacy in the English language as a prerequisite to exercising the power of the States' franchise.

I now turn for a moment, Mr. Chairman, to the criminal provisions of the bill. The bill would punish private individuals as well as officials for color of law. But the right to vote on account of race or color. That the 15th amendment erected no shield against merely private conduct, however discriminatory or wrongful, was recognized by the Court in Breedlove v. Suttles, 302 U.S. 277 (1937), and Butler v. Thompson, 97 F. Supp. 17 (1951), affirmed without opinion 341 U.S. 937 (1951). In Breed­ love against Georgia, the payment of poll taxes as a prerequisite to voting is a familiar and reasonable regulation long enforced in many States.

It is apparent from these cases that the 15th amendment does not confer the right to vote upon anyone. That amendment presupposes that the prospective voter is able to pass all legitimate tests required by the States in which he seeks to register and vote. Its sole purpose is to prevent the States from giving preference to one citizen over another on an account of race, color, or previous condition of servitude. Since literacy is in no way limited to race, their suspension is not appropriate legislation under the 15th amendment.

The case against the statutory prohibitions is that which in my opinion violate fundamental rights and privileges. Mr. Justice Brandeis has observed: "The greatest dangers to liberty lurk in such legislation and worded so that it may be as effective in all States equally against discrimination, then one of my strongest objections to the bill would be removed."

As the bill stands, however, it is deliberate and numbered thirty-eight in all sixty-three legislative positions which exist and that it will be unwise to adopt one of these States to wit, Georgia, Alabama, Louisiana, Mississippi, Virginia, and South Carolina. However laudable the purpose of this bill may be, the means it provides for reaching its ends must be constitutional themselves before any Member of the House can honorably support it.

There are a number of provisions which in my opinion violate fundamental constitutional rights of the several States affected and also of the citizens of such States.

One of the most flagrant of these provisions is that which would require a citizen to register on the assumption that he may have his day in court with respect to this bill to come all the way to the District of Columbia and lay his case before a Federal district judge in the Nation's Capital. If litigation should present a jury question, under this bill, the jury would be made up of citizens of the District of Columbia even though the case might have
from our President, he might also have a friend from
have not completed six grades of education
permanently registered-for life-with-
and the whites in the Deep South. It would continue to emphasize a grave disparity that exists between the blacks and whites. In other words, shortening that gap between the two, it would widen the gap.

In other words, these tests, which are the engines of discrimination, are em-
reared in the same neighborhood. They are not
eliminated from the substitute. They are the core of the mischief.

The courts today give far less reliance on the substitute would give to those seeking relief. The substitute would freeze in the effects of past violations of the 15th amendment. The Supreme Court has just said that in the case of United States against Louisiana.

I read from line 3, page 3 of the substitute, as follows:

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

That is the pontifical declaration contained in the substitute. Despite this declaration, the substitute continues in the substitute. In other words, we have a noble gesture by words, but no fulfillment.

The gentleman speaks of inconsistency. Even though there may be hundreds, even though there may be thousands of white persons on the voting rolls who did not complete sixth grade, and would be totally unable to pass State literacy tests, this substitute would force the Federal registrar or examiner to apply a test that is strictly to the Negro who had not com-

completed the sixth grade. Meanwhile, State registrars would be free of all restraint-to
give the whites the break. A double standard would continue. And the irony
is, that Federal officials would be the instruments of such results. Think of it. A Federal officer would be compelled to become a coconspirator to violate the 15th amendment.

Under the substitute the States are free to increase even further the degree of harshness or severity of their literacy test requirements so as to make it impossible for anyone to pass these tests, particular those below the sixth grade whose color of skin may be different from mine. There is no preclearance by Court of any one of 285 provisions of the substitute. They are not elimin-
der to give a satisfactory interpretation of any one of 235 provisions of the Constitution. This is a subjective test, susceptible of all kinds of capricious
denials. This provision is now being challenged in a Federal court.

In Alabama, applicants are required to know to which public official one must apply to obtain a gun permit. Most of us ourselves in our own States could not answer a similar question. Yet, those questions are applied to the lowly Negro who seeks to register.

In Louisiana, one must compute his age to the exact year, month and day, falling which he cannot register. Under the substitute, if a listed person is challenged—and this is highly important—he is allowed to vote only provisionally. His ballot may be impounded pending final determination of his eligibility by the examiner or the court. The effect is likely to make it impossible to determine the outcome for a considerable period of time.

Any proposal which contemplates the impounding of ballots of Negroes means what? Just what does it mean? It means segregation of Negro ballots. This, in turn, creates a serious risk that such ballots, once segregated and identified, will be counted or not counted fairly. The secrecy of the ballot will be lost.

The possibility that the effectiveness of the ballots cast by Negros might be delayed would invite all kinds of specious challenges which, if, done on a sufficiently extended scale, could seriously jeopardize the object of the bill and create chaos.

Look at the prospect of a Negro voting for the first time.

The substitute requires that 9(a) procedures by examiners must comply with State law while at the same time these procedures shall conform to the basic act, the substitute.

How can it be consistent with both? We are not told what would happen in case of a conflict between the basic act and the State law.

The substitute provides that only Federal employees and residents of the State may become examiners. They have no compensation for acting as examiners.

Thus, for example, an FBI man or a forest ranger or an immigration clerk or a food and drug inspector or customs agent might conceivably become an examiner. He receives no compensation. Would his heart be in his work? I doubt it.

Further, since the Federal employee, now the examiner, must be a resident of that State, when he operates under the substitute he will operate in the same environmental atmosphere and surroundings that envelop the prejudiced State officials whose prejudices and discriminations are the causes and the reason for this legislative body considering the pending bill which is now before us.

Indeed, this substitute is just a scab-
without a sword. It is a lamp without oil. It should be fought as it was soundly defeated in the Committee on the Judiciary.

The CHAIRMAN. The gentleman from New York has consumed 10 minutes.
Mr. McCulloch. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the chairman of the Committee on the Judiciary is a great lawyer, a good lawyer. I think before his time has expired in justice to himself and the Members of this body, he should describe those Supreme Court decisions that come from Louisiana and Mississippi.

I want to read just a few lines from the committee report so that they will be unmistakable in their exact wording and meaning. I am speaking about the Ford-McCulloch bill, or the substitute, which we are offering. We say the bill's application to those below the sixth grade standard presupposes a valid form of test which is being validly applied.

Existing provisions of law remain whereby the Attorney General may bring an action against the State to set aside a test either because it is invalid on its face or because it has been discriminatorily applied (United States v. Mississippi, 388 U.S. 166 (1967); Louisiana v. United States, 380 U.S. 145 (1965)).

The first of those cases was decided this year, Mr. Chairman, and the latter was decided in 1965.

Thus, in bringing immediate relief, the bill does not cast aside those below the present body of the law, the full effect of which has yet to be felt on the problems it was designed to remedy, in favor of new and untested schemes, such as the triggering device.

Mr. Chairman, I now yield such time as he may desire to the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. Gerald R. Ford. Mr. Chairman, the Constitution of the United States fortunately guarantees to every American the right to vote. By implication if not directly the Constitution of the United States—I have a copy here—assumes that all elections will be honest, that there will be no fraudulent acts, and no steps taken concerning the counting of the votes or the way in which elections are conducted. I believe, however, that the record is clear—it is perfectly true that there has been a general use of discrimination in voting based on race and color. It is likewise true that there have been too many instances in this country where there have been fraudulent elections.

However, all Americans can say that in the last decade there has been a growing conscience so far as our fellow citizens are concerned. The American people in the past 10 years have determined that something must be done to eradicate that discrimination based on rate or color so far as the right to vote is concerned. On the other hand, the American people have been equally concerned about dishonest elections.

I believe in honesty. They believe in honesty. They have a high moral standard.

As a consequence, in this last decade the Congress has taken steps, legislatively speaking three times, to meet the problem. First let me say a word concerning the author of the McCulloch substitute. Without hesitation or qualification I am honored to be associated with the gentleman from Ohio in the sponsorship of this proposal. He is an eminent and successful lawyer. He has been and always will be a staunch supporter of sound, constructive, civil rights legislation. It is most unfortunate that some of the people he has helped over the years, some of the organizations that he has supported, are now casting indirect if not directly adverse reflection on him because of his coauthorship of this legislation. I want the Members of this body to know that there is no better champion of civil rights and voting rights legislation than the gentleman from Ohio. Shame on those who are critical of him in this controversy.

The automatic triggering device, as we all know applied only to six or seven States—no more. It ignored those areas of discrimination based on race or color in all of the other States.

The original recommendation from the White House did nothing, about honest elections. The committee bill does not effectively tackle this problem.

The original recommendation from the Democratic administration did nothing about the poll tax, the problem that bothers so many today.

Now to bolster this inadequate, discriminatory, unfair approach, we now have a revised H.R. 6400. What did they do, really, to bolster it? They took the 1960 and the 1964 legislation; they merely added the triggering devices that are already law, triggering devices which could be used today by the executive branch of the Government if it really wanted to do the job that it contends must be done.

The revised H.R. 6400 contains the basic deficiency mentioned so often yesterday by the gentleman from Ohio (Mr. McCulloch). It is almost unthinkable that this provision would be contained in any proposal submitted to this body. Let me read for a moment from the testimony that was given before the committee.

The chairman of this distinguished committee was asking the Attorney General questions before the Committee on the Judiciary. The chairman said:

In other words, the vote could be counted though it may be found later that he did not have the right to vote.

Mr. KATZENBAUGH. Yes, that is true.

It is unthinkable that such a provision would be in a bill before this body. I am glad to say that the McCulloch substitute does not contain such a provision.

So, in conclusion, concerning the committee bill, let me say again, it is a patchwork combination of many provisions. It is an old fashioned bill. It was used yesterday and today, I repeat today, by the executive branch of the Government, some new ideas that cannot stand on their own merit, and some new provisions that are really a marriage of convenience.

So I most sincerely hope we make a change in the Committee of the Whole today and substitute the McCulloch proposal.

First let me say a word concerning the original recommendation from the White House.

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The McCulloch substitute approaches this problem constructively. It is broad in its coverage. It is applicable to every State and every political subdivision of a State. It provides for expeditious handling of bona fide contentions on the part of people that they have been discriminated against in registration and voting because of race or color. Some people have raised the question that it would be difficult to get 25 people to petition to the Attorney General. There is no public disclosure of the petitioners at this time. As a result, there is no opportunity for coercion or intimidation. I must say that some of the people who have been critical of the McCulloch substitute in effect are mischievous and thereby being critical of a man who has stood in the well of this House and defended the cause of civil rights, not last year alone, but every time over the last 10 years that this basic issue has been before us.

The McCulloch substitute attacks directly and forcefully the problem of honest elections. If the McCulloch substitute is approved, the Attorney General will have the tool to prevent fraudulent elections. The committee bill dunks the issue thereby condoning dishonest elections.

Let me say a word or two about the poll tax provision that is in the McCulloch bill. It is precisely what the Attorney General of the United States in this Democratic administration recommended in 1965. I suspect it was drafted by him. He is the author and the sponsor. It is the provision that was approved in the other body. It will provide an expeditious consideration by the Federal courts of this country as to whether the poll tax laws in the States and local elections are unconstitutional.

Let me couple the last statement with this comment. The poll tax provision in the committee bill will be challenged in the courts. I would like to say that I want a resolution of the problem of poll taxes under the committee bill as there will be under the McCulloch substitute.

Both will be litigated. I venture to say that the Supreme Court of this land would come to a quicker decision on the basic issue under the McCulloch substitute than it would under the committee provision.

I want everybody on both sides of the aisle to know crystal clear, and others, too, do not believe in a poll tax for any election. I am in full accord that we should do anything and everything we can to bring about expeditious consideration and determination of the constitutionality of poll taxes. But it is my honest judgment from reading both provisions that the provision in the McCulloch substitute will bring about a more expeditious determination of the constitutionality of poll taxes. I think those who contend the other side is better are in effect drawing a red herring across the path.

Mr. Chairman, as I conclude, let me add one comment: All of us, Democrats and Republicans alike, recognize there has been discrimination in registration and voting because of race or color. We recognize there have been dishonest elections, we recognize there must be something done about the problem. It is my honest judgment—and I say this as forthrightly and as unqualifiedly as I can—the McCulloch substitute is a sound legislative proposal; it will be the best vehicle to accomplish those objectives which all Americans seek to achieve.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to our distinguished majority leader [Mr. ALBERT].

Mr. ALBERT. Mr. Chairman, first of all, let me say that I am sure Members of the House share the opinion of the distinguished minority leader that under the Constitution all citizens are entitled to vote. I think we all share the view that in some areas many citizens are not allowed to vote. If we did not share those convictions we would not be here today.

I arise to oppose this substitute because I do not believe the substitute approach is on the right track. Who are the people who advocate this proposal are successful it seems to me that their efforts will seriously complicate the problem of resolving this matter within a reasonable period of time.

Mr. Chairman, one of the greatest Americans of all time said:

If we could know where we are, and whither we are tending, we could better know what to do and how to do it.

Where are we in the 1st session of the 89th Congress in the consideration and in the advancement of voting rights legislation? The Senate has passed a bill and, while the Senate bill is more restrictive than the Celler amendment, it has the same running gears. It will be infinitely simpler and more effective to vote美白 running gears the provisions of the Celler bill than to try to weld to it the provisions of the Ford-McCulloch substitute, a bill which approaches this problem from an entirely different direction. If the substitute insures that the disparate effect of this provision upon this group?

I want to say that when Negroes who have been permanently registered. Their names are already on the books. Most of them have never been subjected to any sort of literacy test. Thousands of them have never completed the sixth grade. Under this substitute all of these persons would, of course, remain registered to vote. At the same time Negroes who did not complete the sixth grade could never become registered without passing complicated and often discriminatory literacy tests. In other words, as persons with less than a sixth-grade education were concerned, the Ford-McCulloch substitute bill permits—indeed contemplates—no effective relief against the effects of past racial discrimination.

What we are after is not the end of the matter. The substitute insures that the disparity in testing Negroes and whites will continue to exist for the foreseeable future. While Negroes would be tested by Federal examiners on the completion of their grades or the ability to pass the State literacy test, whites would be applying to the State registrar who, no doubt, would simply continue to qualify all comers, provided they are white. There will be no equality in the franchise. Instead there will be a built-in perpetuation of discrimination as between voters who do not have a sixth-grade education.

Now a word about the poll tax. The distinguished minority leader contends we will reach a decision—a judicial determination—on the constitutionality of the poll tax question sooner under the McCulloch substitute. The point here, I think, is that the poll tax under the committee bill will not only reach a decision of the constitutionality of the poll tax under the 15th amendment, but the court will have placed before it also the other important issue—whether the Congress of the United States has the authority under the Constitution to outlaw the poll tax.

It seems to me that is a very vital and important distinction between the two bills.

Mr. Chairman, I do not blame those who oppose any legislation in this area for supporting the Ford-McCulloch substitute. Some of them have labeled it the lesser of two evils. To those who oppose an absolute elimination of discrimination in voting is at hand, that is hardly an acceptable alternative. It is certainly not an acceptable reason. No one can legitimately defend the practice of six grades or the ability to pass the State literacy test, whites would be applying to the State registrar who, no doubt, would simply continue to qualify all comers, provided they are white. There will be no equality in the franchise. Instead there will be a built-in perpetuation of discrimination as between voters who do not have a sixth-grade education.

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We must put an end to these practices now. I am convinced, Mr. Chairman, that of the two measures before the House, only the bill reported by the Committee on the Judiciary will do the job.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Roosevelt).

Mr. ROOSEVELT. Mr. Chairman, I am sorry that the introduction of a substitute bill has served as a seeming device to attempt to sidetrack some of us who have been and, I believe, still are determined to redress a serious grievance of a large group of citizens of these United States. This matter is particularly grievous in light of the fact that ours is a form of government which claims to be "instituted among men, deriving their 'just' powers from the consent of the governed."

The Declaration of Independence—the 189th birthday of which we just celebrated on July 4—states:

"Whenever any form of government becomes destructive of these ends, it is the right of the people to alter it. . . . In such form, as to them shall seem most likely to affect their safety and happiness."

Indeed, the Declaration of Independence goes on to say that it is the right and the duty of the people "to provide new guards for their future security."

I cannot help but think that our distinguished friends on the other side of the aisle have been misled into a position which, no matter how sincere, can be interpreted from their point of view and, of course, vigorously opposed from my point of view as including features which would weaken the right to vote and which appeared so attractive that they are even enhancing the support of those who obviously and frankly declare that they are against not only all civil rights measures, but even this one to protect the right to vote.

The administration's bill does not create the right to vote, but intends only to enforce the 15th amendment to the Constitution.

Despite the carefully stated language of the substitute bill, it does not provide the needed relief. I should like to set out my principal objections to the substitute bill.

I. DETERMINATION OF PATTERN OF DISCRIMINATION

H.R. 7896, the substitute amendment, provides that there shall be presumed a pattern or practice of denial of the right to register or to vote on account of race or color when the Attorney General certifies to the Civil Service Commission that there are 25 written complaints from residents of a voting district, and provides that the Attorney General if he believes such complaints to be meritorious will apply to the Commission for appointment of an examiner for such voting district. The written complaint must allege the complainant can satisfy the voting qualifications of the district and that the complainant has been denied the right to register or vote within 90 days prior to filing of the complaint.

Under provisions of H.R. 7896, 25 Negroes must subject themselves to the 'hazards' of attempting to register with local officials. Under provisions of H.R. 6400 the Attorney General and the Director of the Census may determine whether or not voter discrimination exists in a State if 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.

II. VOTER QUALIFICATIONS

H.R. 7896 retains the requirement of written literacy tests in section 4(c), providing only a presumption of literacy if a registrant can prove completion of at least a sixth-grade education. H.R. 6400 automatically prohibits literacy tests in States and political subdivisions covered by the 50-percent formula—section 4.

It is believed that retention of literacy tests in a State such as Mississippi will probably mean that about half of all Negroes attempting to register will be required to take such a test. The results will tend to maintain the status quo as regards the number of Negroes registered to the number of white persons registered to vote in such States. Because, as long as economic discrimination is practiced against Negroes, large numbers of Negroes who are able to remain in school long enough to obtain the sixth-grade education necessary to avoid the literacy tests required by H.R. 7896.

III. REGISTRATION TESTS

H.R. 7896 specifies that only the requirements of good moral character and vouchers of registered voters or members of any other class are to be abolished. No provision is made for protection from new tests which could be equally effective in preventing Negroes from registering.

H.R. 6400 provides the needed protection by requiring that any new tests established shall be approved by the District Court of the District of Columbia or be accepted without objection by the Attorney General.

IV. CHALLENGES

H.R. 7896 provides that requests for changes in voting qualifications in States which practice voter discrimination, or requests for injunctions or declaratory judgments against enforcement of the act will be brought to the local district court.

Empowering such local district courts in most of the discriminatory Southern States to grant injunctions or to permit changes in voting qualifications only invites biased decisions, as they have already shown themselves to be insufficiently trained as examiners.

H.R. 6400 provides that such requests be brought directly to the District Court of the District of Columbia. This provides the best assurance that there will be no confusion as to the implementation of the bill's protections because, hopefully, here there will be fairminded decisions issued.

V. FEDERAL EXAMINERS

H.R. 7896 provides that the Civil Service Commission will appoint one examiner for each district from which 25 written complaints have been received in 90 days by the Attorney General. These examiners are to be existing Federal employees or officials residing in the State involved.

H.R. 6400 provides for the appointment of such examiners in a Federally certified area for the area involved, first, after the court so directs, or second, after the Attorney General receives 20 or more written complaints of denial of the right to vote, or be subjected to an examination, that the 15th amendment is being violated.

H.R. 7896 does not provide the latitude needed if there is no assurance of finding enough non-biased residents to serve as examiners. The effect may be that the Federal-examiner system will be most severely curtailed in those States which have shown themselves to be most consistently committed to racial discrimination.

VI. TERMINATION OF FEDERAL EXAMINERS

H.R. 7896 provides that when fewer than 25 persons in a voting district are placed on the eligible list by a Federal examiner within a 12-month period, services of the examiner shall terminate.

H.R. 6400 provides that when the Attorney General certifies that all persons listed by Federal examiners are on local voter registration rolls and he believes there will be no further denial of the right to vote on account of race or color, the court may order termination. Also, voting districts may petition the Attorney General to begin proceedings to terminate Federal examiners.

H.R. 7896 does not give sufficient consideration to the fact that threats of physical or economic coercion may cause less than 25 Negroes to present themselves to register. In effect, those districts in which threats against Negro applicants are most effective will be rewarded by the earliest departure of Federal examiners.

VII. ATTEMPTED REGISTRATION WITH STATE LOCAL OFFICIALS

H.R. 7896 does not require the applicant to attempt to register with State or local officials if the applicant states on oath his belief that he would have been acting futilely, or that such an attempt would have subjected himself or his family to reprisals.

H.R. 6400 permits persons wanting to register to go directly to the Federal examiner, without first attempting to register with State or local election officials. The applicant need only allege he is not registered.

VIII. APPLICATION AND PROCEDURE

H.R. 7896 specifically states in section 9(a) that "the times, places, and procedures for application and listing must be consistent with the provisions of this act, or there are—section 8(f) at least 45 days prior to the election."

It is conceivable that there could be a lengthy time lapse between registering and voting. It is conceivable that State officials might be biased against Negroes, among which in itself would tend to intimidate Negroes in certain sections of the country.
H.R. 6400 simply refers to the list of those registered by a Federal examiner, stating that the other name appears on such a list shall be entitled to vote, as long as there are "at least 45 days between registering and voting." No mention is made of State law.

X. ENFORCEMENT

H.R. 7896 (section 13(a)) provides a person illegally prevented from voting has only 24 hours to report to the Federal examiner. The examiner then notifies the U.S. attorney for the judicial district who "may" then apply to the district court "for a temporary or permanent injunction, restraining order, or other order." No specific power is given to void the election—section 13.

H.R. 6400—section 12(c)—provides a person must notify a Federal examiner within 48 hours of illegal procedures used to prevent him from voting. The examiner must report immediately to the Attorney General who may apply forthwith to a district court for an order restraining the issuance of election certificates.

The question raised is does the 24-hour provision of H.R. 7896 provide sufficient time for discovery of illegal procedures in rural areas where the vote might not be recorded for 24 hours?

Also, directing the Federal examiner to report to the U.S. attorney for the judicial district puts great responsibility in the hands of a local official who may be subjected to local bias and pressures.

H.R. 7896 provides for a 24-hour provision to allow an election in an area covered by Federal examiners. H.R. 7896 has no such provision.

X. PENALTIES FOR INTERFERENCE WITH ELECTIONS

H.R. 7896 in section 14(e) limits the legal sanctions for tampering with the electoral process to seven days in same election. Apparently this bill takes no recognition of the fact that it is the local elections that determine the power structure of any State and corruption must be eliminated at this level. Negroes are to gain a place in the political structure of their own States and political subdivisions.

H.R. 6400—section 15—does apply the punitive measures of the Civil Rights Act of 1964, to State and local as well as to Federal elections.

XI. POLL TAX

H.R. 7896 merely directs the Attorney General to bring suit for declaratory judgment or injunction against enforcement of poll taxes when used to deny or abridge voters’ rights—section 15.

H.R. 6400 provides that failure to pay poll taxes is no bar to registration or voting—section 10.

Whereas great delays have been used to avoid yielding to the constitutional mandate that all citizens be permitted to exercise their right to vote, the administration's bill is designed to fulfill this commitment.

Mr. CHAIRMAN, I am proud to reaffirm my support of H.R. 6400 and urge the defeat of the Ford-McCulloch substitute amendment.

Mr. CELLER. Mr. Chairman, I yield 6 minutes to the gentleman from Louisiana. [Mr. WILKES.]

Mr. WILKES. Mr. Chairman, I have never failed to take an affirmative position on the floor of the House in connection with any and all civil rights and voting rights bills. I believe in the right of all qualified persons to vote. They are against the application of punitive measures of the Constitution and I would vote for it.

But I repeat that under the McCulloch bill: Congress further finds that in any voting district where twenty-five or more persons have been denied or deprived of the right to register or to vote on account of race or color, and who are qualified to register and vote, or who have been denied or deprived of the right to register or to vote on account of race or color in violation of the fifteenth amendment, or to discriminate in violation of the twenty-fourth amendment, or where great delays have been used to deny or abridge voters’ rights as follows:

FINDINGS

Sec. 8 (a) Congress hereby finds that large numbers of United States citizens have been and are being denied the right to register or to vote in various States on account of race or color in violation of the fifteenth amendment.

(b) Congress further finds that literacy tests have been and are being used in various States and political subdivisions as a device to discriminate on account of race or color. Congress further finds that persons with a sixth-grade education possess reading and writing capabilities and intelligence and that, in fact, persons possessing such educational achievement have been and are being denied or deprived of the right to register or to vote on account of race or color.

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

(d) Congress further finds that in any voting district where twenty-five or more persons have been denied or deprived of the right to register or to vote on account of race or color, and who are qualified to register and vote, or who have been denied or deprived of the right to register or to vote on account of race or color in violation of the fifteenth amendment, or to discriminate in violation of the twenty-fourth amendment, or where great delays have been used to deny or abridge voters’ rights, the end does not justify the means. I believe in the right of all qualified persons to vote. They are against the application of punitive measures of the Constitution and I would vote for it.

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denied the right to register or vote and directs the Civil Service Commission to appoint examiners when the Attorney General certifies that 25 meritorious complaints have been filed with him. It is no wonder then that an article in today's Washington Post—July 9, 1965—commenting on a so-called Republican and southern coalition contains the following excerpt:

"Mr. McCulloch was architect of the Civil Rights Act of 1964, said, 'I do not agree at all.' He and Poan told reporters that southern Democratic support did not affect their position that the Celler bill is seriously deficient and will not guarantee voting rights as quickly and effectively as their measure.

For the foregoing reasons, to which I could add others, my position is this: I have been here long enough to know that there is no substitute for the Constitution. Neither the McCulloch bill nor the Celler bill can be amended in such a way as to make them acceptable, although I will support whatever amendments we can muster enough to pass. Unless a miracle does happen, I vote, I will vote against the McCulloch bill, and if it is defeated I will then vote against the Celler bill. My guess is that the McCulloch bill will be defeated and then we will see a coalition between Congressman Fords, Mr. Celler and his forces and Congressman William McCulloch and his forces in support of the Celler bill.

Mr. POPE. 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 Virginia?

There was no objection.

Mr. POPE. Mr. Chairman, like many others, I understand the Opponents, and the last 3 days, I shall vote for the McCulloch substitute in the Committee of the Whole and in the House on a motion to recommit the committee bill. Unlike some, however, I do not need the Constitution as an amendment to the McCulloch substitute. In Congress specific power to enact appropriate legislation implementing that guarantee. I regard the McCulloch substitute not as substitute for appropriate legislation and if the McCulloch substitute prevails either as an amendment in the Committee of the Whole or as a motion to recommit, I shall vote for passage of the McCulloch substitute.

A government of the people cannot function for the people unless it is a government by the people. There is no such thing as self-government if those subject to the law do not participate in the process by which those laws are made. Only a few of us can participate in the physical mechanics of the lawmaking process and these are those chosen as representatives by their fellows. For the latter, the opportunity for participation, and therefore the essence of the concept of self-government, is the right to cast a ballot to choose those who make the laws. If this opportunity is denied any qualified citizen, then he is not self-governed.

The 15th amendment to the Constitution says:

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.

That is pretty plain language. It is the supreme law of the land. It applies to all citizens of the United States and applies to action by the United States. And it applies to action by the States. Moreover, the 2d section of the 15th amendment says:

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

There may be some dispute about what legislation is "appropriate," but there can be no valid dispute about the power of Congress to legislate.

Now, the 15th amendment does not say that States cannot write laws fixing voter qualifications and excluding those, who do not meet those qualifications. Indeed, article 1, section 2 specifically assigns that power to the States and the 17th amendment reaffirms it. However, those qualifications laws must extend equally to all citizens, and State officials cannot discriminate among citizens in the application of those laws.

I repeat, I regard the McCulloch bill, while subject to certain infirmities and objections in its present form, as a substitute in the Committee of the Whole, Mr. Celler and his forces in support of the Celler bill.

Mr. MOORE. 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 Illinois?

There was no objection.

Mr. MOORE. Mr. Chairman, I move to strike the following language:

"(b) No State or political subdivision thereof shall deny any person the right to register or vote because of his failure to pay a poll tax or any other such tax.

The CHAIRMAN. The gentleman from Illinois [Mr. McCullough] is recognized for 5 minutes in support of his amendment.

Mr. McCULLOCH. Mr. Chairman, I now yield 5 minutes to the gentleman from Illinois [Mr. McCullough].

AMENDMENT OFFERED BY MR. McCULLOCH

Mr. McCULLOCH. Mr. Chairman, I offer an amendment.

The Clerk reads as follows:

"On page 16, line 9, strike 'pocket trigger'—less than 50 percent registered or voting—is aimed at six Southern States. Its 'pocket trigger' vests the Attorney General with discretionary power to select his own geographical targets for court action.

The McCulloch bill is sectionally discriminatory in its "automatic trigger", lacking 50 percent registered or voting—is aimed at six Southern States. Its 'pocket trigger' vests the Attorney General with discretionary power to select his own geographical targets for court action.

The McCulloch bill is sectionally uniform, applying equally North and South anywhere discrimination in voting is practiced and nowhere that it is practiced.

Second. The Celler bill 'escape clause' is a decept. A State trapped by the automatic trigger can escape coverage only by journeying to Washington, filing a suit and then denying the vote to the United States. I move to strike the following language and local elections and referendums.

Sixth. The Celler bill grants the right to vote to those registered at least 45 days before election day, but their votes are not counted until any challenges against them are decided.

Seventh. The Celler bill has no residency requirement for Federal examiners.

The McCulloch bill requires that Federal examiners be residents of the States in which they are appointed.

Eighth. The Celler bill makes all of the Federal elections titles of the Civil Rights Act of 1964 applicable to State and local elections as well.

The McCulloch bill has no such provision.

Mr. McCULLOCH. Mr. Chairman, I now yield 5 minutes to the gentleman from Illinois [Mr. McCullough]."
Mr. CELLER. Oh, I did not know that.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. McCLORY. Mr. Chairman, if the gentleman from Louisiana (Mr. WILLIS) has not already put to rest the subject of an alleged coalition between the publican and the southern Democrats, certainly this amendment will because I am in strong support of the Ford-McCulloch bill. At the same time I support this amendment, which simply does one thing. It abolishes the poll tax as a condition or qualification for voting in any State or local election.

The committee report shows that I subscribed to the Republican view and supported the Ford-McCulloch bill with this one exception. I do not like the provision relating to the poll tax. I should add that in the committee I voted with the majority of the committee in support of outlawing the poll tax in the Cellar bill. To be consistent, I must offer and support a similar provision in the Ford-McCulloch bill. Indeed, the language of the amendment I am offering is virtually identical with that found in and in the Cellar bill. As the Ford-McCulloch bill, itself, states:

The right to vote of large numbers of citizens * * * is denied or abridged on account of race or color in some States by the requirement of the payment of a poll tax as a prerequisite to voting in State or local elections.

The Ford-McCulloch bill goes further by providing that the Attorney General shall institute actions for declaratory judgment or injunction for relief against enforcement of any poll tax. So does the bill passed in the other body. Indeed that is the position of the Attorney General and was the original provision in the Cellar bill before its amendment in the committee. All of these measures deal with the words that the poll tax has been employed to deny the right to vote on account of race or color. And we know that the poll tax has been employed widely as a device for discriminating against the voting rights of Negroes.

We are called on here to implement by legislation the 15th amendment to the Constitution. It appears to be generally recognized that this Congress has broad authority under that amendment to end discrimination in voting on account of race or color. If we have authority to enact any legislation whatever, we certainly have authority to outlaw any poll tax. The support refers to the use of the poll tax in Texas as a means of depriving Negroes from voting. Decisions are cited which show that the distinctions are made on account of race or color in collection of the poll tax in Mississippi.

The House of Representatives has acted five times since 1939 to abolish the poll tax by legislation. On each of these five occasions, comprehensive and effective bills were defeated in the other body by reason of a filibuster or the threat of a filibuster. Indeed it appears that the 24th amendment to the Constitution, our intent in the Cellar amendments, was a compromise and not an admission that this Congress lacked any legislative authority over the poll tax as a condition of voting.

And for this clear. The purpose of this amendment banning the poll tax as a condition to voting is intended to apply to elections, State and local. It is not intended and should not be construed to invalidate any local laws authorizing a poll tax as a condition to vote upon local bond issues in school and other such elections.

Even those who recognize that literacy tests are a valid condition to voting must concede that the poll tax has nothing whatever to do with the subject of voter qualifications.

In the 79th Congress, the House passed H.R. 7 making it unlawful to require payment of a poll tax as a prerequisite to voting in a primary or other election for national officers. The final vote was 251 to 105 with the Republican Members voting 131 to 19 in favor of the measure.

In the 81st Congress, the House passed H.R. 29 which by a vote of 120 to 112 with the Republicans voting in favor of the measure by a margin of 216 to 14.

Again, in the 81st Congress the House passed H.R. 3199, which was a similar bill, by a vote of 273 to 116 with Republicans voting 121 to 24 in favor of the bill.

In the 79th, 80th, and 81st Congresses, these bills passed by the House were lost in the other body through the staging of a filibuster or the threat of a filibuster.

The Republican record in favor of sound voting rights and civil rights legislation is one of which the Republicans throughout the Nation should be very proud.

The Republican record in opposition to the poll tax as a condition or qualification for the right to vote is written clearly in the annals of this House and in the history of this great and free Nation.

The Ford-McCulloch bill is a valid and comprehensive bill. It is comprehensive and has broader general application without the burden of enforcing and collecting a poll tax. I urge adoption of this amendment to the substitute Ford-McCulloch bill.

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

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

Mr. CELLER. Mr. Chairman, I would accept the gentleman's amendment because it is practically the same language as the provision of the Cellar bill.

Mr. McCLORY. I am delighted to have the gentleman's acceptance of it. However, I do not know that it is acceptable to the author of the substitute. Mr. McCulloch. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield.

Mr. McCULLOCH. Mr. Chairman, in the interest of saving time I would like to assure my good friend from Illinois that the pending amendment does not accept the amendment. You know, Mr. Chairman, I am a part of the southern coalition, one of whom comes from the great State of Texas and who is now President of the United States. Further, more the Attorney General appears to be opposed to your amendment. I am pleased to have him agree with me on this matter.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. McCLORY. The question was taken, and on a division (demanded by Mr. McCulloch) there were—aye 82, noes 33.

Mr. CELLER. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. Rodino).

Mr. Rodino. Mr. Chairman, first of all might I say that I am categorically opposed to the Ford-McCulloch substitute. We saw a moment ago a clear demonstration when the vote was taken on the poll tax amendment which was offered by the gentleman from Illinois that the Ford-McCulloch substitute is deficient and does not meet the issue. What is the objective which all of us are trying to reach here today? What are we trying to accomplish? Now I understand full well that the gentleman from Ohio, my esteemed colleague on the Committee on the Judiciary, who has made such valuable contributions in the field of civil rights, was sincerely and honestly motivated when he offered the amendment. So was the gentleman from Illinois. It is a little difficult to separate these objectives. What is the objective? We on the majority side seek to accomplish this objective. We on the majority side seek to accomplish this objective under
the Cellar bill with the least delay, and in the most expeditious and most effective manner possible. The reason for this is why we employ the automatic trigger—to do the job quickly, effectively, and fairly.

Someone arguing for the Ford-McCulloch substitute said that we have employed harshness in making use of the devices that are proposed. The only harshness is why we employ the automatic trigger—to do the job quickly, effectively, and fairly.

Some of the provisions that we use to set off the automatic triggering device. The only harshness is why we employ the automatic trigger—to do the job quickly, effectively, and fairly.

The substitute gives less relief than was afforded by those areas where such tests cannot be applied to those who are citizens of the United States against Louisiana.

The substitute gives less relief than was afforded by those areas where such tests cannot be applied to those who are citizens of the United States against Louisiana.

It represents an extension of the power of the President's agent in this country, less cumbersome in spite of the addition of the poll tax elimination to 15th amendment grounds.

For these and for many other reasons which others will advance, the Ford-McCulloch substitute should be defeated.

Mr. Chairman, if we are to carry out the clear mandate of the 15th amendment to the Constitution, we must be sure that the right to vote cannot be conditioned upon the payment of a poll tax—and H.R. 6400 finds its argument for the abolition of the poll tax on 14th as well as 15th amendment grounds.

Mr. McLENNAN. Mr. Chairman, I now yield 5 minutes to the gentleman from Ohio (Mr. LINDSAY).

Mr. LINDSAY. Mr. Chairman and Members of the Committee, it is not easy for me under any circumstances to differ with my distinguished colleague and friend, the gentleman from Ohio (Mr. McLENNAN), and most especially on a subject of this kind. We have been together during my term of office here, 7 years, on the question of voting rights and local registrars in general. The gentleman from Ohio is a selfless and great leader in my judgment in this most important area to every American. He is joined in that by the distinguished minority leader, the gentleman from Illinois (Mr. GERALD R. FORD). But we differ on this bill here today.

The substitute that is here proposed is a good bill. It is an extension of what was done in 1957 and 1960, and in 1964, which bill went to the floor for the first time in 85 years attempted to do what was right and what was commanded by the 15th amendment of the Constitution. It represents an extension of what the Senate's resolution expresses, in indifferent terms, an inching forward rather than the giant step that is called for in 1965. Here we are in 1965, 100 years after the country through the Constitution has committed itself on this issue. This bill is the first step that is proposed to do the job that has to be done. I have reservations even as to H.R. 6400. I would have preferred a different kind of administrative machinery, but I believe that the House bill is a good one, an improvement over the one by us, of wiping away the barriers against voting on the grounds of race. I think the committee has greatly improved the bill as we received it from the administration. We certainly improved it by the addition of the poll tax elimination by statute and I shall speak on that at greater length later. I have a high regard for the Attorney General who is the President's agent in this matter, and I have known him for many years. But on this question, he is just plain wrong. Therefore the committee bill was strengthened, I think, as is now the substitute by the elimination of the poll tax.

The committee bill has a very important improvement, which was contained in my own bill, for Federal observers in connection with the actual process of voting. What good does it do for a person to be registered if he cannot cast his ballot? I hope to improve the bill even more when additional amendments are in order. I will offer an amendment to require the addition of the poll tax elimination to add a provision for protection of freedom of speech, press, and assembly in connection with voting. In specifics, I support the committee bill for the following reasons: First, the committee bill is speedier and more effective. It is, let us face it, less cumbersome in spite of the fact that the substitute bill is an advance forward and on the whole a good bill.

Second, in hard core areas, the committee bill provides that Negroes will not have to appear before local registrars. That is most important.

Third, and this is a vital provision, the committee bill provides for observers to watch the actual business of voting is provided in the committee bill.

Members of the Committee, Congress is given great powers by the 15th amendment and is indeed commanded by section 2 of the 15th amendment to the Constitution to do what is necessary to sweep away all barriers to the right to vote based on race or color. I do not understand why Congress should be timid or why Congress has been timid for upward of a century in the exercise of those powers.

The command to the Congress to do what is necessary to sweep away all barriers to the right to vote based on race or color is not impossible. It was not impossible when it adopted the 15th amendment to the U.S. Constitution. It is time we obeyed.

Mr. Cellar. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. HERLONG).

Mr. HERLONG. Mr. Chairman, I thank the distinguished chairman of the committee for yielding time to me.
Mr. Chairman, I voted for the rule to consider this bill. I hope that, at least, given the rule's favorable terms, we can continue to improve the idea that every qualified citizen should have the right to register and vote and that none should be subjected to a double standard.

The day before yesterday the gentleman from California [Mr. CoRMAN] suggested to the Republicans that they should follow the philosophy of the founder of their party, Abraham Lincoln, in respect to this bill. I am afraid that the gentleman has his personalities confused. It was not Abraham Lincoln who was vindictive and punitive in his actions. It was Thaddeus Stevens, and I beg of the cooler and wiser heads in this House, those who can and will look into the gentleman’s records and against their opponents to the level of a Thaddeus Stevens. Just do a little self-appraising. Do a little soul searching. Ask yourselves in all candor, Do you want to have the promise represented by the 15th amendment, and the promise of freedom upon which our Nation was founded remains unfulfilled.

Now this House has the opportunity—perhaps more truly the obligation—to remove the mark of shame that far too long has stained our national conscience and reputation.

Section II of the 15th amendment reads:

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

Today we must consider this clause not a mere authorization of power, but rather a directive to act when we are confronted with gross inequities and blatant disregard for the letter and the spirit of the Constitution.

I will always have a sense of deep satisfaction and pride to me that I was here to vote for this historic piece of legislation. When it becomes law all Americans will be able to exercise their rights as citizens and take part in the democratic process. The promise made 95 years ago will be kept.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. CoRMAN].

Mr. CORMAN. Mr. Chairman, I really do not purport to be an authority on much, but I have for 19 years been a southerner by marriage. I had not, until today, detected any widespread and widespread agreement in the South or Abraham Lincoln south of the Mason-Dixon line, but it is refreshing to hear it now.

I must say, for those who have questioned the enthusiasm of the President for the committee bill, I have not seen any secret of my support of it, and I have not had my arm twisted to oppose it. So far as I can detect, he supports the committee bill.

As long as these or any obstacles stand in the way of full participation in our governmental process by every citizen, the promise represented by the 15th amendment is ignored, the promise of freedom upon which our Nation was founded remains unfulfilled.

These two remaining weapons are the poll tax and the discriminatory use of the white primary.

As long as these or any obstacles stand in the way of full participation in our governmental process by every citizen, the promise represented by the 15th amendment is ignored, the promise of freedom upon which our Nation was founded remains unfulfilled.
some confusion in my constituency with respect to the name Ford and to the measure that has the name Ford attached to it. I would like the Record to show that I am in no way associated with the amendment now being discussed and, in fact, would not touch it with a 10-foot "tax poll."

Mr. CORMAN. Some point was made yesterday by the minority leader about the fact that Texas is not covered in this bill. I think a little more careful reading of the bill will indicate that Texas is covered in every section of this bill. It is true under the automatic trigger, where we suspend tests and devices, that if a State has a test or device, we do not try to suspend it. But there is a provision for the appointment of examiners. There is a repeal of the poll tax and there is a prohibition against coercion or intimidation. All of this bill applies to Texas and the other 49 States.

Mr. McCULLOCH. Mr. Chairmain, will the gentleman yield to me?

Mr. CORMAN. I yield to the gentleman from Ohio.

Mr. McCULLOCH. In view of the fact that my very good friend and colleague referred to me and indicated I said something that I did not, perhaps, understand correctly, I want to correct the Record. In the first place, Mr. Corman say that I said that Texas was not covered by the administration-Celler bill?

Mr. CORMAN. No, sir.

Mr. MCCULLOCH. I appreciate the correction of the statement.

Mr. CORMAN. Now, about this automatic trigger and the so-called horrible indictment of all these States, and that it does not really have anything to do with racial discrimination. Nothing could be further from an accurate reading of the bill. The automatic trigger merely says if two conditions exist, it raises a presumption of racial discrimination, which is simple and easy and opportunity to rebut that presumption. As a matter of fact, unless the Attorney General has evidence of racial discrimination, we direct him in the legislation to overrule the House vote on it. So the State would not be under the automatic trigger. Throughout the Celler bill, there must be racial discrimination before any part of the bill takes effect.

I was delighted that we took care of the poll tax ban by the McClosky amendment. Should we be saddled with the substitute, it will be better because of it. No communication legislation. Much has been said about coming to the Central Government and we have heard a lot from the Convention of Independence. I would like to say that I have absolutely no difficulty in distinguishing the British Crown of the 18th century from the U.S. Government of the 20th century. I do not think the analogy is very well put.

There is a simple reason for requiring a communication amendment. The State has the State Constitution and we want it to know what is happening today in Mississippi, I would think it is a reasonable interpretation of the efforts in that legislative body of that sovereign State that they are attempting to pass laws which will take them out from under the bill.

The CHAIRMAN. The time of the gentleman from California has expired. Mr. CELLER. I yield the gentleman 2 additional minutes.

Mr. CORMAN. It is my own opinion, if there is no monopoly against the State then there may be no application of this law in Mississippi and possibly none in Alabama and Louisiana.

It is said that the substitute bill does not correct the Ford problem because it is so moderate and so flexible. I suggest to you its real problem is that it does not remove the weed of racial discrimination because it is so moderate and so flexible. It offers a remedy where there is no problem, but it offers a sham and a delusion where there is a problem.

The chronology of the committee's action is this: The President delivered his message on March 15. The Celler bill was introduced on March 18. We held hearings from March 18 to April 9 and considered the bill in subcommittee for a considerable number of days after that. It went to the committee on April 13, and came the Ford-McCulloch substitute. There was no opportunity to take evidence on it, but it was carefully considered by the full committee and was defeated substantially in that committee.

I suggest to you that if you really want to see that demonstrations in the streets are ended, that every American has the opportunity to remedy his problems at the ballot box, throw out the Ford-McCulloch substitute and pass the committee bill.

Mr. CELLER. Mr. Chairmain, I yield 2 minutes to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairmain, we have a choice here now to make. I come from the State of Louisiana, which has been much mangled during the Civil War. I wish I could stand here as a man proud of Robert E. Lee throughout that bloody War. It was he who rendered the last Confederate Army in the field 6 weeks after the surrender at Appomattox.

The end does not justify the means. Let us, instead, uphold the Constitution we took an oath to defend.

Mr. CROMER. Mr. Chairmain, I yield 5 minutes to the gentleman from Louisiana, our distinguished whip [Mr. Boggs].

Mr. BOOGS. Mr. Chairmain, I had not intended to talk at this stage of the debate. I am constrained to do so now only because of the remarks made just a moment ago by my distinguished colleague and dear friend, the gentleman from Louisiana [Mr. Waggoner]. I wish I could stand here as a man born and reared in the great cosmopolitan, metropolitan city of New Orleans where out of about 3,000 Negro Americans less than 100 are registered to vote as American citizens. There is one directly south of the great cosmopolitan, metropolitan city of New Orleans where out of about 3,000 Negro Americans less than 100 are registered to vote as American citizens.
There are other areas where less than 2 or 3 percent of the nonwhites are registered to vote. Can we say there has been no discrimination? Can we honestly say that from our hearts? I ask the gentleman that question. He knows it is not so.

In a congressional district—and God bless the people there—I have one parish, one county, if you will, in which over 80 percent of the Negro citizens are registered to vote, and the Negro citizens have a large percentage of the entire population. I have said to my fellow Louisianians:

"Has this reduced the quality of government? Have the Negro citizens been less responsive than the white citizens? Have you had a harder time?" They have come back and they have said to me: "Congressman, we have crossed over that divide. We encouraged all of our citizens to vote and to register."

I am not being critical of anyone. I cannot be critical of my colleague from Louisiana whom I admire and who is my friend. Being born and reared a southerner, I know what these problems have been. I have been with them, and I know what they are. I have lived with them. And I know that in the minds of many good, sincere people there has been a fear that if we made suffrage universal, as it most properly should be, there would be a decline in the caliber of our government. That fear has dominated the minds of good, God-fearing, decent Christian people. But that fear has been dissipated by experience. There are counties all over the South, in Georgia there are 37, in South Carolina there are at least 10 or more, in Alabama there are 4 or 5 where all are registered without any discrimination. As a matter of fact, Alabama is a good example. Take the county of Macon, in which the city of Tuskegee is located. There you have a situation where for some time the Negro citizens have not registered to vote and strain and, if my memory serves me correctly, there was talk about gerrymandering the boundaries of the city of Tuskegee, and even abandoning the county of Macon, but the people of Macon in its 100,000 did not do that. The Negro citizens were registered, and there has not been this great and terrible upheaval so many people feared.

Mr. Chairman, I take this rostrum really more out of sadness than anything else. I love my State. I love the South with every part of me, and I love my country.

Mr. Celler. Mr. Chairman, I yield to the gentleman from California [Mr. Edwards] 3 minutes.

Mr. Edwards of California. Mr. Chairman, I have read with some care the hearings on these hearings and the reports of which we are being asked to substitute for the committee bill, and with all due respect to its distinguished author, I must urge its defeat.

The McCulloch bill simply will not do. It will not result in full enfranchisement of our Americans of Negro descent who have been denied the right to vote. It is clearly the effective and fair instrument that H.R. 6400, the Celler-committee bill.

First of all, let us sink once and for all time the claim made by opponents of the committee bill that it will result in Federal registrars in areas where there is no voting discrimination. This is simply not true. Not in Mississippi, or Alabama, or Louisiana, or Georgia. The Attorney General has discretion as to where the Federal registrars are required. None will be appointed where voting discrimination is not practiced. If a section does not want to have Federal registrars, just let them allow their Negro citizens to register and vote.

The McCulloch bill, however, does not have this useful triggering mechanism, where the Attorney General can authorize registrars in these certain designated areas where less than 50 percent voted in 1964 or where the literacy test was in effect.

The McCulloch bill's machinery for the appointment of Federal registrars is burdensome and unworkable. It requires that 25 or more persons complain that they have been denied the right to vote on account of race or color. I ask you, my colleagues, is this not an unreasonable requirement to ask of the Negro-American who has been victimized out of his vote for decades by intimidation and worse? Now we say you still cannot register. You must go once more to the white State registrar in the courthouse, at the desk next to the sheriff. And you must wait with 24 other people of your friends. And only then does the McCulloch bill set the ponderous machinery into motion that may eventually result in his enfranchisement.

So, Mr. Chairman, the first great fault in the McCulloch bill is the cumbersome and unwieldy machinery to trigger the Federal registrars, as compared with the easy and fair machinery of the Celler bill that authorizes the Attorney General to appoint Federal registrars in those sections where there is in his judgment an increase in discrimination.

Another great difference in the two bills. The committee bill abolishes literacy tests as a requirement of voting. The McCulloch bill keeps literacy tests for citizens who have completed the sixth grade. Think how unfair this is in certain areas in the South where most whites are already permanently registered and where perhaps three of four Negroes are registered. The whites are already permanently registered, regardless of their literacy. But all the McCulloch bill says is that all those unregistered, meaning mostly Negroes must take a literacy test if they have not completed the sixth grade.

The Celler bill wisely provides that in these areas where voting laws can not be changed unless approved by the Attorney General or by consent of a three-court judge District Court in the District of Columbia. History has taught the lesson that this is a necessary requirement. The McCulloch bill does not have this safeguard. In those areas where voting discrimination has been the custom, these States must agree to pass the Civil Rights Act of 1964.

The Celler bill provides civil and criminal law to protect registrants, voters and those aiding and urging voting. The Celler provisions protect people to register and vote, and are registered, whether by Federal or State registrar. The McCulloch bill protects only those registered pursuant to the act. This means that the Negro who is intimidated at the polls is only protected by the Republican bill if he originally registered with a Federal registrar. Suppose he is registered previously or by a State registrar. The Celler bill wisely protects him regardless of how he became registered.

I am especially concerned with section 19 of the McCulloch bill that provides for provisional voting. Under this provision, if a Negro is registered by a Federal registrar and is unable to vote, he is allowed to vote only provisionally and his ballot is impounded pending a final termination of its status by a hearing officer and by a court of appeals. On the other hand, the committee provision on voting if fair superior. It provides quick and fair machinery for dealing with the challenge and permits the vote to be counted in the election.

The McCulloch bill could result in delays for months. The decision of the hearing officer is subject to review by the court of appeals and an election could be held in abeyance for several months.

Second, the McCulloch bill and its impounding procedure is only really talking about impounding the ballots cast by Negroes. It would result in the segregation and identification of ballots cast by Negroes and the ballot would be lost and the public would know for whom the Negro cast his vote. Third, if ballots cast by Negroes can be segregated and identified it is quite possible that the whites could be counted or counted fairly. Picture the polling place with the challenging ballots of Negroes segregated into a single pile.

I find specious the fears that candidates may be elected by the votes of unqualified electors. As a practical matter, under the committee bill, a Federal examiner and a hearing officer appointed by the Civil Service Commission will determine whether the vote of a challenged voter before he votes. Negroes registered by Federal registrars under the committee bill are entitled to vote only if the list on which their names appear is certified and transmitted to the State election officials 45 days prior to the election. There is a period of 10 days after the names are published when the challenge must be initiated. The hearing officer must determine the challenge within 15 days after it is filed. Thus the challenge will be determined by a hearing officer at the very latest 20 days before the election.

Mr. Chairman, the Ford-McCulloch bill is totally irreconcilable
with the voting rights bill passed already by the Senate. If our bill is en-tered into the Senate, if the Senate passes the McCulloch bill, the end could well be a stalemate in the conference committee. The possibility of this deadend should have no appeal to those who genuinely desire effective legislation.

I strongly urge the defeat of this motion.

Mr. McCULLOCH. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Mr. Chairman, the fundamental right underlying our form of government is the right of the individual to take part, through the process of voting, in the selection of his or her government. Even the rights of free speech and assembly, under the first amendment, can lose their effectiveness if there is no way for an individual or group of individuals to translate the enjoyment of these rights into action in the voting booth.

It cannot be denied that disenfranchisement of American citizens because of race or color has occurred all too frequently in our history. It would be a fallacy to suggest that this very denial of peaceful methods to protect individual rights and privileges under the Constitution have encouraged the use of other methods. These are often deplored by the very persons who through action or acquiescence to discriminatory voting devices have given rise to their use. Had all our citizens had an equal opportunity to make use of their voting rights, the involvement of the government in the selection of its leaders by the States and localities denying these rights could, in many instances, have been avoided.

While we can be confident of the need for voting rights legislation, however, this does not free us from our responsibility, as representatives of the people, to choose wisely as to the content of that legislation. Our choice should be the fairest, broadest, and most effective that can be made. For if it is the fairest, because ours is a land where due process of law is second in stature only to the law itself. It would be sadly ironic if we should choose methods to correct one unfairness, that are not as fair themselves as they could be. And this legislation must be broad and effective because the existence of voter discrimination is wrong, however small its scope geographically.

The Republican-sponsored bill meets these criteria. It does so, in my opinion, despite the unfortunate impression left by the constant reference to an automatic triggering device in the committee bill, which, like a particular brand of aspirin, is supposed to work twice as fast as the Republican combination of ingredients to cure this national headache.

As I read the two bills, the difference between them is clear. The difference between an automatic triggering device and some slower trigger. The difference lies in the applicability of either trigger. The Committee bill has an automatic qualifying device, by which certain States are required to give a literacy test and less than 50 percent of its electorate registering or voting in the 1964 elections, could be placed under the jurisdiction of Federal registrars. The Republican bill provides such limitation in the employment of Federal registrars.

The key to understanding the real difference between these two bills, as I read them, is the fact that the committee bill only qualifies a State or political subdivision to require the poll tax. In order to have these registrars appointed and sent into action, the Attorney General must certify to the Civil Service Commission that he has received complaints that he feels have been denied the right to vote because of race or color and that he believes enough in the validity of the complaints to see the need for Federal voting registrars. The Republican bill, without the limiting qualification, would provide Federal registrars in any political subdivision when the Attorney General receives 25 complaints of voter discrimination, and an examiner determines that they are valid. Both bills require complaints; both bills require some finding that they are valid before Federal voting registrars are appointed. The Republican bill spells out the procedure for making such appointment, and leaves it to the discretion, apparently, of the Attorney General. The major substantive difference is the broader, fairer, more effective coverage in the Republican bill.

Protecting the right to vote, in my opinion, also means that you must see that the vote is fully and fairly counted. The Republican clean elections amendment, adding to the American people to the fairest, broadest, and most effective use of the franchise. It may be the same end by legislation. I think the public support for the Republican bill is the right to register and vote on account of the color of their skin and traditional phobias and doubts based on some local fear.

The question is rather, Shall we adopt good legislation that can stand the test of time and the test of law, or shall we adopt bad legislation which, in seeking to correct an injustice, violates the Constitution, and indeed draws the assumption of guilt.

I submit that the substitute bill, offered by the majority leader and the ranking Republican on the House Judiciary Committee, is the measure which this House should adopt, and it is the measure which I shall support.

The expectations of many of us for fair and sound implementation of this basic principle were frustrated by the initial administration's hope that hopes and expectations remain unfilled as a result of the bill reported by the Judiciary Committee for the administration.

The Ford-McCulloch bill, on the other hand, is a bill of constitutional integrity, in the opinion of most Republicans, applicable everywhere, a bill that directs its remedy at 15th amendment discrimination, wherever found. It does not seek to impose punitive action on six States, and at the same time ignore voting violations which may be present in others.

It is a bill, comprehensive in scope, yet uncomplicated and flexible in operation. Its provisions are understandable to the citizen whose rights it assures, unmistakable to those who seek its preservation, and, in the opinion of most respectable lawyers, clearly in accordance with the Constitution.

It is a bill which honors the rights of the States to fix and enforce nondiscriminatory voter qualifications. It is a bill which encourages good faith compliance with its terms, and proper intent by those it affects. It is a bill which addresses itself to the present, and looks to the future. Without penalizing areas which have done no wrong, it applies firm, considered standards that will continue in their validity for future times, when massive discrimination has ended. It is a bill of constitutional integrity, in the finest tradition of sound, responsive and responsible legislation. It meets my earlier statement favoring such action if the President's basic message was "perfect.

The Ford-McCulloch bill has a single simple "trigger" whereby citizens in a voting district, who have been denied the right to register and vote on account of race or color may invoke the Federal remedy to remove the practices and patterns of discrimination that have denied their right to vote is denied. As amended in the Committee of the Whole House, it eliminated a poll tax.
The key to the Ford-McCulloch bill is that it insures the right of the States, a right guaranteed by the Constitution, by an amendment ante-dating the 15th, namely the 10th, to establish qualifications for voting. But it insures that no State shall apply those qualifications differently to citizens because of their race or color. It protects both the majority as well as the minority, and is not punitive.

The Celler bill on the other hand, eliminates voter qualification requirements altogether, in six specific States. It would permit ballots to be cast which might later—too late, that is, after candidate is sworn into office—be proven to be disqualified on legitimate grounds having no relation to a person's race. It precludes judicial review of a decision affecting our people by an appointive officer.

The Ford-McCulloch bill maintains court jurisdiction in the appellate division in which the infraction occurs, a basis which is, I reject jurisprudence, with the right of appeal to the Supreme Court. The Celler bill would require every State to bring its case to the Federal court in the District of Columbia. The Ford-McCulloch bill would require every State to bring its case to the Federal court in the District of Columbia. The Ford-McCulloch bill would require every State to bring its case to the Federal court in the District of Columbia. The Ford-McCulloch bill would require every State to bring its case to the Federal court in the District of Columbia. The Ford-McCulloch bill would require every State to bring its case to the Federal court in the District of Columbia. The Ford-McCulloch bill would require every State to bring its case to the Federal court in the District of Columbia.

I refer you to the case decided March 8, 1965, in the Supreme Court of the United States, entitled Louisiana against the United States. In that case the Court cited the fact that Louisiana in 1921 adopted a constitution requiring that an applicant for registration be able to "give a reasonable interpretation" of any clause in the Louisiana constitution or in the Constitution of the United States. The Supreme Court has struck down that requirement, and the Federal registrars in Louisiana under the McCulloch bill would not be administering that test. I can tell you what they would be administering. They would be administering only a simple literacy test, such as the ability to read and write; this was specifically approved by the Supreme Court in the LaFaster case in 1959 in North Carolina. I have referred to Louisiana, but let me add the same will hold true in the States of Alabama and Mississippi.

These are the three real offenders—Alabama, Louisiana, and Mississippi—which are of greatest concern to those of us who are greatly interested in ending the denial of voter registration rights in a manner consistent with law and our Federal system.

There are cases pending in Alabama and Mississippi, where there are more striking instances of voter disfranchisement than in Louisiana. Surely these tests will be stricken down by the Court, and thus would not be applied by the Federal registrars should the McCulloch substitute become law.

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

Mr. MACGREGOR. Mr. Chairman, all the敬请期待 from Oklahoma that Negroes who do not have a sixth-grade education under the Ford-McCulloch bill would be required to pass a complicated and discriminatory test.
Mr. ROGERS of Colorado. Mr. Chairman, I recognize the gentleman from New York [Mr. FEIGHAN] and yield to him such time as he may desire.

Mr. FEIGHAN. Mr. Chairman, I rise in opposition to the substitute bill. This is no time to temporize on a matter so grave as preventing Negroes from registering.

The substitute leaves open too many loopholes through which States which already discriminate may maintain their patterns of discrimination. These loopholes are attractive to those who are fighting a last-ditch effort against an effective voting rights bill.

In H.R. 6400, appointment of Federal examiners is automatic in "test or devise" States which qualify under the 50-percent formula of section 4. In addition, examiners may be appointed in other States by the District Court, under the conditions provided in section 3. On the other hand, the Republican substitute does not become operative until 25 written complaints from persons who have been denied the right to register or vote, are received by the Attorney General and an inquiry is completed. It is well known that economic and physical intimidation and reprisals prevent Negroes from registering. Prospective registrants should not be required to go to the local courthouse first. The automatic trigger of H.R. 6400 will encourage registration through the examiner procedure.

In H.R. 6400 literacy tests are abolished in those States and districts covered by the bill's 50-percent formula, whereas the substitute retains the literacy test unless the applicant has completed at least a sixth-grade education. In Mississippi, where the median number of school years completed by Negroes is exactly 6.0, half the State's Negroes would be subjected to a literacy test. And we know the ingenuity with which literacy tests are administered for Negroes. Can we expect that whites, regardless of literacy, will not find the tests more difficult than in the past? The possibility of continuing the double standard in literacy tests is all too obvious. Furthermore, we cannot forget that, as long as economic discrimination against Negroes remains prevalent in our land, especially in the affected States, large numbers of Negroes will be unable to remain in school long enough to obtain a sixth-grade education.

As far as other registration barriers are concerned, the substitute specifically abolishes only the requirements of good moral character and vouchers. No provision is made for protection from new tests, which can be equally ingenious in preventing Negroes from registering. Extensive property requirements may be instituted. Minor offenses such as parading or sitting on the steps of the courthouse—-which are often used to thwart civil rights demonstrations—can be made into felonies. H.R. 6400, on the other hand, provides safeguards by requiring any new tests established after November 1, 1964, in affected areas, to be approved by the District Court of the State in which the registration is conducted without objection by the Attorney General. That is the District Court for the District of Columbia, and not just any court, is significant, for in this way segregation, like Judge Harold Cox may be avoided.

H.R. 6400 abolishes the poll tax as a requirement for registering or voting in any election, whereas the Republican substitute allows the Attorney General to institute a suit. The poll tax has been outlawed in Federal elections. It must be outlawed in State and local elections.

The poll tax is clearly regressive, operating most harshly among the poorest members of a community. In Mississippi the median income for Negroes over the age of 14 is less than 40 percent of the median income for whites of a similar age. The poll tax is often equivalent to a day or two's pay. Furthermore, the requirement of two or more consecutive years' payment of the tax before an individual may be registered to vote, which is currently in effect in Mississippi and Virginia, enables a State to continue discrimination for several more years and to have a formidable time barrier against Negro voting. Mr. Chairman, why must there be a price tag on constitutional rights? We must abolish it—completely.

The substitute terminates Federal registration whenever less than 25 individuals have been registered by the Federal examiner within a specified period. This says in effect, "If you bring discrimination down to a safe level, there will be no Federal action." Why should we have such a limit? Furthermore, threats of physical or economic coercion may well be the reason for less than 25 applicants. This provision would reward those districts in which deterrents against potential Negro voters have been most effective.

The substitute requires Federal examiners to be residents of the State in which they are assigned. In areas where discrimination is highest there may not be enough nonbiased qualified residents.

Also, "certificates of competence" are recruited from among those who need to be policed.

H.R. 6400 does not require examiners to comply with State restrictions on the place of registration or the State-required time lapse between the time of registration and the time of voting. The Republican substitute, however, exacts continued compliance with such State requirements. It is quite conceivable that a State could legislate a lengthy time lapse between registration and voting, a time lapse that would only delay the long overdue fulfillment of constitutional rights. Mississippi already requires a 4-year and Florida a 6-year extension. Another method might be for a State to demand registration by Federal examiners at a specified place, such as the county courthouse. Because of the quite justified fear of attending registration, this would greatly reduce the number of Negroes attempting to register. Frustrating the objectives of a Voting Rights Act.

Mr. Chairman, the procedures following a violation of voting rights also vary. The Republican substitute is clearly inferior. H.R. 6400 permits the complaint to go directly to the Attorney General; the Ford-McCulloch bill requires complaints to go to the local district attorney. We all know that local public officials are often the foremost perpetrators of voting discrimination. Finally, H.R. 6400 permits the withholding of election certificates until the violations have been corrected. True to form, the Ford-McCulloch substitute does not even mention withholding election certificates.

Mr. Chairman, another failure of the substitute is the lack of provision for election observers. This omission negates much of the benefit of Federal examiners. If citizens, who are at least registered, are prevented from actually casting their ballots, it would be ironic.

Section 8 of H.R. 6400 provides for necessary observers.

The substitute does not provide for preventive action by the Attorney General. H.R. 6400 specifically provides in section 12, that the Attorney General may institute "an action for preventive relief whenever there are "reasonable grounds" to believe that such an action is necessary. If the Attorney General had such authority in the past, many fraudulent practices might have been forestalled.

Mr. Chairman, I have elaborated how the Ford-McCulloch substitute falls far short of fulfilling the needs of the problem at hand. It would allow States to circumvent the law. It would not be as effective as H.R. 6400 in dealing with all the flagrant violations of the 14th and 15th amendments which presently exist.

We need meaningful legislation. We must get to the very roots of the problem, and not merely cover it up. Let us end the long and tragic tales of injustice. Let us recognize the Republican substitute for what it is: a child's attempt at a man's job.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time to the gentleman from Ohio [Mr. FEIGHAN] as he may desire.

Mr. FEIGHAN. Mr. Chairman, every citizen, regardless of his economic status, his color or his race, should be permitted to exercise the right of franchise. The Congress of the United States should express itself clearly on this vital issue. I applaud the high motives of my very able and distinguished colleagues, my good friends, Mr. Ford and Mr. McCulloch, for their arduous efforts to bring forth what they believe to be the best method by which to attain the necessary goal of the uninhibited right of franchise of all American citizens. It is difficult to write perfect legislation. However, in my opinion, the committee bill best adapts itself to achieve the right of franchise and to adhere to the constitutional rights of every citizen.

I support the committee bill and shall vote for it. I hope to have the opportunity to vote for it on final passage.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may desire.
to the gentleman from Oklahoma [Mr. EDMONSON].

Mr. EDMONSON. Mr. Chairman, I support the Voting Rights Act of 1965 and urge its approval by this body.

In the times of challenge which confront democratic governments and constitutions around the world, it is imperative that this great citadel of freedom in America put an end for all time to support the Voting Rights Act of 1965 and urge its approval by this body.

In the case of Lassiter v. Northampton County Board of Elections, decided June 8, 1959, 360 U.S. 45, the Supreme Court of the United States held, quoting from the opinion of the Court in the earlier case of Guinn v. United States, 238 U.S. 347, at 366, decided in 1915, page 50:

"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."

If the Federal Government has the power to abolish all voting requirements, why was it necessary to adopt the 15th amendment, or the 19th amendment, or the 24th amendment abolishing the requirement that a poll tax or any other tax be paid in the case of Federal elections? The amendment process is a slow one, requiring a two-thirds vote of both Houses of Congress and ratification by the legislatures of three-fourths of the States.

If the current proposal is passed it must mean that the Congress no longer intends to be bound by the Constitution, which it has sworn to support. Be founded is this Republic built—an instrument declared by Gladstone to be "the most wonderful work ever struck off at a given time by the brain and purpose of man."

Back in the 1930's, Sinclair Lewis, the novelist, wrote a book entitled "It Can't Happen Here." Well, it is happening here in America. In conditions of emotional frenzy and contempt for the law of the land comparable with Nazi Germany, the administration has all but pointed a registration law that is completely unconstitutional.

Article I, section 2, of the U.S. Constitution provides to the States the right to determine the qualifications of voters. This has been the American way since the Constitution was ratified by the States. But if the administration's registration bill is enacted into law, the Constitution will have been breached. The American system will have undergone a totalitarian change.

Six States will have been deprived of one of the foundations of republican government and will be in a reconstruction era identical with the military occupation of 1865.

The administration's voter bill is an appalling piece of legislation. Contrary to all American traditions of justice, six States will be presumed guilty. If in 1964 not more than 60 percent of the change of voting age voted then in the 1960 census actually voted, then the Federal Government automatically assumes that people were discriminated against and deprived of the vote. This is a cruel, wounding, and undemocratic assumption. There are places where voting has been discouraged. But there also are vast areas—entire States—where voter registration proceeds with absolute fairness and equal application of the laws. These areas and States are to be slapped down by the Federal power, and the Federal registrars are to usurp States rights.

The administration's voter law is grossly discriminatory in another way. It is legislation aimed at a particular section of the country. Nothing in the bill is aimed at dealing with corrupt voting practices elsewhere in the United States. Yet Americans know well that big city machines in the metropolitan centers of the North are a synonym for voter corruption and manipulation. Yet the administration feeds on these machines and abuses nothing about them.

What the administration has proposed is not democracy; it is mobocracy. By endeavoring to shatter all qualifications for voting, they use a crowbar to break down roadside safeguards for the purpose of promoting good government in this land. The administration would turn over the government of towns and cities, counties and States, to that element in our population which is least qualified to understand the public business and most poorly qualified to make decisions regarding the community's well being.

The suspicion is naturally aroused that, in view of the long history of legislation, the administration hopes that powerful new political engines will be created in the South so as to turn the Southern States into captive communities for the Federal Government.

The founders of the Republic feared the rise of dictatorship, and therefore they created the judicial branch of the U.S. Government. But the night that the President spoke to Congress, the members of the Supreme Court were present in the Legislative Chamber, clapped loudly, and showed their approval of his revolutionary demands. And the American people can only hope that any legislation produced in a time of popular and emotionalism will be subjected to judicial second thoughts. If the Justices of the Supreme Court close their eyes to the law, then there can be no hope for remedy, until such time as the court of last resort—the American people—takes action.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman and my colleague from Texas.

AMENDMENT OFFERED BY MR. ROGERS OF TEXAS

The Clerk read as follows:

Amendment offered by Mr. Rogers of Texas: Page 1, line 5 strike out all of section...
Mr. WATSON. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Preferential motion offered by Mr. WATSON: "Mr. WATSON, of South Carolina, moves that the chairman be directed to report the bill back to the House with the recommendation that the enacting clause be struck out."

Mr. WATSON. Mr. Chairman, I think it is quite elementary that all of us should face up to the fact that the passage of either the substitute or the Celler bill is not going to satisfy the professional civil rights troublemakers. It sort of reminds me of a story that was told of the little boy who was complaining and putting off the errands of his mother. She said, "What can I do for you, son?" He said, "I want two eggs; I want one scrambled and I want one fried over easy." His mother complied with his request.

The boy screamed again. The mother said, "What is wrong, son?" And he said, "Mother, you scrambled the wrong egg." That is about the way it is going to be in this particular area. You do this today and you are going to be faced with similar legislation next year, and the year after and on and on.

I am not standing up here speaking in behalf of either the substitute or the Celler bill. There is no need for either, and neither will satisfy the civil rights agitators. But I would remind the House of what one of the proponents of this measure, Mr. Celler, said in New Jersey (Mr. CAHILL) said in one of the reports and said further on the floor of the House, and he is an advocate of this measure. He said:

"We are, however, in my judgment, establishing a citizenship and not a citizenship that the United States and believed in the Constitution of this country. That is the identical oath that you take when you are sworn in as a Member of the Congress of the United States. If I have added the provision that the voter swear that he is not a member of any organization advocating the violent overthrow of the Government under which he is living to be allowed to vote. It provides a penalty for violation of this section; anyone infringing upon the absolute right to vote is subject to criminal penalties.

It also provides a criminal penalty for any person falsifying in taking that oath, or for signing the oath with intent to deceive. In order to make it possible to get to the root of the evil that is challenging this Government every day, I have put in a provision that if a member of the Communist party or affiliated organization takes the oath, it will be prima facie proof of his guilt. This is a most potent weapon against communism and especially against participation of Communists in elections in this country.

I ask respectfully all Members of this Congress vote aye on this amendment.
and acknowledge at long last the existence of voter discrimination in that area of our country.

I have written to all the members of the committee a recent report of the Civil Rights Commission, which I hope the gentleman from South Carolina will read. That report tells the story of what has happened in Mississippi, this very week, by my friend Mr. Boles, a native son of Mississippi—and I hope he read it—because anybody who read the report of the Civil Rights Commission dated in May 1965, who can say with honesty that there is not a requirement for the Congress of the United States to enact the mandate of the 15th amendment, it seems to me is not speaking the truth.

Now let me say this, I have been wait­ing since I have been in this Congress for some leader of the South—some Governor, some Senator, some Congressman, some mayor—to come out and admit the facts as they exist. And today I heard it—today the gentleman from South Carolina need not to be told the truth. They know the truth but they want a leader—they want somebody with the guts to come out and say, “Yes, we have been wrong.” But they are not interested. All we have made the same mistake. Every State in the Union has made it. It is just taken some of our States longer—maybe because they suffered more. But I think the day has come when the voices of other leaders of Louisiana, of Mississippi, I trust the voices of leaders in Mississippi and leaders in Alabama will speak with equal courage—will speak with equal force and will speak with equal honesty. When the voices of leaders are sure that the majority of all the people of all the Southern States will follow that leadership. Then the time will have come when no American citizen is disfranchised and then we in the Congress will at last complete our work in the field of civil rights.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from South Carolina.

Mr. Celler. Mr. Chairman, may I ask how much time remains on this side?

The CHAIRMAN. The gentleman from New York has 4 minutes remaining and the gentleman from Ohio 1 minute.

Mr. Celler. Mr. Chairman, will the gentleman from Ohio yield the 1 minute he has remaining so that we can close debate on this side?

Mr. McCulloch. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. McCulloch. Mr. Chairman, since the debate at this time is on the substitute amendment, pursuant to the rule, would not the privilege of closing debate come to this side of the aisle?

The CHAIRMAN. The closing of debate, the Chair will inform the gentleman from Ohio, be in the hands of the manager of the bill.

Mr. McCulloch. Mr. Chairman, I cannot yield.

Mr. Chairman, I hope the final decision will be made upon the merits, of what is at stake, this bill to be passed. This is a result hardly to be desired either by those who profess an abiding concern for the strengthening of States rights or by those who bear the responsibility for the fair and equitable administration of their election and registration laws.

In short, the Ford-McCulloch amend­ment would operate unfairly both in places where State registrars continue to use color as the test for registering and in places where they objectively apply the law. In the former case, Negroes will be subjected to Federal examiners to standards which are far stricter than those applied to whites by State registrars. In the latter case, the result will at best be confusion and at worst the permanent, total debilitation of the State and local registration machinery.

H.R. 6400 avoids all of these pitfalls by suspending literacy tests in the areas of discrimination and prohibiting their use in areas of no discrimination. I need not repeat here the case which has been made so often and so well in support of the rationality and constitutionality of this approach. The statistical evidence is overwhelming. Before the Congress fully demonstrate the reasonableness of the suspension formula.

But beyond that—and this, too, is simply documented in the record of hearings of the Committee on the Judiciary—it is clear that in many places the complex literacy and constitutional interpretation and understanding tests have had no purpose whatever except to provide a tool for discriminating against Negroes. Given that background, it is hardly surprising to find that many of these tests are not susceptible of fair administration by anyone, including a Federal examiner. For example, some States use the application form itself as a literacy test. They require the applicant to fill out a long, complex, and confusing form without assistance and without errors or omissions. Applicants who cannot vote unless they know such matters as to which public official one must apply for a gun permit. Such tests and knowledge requirements are utterly unreasonable. They are simply a part of the obstacle course erected in those areas to prevent Negroes from reaching their goal of full citizen­ship. I say such tests could not be applied fairly by an examiner. I say they should not be applied by a Federal official appointed to rectify voting discrimination. Yet, under the Ford-McCulloch substitute, the Federal examiners would have to do just that. Let us not enact unsound practices. Instead let us reject the substitute—which has had no hearings and no support from the leadership conference on civil rights—and get on with passage of H.R. 6400, a sound attack on the problem.

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

Mr. Thompson of New Jersey. I yield briefly to the gentleman from Minnesota.
Mr. MacGregor. Does the gentleman not recognize that the Supreme Court decision in the Louisiana case, throwing out the interpretative tests, is in fact the law of the land, and makes that law the controlling law in this country?

Mr. Thompson of New Jersey. That particular law, and not others. The gentleman from New Jersey recognizes more than anything else the resourcefulness of Southern bar councils in redistriciting even under existing decisions in order to disenfranchise the Negro.

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

Mr. Thompson of New Jersey. I yield to the gentleman from Colorado.

Mr. Rogers of Colorado. I might point out that in the decision referred to so often, the Supreme Court in the North Carolina case said:

"Of course a literacy test, fair on its face, may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot."

Mr. Thompson of New Jersey. I thank the gentleman from Colorado.

Mr. Chairman, I conclude by saying that the Rogers of Colorado have said that because the double standard are completely and absolutely unreasonable. I do not question at all the motives of the gentleman on the other side, whom I respect and admire. I question in this case both the wisdom and the judgment. I ask for a complete and enthusiastic rejection of the substitute.

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

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. Yates. Mr. Chairman, I rise in support of this bill. The Voting Rights Act of 1965 has received the careful attention of the House as befits a measure that will make legislative history. I have been impressed with the quality of the debate on this bill and with the determination of this House to double standard and to deliberate in detail all the legal aspects and ramifications of the bill. This legislation has been drawn from many sources. It was inspired by a devotion to the highest ideals of our democracy and it has been forced on the anvil of a long and painful experience of our history. That we should heed that history was made obvious earlier this year. And the national concern over the denial of constitutional rights of our citizens has been reflected in this House by the introduction of no less than 122 bills on voting rights this year. I am glad to support the legislation that is now before us.

It is tragic that the right to vote must still be subject to abuse in this Nation. It is tragic that this right has been subject to debate and equivocation for so long a time in our history—that it should remain a subject of our proceedings. In Proclamation 95 and 95 years after the ratification of the 15th amendment to insure the rights which were promised and written into our Constitution. Today the national conscience summons us to remove this stain on our history.

The Voting Rights Act of 1965 is a product of that conscience, which at long last has instructed us that our laws have fallen short of our ideals. The bill would redress that inadequacy. It was not born easily, as we are well aware. It came to us out of the agony of men and women who attempted to register Negro voters. At the very moment they were ordered to vote and who were cruelly and even brutally rejected in their attempts. Can we endure another year, another decade, another century, of prostituting the law of the land in the name of the right of citizens to cast a ballot regardless of their race? The answer is a clear and resounding no. Our answer is the Voting Rights Act of 1965.

We are now 4 months removed from the agony of Selma, and from those first moving hours of decision to make the right to vote available to all Americans as promptly as possible. We have had time to reflect, to study, to write and review, to be fully aware of the time we are finally at the hour of action. It has been an arduous but productive journey. It is clear, Mr. Chairman, that this bill will not eliminate discrimination in our State and in our Nation, but it will go a long way toward erasing discrimination at the ballot box, and in this it will provide Negro citizens with the most effective tool of their social revolution. The ballot is the most fundamental and the most formidable weapon in the arsenal of democracy. That weapon has not been available to large numbers of Negro voters in the Southern States. Because of their inability to participate in the basic processes of democracy, they have been confined to second-class citizenship. As a result of their failure to secure this participation—which is guaranteed by the Constitution and taken for granted by nearly everyone in this society—they have been forced to seek other avenues of petition for their grievances. Negroes, like all other Americans, seek the blessings of democracy. They have been denied the right to vote. I have appreciated the careful reexamination of how the 15th amendment might best be enforced, and I believe the results are an encouragement in this bill.

However, I would remind the Members of the House that in the event the Voting Rights Act of 1965 is thwarted by systematic and ingenious discrimination, another source is readily available for legislative action. I refer to the second section of the 14th amendment to the Constitution. This amendment would reduce the representation of a State in Congress in proportion to the number of voters who are denied a ballot. I have introduced a bill to implement this section—H.R. 6264—and I believe it could be an effective supplement to the Voting Rights Act of 1965.

I am hopeful that the administrative courses outlined in this bill will secure the intended effect of enforcing the right to vote. I have appreciated the careful reexamination of how the 15th amendment might best be enforced, and I believe the results are an encouragement in this bill.

I am hopeful that future bills successfully removes all formal barriers to the right to vote, we cannot expect a dramatic increase in Negro registration in some parts of the South. Many Negroes have become apathetic about voting after a century of intimidation. The enforcement of section II, with its threat of reduced representation in Congress, could inspire State and local officials to conduct positive registration campaigns to register Negro voters. At the very least, it would persuade these officials from harassing prospective voters.

I believe that it would be wise for the Congress to consider this avenue as a supplementary means of ensuring the right to vote.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio, as amended.
Mr. McCulloch. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. McCulloch and Mr. Celler. The Committee divided, and the tellers reported that there were—ayes 166, noes 215. So the amendment was rejected.

The Clerk read as follows:

On the amendment offered by Mr. Rozaas of Texas: Beginning on page 11, line 21, strike out all of section 2 and insert the following:

"(a) Any citizen of the United States presenting himself to vote in a State or political subdivision in which he is qualified to vote and who subscribes to the following oath:

"I, (first name), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; that I am not a member of or affiliated with any group or organization advocating the violent overthrow of the Government of this country by force and arms; that I take this obligation freely, without mental reservation or purpose of evasion. So help me God.

shall be permitted to vote and no voting qualification or prerequisite to voting or standard practice or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

AMENDMENT OFFERED BY MR. ROGERS OF TEXAS

Mr. ROGERS of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rozaas of Texas: Beginning on page 11, line 21, strike out all of section 2 and insert the following in lieu thereof:

"SEC. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color."

Mr. ROGERS of Texas. Mr. Chairman, I yield to the gentleman from New York.

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

Mr. ROGERS of Texas. I yield to the gentleman from Texas.

Mr. POOL. Would the gentleman tell the House again the oath that he is asking them to take?

Mr. ROGERS of Texas. I am asking that they take the same identical oath, the oath that I took in the election, the same oath that the person taking said oath.

"(b) Whoever violates or conspires to violate the provisions of subsection (a) of this section or any substitute for said oath shall be fined not more than $10,000, or imprisoned not more than ten years, or both.

(c) Subsection to the oath set forth in subsection (a), either by swearing or by affirmation, shall be prima facie evidence of falsification and intent to deceive on the part of the person taking said oath."
of evidence that any incidents of denial or abridgment of the right to vote on account of race or color (1) have been in number and have been promptly and effectively corrected, (2) by the Commission, or (3) that the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability that any such incidents will occur in the future.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment any State or political subdivision of the United States the court finds that violations of the fifteenth amendment have occurred within the territory of such State or political subdivision within the scope of this section, whether entered prior to November 1, 1964, any test or device, and with respect to which the Attorney General certifies with respect to any political subdivision named in, or included within such subdivision to comply with the provisions of section 3(a), or (b) the Attorney General certifies with respect to any political subdivision named in, or included within such subdivision, that a test or device has been used for the purpose of or with the effect of denying or abridging the right to vote on account of race or color.

If the Attorney General determines that he has probable cause to believe that a test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

The provisions of subsection (a) shall apply in any State or in any political subdivision of a State which (1) the Attorney General certifies with respect to any political subdivision of the United States, with respect to which the Attorney General and the Attorney General has not interposed an objection within sixty days after such subdivision, that a test or device has been used during the five years after the filing of such a judgment, except that the Attorney General’s failure to object shall not prevent the court from enforcing the provisions of section 3(a). Provided, That no such declaratory judgment shall issue in any case for which the qualifications, prerequisite, standard, practice, or procedure have been established by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such judgment, except that the Attorney General’s failure to object shall not prevent the court from enforcing the provisions of sections 3(a) and (b) against the violation of the fifteenth amendment.

(c) Provided, That any person whom the examiner finds to have the qualifications prescribed by Section 2284 of Title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for the purpose of or with the effect of denying or abridging the right to vote on account of race or color. If the Attorney General shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color.

So much of the provisions of subsection (a) as apply in any State or in any political subdivision of a State which (1) the Attorney General certifies with respect to any political subdivision of the United States, with respect to which the Attorney General and the Attorney General has not interposed a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

Provided, That no person whose name appears on such a list shall be entitled and allowed to vote in the election district of his residence unless and until the proper election official shall have determined that such person has not been removed from such list in accordance with the provisions of subsection (d) of this section.
shall be entitled to vote in any election by virtue of this Act unless his name has been certified and transmitted on such a list. He shall be entitled to vote in all elections conducted by State and local officials at least forty-five days prior to such election.

(c) The examiner shall issue to each person whose name appears on such a list a certificate evidencing his eligibility to vote.

(d) A person whose name appears on such a list shall be entitled to vote in any election by virtue of this Act unless his name has been determined by an examiner to have lost his eligibility to vote under State law consistent with the Constitution and the laws of the United States.

Sec. 8. The Civil Service Commission, at the request of the Attorney General, is authorized to send observers to any election in a political subdivision, to the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

Sec. 9. (a) Any challenge to a listing on an eligibility list shall be heard and determined by an examiner to be appointed by the Attorney General of the United States, or in the name of the United States, or in the name of the Attorney General, is authorized to send observers to any election in a political subdivision, to the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

Sec. 10. (a) The Congress hereby finds that the requirement of the payment of a poll tax as a prerequisite to voting has been interpreted as serving to circumvent the guarantees of the fourteenth and fifteenth amendments to the Constitution, and was adopted in some areas for the purpose of denying the right to vote because of race or color; and that under such circumstances the requirement of the payment of a poll tax as a condition upon or prerequisite to voting is not a bona fide qualification of an elector, but an arbitrary and unreasonable restriction upon the right to vote in violation of the fourteenth and fifteenth amendments.

(b) No State or political subdivision thereof shall deny any person the right to register or vote, or to fail or refuse to pay a poll tax or any other tax.

Sec. 11. (a) Any person acting under color of law shall have the power to require by subpoena the attendance of any person and the production of any papers and within ten days after the listing of his name on the eligibility list, it shall be removed therefrom by an examiner appointed by the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

(b) Any person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting, or for failing to vote, or for attempting to vote, or for urging or aiding or abetting any person in exercising any powers or duties under section 6, 5, 8, 9, 10, or 12 of this Act.

Sec. 12. (a) No person shall be entitled to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to vote, or fail or refuse to register, or shall be entitled to vote pending the ruling of an order for the removal of his name from the eligibility list.

(b) Any person who has engaged or is engaged in any conspiracy to deny any person the right to vote under this Act or any other provision of this Act shall have the power to require by subpoena the attendance of any person and the production of any papers and within ten days after the listing of his name on the eligibility list, it shall be removed therefrom by an examiner appointed by the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

(c) Any person who has engaged or is engaged in any conspiracy to deny any person the right to vote under this Act or any other provision of this Act shall have the power to require by subpoena the attendance of any person and the production of any papers and within ten days after the listing of his name on the eligibility list, it shall be removed therefrom by an examiner appointed by the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

(d) Any person who has engaged or is engaged in any conspiracy to deny any person the right to vote under this Act or any other provision of this Act shall have the power to require by subpoena the attendance of any person and the production of any papers and within ten days after the listing of his name on the eligibility list, it shall be removed therefrom by an examiner appointed by the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

(e) Any person who has engaged or is engaged in any conspiracy to deny any person the right to vote under this Act or any other provision of this Act shall have the power to require by subpoena the attendance of any person and the production of any papers and within ten days after the listing of his name on the eligibility list, it shall be removed therefrom by an examiner appointed by the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

(f) Any person who has engaged or is engaged in any conspiracy to deny any person the right to vote under this Act or any other provision of this Act shall have the power to require by subpoena the attendance of any person and the production of any papers and within ten days after the listing of his name on the eligibility list, it shall be removed therefrom by an examiner appointed by the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

(g) Any person who has engaged or is engaged in any conspiracy to deny any person the right to vote under this Act or any other provision of this Act shall have the power to require by subpoena the attendance of any person and the production of any papers and within ten days after the listing of his name on the eligibility list, it shall be removed therefrom by an examiner appointed by the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

(h) Any person who has engaged or is engaged in any conspiracy to deny any person the right to vote under this Act or any other provision of this Act shall have the power to require by subpoena the attendance of any person and the production of any papers and within ten days after the listing of his name on the eligibility list, it shall be removed therefrom by an examiner appointed by the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

(i) Any person who has engaged or is engaged in any conspiracy to deny any person the right to vote under this Act or any other provision of this Act shall have the power to require by subpoena the attendance of any person and the production of any papers and within ten days after the listing of his name on the eligibility list, it shall be removed therefrom by an examiner appointed by the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

(j) Any person who has engaged or is engaged in any conspiracy to deny any person the right to vote under this Act or any other provision of this Act shall have the power to require by subpoena the attendance of any person and the production of any papers and within ten days after the listing of his name on the eligibility list, it shall be removed therefrom by an examiner appointed by the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

(k) Any person who has engaged or is engaged in any conspiracy to deny any person the right to vote under this Act or any other provision of this Act shall have the power to require by subpoena the attendance of any person and the production of any papers and within ten days after the listing of his name on the eligibility list, it shall be removed therefrom by an examiner appointed by the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

(l) Any person who has engaged or is engaged in any conspiracy to deny any person the right to vote under this Act or any other provision of this Act shall have the power to require by subpoena the attendance of any person and the production of any papers and within ten days after the listing of his name on the eligibility list, it shall be removed therefrom by an examiner appointed by the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

(m) Any person who has engaged or is engaged in any conspiracy to deny any person the right to vote under this Act or any other provision of this Act shall have the power to require by subpoena the attendance of any person and the production of any papers and within ten days after the listing of his name on the eligibility list, it shall be removed therefrom by an examiner appointed by the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

(n) Any person who has engaged or is engaged in any conspiracy to deny any person the right to vote under this Act or any other provision of this Act shall have the power to require by subpoena the attendance of any person and the production of any papers and within ten days after the listing of his name on the eligibility list, it shall be removed therefrom by an examiner appointed by the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

(o) Any person who has engaged or is engaged in any conspiracy to deny any person the right to vote under this Act or any other provision of this Act shall have the power to require by subpoena the attendance of any person and the production of any papers and within ten days after the listing of his name on the eligibility list, it shall be removed therefrom by an examiner appointed by the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

(p) Any person who has engaged or is engaged in any conspiracy to deny any person the right to vote under this Act or any other provision of this Act shall have the power to require by subpoena the attendance of any person and the production of any papers and within ten days after the listing of his name on the eligibility list, it shall be removed therefrom by an examiner appointed by the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

(q) Any person who has engaged or is engaged in any conspiracy to deny any person the right to vote under this Act or any other provision of this Act shall have the power to require by subpoena the attendance of any person and the production of any papers and within ten days after the listing of his name on the eligibility list, it shall be removed therefrom by an examiner appointed by the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.
Mr. WHITENER. Mr. Chairman, I offer an amendment.

This amendment offers as written in H.R. 6400, is further amended as follows:

(a) Delete the word "Federal" wherever it appears in subsections (a) and (c);
(b) Repeal subsection (f) and designate the present subsections (g) and (h) as (1) and (a), respectively.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The amendment offered by Mr. Whitener on page 14 after line 6 strikes all of section 4 and insert in lieu thereof the following:

"Sec. 4. (a) To assure that the right of citizens of the United States to vote in any election because of his failure to comply with any test or device in any State or political subdivision shall not be affected thereby."

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 10 minutes.

The CHAIRMAN. The Chair will entertain any objection to the request of the gentleman from New York?

Mr. GROSS. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I move that all debate on this amendment and all amendments thereto end in 10 minutes.

The CHAIRMAN. The Chair will have to advise the gentleman that no such motion is in order until the gentleman has fully presented his amendment and all amendments thereto.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

Mr. WHITENER. Mr. Chairman, I have no intention or desire to delay the consideration of this amendment. This amendment would rewrite section 4 as it now appears in H.R. 6400.

I think we can summarize the amendment in a few sentences. In subsection (a) we provide that a political subdivision or a State may bring an action in the United States District Court in any Federal district in such State against the United States for the purpose of having the Court determine whether such test or device has been used for the purpose and with the effect of denying or abridging the right to vote of any individual on account of race or color: Provided, That no such declaratory judgment shall issue with respect to any plaintiff for a period of two years after the final judgment of any such court of the United States.

"An action pursuant to this section may be heard and determined by a court of three judges in accordance with the provisions of Section 22-84 of Title 28 of the United States Code, and any appeal shall lie to the Supreme Court.

"If the Attorney General determines that he has no reason to believe that such test or device is used with the effect of denying or abridging the right to vote of any individual on account of race or color, he shall consent to the entry of a judgment to that effect.

The provisions of subsection (a) shall apply to every State and political subdivision thereof in the United States.

(c) The phrase "test or device" shall mean any requirement that the person, as a prerequisite for voting or registration for voting (1) demonstrates the ability to read, write, understand, or interpret any matter, (2) demonstrates his knowledge of any particular subject, (3) prove his qualifications by the voucher of registered voters or members of any other class.

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

Mr. CELLER. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. WHITENER. I yield to the gentleman.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There were no objections.

Mr. GROSS. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 5 minutes.

Mr. WHITENER. As I read the amendment and all amendments thereto, it seems to me that those of us who believe that discrimination is bad, whether it be in one area of the country or another, should readily support this amendment which would make the law of equal force and effect in all of the States.

Another change that this amendment would bring about in section 4 as written in H.R. 6400 would be that it omits, as one of the factors in determining whether a test or device is used, the one which is designated in the bill as No. 3, which refers to the use of "an official channel." There has been a great deal of feeling expressed expressed that as this bill is written it may be difficult to preclude a felon from voting in a local election once that subdivision or State has been brought under the influence, or the regulatory effect, of this proposed legislation. One gentleman sent out a memorandum in which he pointed out that provision would affect, I believe it is, the State of Idaho, or another State, of which one of us is willing to contend that the State laws should be stricken down in that respect.

I urge all of you to support this amendment which I believe will improve the bill.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. LENNON. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from New York.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. Lennon].

Mr. Lennon. Mr. Chairman, early in this debate we had an eloquent appeal by our distinguished whip of the Democratic Party telling about and confessing and admitting to conditions that he said existed in his State with respect to voter discrimination. We had an eloquent and articulate appeal from the gentleman from South Carolina who took an opposite view.

...
Mr. Chairman, I am from the State of North Carolina, another Southern State. Is this the position of the House, however, in this body today, including members of the Committee on the Judiciary who have any evidence whatever, any complaint whatever, that voter discrimination has taken place in North Carolina in the last quarter of a century? If that is so, I would like the members of the Committee on the Judiciary who have examined this measure over a period of months and examined it from every point of view and say now that there has been a claim on the part of any citizen of our State of North Carolina, or the Civil Rights Commission, or any other body, that voter discrimination has taken place in North Carolina.

Someone said a few minutes ago or early in the debate that this was not a harsh bill, that this was not a discriminatory bill. Let me say to the ladies and gentlemen of the Committee that there are 34 counties in North Carolina which come under the ban of this bill on a statistical presumption of guilt of voter discrimination without any evidence that it has occurred, without any change in the last quarter of a century that any registrar or any judge of election in those 34 counties has at any time in the past quarter of a century done anything to evade or hinder or delay any citizen of our State from registering or voting, as every citizen of this country should have the right to do if he possesses the qualifications of that certain State.

Now, hear me. In North Carolina there are four counties—Craven, Cumberland, Onslow, and Wayne—50 percent of the citizenry 21 years of age and older did not vote in the presidential election; that is, the potential of those 21 years or older. Why? Because in those counties in North Carolina, and all of them under this bill, there are the largest military reservations in the United States, and in the 1960 Census, most of the military personnel and their dependents were included in that census.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I yield the gentleman from North Carolina 1 additional minute.

Mr. LENNON. Mr. Chairman, I would make it crystal clear that no qualified voter in the United States should be denied the right to participate in every election—municipal, county, State, or National. However, I believe that all farriminded and knowledgeable persons must agree that registration and voting requirements should be the same in every county or political subdivision of every State.

The bill, H.R. 6400, asserts a statistical presumption of voter discrimination simply by name. Subsection 1(a), including 34 counties in North Carolina—among those Bladen, Cumberland, Hoke, Robeson, and Scotland—did not vote out of the reasons voting age in the presidential election of November 1964. This presumption of guilt of discrimination is made even though there has been no complaint, or any evidence whatsoever, of alleged registration or voter discrimination.

It is the history of our free country that legislation is being advocated that would abolish the historical concept of "presumption of innocence" and would establish the presumption of guilt. Under the bill, a political subdivision will be forced to bring suit in the Federal court of the District of Columbia, Washington, D.C., and would be required to establish conclusively individual acting under color of law had discriminated against any person who had attempted to register and vote for a period of 5 years prior to the institution of legal action. Also, should the Court determine that in the period of 5 years preceding the institution of the action there has been discrimination on the part of any individual, then for an additional 5-year period the presumption of guilt would continue.

Under the proposed law, 34 counties in North Carolina would have no registration requirements other than age and residence while 66 counties—even the counties where literacy tests and other prerequisites for voter participation. In addition, these 34 counties would likely have Federal examiners or registrars with power to supervise all elections.

In four counties of North Carolina—Craven, Cumberland, Onslow, and Wayne—50 percent of the citizenry 21 years of age and older did not participate in the presidential election of November 1964. Within these counties are located some of the largest military reservations in the country. In the 1960 Decennial Census the military personnel and dependents assigned to these installations were counted as part of the county population. This is the only reason why less than 50 percent of the persons of voting age residing in those counties did not participate in the general presidential election.

Under H.R. 6400, if the District of Columbia Federal Court, Washington, D.C., would have sole jurisdiction in the field of injunctive relief from the harsh and even dictatorial provisions of this bill. The Federal District Court of the South and other sections would be barred on the assumption that they would not perform their sworn duty under the law and the Constitution. This is an insult to the intelligence and integrity of the Federal District Judges of the Nation.

The Constitution of the United States gives the States certain reasonable powers to set nondiscriminatory standards for voting. The proposed bill sweeps away State literacy tests to determine qualifications for voters in all elections. This test is a device in North Carolina to deny voting on the basis of race. It is interesting to note on this point that as late as July 24, 1963, the then Attorney General Robert Kennedy testified before the Senate Committee on the Judiciary as follows:

I think there is no question that it is the power of the State to establish the qualifications of its citizens, does have the authority to establish a literacy test. As late as 1955 in Lassiter v. North-
Mr. Chairman, my amendment is designed to correct an injustice that exists in my own State of New York and particularly in New York City, my home. We have in New York an estimated 760,000 Americans of Puerto Rican birth, of which an estimated two-thirds are of voting age. While we know that only a fraction were registered in 1964. The principal reason was that the State of New York requires that its voters be literate in English. This literacy requirement was demonstrated by a test in reading comprehension, but it is waived if any applicant to vote can submit proof of an eighth grade education in an accredited English-language school.

My amendment, which the other Body approved overwhelmingly on the recommendation of both Senators from New York, provides that any American who has successfully completed the sixth grade in a school in the Commonwealth of Puerto Rico—will not be denied the right to vote by a literacy requirement. The amendment makes exception for States, such as New York itself, which currently have a standard other than the sixth grade for presumption of literacy.

This amendment, Mr. Chairman, is designed to rectify an injustice that stems from a provision of the New York State constitution of 1922. Our research indicates that it does not affect any other State. New York's provision was enacted when immigrants from Europe was attaining a new peak and when the English language, which had so long served as an essential ingredient of the American melting pot, seemed particularly threatened. My amendment would not change the requirement that persons educated outside the United States, under the flag of another country, prove their literacy in English. It is designed only to correct the injustice done to the American citizens of Puerto Rican origin whose mother tongue is Spanish.

Mr. Chairman, Puerto Ricans are, by the terms of the treaty of 1898 which ended the Spanish-American War, citizens of the United States like you and me. We have called upon Puerto Ricans to fulfill such obligations of citizenship as military service and, I might note, they have fought heroically in every one of our wars. Unfortunately, however, they have never asked them to imitate our English-language culture, since they have an old and honorable culture of their own. On the contrary, we here in Congress have fostered through legislation and resolution the policy of cultural autonomy for Puerto Rico. I think, therefore, that it is an anomaly for us to encourage the perpetuation of Puerto Rico's Spanish-language culture and at the same time to do nothing to protect the rights of citizenship of Puerto Ricans who move to other sections of the country.

You may ask why New York does not legislate against the situation. My answer is that New York is burdened with a constitutional anachronism designed to fit one situation and currently being applied to another. Were it not so onerous, I would not seek to amend the constitution. New York might long ago have made the change. But if discrimination exists, however innocuous the intent and the decisions involved, I do not regard it as reasonable for us, therefore, to regard as important that the amendment currently before us be approved.

Let me point out that Puerto Ricans in New York need not read English to be a well-informed electorate. There are three Spanish-language newspapers and a Spanish-language radio station in our city. Puerto Ricans have articulated spokesmen on public issues. They have access to adequate information and a variety of opinion before they cast their votes.

I think it is pertinent to point out that Hawaii does not require literacy in English as a condition of voting. But of those eligible to vote, which an estimated two-thirds are of American birth, of Puerto Rican birth, of Puerto Rican origin whose mother tongue is the ancient Acadian French. But I would not misunderstand me; I am not speaking in behalf of a multilingual society. I think it is right for New York to ask those born and raised under a foreign flag to read English as a condition of voting. But Puerto Ricans are American citizens by birth, educated under the American flag. They must not be denied the right to vote because the results of the education they attended were, with the encouragement of Congress, conducted in Spanish.

Opponents of this legislation have argued that the courts have already disposed of the matter in the Camacho case, in which an American of Puerto Rican birth and education sued in a New York State court on the contention that the literacy requirement deprived him illegally of his vote. He lost his case in the New York Supreme Court and in the Federal court. But, in my view, regarding the Camacho case as final is a serious misreading of the decision. First, the Supreme Court did not rule on the constitutionality of applying New York's literacy test to Puerto Ricans. A lower Federal court simply sustained a State court ruling. That hardly constitutes law. Furthermore, the decision did not take into account the weights of a congressional finding, which we are today seeking to establish. The Camacho decision contained no implication that my amendment is unconstitutional. On the contrary, the top constitutional scholars maintain that the proposal is constitutional under the equal rights clause of the 14th amendment.

Mr. Chairman, I have worked closely on this amendment with the former Attorney General of the United States, Senator Rauyer Kennedy, and the present Attorney General, Mr. Nicholas Katzenbach. Senator Kennedy has called upon the most respected experts of the Harvard and Yale Law Schools to study the implications of this proposal. Having won acceptance of this amendment in the other body, he has placed his position on record. I am glad to insert in the Record at this point the opinions of the distinguished Professors Paul A. Freund and Mark DeWolfe Howe, of Harvard, and Boris Bittker, of Yale. I think my colleagues will agree that their letter is persuasive and that little doubt exists that this amendment is both reasonable and constitutional:

Hon. Robert F. Kennedy, U.S. Senate, Washington, D.C.

Paul A. Freund: I am glad to respond to your request for an opinion on the constitutionality of a provision that would assure the right to vote, so far as literacy is concerned, to persons who have completed at least six grades of education in an American-flag school. The purpose of such provision is, as I understand, to put graduates of Puerto Rican schools on the same footing as graduates of English-language schools with respect to eligibility for the suffrage. I think those having their voting age, I would be within the power of the Congress under the enforcement clauses of the 14th and 15th amendments.

The authority of the States to require literacy as a condition of voting is not in question. What is involved is the question whether a literacy requirement is produced when literacy in English is required over literacy in Spanish for citizens who can derive their knowledge of public issues and public candidates through the printed media in the Spanish language and through broadcasts and telecasts in that language. I therefore have some relation to its purpose in the context of voting; and if that purpose does not necessitate proficiency in written English, given the linguistic environment of a class of citizens, the requirement of training in written English may be deemed an unreasonable classification of citizens.

The authority of the Congress in the field of voting qualifications does not rest solely on the 15th amendment. It would be agreed, I think, that the courts were to deny the franchise to Catholics or to a group of Protestants, the classification could be struck down by Congress or the courts under the 15th amendment's equal protection of the laws. The courts do not have sole responsibility in this area. Just as Congress may grant the franchise under the commerce clause in prohibiting certain forms of taxation of Federal instrumentalities, whether or not the courts have done so of their own accord, so in implementing the 14th and 15th amendments Congress may legislate through a declaration that certain forms of classification are unreasonable for purposes of the voting franchise.

Sincerely yours,

Paul A. Freund.


Senator Robert Kennedy, Senate Office Building, Washington, D.C.

[The question is] the propriety of a congressional requirement that States employing a literacy test in registering voters must provide for registration of non-English speakers. Since the United States officially sponsors the study and use of Spanish in Puerto Rico, I have concluded that this is the kind of provision that Puerto Ricans should be able to take a voter literacy test in Spanish.
Among the possibilities under consideration may be a statute qualifying literate citizens who do not speak English to vote in Federal elections. I should suppose that such a statute might find its justification in the congressional power to enforce the equal protection clause but in its enforcement could not be extended to U.S. citizens. I myself would see no constitutional reason to deny the Congress to confer voting rights in State elections on those who believe that constitutional barriers to such drastic legislation exist, would not find it easy, I think, to deny the Congress the power to establish uniform participation in Federal and State elections.

I am afraid that these reflections may be of small use to you. I tend to think, however, that the broader basis of principle that I have outlined in the enclosed letter may usefully amplify this brief comment.

Very sincerely yours,

MARK DEW HOWE

Mr. GILBERT. I yield to the gentleman.

Mr. GILBERT. Mr. Chairman, as debate opened on H.R. 6400 on Tuesday, the distinguished chairman of the Committee on the Judiciary (Mr. Celler) assured me he would accept this very important amendment.

The amendment before us is an essential part of any voting rights bill. It will enfranchise many citizens of Puerto Rican origin, educated in Puerto Rico where the classes are conducted in Spanish. The New York State English language literacy test is a real barrier to voting. Only by showing proof of an eighth-grade education in a school conducted in English can a prospective voter escape this test.

As a result of this requirement, hundreds of Spanish-speaking Americans are unable to register. When he introduced the same amendment in the other body, which overwhelmingly adopted it, Senator Mitchell of New York estimated that of the almost 480,000 Puerto Ricans of voting age in New York, only 150,000 are registered to vote. Of course, I do not say that all the remaining 330,000 would register were we to pass this amendment, but there can be little doubt that a very substantial number would.

The amendment is simple. It provides that anyone who has completed the sixth grade or another grade level if the State so determines—in any public or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico, will not be denied the right to vote because of an inability to read, write or understand English language.

We must remember that the New Yorker of Puerto Rican origin has every opportunity to be as well-informed a voter as his neighbors. He reads the fine Spanish-language press. There are Spanish-language programs on both television and radio. And the many Spanish-language periodicals. The fine Spanish-language schools in Puerto Rico teach civics and American history.

The Commonwealth of Puerto Rico is a showplace for all Latin America. Its cultural autonomy, including school instruction in Spanish, serves as a bridge between the States of Latin America.

Individuals born in Puerto Rico are citizens of the United States; we encourage migration between the island and the mainland. It is unjust to erect barriers to such a migration.

The English-language literacy test is an arbitrary violation of the 14th and 15th amendments. The 14th amendment provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws." There is no question but that in New York thousands of American citizens have been denied this equal protection of the laws.

Mr. Chairman, it is time for the Congress to put an end to this arbitrary standard. It is time for the Congress to end this blatant form of voting discrimination in New York City. I have fought consistently against the literacy test, and I am delighted that we are taking this step which will enfranchise so many American citizens.

Mr. ROONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. I yield to the gentleman.

Mr. ROONEY of New York. Mr. Chairman, I thank the distinguished gentleman from New York (Mr. GILBERT) for yielding at this point and rise in support of his amendment. I also wish to commend him for having offered this provision, the passage of which is very important insofar as many citizens of the Congressional district in Brooklyn are concerned.

In our efforts here this week to be of assistance to our Negro citizens in guaranteeing their right to vote, this House should also take the necessary steps to correct the disenfranchisement of many foreign language speaking citizens now brought about by the English literacy test, such as is required in the State of New York. Mr. Chairman, I urge that if many constituents of the 14th Congressional District of New York, which I have the honor to represent, from voting, not because they are not informed on political issues and candidates, but simply because they are educated and brought up in families where the language taught and spoken was other than English. As the result of this requirement thousands of American citizens of Puerto Rican origin in New York do not presently register to vote. But they are American citizens and entitled to vote the same as every other citizen.

Mr. Chairman, I trust the amendment of Mr. GILBERT (Mr. GILBERT) will be adopted as it was by the other body, and by an overwhelming vote. I again thank the gentleman for yielding to me.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. I yield to the gentleman.

Mr. THOMPSON of New Jersey. Mr. Chairman, I support very enthusiastically the gentleman's amendment. I am extremely appreciative to the gentleman for offering this amendment. I have had considerable experience in the area of registration and disenfranchisement because of the so-called language
Mr. GILBERT. I thank the distinguished gentleman from New Jersey.

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

Mr. GILBERT. I yield to the distinguished gentleman from New Jersey.

Mr. KREBS. Mr. Chairman, I wish to go on record as supporting this amendment that would in effect say, "No American citizen can have the right to vote denied by virtue of a non-English-speaking background." The non-English-speaking constituents of my district in New Jersey have always been an important segment of our community. And I proudly vote to support this amendment that will assure that nowhere in this Nation will anyone's vote be negated because of language. This protection would apply to the Spanish-speaking in the cities of the Northeast that have a very significant Spanish-speaking population.

Mr. GILBERT. I yield to the gentle

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

Mr. GILBERT. I yield to the gentleman from California.

Mr. FINO. I want to thank the gentleman from New York, my good and dear friend, for yielding to me at this time. The gentleman from New York is a very distinguished lawyer and certainly is capable of handling himself on the floor of the House in debate. I would like to ask the gentleman this question. Does he realize that under his amendment, if it is adopted, a person who is illiterate in English, and this is what it will do—will be qualified to vote? It will permit persons who are illiterate in English to qualify to vote. Does he realize that such a person who is illiterate in English in New York would be able to qualify as a juror. Is the gentleman prepared to try legal cases in the courts of New York with a jury composed of persons illiterate in the English language?

Mr. GILBERT. As my distinguished colleague from New York certainly knows, this amendment refers to a qualification for voting. Such a person certainly could not understand English so far as serving on a jury in a court in the State of New York.

Mr. FINO. The gentleman fully realizes that in most of our State elections and city elections, we have propositions and constitutional amendments that come before the voters. Is the gentleman saying to this body that in offering such amendments and propositions that we are to have them written in English or in Spanish or is he suggesting that we have Spanish interpreters at every polling place?

Mr. GILBERT. My colleague is asking a question. The question appearing on the voting machines and I would say to the gentleman the same principle would apply whether it has to do with propositions or whether it is voting for individuals for a particular office. The Puerto Rican community particularly, which this bill is aimed at, is very conversant so far as the political sciences are concerned. These people are quite adept. They have gone to school, they are qualified and they are qualified to participate in all affairs of government.

Mr. FINO. The gentleman is not answering my question.

Mr. GILBERT. As I am answering the gentleman's question. There are a sufficient number of newspapers printed in Spanish in the city of New York as well as television and radio stations within the city of New York which certainly inform these people all the knowledge that is necessary on the propositions or any other matter that the voters have to vote upon.

Mr. FINO. The gentleman has not answered my question. These propositions and amendments will be printed in English on the machines. Now how are these people to know what part of the machine contains these constitutional propositions or amendments and what lever to move and what button to press?

Mr. GILBERT. As the gentleman well knows, under the amendment Puerto Ricans who are illiterate in English are to be given the privilege of voting, yet Jews, Italians, Germans, Poles, and all other ethnic groups who are naturalized American citizens could not vote even though they had shown some knowledge of English when applying for naturalization papers.

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

Mr. LINDSAY. Mr. Chairman, I wish to yield to the distinguished gentleman from New York.

Mr. GILBERT. I yield to the distinguished gentleman from New York.

Mr. LINDSAY. Mr. Chairman, I support the amendment of the gentleman from New York.

I believe in the broadest possible franchise. It seems to me that when more people take part in the democratic process, democracy is strengthened, not weakened. While it is true that the political dialogue in this country is predominantly in English, in certain areas where there are larger concentrations of people speaking other languages it also takes place in those languages. The facts and issues upon which voting decisions are made are discussed in those languages as well. The large number of Spanish-speaking Americans in New York, for example, have three excellent Spanish language newspapers—which is two more newspapers than many American cities have. There are also a number of Spanish language radio stations. And many members of this non-English electorate, I can see no reason why this amendment should not carry.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. I yield to the distinguished gentleman from California.

Mr. BURTON of California. I would like to commend the gentleman from New York for proposing this very thoughtful and useful addition to the pending bill. I fully support it and commend it to my colleagues.

Mr. GILBERT. I thank the gentleman from California.
In Mississippi, the increase in the number of Negroes registered to vote is even more discouraging. In 1964, about 4.4 percent of the eligible Negroes in this State were registered; today the figure is estimated at 6.4 percent. Approximately 80.5 percent of the eligible whites are registered.

In Louisiana, the Attorney General testified, Negro registration has shown no discernable increase. Thirty-one years ago, the figure had increased by one-tenth of 1 percent to 31.8 percent. The percentage of eligible whites registered is 80.5 percent.

In light of these shocking statistics, the Attorney General's conclusion appears inescapable. Our legislative efforts in 1957, 1960, and 1964 have had only minimal effect. They have been too slow.

Mr. Chairman, these figures offer incontrovertible support for the administration voting rights proposal as reinforced by the Judiciary Committee. I strongly support this legislation, and urge its prompt passage. But I also believe it can be improved. For this reason, I urge adoption of an amendment similar to the one overwhelmingly approved by the Senate on May 20 providing that those citizens educated in American-flag schools in which the predominant classroom language was other than English shall not be denied the right to vote because of an inability to read, write, interpret, or understand any matter in the English language.

This amendment, while applicable in all States, would cure the present disenfranchisement of Puerto Ricans in my own State because they cannot read or write English. That the New York literacy requirement is responsible for wholesale disenfranchisement of Puerto Ricans is evidenced by the low electoral participation of the principal group. In all, there are 730,000 Puerto Ricans living in New York City. Although 430,000 are of voting age, less than one-third of these, or only 150,000, are registered to vote.

Under New York law, a person desiring to vote may either take the literacy test or prove his literacy by showing an eighth grade education in a school conducted in English. This requirement, whatever its origins, is an unreasonable qualification for the three-quarter million Puerto Ricans who have come to our shores in recent years. It hampers, discourages, and frustrates the full and equal participation of these good citizens in the mainstream of American political life.

A great many of these citizens of Puerto Rican origin received their education in Commonwealth schools where the principal language used is Spanish. This practice is authorized and sanctioned by the Federal Government. We could, if we so desired, provide for the bilingual education of our children, a policy not only necessary and unreasonable by the existence in New York of many and varied avenues of information which keep Puerto Ricans informed on public affairs in the Spanish language. New York has no less than three Spanish language newspapers and a radio station, providing abundant information on public issues.

Mr. Chairman, no purpose is served by requiring proficiency in English as a precedent to registration where citizens are otherwise literate and have every necessary means to inform themselves sufficiently on current political issues to vote intelligently.

I submit that in the existing context, the English requirement operates as an unreasonable classification of our citizens. In testimony before the committee, the Attorney General stated as much. He said:

I think that the use of the English language as a prerequisite to registration with respect to Puerto Ricans serves to disenfranchise a great number of intelligent and able people. I think that the gentleman is aware that I have never understood why the State of New York had it and why they didn't do something about getting rid of it. I would think that if this Congress wanted to get rid of that provision, it would be possible to do so. I think that if it did so, it should base that provision on some other real problem of due process, and I think that this Congress has the power to do it.

I think it is sounder constitutionally to put that problem on a 14th amendment basis.

Mr. Chairman, I would have preferred that New York deal fairly and effectively with this matter. Since it has not, I think that Congress should. Therefore strongly urge that this bill be changed to safeguard the voting rights of Spanish-speaking Americans. In this way, the bill would do equally in the various States it has been designed to do soley in the South.

The time has come to close the chapter of American history entitled "Voting Rights for All Americans." We can discharge this responsibility completely by insuring that the right to vote is fully shared by all Americans. We can insure this result by amending the pending bill to place American-flag education—regardless of language differences—on a level of equality with education within the United States itself, and thus giving the priceless privilege of the vote equally to all American citizens.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. ROONEY. I am asking the gentleman if this may be construed as New York's amendment?

Mr. GROSS. Not at this point. I will yield to the gentleman later.

I am wondering whether the omnipotent Judiciary Committee gave any consideration to the pending amendment in committee. The majority on the committee has turned down every other amendment which has been offered up to this point, so far as I know, but on this amendment, dealing with New York, the gentleman from New York [Mr. Celler] yields with the greatest of reluctance and out of deference to the gentleman from Iowa [Mr. ROONEY].

What has happened? Was this amendment not considered in the Judiciary Committee when the bill was under consideration?

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman from Iowa yield?

Mr. GROSS. I would think that the distinguished gentleman from Iowa yield?
Mr. GROSS. I will get to the gentleman from New York (Mr. ROONEY) in a minute. If I can get an answer from the gentleman from New York (Mr. CELLEN), Mr. CELLER. Of course, the gentleman from Iowa knows that the Judiciary Committee is not going to make any recommendations relative to any judgments for right and transient reasons. We did consider the Puerto Rican amendment. We had voluminous testimony on it, and no action was taken in the Judiciary Committee.

A Member has a perfect right to offer an amendment concerning this situation. An amendment has been offered. Mr. GROSS. Did the chairman of the committee support this amendment when it was offered in the committee? Mr. CELLER. I certainly do support it.

Mr. GROSS. Did you support it in committee?

Mr. CELLER. The matter was not offered in the committee. Does that satisfy the gentleman?

Mr. GROSS. No. Was it offered in 1964?

Mr. CELLER. Is the gentleman disappointed with that answer?

Mr. GROSS. Yes; I am. Was it offered in 1964?

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman from Iowa now please yield?

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

Mr. ROONEY of New York. Does not the gentleman realize that this amendment was contained in the voting rights bill as passed by the other body and, furthermore, that this very amendment was a substantial part of the McCulloch substitute, which was voted upon and defeated here this afternoon?

Mr. GROSS. I say to the gentleman, first, that the gentleman from Iowa is not always as enamored of the work of the other body as apparently the gentleman is. I am concerned primarily about what the Senate put in its bill. I am concerned with the bill we have before us today.

Mr. ROONEY of New York. But the gentleman voted in Iowa against the same provision here awhile ago on the teller vote on the McCulloch substitute.

Mr. GROSS. Yes, I voted for the McCulloch substitute, but the pending amendment was not included in the substitute.

Apparently the gentleman from New York (Mr. CELLEN) is now ready to yield on all amendments that come before the committee. It will be interesting to watch developments from here out this afternoon, whether other special privilege amendments are as readily accepted.

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

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

Mr. CELLER. The matter is quite simple. This provision is contained in the so-called Mansfield-Dirksen proposal. It is contained in the McCulloch-Ford proposal. I do not know what more the gentleman wishes. It has now been offered, and it should be accepted. It is a bipartisan proposition.
English literacy requirement in New York makes no distinction between Jews, Italians, Germans, Poles, Chinese or Puerto Ricans. The standard in New York State is fair—it is reasonable and it is uniform. It simply states that you must be literate in English and if you are you can vote.

This proposed amendment is more than unfair—it is blatantly discriminatory. It is the type of self-serving discrimination so often and so loudly urged by those who make the most noise about other varieties of discrimination.

This amendment is clearly and definitely anti-Yiddish, anti-Italian, anti-Greek, anti-German, and so forth right on down the line. It is, in my opinion, the most discriminatory proposal ever offered in this House in my 13 years as a Member.

This amendment discriminates in favor of Spanish-speaking citizens who are illiterate in English and against all other citizens who are illiterate in English.

Why single out Puerto Ricans? What about Jews, Italians, Germans and other ethnic groups who are naturalized citizens but still cannot pass an English literacy requirement? They are entitled to vote because as a condition of their naturalization they demonstrated some familiarity with both the English language and the obligations of citizenship. They have also demonstrated their positive choice of this Nation as their homeland.

There is a good reason for the New York State English literacy requirement. It is difficult for anyone not literate in English to vote intelligently on the many important political issues that come before the people in the State. As a matter of fact, our highest court, the State court of appeals as recently as May 27 of this year upheld our State English language literacy requirement.

I have said that this amendment represents pure political opportunism. I also think that it represents pure political and social hypocrisy. I do not have to tell anyone here that the Puerto Ricans to be affected by this amendment—approximately 600,000—are illiterate in English—live in the poorest depressed sections of the New York metropolitan area. Many of them are persons who have long clustered together in ethnic ghettos. The English language is the vehicle of their potential cultural and economic assimilation into full New York life. Other immigrant groups have profitably had to learn English to walk the tenement trail out of the slums. The English has been a vehicle of ethnic progress in New York. Past generations of Jews, Italians, Irish, Germans and others have shed the speech of the old country in favor of the speech of the new world. English has truly been a ladder to Americanism, an incentive to assimilation and a beacon light to the path leading out of the slums to the tree-lined streets beyond.

I strongly believe it would be socially self-defeating to undermine the cultural position of the English language in New York. It is the type of self-serving amendment of the most insidious kind. It is a ladder to equality, and climbing it teaches us an unmatchable lesson in citizenship.

We hear much these days of making things up to socially deprived groups. We are urged to support all kinds of programs to aid those who society has supposedly until recently ignored. I support these programs, but I insist that they have interwoven among them the serious fabric and the incalculable potential of the process of linguistic assimilation which has characterized the long, hard-won success story of our many immigrant groups whose sons sit by the scores, by the hundreds in this House today.

It will be said that the Spanish-speaking poor in New York will profit from their increased political strength, I gather. I think they overlook the obvious political leaders who will profit. This is the group that has profited from easily led, semiliterate voting blocs in the past. New York does not need this. It is not true social progress.

I urge the deletion of Section 1 as it stands. If English is the vehicle of their potential cultural and economic assimilation, it is fair—it is reasonable and it is an incentive of this Nation as their homeland.

There is no discrimination, no abridgment of "privileges or immunities of citizens" in keeping people who are illiterate in English from voting. This literacy requirement makes good sense and the amendment before us should be defeated.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

Mr. CHAFFMAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. MURTAZA].

Mr. MULTER. Mr. Chairman, the distinguished gentleman from New York [Mr. FINO] apparently either ignores the language or failed to read the amendment as offered. There is nothing in it that will discriminate against anyone who is literate in a language other than English. It merely protects those attending American schools which teach a language other than the English language. It refers only to schools in the United States and the District of Columbia and the Commonwealth of Puerto Rico which, of course, is part of the United States.

I also overheard the fact that another amendment was contained in the language of the State of New York or any other State as to an 8-year requirement instead of a 6-year requirement will be affected. They are all excepted by the very language of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, we are nearing the end of our discussion on what certainly ranks with the most significant legislation of 1965. What is before us is a bill to amend with respect to the constitutional rights of our citizens. Throughout the debate, which has at times been quite heated, we have been faced with the most controversial issues of our time. I have been struck by the singularly high plane of our discussion.

We have debated for the most part between two versions of a proposal which seek to accomplish virtually the same goal—enhancement and implementation of voting rights for every citizen of the United States regardless of race. The arguments against the principle embodied in both these bills have lacked the fury conviction and reckless stubbornness of former debates over other types of civil rights legislation. And I suggest that the remarkable tenor of our debate may very likely be the single most significant accomplishment of this proposal which shows us that we are nearing the threshold of a solution to the problem that has defied the best statesmen of this Nation for more than 100 years.

Like others in this body, I introduced a proposal of my own on voting rights earlier in the session. I introduced H.R. 4549 on February 8. My bill included many of the provisions—or similar provisions—which are contained in both the so-called administration bill, H.R. 6400, and the Ford-McCulloch Republican substitute, H.R. 7096.

I have been able, as we all have, to find strengths and weaknesses in both bills. Just as there are similar provisions in both bills to my own bill, there are also conflicting provisions. However, on the balance I must concede that the committee bill, H.R. 6400, is the better bill and I intend to vote for it.

The principal differences which, in my opinion, make the committee bill better, involve the poll tax abolition, the so-called trigger clause, and the presumption of invalidity introduced in that bill.

While it may seem a more reasonable sort of trigger mechanism whereby the provisions of the act would be invoked if 25 persons complained of a loss or denial of voting privileges, it overlooks one significant aspect of the problem of ballot and demonstrated fact of intimidation. Voting rights could be denied to a thousand Negroes—as, indeed, they have been in many southern communities—but if these Negroes are threatened and intimidated again, as they have been according to the record of the Judiciary Committee hearings—you can never come up with the requisite number of complaints.

It is far more realistic, far more efficient, far more effective to have the automatic trigger mechanisms proposed in the committee bill, whereby Federal examiners will move into areas that have just been cleared. That is the kind of thing that is needed, and it is the kind of thing that I believe will lead to a resolution of the problem in areas where the Attorney General can show evidence of discriminatory practices.

A presumption of literacy based on completion of six grades of elementary
school education is also unrealistic. The simple fact is that few of the Negroes in the South have the simple fact is that few of the Negroes have had the school education is also unrealistic. The simple fact is that few of the Negroes in the South have had the...
In 1763, when Gov. Francis Bernard was in office, he used the word, "freeholders" when the meant "qualified voters" - a term that was used at the time. There were other requirements, literacy, and so forth, for a freeholder. A freeholder was a voter, ipso facto (Mass. Acts and Resolves IV, 625-629, Apr. 30, 1763).

In this same sidelight appears as of this date. There was a disputed province election in Stockbridge in western Massachusetts. The contest was between the Indians and white voters for the control of the local political machinery. The Indians lost their appeal by a vote of 32 to 29. The Indians charged improper voting by unqualified whites. A committee of the general court went to Stockbridge and decided that the whites had won but recommended that the whites and Indians vote separately in the future. Probably the first real segregation test in America. So, the poor Indian lost out. However, it should be pointed out that in colonial Massachusetts the Indians had definite election rights as individuals, while the U.S. Constitution, article 14, section 2, still provides:

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. The Right to Vote in Colonial Massachusetts

In the colonial period of Massachusetts, just prior to the American Revolution in 1775 and the adoption of the Massachusetts constitution in 1780, there were three branches of government, the crown of England to be Governor of the Province of the Massachusetts Bay. They were Gov. William Shirley who served from 1741 to 1749 and again from 1753 to 1756; Gov. Francis Bernard whose terms ran from 1760 to 1769; and Gov. Thomas Hutchinson appointed in 1769 and served until May 17, 1774, when the last English Governor of the Massachusetts Bay Colony appeared in the person of Gov. Thomas Gage.

Probably the very best way to interpret the feeling of the Massachusetts colonists of their resentment against British rule and their own personal desire to rule themselves by their own right to vote. The New England Quarterly in September of 1952 made such an interpretation. It stated:

In addition to using statistics for determining colonial democracy, we can find out what the people themselves thought about the time. Men are often motivated by what they desire to be true, not necessarily what is true. "(1) Did colonialists believe that most of the people could vote, and (2) did the political machine operate in their interests once they had obtained political control in the hands of a colonial aristocracy? We would be just as mistaken about that period as about ours if we assumed that the actual vote represented the potential vote. As Thomas Paine said, a man who fails to vote can blame only himself for the consequence. Actually, as Boston records show, the people turned out when they thought there was an issue and stayed at home when there was none. Only 600 of the 6,000 votes cast in Boston in 1729, but when paper money became the issue in 1732, the vote jumped to 655. From 384 in 1761, the vote went to 1,060 in 1767 after Samuel Adams' campaign. The fact that the ad Ất was at stake in 1772, 728 voted, but only 372 bothered to ballot in 1776. Governor Shirley's View

From the following evidence, Governor Shirley obviously was profoundly convinced that the democratic principle was particularly democratic. British efforts to impress scene in Boston brought on a riot which the militia, sympathizing with the rioters, refused to suppress. The Governor blamed the democratic constitution of Boston, for he said that any 10 persons could set up a town meeting, regardless of the inhabitants, by their constant attendance, were generally the majority and voted the gentlemen, merchants, traders, and better part of the town.

Undoubtedly Shirley's experience with Boston democracy influenced the advice he gave the British on ways to check democracy in a proposed new government for Nova Scotia. He recommended triennial instead of annual elections because he said the representatives curried the voters' favor by opposing the Governor, especially just before an election. He also advocated limitations on the right of assembly. Just prior to the American Revolution in 1770, the King's Council was abolished in Boston, all points were carried in the mobbish factious spirit of the populace. With experience having demonstrated the pernicious influence of Boston on other towns, Hutchinson and his successor were con­ cluded, for in Boston, all points were carried "by the mobbish factious spirit of the populace" in their town meetings. There was a governing merchant aristocracy in Boston, Shirley was not aware of it.

Poplar opinion also prevented Gov. William Shirley from voting him a fixed salary instead of an annual grant. He told the Lords of Trade that the people generally had such a strong aversion to the council and any representatives who favored it dared not support it, for they were elected annually and were extremely dependent on their constituents. So democracy operated in economic as well as political spheres.

Governor Bernard's Viewpoint

By 1766, Governor Bernard, declaring that the issue was how subjection to Great Britain, said "The council to be elected annually by the people's representatives, for this made the council much too popular to serve as mediator between Crown and people. Councilors were greatly influenced by the desire to be reelected—a fact well known to everyone—and consequently it "annoyed the inhabitants" that councilors should be publicly threatened with defeat for what they had done in the council. Hence the council in this very essence of democratic government operated in the hands of people of small fortunes and mean privileges, how detrimental soever the same may be to Great Britain, or to Your Majesty's royal prerogative."

Governor Hutchinson's Opinions

In 1767, Hutchinson summarized his view of the whole question of representation: "Every town is of course a distinct corporation with powers of making bylaws, raising money, and doing anything within the power of the state and as often as they please. All matters are determined by the majority of voices and although the province law provides that a man who fails to vote can blame himself for the consequence. Actually, as Boston records show, the people turned out when they thought there was an issue and stayed at home when there was none. Only 600 of the 6,000 votes cast in Boston in 1729, but when paper money became the issue in 1732, the vote jumped to 655. From 384 in 1761, the vote went to 1,060 in 1767 after Samuel Adams' campaign. The fact that the ad Ất was at stake in 1772, 728 voted, but only 372 bothered to ballot in 1776. Governor Shirley's View

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declared that the disturbances had brought "many into the house, but the council the lower orders of people," and he expressed the hope that the next election would return a better house. As things stood, he said, "government is not supported, and they will not attend when they are most wanted." He urged these supporters to attempt to attune the population to the legislative wishes, and hoped that the "good" towns would send two delegates. "But," he warned his correspondent, "remember you don't live in the community, as it were, but in the shade of Romulus." "Can anything be more absurd," he asked of former Gov. Thomas Pownall, "than accumulators of money, in a sort of people, to declare that all power is to be exercised for the good of the people and they are to judge when it is so exercised and submit or not submit accordingly?" There seems to have been little doubt in Hutchinson's mind that without the check of the British Government, democracy would have reigned supreme in Massachusetts, and that it was doing pretty well anyway.

As far as the original examples will suffice to show that whatever present day historians may think about early Massachusetts, men at the time thought it very much different. The statement by Benjamin Franklin that in New England every man was a freeholder and had a vote in public affairs. There is also the story of a letter of a resident of the Revolution: "Young man, what we meant in going for those redcoats, was this: we always had governed ourselves and we always meant to.

If there be those who still think colonial Massachusetts was undemocratic and governed by a merchant aristocracy, let them read the following letter which Hutchinson sent to Hillsborough. He said he was sending a copy of the Boston Gazette containing the proclamation and instructions to its representatives. These were criminal, he declared, but were looked upon as a matter of course, "the meetings of that town being constituted of the lowest class of the people under the influence of a few of a higher class but of intemperate and furious dispositions and desperate fortunes. Men of property and of the best character have deserted these meetings where they are supposed to rule. By the Commonwealth 40 pounds sterling—which they say may be in cloaths household furniture or any sort of property is a qualification and even that the people pay over any inquiry and anything with the appearance of a man is admitted without scrutiny.

The question could one ask in the name of democracy?

As far as Massachusetts is concerned, colonial society and the American Revolution must be interpreted in terms of some thing very close to a complete democracy with the exception of British restraints. There were doubtless a few men who could not vote and who had not been brought to the bar. Obviously the common man had come into his own in Massachusetts long before the time of the Revolution.

NOW COMES THE REVOLUTION

The Boston Tea Party, the Boston massacre, the Battle of Lexington and Concord, the Battle of Bunker Hill, and the evacuation of the British troops from Dorchester Heights on March 17, 1776, all bring to mind the main objectives of the Revolution and the formal breaking of political ties with England. Success crowned the American efforts to achieve the objectives of the American Declaration of Independence. It was proclaimed July 4, 1776, which stated:

That they (men) are endowed by their Creator with certain inalienable rights, that among them are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

With the surrender of the British under General Cornwallis at Yorktown, peace came to the American Colonists. The Commonwealth of Massachusetts immediately drew up its constitution.

Today the Massachusetts constitution of 1780 is the oldest written constitution in effect in this hemisphere, and perhaps the most admirable for three good reasons. A man of genius, John Adams, made the first draft. It is based four-square on the doctrine of natural rights, and demonstrates this by putting its "Declaration of Rights" in front of the organizational chapters of its "Frame of Government." Most important, it is based on a faith in democracy.

Our constitution has been a model for others. Its drafter, John Adams, said as much truth: "I made a constitution for Massachusetts which finally made the Constitution of the United States," as will be seen by comparing our constitution with its 7 years younger sis­ ter, the Massachusetts of 1776. Our declaration of rights is a model for the Federal Bill of Rights, the first 10 amendments, which were added at the express suggestion of the Massachusetts Constitution of 1788, the first official suggestion to come from one of the States. The words of article XXX of our declaration of rights are consid­ ered the embodiment of the American doctrine of the separation of the powers. Indeed, a president of the American Historical Association, Andrew J. McLaugh­ lin, in 1914 stated that the formation of the Massachusetts Constitution was the most significant single event of the American Revolution. He said: "Next to the Revolution itself, the problem of how men could make a government of their own free will."

THE COMING OF THE UNITED STATES CONSTITUTION

When the American Colonies declared their independence from England, in 1776, they represented a truly rural and agricultural Nation. Three percent of the colonists lived in nonrural communi­ ties. There were not more than 24 incorporated municipalities in all the Thirteen Original States.

The radicals of the day dominated the Nation's politics during the writing of the Articles of Confederation and the Declaration of Independence (both 1776). They saw to it that they were adopted by "delegates of the States" and that the States severally entered "into a firm league of friendship with each other. Each State retained its "sov­ ereignty, freedom, and independence." The radicals feared and hated strong government—they were fully convinced that the unwise and arrogant policies of the British Government was the primary cause of the Revolution itself. As fighting had ceased, conservative businessmen of the North and planters of the South were still trying to devise some sort of con­ stitutional reform that would meet the needs of the Colonies and make the Federal Government of some concern.

In 1787, the Constitutional Convention met in Philadelphia. It was domi­ nated by the Nationalists or Fed­ eralists of that day. They demanded a strengthened central government. That is what the new U.S. Constitution went into effect in 1787.

U.S. CONSTITUTION

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do establish this Constitution for the United States of America.

The fighting preamble to the new U.S. Constitution satisfied only partially the electorate of the United States. It pre­ saged a long political battle on States rights, slavery, the delega­ tion of States rights, the 14th amendment on citizenship and congressional apportionment, the 15th amendment on the right to vote which is the big politi­ cal event of 1960's.

The Federalists were in control of the Presidency from 1787 until 1801 when Thomas Jefferson became President. The House of Congress and the State governments remained in the hands of Decentralists, opposed to Federalism, then as first known as Anti-Federalists, then as Republicans, later as Democratic-Re­ publicans, and finally by the 1820's as Democrats.

The Federalists were a class party of commerce, industry, and plantations. Thomas Jefferson made his appeal to the great mass of mechanics, shopkeepers, small farmers, skilled tradesmen, and other workers. He gradually melded them into a party of the common people, a political development that was to reach its complete fruition, three decades later in the age of Andrew Jackson.

GOVERNMENTAL TRENDS

The State legislatures which had championed the Colonists against the royal governors representing the British Crown have become the Federal agencies in government. The governors, on the other hand, had to bear the burden of the unfavorable image of the executive created when their prerevolutionary counterparts sided against the resident population. The legislature chose the other State officials, including the governor, who was limited to 1-year terms, had no veto power except in Massachusetts, and could not succeed himself. It also se­ lected the judiciary.

In the cities, same pattern—the coun­ cil possessed virtually all authority. It was headed by the mayor, who had no veto power and practically no executive power. The mayors' council and was a ceremonial mayor only.

Almost all of the new States omitted property qualifications for suffrage from their constitutions. In the 1820's and 1830's, the older States dropped their property qualifications re­quirements that might otherwise have had important connotations for the expanding urban proletariat.
The American Negro has been a formidable part of the American scene for more than 200 years. He was brought here as a slave. His forbearance to the southern plantations was but a part of the American scene for. 

John Marshall, Chief Justice of the United States from 1801 to 1835.

Marbury v. Madison, 1 Cranch 137 (1803) must be acknowledged as the most fundamental, for here was established, once and for all so far as American history was concerned, the right of the Federal courts to pass on the validity of congressional legislation. This power of judicial review was the foundation on which all the remainder of the Marshall court's constitutional doctrine rested.

But once this power was established, it became evident that the principle that the Federal Government could exercise not only those functions specifically authorized by the Constitution but those implicitly suggested by the language of that document as well. It has seldom since been forgotten by the Court that, as Marshall put it, "It is a Constitution we are expounding."

McClung v. Maryland, 4 Wheat. 316, 407 (1818). The McClung case, supra, was a momentous decision. The U.S. Supreme Court ruled that Maryland—hence any other State—could not charter nor tax a Federal bank. The doctrine from this decision. State laws which stood in the way of Federal jurisdiction were null and void.

The inability of the American people to solve the question of slavery, led inevitably to the Civil War. At the end of the war, the 14th amendment was added to the U.S. Constitution on July 23, 1868.

Section 2 of the amendment provided: "Representatives of each State in the House shall be in proportion to the number of persons in each State, excluding Indians not taxed, and specifically provided for the reduction of representation of any State that deprives any male inhabitant from voting—unless convicted of rebellion or other crime."

The final clincher for federalism came in the decision in the case of Texas against White in 1889 which stated that the "inevitable political intractable Union of Intractable States."

Then came the adoption of the 15th amendment to our U.S. Constitution which is called the right to vote amendment. This was adopted on March 20, 1870. It provided:

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

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

This amendment is practically a substitute for section 2 of article 14 adopted in 1866. The Federal tide was running strongly and very little resistance was offered to it. For example, in 1897, a law was passed in Texas to ban Negroes from voting. No great stir against this kind of legislation arose in Texas but on appeal to the U.S. Supreme Court, the Court threw it out.

Nixon v. Herndon, U.S. Supreme Court, 1927. The 1929 financial crash followed by 10 to 15 years of depression and disturbing financial conditions produced a deadlock on social legislation.
sible number of registered voters in the history of the United States of America.

I do hope that the voting rights bill will pass, for these salient things:

First. Universal suffrage based on a 6 months’ requirement of residence.

Second. Registration to be made available to all eligibles at all registration places during business hours, except for periods of 20 days before primaries and elections in order to provide adequate time to prepare voting lists by the election officials.

Third. Officials in charge of registration shall provide, without charge, lists of all registered voters in their area to all duly organized political committees and all political candidates upon their request for same.

In Massachusetts, we have been drafting, filing, speaking in behalf of, and putting under general law the Work of registration in every ward of every city before each election following the pattern of precedent registration in all towns.

VOTING LIST DIFFICULTIES

There was no uniformity or coordination in the preparation and arrangement of the voting lists. The pattern of preparation for the police or street lists in the cities and towns, many times was the exact reverse to the makeup of their voting lists. For example, street lists might be alphabetically arranged while the voting lists appeared by streets. Oftentimes a punitive charge by the city or town clerk was slow down the registration process, and the names of registered voters on the street lists were not starred or noted by an asterisk.

Without street lists, there could be no concerted registration nationally.

BASIC REGISTRATION REQUIREMENT

Every person in Massachusetts who desires to register as a voter must, and in 1922, voting lists had to be procured for each ward and precinct in all the cities and towns.
Mr. CORMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. CRAMER. I yield to the gentleman from California.

Mr. CORMAN. I do not understand how comprehensive the coverage is to be. I wonder if the gentleman, in his remarks, will let us know whether this covers everyone who seeks to vote, or only to the entire Nation. If you want those people who are attempting to vote, and only to the entire Nation.

This amendment was adopted unanimously in the other body, by a vote of 86 to nothing. It is in language quite similar to the Williams amendment, which the other body adopted by a vote of 86 to nothing.

Mr. CEDERBERG. Is there any way to support this amendment, because you will not want those people who will be registered, if you want clean elections in America, if you want to vote out the elections throughout this country, support this amendment. It will apply universally in the entire Nation. If you want those people who will be registered, as minorities, to have their votes mean something, then you will support this amendment, because you will not want their votes "watered down" by the stealing of votes.

You can register all of the minorities you want, but if you turn around and permit other people to come in and register tombstones, to come in and provide false and fallacious and illegal absentee ballots, to come in and buy and procure votes, to come in and float voters from one voting precinct to another or from one county to another county, and you amend the legislation in such a way that it will not be comprehensively given, willfully and purposefully to affect an election result,—then you will just get much of a remedy to these people to whom we are attempting to give voting rights.

Mr. CEDERBERG. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

Mr. HAYS. Mr. Chairman, I object.

Mr. CEDERBERG. Mr. Chairman, I move this amendment.

Mr. Chairman, I take this time to call the attention of the House to another area that I believe has been neglected in regard to voting discrimination. In every election there is the one to vote for the citizens of the country who lose their right to vote because of moving from one location to another. If someone moves from my State of Michigan to another State, he may not be eligible to vote in a Federal election. In the last several Congresses I have introduced legislation which proposes an amendment to the Constitution to take care of this matter. I urge the chairman of the Committee on the Judiciary to take this up, and if this legislation is taken care of, what I want to ask the chairman is this question: Is an amendment to the Constitution necessary in this area in order to protect the rights of these citizens who lose their right to vote in a Federal election because of their moving from one State to another in view of the fact that we have just passed an amendment which I assume the chairman feels is constitutional giving the Spanish-speaking citizens the right to vote regardless of State laws requiring they be able to read and write English. As I understand it, in the State of New York, for example, there must be a sign in English, but in New York, but does not satisfy the State's requirements for voting in a Federal election or a State election—could it be, by other than an amendment to the Constitution, that the world be put on notice that we can amend the legislation we are considering today?

Mr. CESSLER. The residence requirement in New York has, however, not been found to deny equal protection of the law.

Mr. CEDERBERG. Is there any way we can amend this bill other than by going through the laborious process of amending the U.S. Constitution so as to give the people who move from the State in which they reside at the time that the election takes place in national or Federal elections?

Mr. CESSLER. We would probably have to go through the route of a constitutional amendment on that score.

Mr. CEDERBERG. I would urge the chairman of the committee to give serious consideration to a constitutional amendment in this area, because the statistics indicate that there are millions of people who are denied the right to vote in Federal elections because they have moved from one State to another.

Mr. CORMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I call attention of the committee to the fact that the committee bill does prohibit and punish willful falsification in subparagraph (d), page 28, of all elections. It covers anyone who seeks to be an election examiner. It is as comprehensive as this bill. The additional language is vague. It would probably lend itself to frustration of the voter registration efforts of the civil rights groups in the South. I suspect that is its purpose, and I urge its defeat.
Mr. McCLOURY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we have had a great deal of experience in the State of Illinois and particularly in the city of Chicago with regard to vote frauds. As the gentleman has indicated who offered this amendment, the gentleman from Florida (Mr. CRAMER), the results of the election in 1960 were very close and the final outcome was greatly affected, partly because of the close election in Illinois and because of vote frauds that occurred there. The situation which developed in Cook County was that an election contest proceeding was taken to the county court. The Democratic judge, Thaddeus Adesko, disqualified himself and it was necessary to go away down to the southern part of the State in order to find another judge who was a Democrat to substitute in that court.

There were 672 precincts, I believe, where there were discrepancies in the election. The discrepancies with regard to the final vote will reject the evidence of this judge who came in from outside of the county. The situation was very flagrant. It has been documented. As a matter of fact a Democratic special State's attorney was appointed to look into the situation for the purpose of prosecution. This special assistant State's attorney demonstrated in his report that the voting frauds there were deep rooted, that they were general throughout the area. Those very frauds are very sad commentary on election procedures in the State of Illinois and the city of Chicago.

Mr. Chairman, I would like to say this further. If this amendment will do something about that situation, and I believe it will, it would do great credit to this Congress and contribute substantially to this legislation that may be passed. I am hopeful that the Members on both sides of the aisle will support an amendment which proposes to produce cleaner and better and more honest elections and which vests greater enforcement authority in the Federal field with regard to State and local elections, just as we are trying today to assure voting rights to all Americans in such State and local elections.

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

Mr. McCLOURY. I yield to the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, I started to read just a few minutes ago, but was prevented from doing so because of objection to my proceeding for a few minutes ago by the gentleman from Florida (Mr. CRAMER). I think the statement made by the gentleman from Florida that this amendment is not needed is not correct. I think the amendment will be an important one. I think the Committee report, the minority views, the reason for this amendment is stated quite pointedly and unequivocally. The objective is to get the right of every American, and so forth, to be assured of a clean election. That means whether there has been an examiner appointed or not. That means all America. And there are not going to be any examiners, or very few, if any, appointed in any of the States where we have the so-called massive-resistance States, because that has been the experience.

Only the triggering device under that section 3(a) relates to these 43 States. It is a pattern or practice procedure. There have only been 70 of them filed in the last 4 years. There are not going to be hardly any examiners anywhere outside of the seven States. If this amendment is not adopted, there is not going to be any relief so far as fraudulent and false voting is concerned.

That is what the committee report says. The committee bill does not touch the question of ballot destruction or alteration for the districts in which an examiner has not been appointed nor does it address itself to the giving of false information to election officials for the purpose of establishing eligibility to register and vote. Only falsifications before examiners and hearing officers are prohibited.

Similarly, the vice of paying or accepting payment for voting is not even mentioned in the majority bill, in the committee-Celler bill.

So I say you can do all you want to do with regard to registering these people which this bill is supposed to correct, but you are going to turn around and let the voter come in and sit down and sign from them by these corrupt practices. If you think that way, then vote for this amendment.

Mr. KASTENMEIER. Mr. Chairman, I rise in opposition to the pending amendment.

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

Mr. KASTENMEIER. I yield to the gentleman from Illinois (Mr. Yarbs).

Mr. YATES. I thank the gentleman from Wisconsin.

Mr. Chairman, I want to respond to the remarks of the gentleman from Illinois (Mr. McClorey) respecting the election of 1960. President Truman, was once asked by a visitor whether the people where he came from said, "A hen lays or a hen lies." Without hesitation, Mr. Truman replied, "The people where I come from say either. They pick up the hen to see." What are the facts here, Mr. Chairman? The facts are that in 1960 holding office in the city of Chicago was a Republican, Tieken. Holding office in the city of Chicago at the same time was a Republican States attorney, Benjamin Adamowski.

The Republicans set up such a howl about vote frauds that each of these gentlemen conducted an investigation with the full power of their offices to dig up the facts. After investigating, each of the gentlemen came to this conclusion; namely, that there was no fraud.

The speech of the gentleman from Illinois, Mr. Chairman, is a typical sour grapes speech that Republican Representatives from downstate often make about the city of Chicago. They can only win elections on the basis of the issues, so they try to justify their losses on the basis of lies. But, Mr. Chairman, the gentleman from Illinois is not fooling anybody.

Mr. KASTENMEIER. Mr. Chairman, the cology which we just heard indicates why this amendment is not good. The reason for this amendment is a contentious matter. The Judiciary Committee did not go into vote fraud cases in Chicago in 1960, or go into the subject at all. As far as the scope of the bill is concerned, the scope of the bill is designed to enforce the 15th amendment to the Constitution of the United States. It has nothing to do with general voting problems. The speech by the gentleman from Michigan with respect to residence requirements I think is an example of what we have many voting problems. There is nothing in this bill relating to the one-man, one-vote proposition, one of the contentious voting problems confronting the Republic. This is a bill solely designed for the purpose of enforcing the 15th amendment, except as to the poll tax, to which is added the 14th amendment. That is why it is not in the bill, and does not deserve to be in the bill.

I urge that the amendment be defeated.

Mr. McCLOUCH rose.

Mr. McCLOUCH. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close in the Committee.

The CHAIRMAN. The question is on the motion.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 113, noes 60.

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. Does the 10 minutes start following the gentleman from Ohio (Mr. McClorey)?

The CHAIRMAN. The gentleman from Ohio will be recognized for 5 minutes prior the limitation.

The gentleman from Ohio (Mr. McClorey) is recognized.

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

Mr. McCLOUCH. I yield to the gentleman.

Mr. CRAMER. Mr. Chairman, I think the statement the gentleman just made should be clarified because the statement is not correct. This bill goes far beyond the enforcement of rights under the 15th amendment. I am sure the gentleman realizes it goes far beyond that. For instance, under section 8 under the observer section, that relates their activities to everybody and not only in case of those who have been discriminated against because of race or color. The observers observe relating to everybody's vote be they white or colored. I say we should have protection for everybody against vote buying and stealing just as we have observer protection for whites and Negroes in all areas of the country. Likewise as to section 11(b) it says:

No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce.

That goes far beyond the 15th amendment.

The third example has to do with section 12(e). These are all examples where it goes far beyond the question of the 15th amendment. Therefore, if there is any question about it, it should
Mr. McCULLOCH. Mr. Chairman, I rise in support of the Cramer amendment.

Mr. Chairman, I would like to say to the committee that all the tumult and the shouting and all the passing of legislation that will insure nondiscrimination means nothing whatsoever unless the vote is honestly counted, tabulated, and announced. I am sure that all of those who have exhibited an interest in seeing that people have the right to vote know that before the Civil War, when the Negro was disenfranchised, and before the poll taxes were used in the South, that widespread corruption was the method by which the Negro was disenfranchised.

Mr. Chairman, there can be no greater disillusionment—there can be no greater frustration—than to lead a citizen who long has sought the right to vote, to believe that he now has that right to vote and then find that his vote has been perverted the sacred right and that that sacred privilege has been corrupted and dishonestly used.

I call upon you to search your conscience before you make this amendment. What harm can it do? Then measure that against the great good that will come from it.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Chairman, I regret that my distinguished and esteemed colleague from Illinois [Mr. McCLOY], after spending all day in flirtation with his friends from Dixieland, where the bells rang down the curtain on his and their cause, took out his distemper on the State of Illinois. I have profound respect for my southern colleagues and their loyalty to what they feel to be a southern cause. I wish that my good friend from Illinois could have shown the same loyalty to his State, and my State, Illinois.

There is not a State in the Union where there is a greater integrity at the ballot box than in the State of Illinois. This has been the finding of a commission of the highest standing that recently completed a study in depth of national voting habits and practices.

Irresponsible statements were made, with political motivation, to cover up the Nixon defeat of 1960, and a thorough investigation by a bipartisan group that enjoyed the complete confidence of the public showed that there was not one iota of evidence to uphold the allegation.

Mr. Chairman, I am proud of the State of Illinois, proud of its good name, proud of its record, and I know that in Illinois no one is barred from voting because of race, or the color of his skin. From the bottom of my heart I deplore what I have witnessed today—a dragging in the mud of Illinois. I know that no one, especially in a vain effort to justify conditions in some other States where men and women of good will and of patriotic hearts are not, as in Illinois, permitted to vote, can take these causes and cast doubt on their choice.

I had thought the debate on the voting bill, revolving around an issue so emotional, had been conducted on a high plane and in the best traditions of this historic Chamber. It must be distressing to most of my colleagues, as it is to me, that in the closing stages of this debate there was resort to a name calling so far below the high character of the debate that preceded.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. DERWINSKI].

Mr. DERWINSKI. Mr. Chairman, I find it necessary to disagree with my distinguished colleague. As a Representative from Illinois, it is a great shame that we are forced from time to time to discuss on fraudulent voting procedures in the State of Illinois, since my early political career was conducted in the city of Chicago, where it is especially difficult for Republicans to survive, not merely on the basis of political philosophy but because of the method in which campaigns and elections are conducted. We went to eliminate vote frauds and if we want to give to society the security that his vote is cast properly, there are things in Chicago that should be corrected.

Much depends on one's definition of fraud. If coercion is a fraud, it exists in Chicago. If bribery is a fraud, it exists in Chicago. I see no reason why my colleagues on the Democrat side of the aisle, who have such great respect for the mayor of Chicago, would believe him to be reelected again and again and again under the cloud of vote fraud. Why not permit this provision to apply? Why not have clean elections in Chicago, and in all of our 50 States?

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. Wurzbrr].

Mr. WRIGHT. Mr. Chairman, last week we celebrated the 189th anniversary of the Declaration of Independence of the United States.

That document contains a catalog of abuses which, committed by the English Crown, were found intolerable by those who created our system of government. Near the heart of the Declaration, one passage appears to state the essence of the grievance. Referring to the "tyranny" exercised by the Sovereign, the authors of the Declaration of Independence made the following indictment:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such Principles and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness."

In 1856, less than 4 years prior to the outbreak of the Civil War, Robert E. Lee had written a letter to his wife. He wrote:

"In this enlightened age, there are few I believe but what will acknowledge that slavery as an institution is a moral and political evil, affecting all classes of any country. * * * "The doctrine and miracles of our Savior have required nearly 2,000 years to convert but a small part of the heathen and as many Christian nations what gross errors still exist. Is it not strange that the descendants of those Pilgrim Fathers that crossed the Atlantic to preserve their own freedom of opinion have persecuted themselves intolerant of the spiritual liberty of others?"

The question today is whether or not this Nation is ready to let all of our people vote, whether or not it has attained a sufficient state of common enlightenment to do away with the superficial trappings, and the artificial subterfuges which have demonstrably required rather large segments of our citizenry to "relinquish the right of representation"—a right which the drafters of the Declaration of Independence in 1776 held to be "estimable to them and formidable to tyrants only."

Coming from a State of the Old Confederacy and steeped in the traditions and customs of the changing Southland, I believe that we are ready to let all the people vote. I have no fear of the result.

Either to promulgate or condone deliberate restrictions designed to prevent the exercise by any group of Americans of this most basic and fundamental right of freedom would be to confess a shocking lack of faith both in democracy itself and in our state of general public enlightenment.

It has been 100 years since slavery was abolished and American Negroes were recognized as citizens entitled to precisely the same rights and prerogatives of citizenship that accrue to every other American. For the South to contend that today, after the passage of an entire century, descendants of slaves still are not prepared to assume this elementary right of voting, would be for the South to indict itself.

I say we are ready to take this next step up the path of democratic progress. The most inspiring moments in our Nation's history have been those moments in which we have declared ourselves ready to yet another step in trusting the people.

Our Declaration of Independence itself was an act of faith in the average American. It was to establish a stable government. It set in motion throughout the world a chain reaction which still is being felt as other new nations emerge, almost hystERICally in their quest for liberty but humble in the quest for dignity.

Thomas Jefferson believed in universal manhood suffrage, and in his day this alone was a powerful act of faith. Many wanted to confine this right to the elite propertied classes. They feared the average man. But Jefferson was vindicated, and other men in other lands took heart.

In a later generation, we in the United States blazed the trail for the political and economic emancipation of women. This, too, was an act of faith. Some actually feared the result, but most of the world has followed this example, and today it is a rare and exceedingly backward society that denies the vote to women the fundamental right of voting.

The 17th amendment, allowing the direct election of U.S. Senators, was an act of faith in the intelligence of the people and their capacity to choose for themselves those whom they would have to represent them. There were some in that day who cringed in fear that this
reform would mean the end of constitutional government. But their fears have been proven to be unfounded.

Twenty years have passed since the U.S. Supreme Court abolished the then common practice of the "white primary," which in many of our States was for lamencing its abolition.

The record is clear, and there can be no denying the fact that in some of our States today arbitrary and hypertechnical devices have been employed as a deliberate device to prevent Americans with dark skins from voting. The courts have so determined in 48 separate cases. The records of inquiry conducted by the Civil Rights Commission are replete with proofs and examples. This is not only a denial of simple justice; it constitutes in some cases a calculated evasion of the spirit of the laws of the land and even of the laws of the individual States.

The right to vote is a sacred right. If we have no confidence in the courts, we will not willingly deny it to others.

Since the time of Moses, the cry of men and women to be set free from bondage echoes through the long corridors of time. If America today is in truth the mature and enlightened Nation which we believe it to be and capable still of presenting re-...
Much has been said about the denial of voting rights in Southern States, but too little has been said about efforts in Northern States to thwart the will of the majority by unethical and illegal practices in election contests.

In the congressional district of Pennsylvania, we have recent examples of such practices which have been completely ignored by local and State authorities. I refer to the handling and voting of absentee ballots and the misuse of this statute to further the personal political interest of an incumbent commissioner over the will of the majority by unethical and illegal practices in election contests.

Control of the county government in Northumberland County in 1963 was decided by questionable absentee ballots. It was charged that absentee ballots were illegally peddled in institutions and hospitals. The result of this ballot in one county institution was a 60-to-0 vote for an incumbent commissioner over his opponent.

This bill will insure the right to vote where it is now denied but it will not prevent instances such as the one I just mentioned.

Another flagrant example of unethical and illegal voting practices is evident at the present time in Schuylkill County which is also in my congressional district.

As yet the official tabulation of the votes cast in November 1964 for President, U.S. Senator and Representative in Congress has not been completed. The election of a State senator still hangs in the balance. The outcome of this State contest is of importance to the people of this senatorial district who are being denied representation in the State legislature.

The right to vote is not a matter of a probe of voting practices in the case of absentee ballots which have been peddled in various hospitals and institutions. Regardless of the outcome of the State senatorial contest, it is essential in protecting the majority decision from being reversed by dishonest election practices. No action has been taken by the State attorney general or the Governor of Pennsylvania to investigate the misuse and the violations involved in this case. The county Board of Commissioners has taken time to investigate the record or to interrogate the many attorneys and watchers involved in this contest. I frankly say that the testimony is an indictment of illegal absentee voting in Schuylkill County.

If Wagner would like all of the illegal absentee ballots cast in Schuylkill County even though his own lawyers agreed that the violations involving about 80 absentee ballots cast here may be as high as 1,700 absentee ballots cast here in Schuylkill County were canvassed and some 80 emergency absentee ballots were required by the act, was signed by the attending physician on the declaration.

There are many cases where the signature on the application and the signature on the declaration do not agree, and further many many cases where the signature on the application and the signature on the declaration do not agree with the registration signatures.

In one case, the ballot was filed before the application and the signature.

There are many cases where absentee ballots were cast without a Federal certificate showing that the absentee voter was a Federal employee as required by law.

There are many cases where affidavits were added to the applications after they were filed in the election district.

These are some of the reasons there is a contest for Senator in Schuylkill County, I believe it to be important that the people of Schuylkill County have a Pennsylvania lawyer to investigate and expose these evils and to take necessary steps to prevent a recurrence.

Mr. Chairman, I quote from a letter written by Attorney Ralph M. Bashore to John Secham, political writer for the Harrisburg Patriot, which illustrates these evils in more detail.

Mr. Bashore is a prominent and respected attorney in Schuylkill County. The following excerpts from his letter point to the seriousness of this problem in Pennsylvania:

I have read with a great deal of interest your article in Sunday's Patriot News of November 18, 1964, concerning the senatorship from Schuylkill and Lebanon Counties involving Wagner, Republican, and Nagle, Democrat.

I have engaged in this matter since November 18, 1964, when the count of absentee ballots began. I am sure your voters would be interested in knowing what this means.omination to the Senate. Today no news media has really publicized the big question here involved. The real questions here involved pertain to whether the signatures on the applications and voting declarations are valid, the conspiracy of election officials, and the violations of every section of the absentee voting law.

Do you know that there are over 1,600 pages of testimony taken at the hearings, which testimony is on file in the court of common pleas of Schuylkill County? This testimony in detail lays out the many illegal and fraudulent acts committed, and this testimony is available for any one to read and to verify the truth of my statements.

For some reason, best known to themselves, the people of this district—that is, the Governor, the attorney general, the legislator committee set up to investigate absentee voting, and the Republican district attorney and the district attorney have not taken the trouble to make an investigation of what took place in Schuylkill County. The record and the legislative committee have not taken the trouble to see and read to act if they want to.

To my knowledge, no one in authority, the district attorney, the attorney general, or the legislative committee has taken time to investigate the record or to interrogate the many attorneys and watchers involved in this contest. I frankly say that the testimony is an indictment of illegal absentee voting in Schuylkill County.

Mr. Wagner would like all of the illegal absentee ballots cast in Schuylkill County even though his own lawyers agreed that the violations involving about 80 absentee ballots cast here may be as high as 1,700 absentee ballots cast here in Schuylkill County, some of which cases were canvassed and some 80 emergency absentee ballots were required by the act, was signed by the attending physician on the declaration.

There were many cases where the signature on the application and the signature on the declaration do not agree and further many cases where the signature on the application and the signature on the declaration do not agree with the registration signatures.

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There are many cases where affidavits were added to the applications after they were filed in the election district.

These are some of the reasons there is a contest for Senator in Schuylkill County, I believe it to be important that the people of Schuylkill County have a Pennsylvania lawyer to investigate and expose these evils and to take necessary steps to prevent a recurrence.

Mr. Chairman, the Sunbury Daily Item published an excellent editorial recently pointing to this evil in Northumberland County, the editorial which I include with my remarks follows:

MISUSE OF ABSENTEE BALLOT

Absentee ballots serve a useful purpose, but their misuse must be considered no less a violation of the electorate than tampering with ballot boxes, altering official returns, and other irregularities.

While only 300 applications for absentee ballots had been received in the offices of the Northumberland County commissioners at last report, the belief was expressed that May 15 ballots will exceed the 1,700 mark set in the general election of November 1963. On that occasion the absentee contest for the third county commission was decided on the basis of the absentee votes, with balancing power wielded by guests and employees at the County Institution District Home and personnel of the Shamokin State Hospital as well as countless citizens whose physical disability or absence from home on election day were not properly certified.

The absentee ballot law was enacted for the accommodation of qualified voters physically unable to go to the polls or unavoidably away from home on election day. Its misuse as a means of delivering captive votes for handpicked candidates is not only illegal but nauseating and it goes without saying that a repeat performance in the May primary will have explosive repercussions.

There is no reason to question the soundness of the law providing for absentee voting. It is in the public interest to halt for all time abuse of this privilege to further the ends of scheming politicians.

This legislation before us deals with the 15th amendment, which is designed to correct injustices in States which deny citizens the right to vote for reasons of race or color.

It seems, however, that Federal action may be necessary in cases such as I have mentioned when local and State officers ignore these illegal practices.
The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. Cramer).

Mr. Cramer. Mr. Chairman, I believe that the gentleman from Illinois (Mr. Cramer), has just made one of the strongest statements I have ever heard in support of my amendment and in this regard. It surely should convince many people on his side of the aisle that if they want fair elections they should vote for this amendment. If the gentleman has any complaint, this is one way he can get something done about it. If he believes that a lot more Democrats were elected in Illinois under fair election procedures, the Democrats ought to go down the line, and every Democrat ought to vote for this amendment, because that is what the amendment intends to do—to get a clean and pure election.

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

Mr. Cramer. I yield to the gentleman from Illinois.

Mr. ARENDS. I come from a down state district, so I do not always know what goes on in Chicago. I do know what was said by one of my good constituents on one occasion, when I visited with him after he had spent several years working in Chicago. I asked him, "Did you register in Chicago and vote?"

And he replied, "Yes, I registered."

I then asked, "Did you vote?"

He answered, "When I once went to the polling place early in the forenoon and was asked—What do you want? Where do you live?—I told them I wanted to vote. They hastily looked through some files and said, 'Man, you voted an hour ago.'"

I do not think you could call that an honest election.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Celler) to close the debate.

Mr. Celler. Mr. Chairman and Members of the Committee, the language of this amendment is vague and uncertain. It is a criminal provision and very narrowly construed. As I read it, any drive for registration, any demonstration to get out the vote, might be banned by the amendment of the gentleman from Florida. We have sufficient provision in section 14(d) to take care of any irregularities that have been mentioned here. The gentleman from Florida has repeatedly offered this amendment and it has been repeatedly refused. I admire his persistence but deplore the merit of the amendment in this bill, although it has good significant purpose. This is not a general fraud bill. It is a bill to ban racial discrimination.

For that reason, Mr. Chairman, I ask that the amendment be defeated.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Florida.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. Cramer. Mr. Chairman, I demand a tellers.

Tellers were ordered and the Chairman appointed as tellers Mr. Cramer and Mr. Roderick.

The Committee divided and the tellers reported that there were—yes 196, noes 132.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MCCULLOCH

Mr. McCulloch. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCulloch:

On page 22, line 10, strike the remainder of the line, strike lines 11 and 12, and insert in lieu thereof: "Any person listed, whose eligibility is challenged pursuant to this section, shall be entitled and allowed to vote provisionally and in any case in which the number of ballots cast provisionally is sufficient to affect the results of any election, the U.S. court of appeals for the circuit in which the challenge is pending shall make appropriate provision to impound the impounded ballots until the issue of eligibility has been finally determined."

Mr. McCulloch. Mr. Chairman, I urge the committee to adopt this amendment. This is the amendment which has been spoken of on at least two occasions when under the Celler-administration bill, would permit an applicant to be registered, listed, voted, have the vote counted, determine the election, even though during that process a challenge had been made and later it would have been determined that the voter cast an illegal ballot.

Mr. Chairman, so that the committee will not conclude that it is my conclusion alone I want to read for the Record again from the hearings of the Committee on the Judiciary when the Attorney General of the United States was on the stand and when the chairman of the House Committee on the Judiciary was doing the examining of the Attorney General.

The chairman asked Mr. Katzenbach:

Is it true that an individual registered by a Federal examiner can vote and have his vote counted if after the election, (a) this act is found to be inapplicable to the State or political subdivision in an action instituted under section 8(c), page 2, or (b), the individual is found to be ineligible to vote under section 6(a)?

Mr. Katzenbach answered, "Yes."

Mr. Chairman, I now say to the members of the committee under this provision a President of the United States could be selected by illegal votes, and not only his vote count, but the votes cast by delegates and other elected officers from Governor down to the last man on the ballot might be so elected by illegal ballots. That is contrary to honest use of this franchise and contrary to our representative system of government.

Mr. Chairman, in 1960 we provided for provisional voting, and impounding the ballots, and I am happy again to say that by the advice of Mr. Celler, WASHINGTON D. CARR, ably and effectively supported me. So did the chairman of the committee, the gentleman from New York (Mr. Celler). That remains the law of the land.

I call upon you to be, in the harsh language of a great poet, "Be not like dumb, driven cattle. Be a hero in the fight." Support this amendment.

Mr. Chairman, by such omission in the bill, the act would have no precedent. In any State of the Union, may be found the seeds for possible revolution. I urge you to support the amendment.

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

Mr. McCulloch. I yield to the gentleman from Florida.

Mr. Cramer. It is true that in the previous act provisional voting is provided.

Mr. McCulloch. In the 1960 act it was provided.

Mr. Cramer. Under the bill as passed, the Celler bill, a person can vote even though it is found that the person was not registered properly, that is that he was not discriminated against, in the first place.

Mr. McCulloch. Yes.

Mr. Cramer. And an election could be affected even though those registered are found later, after a challenge to be improperly registered.

Mr. McCulloch. And can be determined on that basis. Of course the gentleman is right.

Mr. Corman. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, we have discussed this before, but to see the record straight I desire to point out that the 1960 act provides for provisional voting. My memory is we considered and rejected it in the 1964 act.

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

Mr. Corman. I yield to the gentleman from Ohio.

Mr. McCulloch. The gentleman does not imply I said the 1964 act had provisional voting, does he?

Mr. Corman. The gentleman from Florida (Mr. Cramer) said that.

Mr. McCulloch. I referred to the 1960 act.

Mr. Corman. Mr. Chairman said 1960 and 1964. We considered and objected to provisional voting in 1964.

There is some inherent dangers in this proposal. First of all the gentleman is concerned about people voting who are not qualified. Let us see what happens to this Negro who wants to register and vote. He comes to a Federal examiner, he has to establish to that Federal examiner he is qualified. A determination is made. That decision is made within 30 days, but if he challenges that decision within 10 days. If they do, that adversary proceeding goes to a hearing officer appointed by the Civil Service Commission. Then the Negro must prove that he is qualified to vote. The matter is determined a second time, and that decision must be reached within 15 days. The person doing the challenging has an adversary to convince a Federal court that the individual is disqualified.

Now the second possibility is that the Federal examiner himself might be held to be disqualified because of the inapplicability of the law. But as the Attorney General pointed out, on that issue we are...
Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?
Mr. CORMAN. I yield to the gentleman from Michigan.
Mr. WILLIAM D. FORD. I fully expect that my beloved colleague from Michigan, the distinguished minority leader, will join me in opposing this amendment because it would do violence to a long standing rule of law or tradition, which is both fair and just.
For in the State of Michigan and other States having similar laws concerning challenges, a person challenged for reasons covered by this legislation would become a second-class citizen. For example, if I challenge the right of a Negro to vote at the polls in Michigan to vote, the possibility that he could not vote; and that he would be left high and dry.
For these reasons I hope—and I say this reluctantly because of the affectionate regard I have for the gentleman from Ohio—the amendment will not be agreed to.
I suggest to you that there are two possibilities. One is that a person who is not qualified to vote under any law cannot go into the box. But it must have his name on it and go upon the shelf. He will not be permitted to participate in that election on that day. But if enough ballots are set aside so that they would affect the outcome of an election, then the election is held up. But unless there are a sufficient number of challenges, then they are never counted.
I suggest to you that in some areas in this country it is fair for an examiner to appoint himself to go through the process necessary to get up to that ballot box. And if he has done that much, if he has survived the scrutiny of an examiner, then he is entitled to the ballot before a hearing officer, we ought to let him vote and we should count his vote.
I suggest if you take the law of Michigan and the law of Alabama, you will find that challenges were made and they are not aware of any revolutions taking place in any of those sovereign States. I suggest to you that if there are any seeds of revolution, it is not because of the possibility that somebody who is disqualified may vote, but because tens of thousands of qualified voters are denied access to the ballot box.
Mr. Chairman, I urge the defeat of this amendment.
Mr. MCCULLOCH. Mr. Chairman, will the gentleman yield?
Mr. CORMAN. I yield to the gentleman from Ohio.
Mr. MCCULLOCH. If the gentleman is in agreement with me, he has made a careful search of the law of Alabama and has concluded that an Alabama voter may vote after his vote has been challenged, and before the challenge has been decided, and his vote is counted, then I did not read the Alabama law correctly.
It is my information, subject to the correction of the Members from Alabama, that the challenges in Alabama in State elections are decided on the day of the election. If the challenge is rejected the vote is counted.
Furthermore, Mr. Chairman, I say this to my very good friend who is such a hard worker on the committee, that if the Attorney General does his duty seldom, if ever, will a challenge come to a board of elections on election day. The challenge will have to be made long before that time.
I yield to the gentleman that I have not researched the law, but was repeating what was told to me by a Representative from the State of Alabama. I will research the point and put it in the Record.
Mr. William D. Ford. Mr. Chairman, will the gentleman yield?
Mr. CORMAN. I yield to the gentleman from Michigan.
Mr. WILLIAM D. FORD. I fully expect that my beloved colleague from Michigan, the distinguished minority leader, will join me in opposing this amendment because it would do violence to a long standing rule of law or tradition, which is both fair and just.
For in the State of Michigan and other States having similar laws concerning challenges, a person challenged for reasons covered by this legislation would become a second-class citizen. For example, if I challenge the right of a Negro at the polls in Michigan to vote on the ground that he is not in fact a resident of Michigan or does not have any of the other qualifications, his vote nevertheless is counted in that election and it does determine the outcome of the election. His ballot is identified for possible later attack in the event of a recount.
Mr. CELER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio.
Mr. Chairman, I want to state that even in the so-called hard core States, there is no impounding of the ballot. An oath is taken when a voter challenges and then the voter is allowed to cast his ballot. Perhaps the most important reason why provisional voting and impounding is unnecessary is that since the bill would abolish those qualifications upon which any serious dispute will arise, there is an extremely small likelihood that any but an insignificant number of ineligible applicants will be registered, if any.
Practically the only remaining qualifications which an examiner would apply are residence, age, nonconviction of a crime, and mental competency.
These are objective factors and not subjective factors. They are hardly ever questioned. But the subjective factors now in use in affected areas such as mental competency and the like would all be adjudicated immediately. There is no reason to believe the number of actually unqualified persons to come up and inadvertently register, if any, would be so small that it would not be expected to affect the outcome of any election.
But beyond that, under the amendment if a listed person is challenged and allowed to vote only provisionally, his ballot may be impounded pending the determination of competency by the law. The effect is likely to make it impossible to determine the outcome of an election for a considerable period of time.
Any proposal which contemplates the impounding of ballots of Negroes means just what? It means segregation of Negro ballots.
This in turn creates the serious risk that such ballots, once segregated and identified, will not be counted or not be fairly counted. The secrecy of the ballot will be lost.
The possibility that the effectiveness of the ballots cast by Negroes might be delayed would invite all kinds of specious challenges which, if done on a sufficiently extensive scale, could seriously jeopardize the object of the bill and create chaos.
In addition, we can see what the prospects would be for a Negro voting for the first time and be fearful and trepidation that his ballot would be impounded, that he could not vote; and that he would be left high and dry.
For these reasons I hope—and I say this reluctantly because of the affectionate regard I have for the gentleman from Ohio—the amendment will not be agreed to.
For these reasons I must, perforce, ask for rejection of the amendment.
Mr. MCCULLOCH. Mr. Chairman, will the gentleman yield on an observation and a question?
Mr. CELER. I yield to the gentleman from Ohio.
Mr. MCCULLOCH. Is it not true that in Alabama, when a challenge is made, it is decided on election day and does not go over thereafter? Does not the ballot count, if it is decided under oath that it has been properly cast?
Mr. CELER. The information I have here came from the Library of Congress, with respect to Alabama.
Mr. MCCULLOCH. I believe I have the same information.
Mr. CELER. It requires an oath of the challenge on the spot and it is only on the ballot by the person seeking to vote is received and deposited. That is what the Library of Congress tells us. There is no impounding.
Mr. MCCULLOCH. Will the gentleman yield for an observation?
Mr. CELER. I yield.
Mr. MCCULLOCH. In addition to what the Chairman has said, the voter must prove his identity and he must prove his residence in the State and county and precinct in which he offers to vote. I should like to call to the attention of the House that was the very thing of which Senator John Williams complained, as to which he laid the facts as read in the record, in respect to double and triple voting in his State.
Mr. CELER. I say to the gentleman that the examiners determine those very factors something like 45 days in advance of the election. And hearing officers will complete their review of the examiners' decisions 20 days before the election.
The fact remains that there is no impounding of the ballot in Alabama, one of the hard-core States. Why should we put this in the bill?
Mr. MCCORY. Mr. Chairman, I rise in support of the amendment.
Mr. MCCULLOCH. Mr. Chairman, will the gentleman yield?
Mr. MCCORY. I yield to the gentleman from Ohio.
Mr. MCCULLOCH. Mr. Chairman, in reference to what the chairman of the committee has just said, apparently, he did not get the impact of my statement to what our research indicated the Alabama law to be. I said that the challenge was made the day of the election and
the decision was made on that day. Then the vote either was cast, or it constituted an illegal attempt to register and no vote was cast or counted.

Mr. Chairman, the gentleman spoke of the small numbers who might be caught by our provision. Numerous people have been elected to public office by one vote.

For the benefit of those who might not have been present before, in the great State of Texas, a Senator was once declared to be elected by less than 100 votes.

Mr. Chairman, I am not concerned about loss of secrecy on the imposing of ballots. We have absentee-voter-ballot legislation in Ohio. It is not unusual to have 25,000 to 75,000 people vote by absent-voter ballot in Ohio. When they vote by absent-voter ballot the ballot, of course, by reason of curious men and women, the ballot is not apt to remain a secret ballot.

Mr. McClory. Mr. Chairman, I do not believe that any of us can predict how the Celler administration bill is going to operate if it becomes the law. We know, as the Gentleman from the Celler bill indicates that the Federal examiners are going to register everyone who claims to be qualified, and who applies to them, and who alleges that he is not already registered.

In my opinion there is the serious question as to whether there will be election contests over illegal votes. This is a question which will have to be determined at some later time.

We have had all experience in our State in a very recent election. The mail ballot was placed under a Celler bill. It indicates that the Federal examiners are going to register everyone who claims to be qualified, and who applies to them, and who alleges that he is not already registered. In my opinion there is the serious question as to whether there will be election contests over illegal votes. This is a question which will have to be determined at some later time.

This will not invade the secrecy of the ballot in any way. A challenged ballot with or without in an envelope or folder and put among challenged ballots. Then the challenged ballots will be removed from the folder and will be recorded separately. The identity of the voter will not be disclosed to any third person.

I, therefore, on the one hand, will not be involved in this amendment in any way at all. It does seem to me that we should support this amendment and provide for the contingency of illegal votes, especially under the operation of section 4 of the Celler administration bill which may result in wholesale registrations. I imagine, by the Federal examiners without any money being lost in it other than the fact that the person is not already registered; and also because of the fact that literacy and other tests are being swept aside, so that this subject of whether the person does actually vote legally or illegally should be one provided for in the law.

I just want to make the further point that we should not sanction by law the counting of illegal ballots. We just added another amendment which will relieve law illegally cast ballots. In fact, we want to be sure that the votes cast in all elections are legal votes.

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

Mr. McClory. I yield to the gentleman from Oklahoma.

Mr. Belcher. When the gentleman says sometimes a few ballots makes no difference, I can testify from personal experience. My constituency one of the very first I was ever in, where I tied, that it did. The county election board flipped a half dollar and I had the wrong side of the half dollar.

I, later on in another election in which 200,000 votes were cast, I won by 12. So a few votes do count a lot in these elections.

Mr. Rodino. Mr. Chairman, I arise to the amendment. Mr. Chairman, I think it would be unfortunate if we could accept this amendment which would only subvert the purposes of this bill. We are approaching this legislation to guarantee and insure the right of the citizen who is qualified to vote, and to vote without unnecessary delay. It would seem to me that the imposing of the ballot, whether provisional or not, would only give cause for further delay. It would be necessary to segregate the ballot and identify the person who wants to cast this vote only. To be placed under an unnecessary scrutiny.

Furthermore, Mr. Chairman, I think that this provision would violate the secrecy of the ballot. I should like to point out that in order to have a vote tabulated and it would do this without endangering the integrity of the electoral process.

For all of these reasons I oppose this amendment.

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

Mr. Rodino. I yield to the gentleman from California.

Mr. Cramer. I thank the gentleman for yielding. On two occasions I heard the gentleman from Illinois [Mr. McClory] say that a Federal examiner is going to register everyone who is not already registered. It is my view that we can find people who will obey the law and serve as examiners. This statute makes it very clear that we should register only people qualified under State law and the only exclusion of that State law would be a literacy test or some device used for the purpose of racial discrimination. There is actually no possibility that a Federal examiner will register people on a wholesale basis regardless of their qualifications.

I think it would be unfortunate if we could not find Federal examiners better than that.

Mr. Cramer. Mr. Chairman, I rise in support of the amendment. Mr. Chairman, I am of the opinion that the decision was made on that day. Then the vote either was cast, or it constituted an illegal attempt to register and no vote was cast or counted.

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Mr. McEwen. Mr. Chairman, I rise to support the amendment. Mr. Chairman, this amendment, in the first place, is going to register every person who claims to be qualified. It will not be involved in this amendment in any way at all. It does seem to me that we should support this amendment and provide for the contingency of illegal votes, especially under the operation of section 4 of the Celler administration bill which may result in wholesale registrations. I imagine, by the Federal examiners without any money being lost in it other than the fact that the person is not already registered; and also because of the fact that literacy and other tests are being swept aside, so that this subject of whether the person does actually vote legally or illegally should be one provided for in the law.

I just want to make the further point that we should not sanction by law the counting of illegal ballots. We just added another amendment which will relieve law illegally cast ballots. In fact, we want to be sure that the votes cast in all elections are legal votes.

Mr. Belcher. Mr. Chairman, will the gentleman yield?
Mr. BOGGS. I yield to the gentleman.

Mr. WILLIS. I support my colleague's amendment, which carries out in essence the purpose of one that I had introduced in committee and which was at one time agreed to.

Mr. Chairman, as my colleague, the gentleman from Louisiana [Mr. Boggs], has properly stated, his amendment is essentially the same as the one I offered in the full Judiciary Committee and which the committee agreed to and then rejected. In other words, the Boggs amendment reinstates the Willis amendment into the bill. However, shall the same Willis amendment was introduced into the Senate bill by Senator Long and it was agreed to in that body and now is in the Senate bill.

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

As I pointed out during the general debate 3 days ago, the people of the Third Congressional District of Louisiana believe in the right of all qualified persons to vote without discrimination, a collection of standards to different standards to different people—and they practice what they preach. Thus, in my congressional district, 57 percent of all colored people of voting age are registered and that there is no Kolos of a recurrence of discrimination, the examiner may safely be removed.

I take it that there is no violation of the principles involved in the Celler bill; as a matter of fact, it carries out the aims and the purposes of the Celler bill. For those reasons I will gladly accept the amendment.

Mr. BOGGS. I yield to the gentleman.

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

Mr. BOGGS. I yield to the gentleman from Ohio.

Mr. McCULLOCH. The majority whip has furnished us with a copy of the amendment. I was pleased to note that in many parishes in Louisiana there were far more than 50 percent of the Negroes of voting age who voted and in a few counties in Georgia the record was above 90 percent.

I have no objection to the amendment. It does not penalize people who have committed no sin.

Mr. BOGGS. I thank the gentleman very much. May I point out to the gentleman and to my colleagues that this applies equally to many other places in the South. For instance, there are counties in Georgia in which the Negroes of voting age who voted and in a few counties in Georgia the record was over 90 percent.

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Mr. McCLORY. There is no question but what the thrust of this legislation, whether it is the Ford-McCulloch bill or the Celler-Ford amendment bill, is to be directed at a number of Southern States. However, I cannot help but feel that this amendment is definitely in favor of the Southern States against the nonwhite citizens. It is indeed a defective thrust. Regardless of the merits of the amendment, there cannot be any question but that it favors the very area that the legislation is intended to operate and that is in the South. I do not believe that the legislation is going to correct them. Mr. MATHIAS. I thank the gentleman.

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

Mr. MATHIAS. I am delighted to yield to the distinguished chairman.

Mr. CELLER. The gentleman misinterprets this, and so does the gentleman from New York, when he says that this amendment is a "sleeper." That is an ill-advised way to put it. The fact is Mr. Ford knows that the District Court in the District of Columbia must make the determination. The court must determine first that at least 50 percent of all Negroes registered. That is the minimum.

In addition, there is something which is far more important. That is the fact that the court must find compliance with two other provisions already in the bill and before the provisions of the bill. I think it could be a provision which establishes a double standard and I must oppose it and oppose it strenuously. I think it very definitely impairs the effectiveness of this bill. The automatic trigger of the committee bill is inoperative in the sector from 100 percent to 50 percent of possible Negro registration. This amendment defuses the bill in the same sector and robs Negroes of the protection given the 49th percentile.

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

Mr. MATHIAS. I yield to the gentleman.

Mr. LINDSAY. I think it has to be clearly understood before we vote, that this is a real sleeper amendment and could undo much of what has already been done. We defeated this amendment and we defeated it on the grounds that it would gut the bill. The amendment, I assure you, will substantially weaken the committee bill and I urge Members to vote against it.

Mr. Chairman, we have debated this bill for 3 days. We have gone up a tall mountain. We are trying to put together a good bill. Even Members who disagree with the concept of this bill should not vote against it and make it ineffective. Therefore, I would again strongly urge the Members to vote against this amendment.

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

Mr. MATHIAS. I yield to the gentleman.

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

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

Mr. MATHIAS. I yield to the gentleman.
percent, or any other arbitrary figure. It will be accomplished when all citizens are permitted to register free of discrimination because of race or color. This legislation in its present form holds out the potential that this objective can be reached. Let us not water it down by withdrawing Federal support for potential voters when 50 percent of their fellow citizens are fortunate enough to get on the registration lists.

I shall vote for 100-percent citizenship for Negro voters and against the amendment.

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

Mr. EDWARDS of California. I yield to the gentleman.

Mr. WILLIS. The gentleman misses the point when he says every examiner will be removed just because 50 percent or more have been registered. That is only half of the amendment. The other proof before a Federal judge must be, not only that over 50 percent are registered, but that the Federal judge must find there is no reasonable ground to expect that there will be any discrimination of any kind in the future as to the others. This is a judicial proceeding.

Mr. EDWARDS of California. I appreciate the point of my distinguished friend from Louisiana but I point out again in section 13 of the Celler bill it provides adequate measures for eliminating the Federal registrar system.

Mr. RYAN. Mr. Chairman, after a week of debate on the voting rights bill a general consensus has been reached that effective legislation must be enacted to secure the fundamental right to vote. As I have said during the debate, H.R. 6400, although I would have preferred a different approach, is the strongest bill we have had before us on the floor.

It should not be weakened. The pending amendment would terminate Federal examiners, whereas the U.S. District Court for the District of Columbia finds that more than 50 percent of eligible non-white persons residing in the political subdivision are registered. In other words, the majority of the parish, or other subdivision, registers 50.1 percent of its nonwhites, it may ask for removal of the Federal examiners.

The purpose of Federal examiners is to safeguard human rights. The need is clear. This amendment would have them removed as soon as a political subdivision registers over half of its nonwhites. Then future applicants would have to purchase the same old system of applying to local registrars and encountering the obstacles which have brought Congress to the point of enacting this bill.

This amendment really says that discrimination should not be practiced against more than half of the population. This is contrary to the whole spirit of the bill. We are not trying to do a halfway job. We are trying to end voting discrimination for all time, for all citizens.

If 50 percent of Mississippi's Negroes are registered, are the others to be forgotten? Does not the 14th amendment guarantee the full protection of the laws?
mined by a hearing officer appointed by a court of competent jurisdiction under such rules as the court shall prescribe. Such challenge may not be entertained unless made orally or in writing with the hearing officer or in the office of the Clerk of the United States district court of the district in which the act is being tried. Said challenge shall be determined by the hearing officer within fifteen days after it is filed. A petition or review of the decision of the hearing officer may be filed in the United States court which appointed said hearing officer within fifteen days after service of such decision by mail on the person petitioning for review. Any person listed shall be entitled to vote provisionally pending final determination of such challenge. The determination of any challenge shall be determined by the court or the duly appointed hearing officer, or in the case of contumacy or refusal to obey a subpoena, any court of the United States within the jurisdiction of which said person resides or is domiciled, or is doing business, or is the place of transacts business, or has appointed an agent for the receipt of service of process, shall have jurisdiction to make such determination. In case of contumacy or refusal to obey a subpoena, any person requiring such person to appearing before the court or the duly appointed hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(b) The hearing officer appointed by the court shall have the power, if authorized by the court, to require a subpoena to compel the attendance of witnesses and the production of documentary evidence relating to any matter pending before such hearing officer. In case of contumacy or refusal to obey a subpoena, any court of the United States within the jurisdiction of which said person resides or is domiciled, or is doing business, or is the place of transacts business, or has appointed an agent for the receipt of service of process, shall have jurisdiction to make such determination. In case of contumacy or refusal to obey a subpoena, any person requiring such person to appearing before the court or the duly appointed hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

On page 26, line 9, immediately following the comma insert the words "if the court finds that the vote of such person or persons shall be likely to change the results of said election." On page 27, line 11, strike out the words "in lieu thereof the words "Court."

On page 27, line 11, strike out all of section 14(a), and insert in lieu thereof the following: "Exclusive jurisdiction shall reside in the United States courts for the State or subdivision involved to issue any declaratory judgment or any restraining order or temporary or permanent injunction against the execution or enforcement of this act or any action of any Federal officer or employee pursuant hereto."

On page 28 strike out all of section 15 and renumber each succeeding section accordingly.

Mr. WHITENER. Mr. Chairman, we have heard a great deal here this afternoon about cleaning up Illinois and had an amendment to that effect. Then we were going to clean up Michigan for a while, I believe. Then we were going to clean up some other things.

Now that we come toward the end of the day, I have offered some amendments which I think will clean up this package of legislation. I think if these amendments are adopted we will have a bill which will see that justice is done to all of the people of the country and you will have it done without promoting discrimination but, rather, will be eliminating discrimination. I say that because the burden of these amendments, among other main burdens, is that of equal application throughout the country. I am sure that notwithstanding the words "shall" in the record before the Judiciary Committee which would sustain the finding of the election, the effect is that that the vote of such person or persons would be likely to change the results of said election."

On page 26, line 11, immediately following the comma insert the words "if the court finds that the vote of such person or persons shall be likely to change the results of said election."
that privilege by any tax collector anywhere. So, there is no reasonable relationship between the poll tax requirement, which we do not have in our State, North Carolina, and the alleged discrimination between the races. No one has yet testified, including the Attorney General, that any man who wanted to pay his poll tax has been denied that privilege by any tax collector. The poll tax is a necessary part of the laws of several of the States. In North Carolina, while it is not a prerequisite to voting, it is required that each male citizen between certain ages pay a poll tax, and this is in no way connected with discrimination.

The poll tax originated as a device through which the county governments derived funds with which to carry on their elections, just as in the old days in my State there was a requirement that every able-bodied man give 1 day a year to his local county to work the public roads, or if he desired, he could pay $3 and not work. So there is no discrimination about it. It is a creature of the law which is quite ancient, and you find the poll tax in many States today where it is not connected in any way with voting.

Mr. Chairman, I know that the hour is late and that there is not much sympathy on the part of many for thinking about what we are doing here in a very serious way, because many have said that they have confidence in the great Committee on the Judiciary. As a member of that committee I certainly am not here to criticize it. But I will say this: that contrary to what this gentleman said in our zeal, all of us—in our zeal to accomplish what we consider to be a worthwhile purpose, do not always exercise the same sound and solid judgment that we do when we are looking at things more objectively. All of us are alike in that respect.

Sometimes when we think we are legislating in a way that affects somebody away off from us we may be inclined to be a little too emotional about what we are doing. But I say to you that, trying to be as objective as I can about this, and certainly without one scintilla of prejudice against any race or any human being, I believe that the amendments which I have drafted and offered to you today will improve the legislation we have before us. I would not stand here and urge you to follow me blindly. I would urge you to at least think with me upon these thoughts which I have expressed in a rather quick manner, because of the lateness of the hour.

The serious thing we are about. We are not just punishing somebody. We are today dealing with constitutional government. All of us who have served here any length of time have seen bad laws which the people said, "If we can do it in our local county, why can't we do it here again as justification for our doing it once more.

Some of these principles that we are putting in this legislation will be destructive, but I do not think it is right that they protect in their overall language. I hope you will give thought to this subject. I urge you, if you can possibly do so, to join with us in adopting these amendments, which are numerous, but not too lengthy, because they will make this piece of legislation we can live with and hold local elections, as the Chairman can vote for and support be proud of.

Mr. SELDEN. Mr. Chairman, I rise in support of the amendments offered by the gentleman from North Carolina [Mr. WHITENER] and urge their passage. You will note, Mr. Chairman, that section 10 of H.R. 6400 states:

The Congress hereby finds that the requirement of the payment of a poll tax as a prerequisite to voting has been one of the methods used to circumvent the guarantees of the 14th and 15th amendments to the Constitution.

Mr. Chairman, contrary to what this section states as its premise, I have been unable to locate testimony of a substantial nature given in either the House of Representatives or the Senate that the poll tax has been used to discriminate against citizens who desire to register and vote in Federal elections. As the United States was testifying before the Senate Judiciary Committee he had this to say on the subject:

My difficulty on this, on the elimination of poll taxes, is that I do not believe that I have the facts to show that they have been abused in violation of the 15th amendment.

I would like to remind the Members of the House that a legislative declaration is not a casual thing, and Congress should act on facts and on facts alone. This amendment to abolish the poll tax in Federal elections, why is it unnecessary to follow the same procedure today? In the same legislative declaration over the poll tax was limited to four fifths of the States in 1870, that the power of the Federal Government over the Federal Government to make the poll tax a prerequisite to voting in Federal elections. Congress fully recognized at that time that the power of the Federal Government over the poll tax was limited to constitutional action, and Congress and the States acted accordingly.

Also, Mr. Chairman, it was only recently that an amendment to the Constitution was passed by the Congress, submitted to the States, and ratified by three fourths of the States, that prohibited the States from making the poll tax a prerequisite to voting in Federal elections. Congress fully recognized at that time that the power of the Federal Government over the poll tax was limited to constitutional action, and Congress and the States acted accordingly.

I submit that if it was necessary yesterday to have a constitutional amendment to abolish the poll tax in Federal elections, why is it unnecessary to follow the same procedure today? In the same connection, if Congress has the power to abolish by simple statute the poll tax in State and local elections, as the chairman of the House Judiciary Committee says it has, why was it necessary for Congress to pass the 24th amendment?

Mr. Chairman, it is perfectly obvious that there are several objectives that we have in this legislation to accomplish by a majority vote what both the Congress and the courts have always considered requires a constitutional amendment. The adopting of this amendment is not simply that we obey the gentleman from North Carolina [Mr. WHITENER], among other important and constructive changes, will eliminate section 10 of H.R. 6400. I urge their favorable consideration.

Mr. KORNEGAY. 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 North Carolina?

There was no objection.

Mr. KORNEGAY. Mr. Chairman, it is reprehensible and indefensible to deprive any qualified citizen of his right to vote. Any citizen and every citizen, regardless of his race, his color, sex, or political persuasion, should be guaranteed the chance to register and to vote in any election or to cast his or her ballots in any polling place, if he so chooses and should not be compelled to vote against his wishes and desires.

It is my privilege to represent a congressional district in North Carolina that is completely devoid of any vestige of discrimination in the voting process. However, under the weird and complicated 50 percent formula basis of H.R. 6400, my home county of Guilford comes dangerously close to being placed under the supervision of Federal vote examiners.

Using the figures presented in subcommittee hearings, Guilford County, N.C., has 144,040 persons of voting age—21 or older—in November 1964—based on the 1960 census report. The hearing report reveals that 75,804 voters were cast in the 1964 general election. This represents but 52.5 percent of the voting age population. To want to point out that the official figures presented by the Guilford County Board of Elections show that 77,160 persons voted last November, a much higher figure than that supplied the subcommittee, but still only 53.1 percent, a shocking percentage. But, although this poor record at the polling place was in no wise related to racial discrimination, my home county was in jeopardy of having the Federal Government take over our local voting procedures. In fact, a militant civil rights leader in my home county has stated publicly that "there has been no discrimination whatsoever.

I submit, if a few more had cared less last November, then Guilford County would have been penalized—under this proposed law. Because many of our registered voters—white and nonwhite—were apathetic and were not enthusiastic enough to go to the polls, Guilford County would have come under the aegis of Federal vote control—even though there is not a scintilla of evidence that voting discrimination was the issue. If this had occurred, we would have to bear the trouble and expense of coming to Washington and prove in the District court here that we
are innocent. We would not be allowed to file a suit in the Federal District Court in Greensboro, the jurisdiction where the cause of action allegedly arose. I can think of no other reason which requires the accused first to file a law suit to declare his innocence and secondly to remove the jurisdiction to a foreign court.

Speaking of the figures supplied to the subcommittee in their hearings, it occurs that they could be misleading if notfallacious. At the least, they are certainly interesting. For example, a county in Wyoming last November cast more votes than the total white voting age population in the State. This record shows that 113.38 percent of the voting age population went to the polls there. Another county, in New York, had 109.4 percent. Curious.

Mr. Chairman, H.R. 6400, in addition to being a measure which would insure equal justice by the half-measure—or 50 percent, is not a national law, one which would apply equally throughout our 50 States. Does it not seem ironic that a measure which would be a measure of discrimination is itself discriminatory in nature?

The law offered to us today would overlook and thereby permit discrimination in some States and in some counties but not in others. It would not consider equal justice to apply the measure to 7 States and 34 counties in the State of North Carolina and exempt some of our sister States, even though they voted less than 50 percent in the last election.

I am proud that my home county is not alone in my congressional district of North Carolina in administering rights and privileges to all, equally. The other three counties in my district also dispense justice in the same amount from the same spoon to all its citizens. In the 4 counties of the 6th district, there are 222,977 registered voters. Of this amount, 162,655 voted in the last general election—not good, but enough to escape from the provisions of the proposed law. I hope that the total Negro and white voters in my district, for the simple reason that one of the four counties—Orange—does not request or require that the registrant identify himself by race or color. Three of the counties, Alamance, Durham, and Guilford, do keep such records. In these 3 counties, there are 167,738 registered white voters and 36,295 Negro voters on the books—in about the same proportionate ratio as the total white and nonwhite population.

In the year 1964, in the 6th district, some 14 Negro persons failed to pass so-called literacy tests. Only one of the four—Guilford—retained figures on the number of Negroes who passed such tests. The number of those who did pass the test there amounted to 3,718 and it is reasonable to assume that thousands of others passed simply because the qualifications in the other 3 counties last year. I might add that there were seven white persons who failed during the same period.

The literacy tests administered in my district are not designed as discriminatory devices. In Alamance County, for example, a registrant is required to copy the simple statement:

Article I, section 10 of the constitution of North Carolina. All elections ought to be free. One could hardly allege that this attempt to bar any qualified person from voting.

The other three counties require that the registrant must read and sign an oath, which says:

I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the constitution of the State of North Carolina, not inconsistent therewith; that I have not been convicted of the crime of fraudulently registering in the State of North Carolina for 1 year and of the precinct for 1 month; that I am 21 years of age; and that I have not registered for a voting election in any other precinct. So help me God.

Could this oath be considered a device to preclude voting on the basis of race or color?

There are several very disturbing provisions of H.R. 6400. One of these is the section of the proposed act which would require the legislator of the State to first get permission of the U.S. Attorney General or the Federal District Court in the District of Columbia, before it could change the election laws. In one of its counties falls under the 50-percent provision of the proposed act. This section would in effect give to the Attorney General or the Federal District Court in the District of Columbia, before it could change the election laws.

Mr. Chairman, because of these and other objections I have to H.R. 6400, I cannot in good conscience support this measure.

I can and would gladly, however, support and vote for a truly equitable and nondiscriminatory voting rights act, which would be uniform in application, one which would apply equally—anywhere discrimination is practiced, and only where discrimination —and not just apathy—is found.

I would prefer an act which would provide for appeals arising from such a measure to be heard in the original jurisdiction and not limited to Washington, D.C. I would prefer a bill which would preserve the rights of the States to administer proper and equitable tests of qualifications and eligibility to vote. The bill which I have introduced is consistent with the Constitution. I would prefer a bill which forever will insure equal justice in the voting process.

Mr. Chairman, I ask unanimous consent that the gentleman from North Carolina (Mr. FOUNTAIN) may extend his remarks at this point in the Record and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. FOUNTAIN. Mr. Chairman, I have hesitated to speak on this legislation during this debate. It so seriously questions the integrity and fairness of my people and so dangerously flouts the Constitution—that I become emotional about it. We have already observed the dangers that follow some types of emotionalism. It is quite obvious to the Nation that this legislation is the product of emotionalism. Then, too, on highly controversial legislation of this kind, I have discovered that few positions are changed by the debate. Much is said and little is learned. In a variety of other ways well known to all of us. Then too, I am told that the outcome of this legislation is already known—that it will become the law of the land in some form or other. This thought is certainly no incentive for speaking out.

Beyond any question, the virus of unreason which has so pathetically infected some areas of the country has obviously descended upon us here. As someone has said, "Congress is down with the heaves and strangles, and ordinarily sound men are puffing and rolling their eyes in despair. The reason is, as always, madness, and as rightly motivated reasoning, have predestined that this bill will pass. I must have my say in view of all that I have heard on this floor during this debate, I cannot longer remain silent.

Whatever may be the outcome here today, history will record H.R. 6400 as a bad bill, a dangerous bill, a vindictive bill, a bill which, however motivated, perverts the Constitution. If this bill becomes law, it will pile wrong upon wrong. It will strike 'with the brute and clumsy force of a wrecking ball at the very foundations of American federalism.'

As some writer has said, "Our body politic suffers, it is true, from a few tumors, but the condition is operable and may be cured by careful surgery. This bill is a bill for disembonceling." H.R. 6400 is a defense of the Constitution. "A bill to enforce the 15th amendment to the Constitution." The 15th amendment provides, of course, that the right of citizens to vote "shall not be denied or abridged on account of race, color, or previous condition of servitude."

Of course, the 15th amendment does not grant anyone the right to vote. It was not so intended. The purpose of the 15th amendment is to prevent discrimination on account of race or color in the exercise of voting rights. Such discrimination has existed in the past and pockets of it doubtless still exist in every section of the country—not just certain areas of the South.

At this point, permit me to express my deep and sincere concern that such discrimination still exists today at any place. I have made many speeches in my home State about the right to vote. I have not talked about the right of a particular race to vote. I have talked about the right and the duty of all qualified citizens to express their views at the polls, but, be it known, our democracy and our way of life is the right of each qualified citizen, regardless of his race or color, to participate in the selection of those who will serve him in places of public trust. As the committee report pointed out:

Our Nation, born of a mighty struggle to secure representation to its citizenry, has
grown and prospered in freedom through self-government. Our history unfolds at every chapter the story of rededication to a belief in Government by and for the people.

Certainly, therefore, the right to vote is basic and essential among the many rights and responsibilities of citizens in any democratic society. I cherish this conviction, and all our people of all creeds and colors. I will always defend it in a proper way.

Wherever the right of a qualified citizen to vote is denied him such denial can be justified only by showing that he cannot be afforded the names of such citizens placed on the rolls. If the Congress feels that such discrimination is so widespread that action on the national level is needed, the Congress has the power to enact "appropriate legislation" toward this end.

The very serious question before this body is whether or not the administration's bill is appropriate. This leads to other important questions such as: Is it within the jurisdiction of Congress? Is it consistent with the letter and spirit of the Constitution? Or is it an unconstitutional—invalid exercise of power?

Is it consistent with the letter and spirit of the Constitution? Or is it an unconstitutional—invalid exercise of power which the Congress does not have but which the States have?

These are extremely important questions—transcending questions—rising, as someone has said, "above the sweaty little tricks and gimmicks" of any registrars. Surely we cannot command respect for the Constitution in any given State by subverting it on Capitol Hill.

I believe that the arguments which have already been offered in opposition to H.R. 6400 lead to the inevitable conclusion that it is not appropriate, that, in its present form, it is not within the scope of the Constitution, and it is inconsistent with the letter and spirit thereof.

Never before in all my experience have I seen so many Members take a frozen position in support of a piece of legislation so patently vicious, discriminatory, and unconstitutional. Have we forgotten that we are dealing here to-day, through this legislation, with something which is part of the order of government—"obedient to a written Constitution." If this Congress sacrifices this high principle to the emotional and political pressures of such a turbulent hour, we may lose for all of us far more freedom than we will seemingly gain for some.

I have not heard during the course of the debate on this legislation a single voice denying that the power to fix qualifications for voting is a power reserved to the States. Of course, such a position would be untenable, for article 1, section 2, spells it out in words a child can understand. "Time after time, the Supreme Court has affirmed this reservation of the power to the States.

Just 6 years ago, in the case of Lassiter v. North Hampton County Board of Elections (360 U.S. 46 (1959)), the Supreme Court has reaffirmed this reservation of the power to the States.

The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised. That if the States decide that a system of poll taxes, for example, is disproportionate and discriminatory, the imposition of State standards which are not discriminatory * * * We do not suggest that the States, if they wish, may base discrimination in voter registration there. Our only objection could be taken on constitutional grounds. The obvious vice of this legislation would be to establish Federal law new "qualifications for voting" in certain States and in certain counties of other States.

It is true that this power of the States must be exercised in accordance with other provisions of the Constitution. But it is the 15th amendment, and only the 15th amendment, which concerns us here in this legislation. By its own terms, the pending bill is a bill "To enforce the 15th amendment to the Constitution of the United States." If the bill cannot be sustained under this provision, then the Attorney General is out of court. As has been pointed out so many times, the courts in the Constitution and 15th amendment is a power to enforce the amendment by "appropriate legislation." This is not "appropriate legislation."

If H.R. 6400 proposed the use of clearly constitutional methods to meet demonstrable abuses in a specific manner, it would merit sympathetic consideration by all of us. But H.R. 6400 does not do this. Instead, it proposes the establishment of arbitrary and discriminatory restrictions upon the right to vote in any State and elsewhere which have not only been proved guilty of practices which violate the 15th amendment, but have not even been accused of such practices.

Many States including my own State of North Carolina, prescribe literacy tests for voters. So far as I know, no evidence has been presented—or even allegations made—that North Carolina is administering the literacy tests in a discriminatory manner. Information provided to me by county election boards in my district clearly demonstrates that the literacy test is not being used to prevent or discourage registration of qualified persons.

In Lenoir County, N.C., for example, only 10 Negroes failed the literacy test in 1964, while 942 Negroes passed. Three white persons also failed the literacy test in this county. The chairman of the Lenoir County Board of Elections, Mr. E. F. Wallace, Jr., and two prominent Negro citizens of Lenoir County, Mrs. Alice P. Hannibal and Mr. George B. Lane, furnished for the records of the committee hearings on this legislation, affidavits attesting to the lack of discrimination in voter registration there.

In Wilson County, N.C., in 1964, only 6 Negroes failed the literacy test while 919 Negroes passed. Three white persons also failed the test. Three more white persons declined to take the test after saying that they could not read.

In a much smaller county, Greene, five Negroes failed the literacy test in 1964, while 144 Negroes passed. These, of course, are just a few examples of the extent to which qualified persons are being registered in our congressional districts.

If the pending bill were aimed like a rifle at discriminatory applications of the literacy test; if its provisions were designed solely to prevent a State or locality from using some test or device to deny voting rights, then perhaps no objection could be taken on constitutional grounds. The obvious vice of this legislation is that it is not so limited and it is not so limited. As the distinguished Gentleman from North Carolina (Mr. Wynn) pointed out yesterday, this bill is triggered by a phony formula, a numbers game—a slick little testing device that relies not upon proof of discrimination but rather on certain statistics.

It applies only in States which as of November 1, 1964, maintained a "test or device" as a qualification for voting. By "test or device" this bill means, among
other things, any requirement that a registrant possess good moral character or demonstrate "the ability to read, write, or interpret any matter." But regrettably this is not true, however. New York State is not touched by this legislation, while 34 counties in my State are, by this law, presumed guilty of voter discrimination under the 15th amendment. This rank discrimination of the worst sort.

Almost 52 percent of all North Carolinians of voting age voted in the last general election. Had the percentage fallen below 50 percent, then every one of our counties that has been selected would be subject to the sanctions of this bill. Since only 34 counties are said to have voted less than 50 percent in the 1964 elections, only these 34 counties are presumed to have violated the 15th amendment. In other words, in my home State, to show how ridiculous this legislation is, 34 counties will be subjected to Federal jurisdiction with no literacy test required, while the remaining 66 counties of North Carolina will still use a literacy test for voting applicants.

Arkansas has no literacy test. In 1964 only 49.9 percent of the voting-age population voted, but not because of a test covered by this bill, but North Carolina, which voted 51.8 percent of its voting-age population would be covered.

The absurdity of the percentage formula is further illustrated by comparing North Carolina, which has a literacy test, with its neighbor, Tennessee, which has none. North Carolina's voting percentage was 51.8 percent while that of Tennessee was 51.1 percent. In North Carolina, 34 out of 100 counties had a voting percentage of less than 50 percent. In Tennessee, 22 out of 95 counties had a voting percentage of less than 50 percent. Can it be demonstrated by any law or logic that North Carolina is guilty of discrimination under the 15th amendment, while Tennessee is not, simply because Tennessee has no literacy test.

In Louisiana, 47.3 percent of the people voted. In Texas only 44.4 percent voted. A closer examination of the statistics would be used to justify the conclusion that there were violations of the 15th amendment in Louisiana but none in the State of Texas. Why? Because Louisiana has a literacy test and Texas does not.

Let us take another example. Again, 34 counties in North Carolina, under this bill, would be presumed in violation of the 15th amendment. Yet there are 137 wills in the 1964 elections that voted less than 50 percent, but these counties are not covered by this bill. The State of Texas, which voted only 44.4 percent, is deemed not guilty of discrimination simply because it had no literacy test. Get this: 19 of North Carolina's condemned counties actually had a higher voting percentage than the "guiltless" State of Texas.

According to statistics submitted by the Attorney General, 75 percent of the voting-age population in North Carolina is registered. This is a greater percentage than in at least 13 States that are not covered by this bill and, yet, one-third of my home State, under the terms of section 3(a) of this bill, are singled out and pronounced guilty of violating the 15th amendment.

In other words, by using the phony numbers game used in this bill, an illiterate registered voter will be made to vote in one county of my State while another illiterate person is prohibited from voting in an adjoining county. A Federal registrar will set in one county and in the other illiterate person will be prohibited from voting by the numbers game employed in this bill, an illiterate registered voter will be made to vote in one county of my State while another illiterate person is prohibited from voting in an adjoining county. A Federal registrar will set in one county and in the other illiterate person will be prohibited from voting by the numbers game employed in this bill.

And, unfortunately, no locality or State may adopt the very simplest ordinance or law affecting election procedure without clearing it first with the three-man district court in Washington.

Any potential voter in a covered area could complain to Washington of discrimination if he is turned down when he seeks to register to vote. This would bring an investigation by the Attorney General. If he decides there has been discrimination, Federal examiners or registrars will be sent to the register individuals in the given State.

I wonder how many Members realize that this bill grants the right to vote to all who are registered by Federal examiners and allows 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. How undemocratic and unfair can this Congress be in its attitude toward a particular section of the country.

The late Samuel Jones Tilden, an American statesman, who ran for the Presidency of the United States on the Democratic ticket against Rutherford B. Hayes, delivered an address at the Democratic State Convention in Albany, N.Y., in 1868 which, though then used in connection with another situation, is extremely pertinent today and to this situation in particular. Let me read it to you:

Hitherto the great right of the citizen to a voice in choosing his rulers has been safely entrenched in the constitutions of the several States. No one, from the President of the United States down to the smallest police officer, can hold his office except as the people choose him. To effect a change throughout the Union would require that these processes be carried through in each State separately. But one admission to the right, a majority of the people of the several States, acting in their organic capacity; once allow Congress to usurp jurisdiction over the suffrage of the States; once admit that this fundamental right may be changed by a mere enactment of Congress, without submitting a vote of the people in each State; in any way can tell how soon his vote may be rendered worthless, or how soon it may be taken from him, and that is the fundamental of this legislation in particular. Adopt his theory; establish the precedent; accustom the people to acquiesce in power.
President, with a subervient majority in Congress in possession of the machinery of the Federal Government; our political system is no more than the name of the States to restrain is gone—and a supreme control over the suffrage is all that is wanting to complete and consummate a practical revolution in our government. Your future masters may indulge you a while in the forms of election, if they be allowed to make over the constituent bodies as often and as much as they please, letting in and shutting out voters to maintain their ascendancy.

Mr. Chairman, I have been a member of the Democratic Party all of my life. Even when I was old enough to vote, I supported every Democratic ticket from the courthouse to the White House. At times when I could more easily have remained silent, I have gone out and fought for the entire ticket. My district gave an overwhelming vote to our late beloved President John F. Kennedy. It did the same thing for President Johnson. I made speeches all over my congressional district for the entire Democratic ticket during the last general election.

I do not expect any special consideration because of my party loyalty. However, I would not be honest if I did not say that I am more disappointed than I was when our President recommended this vicious piece of legislation to this Congress. I am hurt by it. So are the people I represent. We expect to be treated only as equals with the rest of the Nation. I have been just as disappointed over the support of this legislation by the leadership of this House. As strongly as I believe in the right of every qualified citizen to vote, without regard to his race or color, I sincerely hope that this legislation will not be passed.

As skeptical as I am about our present Supreme Court and its thinking, and notwithstanding the applause given by the President of the United States to the members of that Court present when the President told the Congress what it had to do, I sincerely believe that this bill, if it passes in substantially its present form, could not be overruled by the formula, will be declared unconstitutional. I am confident that we could adhere to the guarantees of the 15th amendment without ignoring the legitimate and constitutional rights of the States as this bill does. If it wanted to, this Congress could pass a piece of legislation providing a very simple and fair method for solving the problem of voting rights and disputes wherever they may arise. For it has been known that the fundamental constitutional principles which, time and time again, have been stated here on the floor of this House during this debate—principles largely upon which this Nation was founded. The majority of you appear to have made up your minds to pass this legislation. You have indicated an unwillingness to even moderate it by making it applicable to all our people and all States alike. This you now have the power to do.

I may be wasting words, but I still respectfully appeal to you to rewrite this legislation in such a way that it will serve to eliminate discrimination against any voter because of his race or color, without laying the foundation for political dictatorship, as this bill does, by whatever political party may be in power at a given time.

Mark my word, this is dangerous and far-reaching legislation. If it is passed, and later sustained by the Supreme Court, in my opinion, it offers great potential for a very substantial and undesirable change both in our form of government and in our way of life.

I am reminded of the Biblical injunctions "What doth it profit a man if he gain the whole world and lose his own soul."

Likewise, what will it profit us to win all our wars abroad, if we lose our freedom at home?

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendments offered by the gentleman from North Carolina, (Mr. WHITENER).

Mr. Chairman, these amendments have various effects on the bill before us. One amendment, section 5, provides the provision requiring preclusion of new voting laws.

Another amendment would limit the appointment of examiners under the bill to federal courts, and would take the Civil Service Commission out of the picture completely.

Another amendment would delete section 8, which provides for observers where we believe are necessary to insure that the provisions of the bill are enforced.

Another amendment drastically amends section 9 dealing with the challenge procedure, which is vital to this bill.

One of these amendments deletes section 10, the poll tax provision, which is fundamental in this bill.

Another amendment would amend section 11, eliminating the section which provides for protection from intimidation, threats, and violence.

Mr. Chairman, I believe I have said enough to demonstrate why these amendments should be defeated. In general, they would certainly damage the bill, and I ask for rejection of the amendments.

Mr. HARDY. 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 Virginia?

There was no objection.

Mr. HARDY. Mr. Chairman, I am a strong supporter of the proposition that no citizen of the United States should be denied the right to vote because of his race or color. When the President presented his views to the Congress on this subject earlier this year I applauded the position which he took. It is with deep regret that I am unable to support the measure before us but it goes far beyond the President's message and it makes provisions which are highly discriminatory against sections of the United States.

As I read the bill and as I understand the debate which I have followed, the automatic triggering provision, section 4, would immediately bring Virginia and my congressional district under the terms of the bill and would cause to be established in my own district Federal examiners which would not necessarily be local people, or even Virginians, and the citizens of my district would be registered by these examiners instead of the duly constituted local registrars.

Mr. Chairman, it is the presumption of the 50-percent provision in section 4 (b) which would have this effect. According to the figures published in the committee's hearing record only 42.7 percent of the population of voting age in the city of Norfolk, the largest city in Virginia, are registered. From these figures printed in the hearing record, I observed that although the percentage of white persons registered is slightly higher than the percentage of non-whites, they are both well below the 50 percent and the differential is not great.

Mr. Chairman, I wish I knew the entire reason why the percentage of registered voters in my district is as small as it is. I think I am undoubtedly a part of it due to the fact that the percentage of our total population consists of military personnel and their families. For a variety of reasons, these citizens frequently are reluctant to register and to vote at posts where they are stationed.

But let me say this, Mr. Chairman, this problem of stimulating interest in registering and voting in my district is one that we have worked on diligently for many years. Various organizations on duty overseas have increased the percentage of registrants. Additional registrars have been appointed and additional places for registration have been established, but none of these has been sufficient to bring the percentage of our registered citizens above the 50-percent mark, according to figures published by the committee.

Yet, Mr. Chairman, during the entire 20 years of my service in the House, I never saw any evidence of voter discrimination in the District of Columbia because of race or color, nor have I heard it charged that discrimination has been practiced in my district because of race.

And so, Mr. Chairman, I say that this bill is unfair and that it ought not to be passed. I wish that the committee had brought in an equitable bill which I could support, and I regret that this is not so.

Mr. DOWNING. 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 Virginia?

There was no objection.

Mr. DOWNING. Mr. Chairman, I supported the McCulloch voting rights bill, rather than the Celler bill, sincerely believing that it would have accomplished the same purpose without placing a stigma on six Southern States, including Virginia.

The Celler bill is sectionally discriminatory while the McCulloch bill was sectionally uniform applying equally, North and South, anywhere discrimination in voting is practiced and only where it is practiced.
I am always opposed to any form of discrimination at the polls because of a man’s color, or because he is of a different race. This is a right given to every American under the terms of our Constitution and when and where it becomes necessary, it should be enforced.

On the other hand I do not believe that the right to vote is automatic; it is a privilege which is given to those who can meet the prescribed requirements and this is as it should be.

In my opinion, the McCulloch bill would have rectified the problem of voter discrimination more equitably than this amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from North Carolina [Mr. Whiteman].

The amendments were rejected.

AMENDMENT OFFERED BY MR. LINDSAY

Mr. LINDSAY. Mr. Chairman, I offer an amendment to the bill.

The Clerk reads as follows:

Amendment offered by Mr. Lindsay: On page 27, line 11, insert the following new section 14 and renumber the succeeding sections accordingly:

"Section 14(a) Congress finds that recent events have demonstrated that effective exercise of the right to vote as guaranteed under the amendment requires that citizens of the United States be protected in their rights of freedom of speech, press, the right person to assemble, and to petition the Government for a redress of grievances and that State and local officials have often reenforced denials of the right to vote by suppressing through the use of threats, intimidation, and brutality.

"(b) Whenever any person acting under color of law has engaged, or there are reasonable grounds to believe that such person is about to engage, in any act or practice that intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce the exercise by any other person, in connection with voting, of his right of freedom of speech or of the press, or of the right to assemble and to petition the Government for a redress of grievances; and that State and local officials have often reenforced denials of the right to vote by suppressing through the use of threats, intimidation, and brutality.

"(c) Whenever any person acting under color of law has engaged, or there are reasonable grounds to believe that such person is about to engage, in any act or practice that intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce the exercise by any other person, in connection with voting, of his right of freedom of speech or of the press, or of the right to assemble and to petition the Government for a redress of grievances; and that State and local officials have often reenforced denials of the right to vote by suppressing through the use of threats, intimidation, and brutality.

"(d) Whenever any person acting under color of law has engaged, or there are reasonable grounds to believe that such person is about to engage, in any act or practice that intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce the exercise by any other person, in connection with voting, of his right of freedom of speech or of the press, or of the right to assemble and to petition the Government for a redress of grievances; and that State and local officials have often reenforced denials of the right to vote by suppressing through the use of threats, intimidation, and brutality.

"(e) Whenever any person acting under color of law has engaged, or there are reasonable grounds to believe that such person is about to engage, in any act or practice that intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce the exercise by any other person, in connection with voting, of his right of freedom of speech or of the press, or of the right to assemble and to petition the Government for a redress of grievances; and that State and local officials have often reenforced denials of the right to vote by suppressing through the use of threats, intimidation, and brutality.

The CHAIRMAN. Does the gentleman from New York [Mr. Lindsay] desire to be heard on the point of order?

Mr. LINDSAY. Yes, Mr. Chairman, I should like to be heard on the point of order.

I had understood, because the distinguished chairman of the Committee on the Judiciary said the other day when I gave notice that I would be offering this amendment, that he would raise a point of order against it.

Mr. Chairman, I fail to see any merit or substance in this point of order. My research has discovered no precedent at all in the history of the subject of the amendment.

Nowhere is the principle better stated, however, than in the language which opens the chapter on germaneness in Cannon's Procedure Manual:

"That an amendment be germane means that it must be relevant to the subject matter of the bill. It must be an amendment that would appropriately be considered as part of this one.

Mr. Chairman, the subject matter of this bill is the protection of voting rights.

That term must be understood broadly, in keeping with the broad intent of this legislation. All my amendment does is provide some protection against invasion of individual voting rights complete and meaningful.

This amendment, Mr. Chairman, is relevant to the subject matter of the bill. It should be considered in conjunction with the bill.

I submit the amendment is germane, Mr. Chairman, and very necessary if we are to make this voting rights bill all that the American people expect it to be.

The CHAIRMAN (Mr. Boling). The Chair is ready to rule.

The Chair has had an opportunity to study the amendment and precedents relating to this bill.

The Chair calls attention to language in the amendment offered by the gentleman from New York [Mr. Lindsay] under paragraph (b) where it is made quite clear by the phrase "in connection with voting" that the purpose of this amendment is to deal with voting provisions. In other words, with the 15th amendment.

Therefore, the Chair overrules the point of order and recognizes the gentleman from New York [Mr. Lindsay] for 15 minutes on his amendment.

Mr. LINDSAY. Mr. Chairman, this amendment is a narrowing and a condensation of the old part 3—or sometimes called title III—that has been before the Committee on the Judiciary of the House of Representatives for many years.

Mr. Lindsay. Mr. Chairman, this amendment is a narrowing and a condensation of the old part 3—or sometimes called title III—that has been before the Committee on the Judiciary of the House of Representatives for many years.

Mr. LINDSAY. This amendment deals with rights under H.R. 6400, which was presented to the Congress in 1957 by the Eisenhower administration, and was reported out by the Committee on the Judiciary of the House and passed the House with the support of Members from both sides of the aisle and with the endorsement of the then administration and with the vote of the distinguished chairman of the Committee on the Judiciary.

This part 3 dealt with the protection of Bill of Rights guarantees from A to Z. In other words, it provided that if at any time there was a threat to the equal protection of the laws of any individual, whether it was by the Federal Government or by the State Government, there should be a right to bring a civil injunctive action in order to protect that right.

Since then it has been demonstrated again and again in the country that all of the Bill of Rights provisions and guarantees that have been threatened, it is the first amendment rights and guarantees that have been threatened most frequently—that is to say, those that have to do with the exercise of free speech, press, petition, and the right to assemble peacefully and to petition the Government for redress of grievances.

Now it may be argued that section 11 of the committee bill already contains protection of voting rights and threats against the right to vote or the exercise of the right to vote.

The weakness here is that that provision is too narrow in scope in respect to the exercise of an individual's voting rights and threats against the right to vote or the exercise of the right to vote.

The CHAIRMAN. The amendment deals with rights under H.R. 6400 deals exclusively with voting rights. The amendment proposed deals with rights under the part 3 or title III amendment.

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The protection in section 11 is tied very closely and narrowly to the actual mechanics of voting and does not cover fully the right of Americans to come together and to ask for the right to vote and, if necessary, to hold a meeting or rally or even an orderly parade.

It should be noted that Mr. Chairman, that this part 3 or title III amendment guarantees this most important right of Americans as delineated and set forth in the first amendment, which many scholars and civil libertarians call the bulwark of the Bill of Rights.

I would remind Members also that it is the duty and responsibility of the Federal Government to safeguard Bill of Rights protection. It is also the responsibility of the Congress to pass such laws as are necessary in order to make it possible to safeguard Bill of Rights protections, and most particularly the first amendment. In the absence of such implementing legislation we have merely a paper, promise or legal fiction.

Mr. Lindsay. Mr. Chairman, if this amendment in much broader scope was appropriate in 1957 and was accepted by this body in 1957, only to be buried in committee in the other body, then surely it is appropriate in 1965.

I ask that the Members give this their support.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this indicates clearly the point that this amendment is comprehensive as this on the floor of the House. Here we get from left field—or from right field or center field—an
amendment very comprehensive and very difficult to comprehend which would in a certain sense, in common parlance, "gum up the works."

There are in the bill now sufficient safeguards to cover all the contingencies mentioned by the gentleman from New York. I read from page 24, commenting on line 9. Mark you well the following words:

"No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce any person for voting or attempting to vote, or for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any political duties under section 3(a), 8, 9, 10, 12(e).

I do not know what more the gentleman would want in this regard. It is ample. It is full. I do not see what additions we could possibly make to it. It covers Federal elections. It covers State elections. It covers intimidation, threats, or coercion by a State official or by a private person. It covers, as I said, local elections and Federal elections.

It is an extension of the 1957 act, 42 U.S.C. 1971(b), which prohibited such violence by private individuals in Federal elections, to all elections.

There is involved in here private violence as well as official violence at any election.

I do not know what more we should add to this situation.

Originally, in respect to the 1957 act, I was in favor of the so-called part 3, which covered the molestation of any one, any action to bereft a person of his constitutional rights on all levels of American life.

Now the gentleman from New York is trying to curb it by limiting it to voting. This very question as to whether there should be this amendment offered by the gentleman from New York was asked of Mr. Katzenbach, the Attorney General, when this matter was before the Judiciary Committee. The gentleman from New York [Mr. LINDSAY] said:

"We have been up and down the mountain on it many times. The House passed it once, in very broad form.

What would be your opinion of an addition to this bill of that limited form of part 3?

Mr. Katzenbach—listen to this, gentlemen—said as follows:

Mr. KATZENBACH. My opinion on it, Congressman, is that the opinion, as was stated by my predecessor. When you give us that power, then you also give us the power for an appropriation to hire the police force that it is going to take to do it. Don't give us the responsibility without the capacity of fulfilling it. Don't put me in the box where the police don't tell you what to do this and I have nobody to do it. Give me the national police force that it may take.

I repeat, "Give me the national police force that it may take." We do not want the national police force. The Attorney General does not desire a national police force. For that reason, I do hope that the amendment of the gentleman from New York [Mr. LINDSAY] will not prevail.

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

Mr. Chairman and members of the Committee, I am, I guess, quite surprised that the chairman of the committee, a man for whom I guess I have more respect than perhaps any man in the House because he has been my chairman and I have been a Member of the Committee for a good number of years, will not accept this amendment. I say that because certainly this amendment has been refined substantially since 1957. All this amendment does, really, is to guarantee first amendment rights in their relation to voting rights.

I would say to my very distinguished and respected chairman that if Mr. Katzenbach says he needs funds to give the American citizens their constitutional rights, and if it requires additional employees to do so, then it seems to me we ought to give the funds to him and we ought to guarantee all Americans the rights we say in this hall of Congress they should receive.

Let me say hypothetically, if I may, although it is not quite on point, that I was regrettably called out of the Chamber a short while ago on some other congressional business. When I returned I found to my dismay that a gentleman whom I had expressed a great degree of admiration for his courage as a southerner in supporting what I thought was 100 percent the administration bill, had offered an amendment identical to one which we had, in the Judiciary Committee on the Judiciary and which was rejected because "it would gut the bill."

Now I praised that gentleman and I sincerely meant it. I regret therefore that he did not announce his intention to submit his amendment when he agreed to support the bill and I hope that his amendment is finally rejected, and he will vote for the bill on final passage.

I want to go on record as saying I am against this amendment. This is not the way to approach it. Member of this Chamber, be he Republican or Democrat, who is interested in giving to the Negroes of this country the right to vote, will support the Celler bill and vote yes because the amendment is not defeated, the value and effect of the Celler bill has been greatly diminished. I find it difficult indeed to understand how a man can represent that there is in fact discrimination, that there is in fact disenfranchisement of American voters, and then come in and say, "Well, if 50 percent of them are registered, you can forget about the other 50 percent." I think we ought to make certain that 100 percent vote. If my friend is sincere, and I continue to believe he is, he will vote for the Celler bill on final passage even without his amendment.

Now let me close by saying, that my experience over 7 years' time has convinced me that the gentleman from New York [Mr. LINDSAY], in all of the time he has spent in this House, has been truly a champion of the rights of all the fellow citizens. I understand the indication of his sincere interest in bringing all Americans the guarantee of all of their constitutional rights. I hope the Lindsay amendment will be adopted.

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

Mr. CAHILL. I yield to the gentleman.

Mr. CRAMER. Just to make sure the record is clear—Mr. Katzenbach during the consideration of an amendment that was adopted—I did not want it to be assumed by anybody that the gentleman was talking about the Cramer amendment. He was talking about another amendment.

Mr. CAHILL. I am talking about the amendment offered by the gentleman from Louisiana [Mr. BOOZE].

Mr. MATHIAS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I rise to support the amendment which has been offered by the gentleman from New York. I think it is a splendid amendment. I do not think it duplicates anything which is already in the bill. I think it is a necessary amendment. I think that its offering here is consistent with the constructive and positive record in this House of the gentleman from New York, its sponsor [Mr. LINDSAY].

If there is one thing that Americans have held dear from the time that they first were known as Americans it is personal and individual liberty. If there is one that that this House should stand for it is the protection and the guarantee of personal and individual liberty. The Revolutionary War started out to protect individuals in their liberties as freemen. It was only later in that struggle that it became a war of national independence. Abraham Lincoln, in preserving the Union during the Civil War, did not preserve it because of the fact that it was a revered structure of government, but because the Union was the means by which the personal liberties of Americans could be secured and preserved through the ages.

When our Constitution was written, personal liberties and personal rights were considered so basic to Americans that it was not thought initially necessary to enumerate personal liberties and to specify their guarantees. It was not until the Constitution had been in force for a while that we felt better to identify the primary personal liberties and to guarantee them by the Bill of Rights.

That is what we are talking about in the Lindsay amendment—the personal right of every American. My distinguished chairman has said that it is a complex amendment and hard to understand. For the second time this afternoon I regret that I have to differ with him because I have not the privilege of working with this House, certainly the senior Members of this House, certainly everybody who has been interested in civil rights legislation, has been thoroughly familiar with part 3 and what it means. It is not complex, it is not difficult. This is a very narrow, specific portion of part 3 dealing with voting and dealing with the first amendment.

Then my distinguished chairman has the opportunity to strike a police force. I have a higher regard for Mr. Katzenbach than to think that he would have to resort to
police to enforce the provisions of this amendment. I do not think the chairman really thinks he would, either. Police are not involved in this. It is lawyers and courts and judicial procedures to protect Americans in their historic, traditional liberties that are contemplated by the Lindsay amendment.

This is a good amendment. It is a great amendment. Some of the name it bears. It deserves the support of all the Members of his House.

Mr. REID of New York. Mr. Chairman, will the gentleman yield? Mr. MATHIAS. I yield to the gentleman from New York.

Mr. REID of New York. Mr. Chairman, I rise in strong support of the amendment of the gentleman from New York (Mr. Lindsay) to uphold first amendment rights in connection with voting. Those of us who have lately been in Selma, and all Members of this House, know clearly and unmistakably and sorrowfully that there have been threats, intimidation, brutality, and, indeed, murder, in connection with voting rights.

As the gentleman from Maryland has so eloquently said, there is a clear need for the Federal Government to be able to take appropriate action to guarantee constitutional rights and to uphold first amendment rights.

If I am not mistaken I attended a meeting with the gentleman in the Justice Department, following a very tragic day in Selma on Sunday, March 7; this was on Monday the following day. It was very clear the Attorney General could have used additional powers provided by the basic amendment. I hope it is strongly supported by both sides of the aisle.

Mr. MATHIAS. I thank the gentleman.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield? Mr. MATHIAS. I yield to the gentleman.

Mr. BURTON of California. Mr. Chairman, I commend the distinguished gentleman from Maryland (Mr. Marsch), and the gentleman from New York (Mr. Reid), as well as the sponsor of the amendment (Mr. Lindsay), who have on many occasions past, accepted suggestions from this side of the aisle because of their sincere interest in this field. I think those of us on this side of the aisle have no less responsibility. I applaud the amendment and urge its adoption.

Mr. RYAN. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I hope that this amendment will be approved. It has been perfectly clear to me through my firsthand experience with the civil rights activities of a courageous civil rights movement that there is a need for this kind of protection and guarantee.

It does not go far enough, but it goes farther than anything we have now. In my experience in Alabama, Georgia, and Mississippi, I have seen clear and abundant evidence of the most shocking kind of deprivation of freedom of speech, freedom of assembly and freedom of the press. This includes harassment, intimidation and even brutal murder.

Mr. Chairman, I urge amendment and have urged time and again that the Federal Government should utilize every weapon of his office to provide protection to citizens exercising constitutional rights in connection with civil rights activity. We have been told he does not have sufficient power to meet the problem. If a Federal force is needed to deal with civil rights violations, this should be accomplished.

We have waited too long to provide the Federal Government with the necessary power to protect the rights of citizens in this area.

This amendment is one that has been before the House for a long time. In 1961 I introduced H.R. 9333, which gave the Attorney General the power on his own initiative to go to court to protect first amendment rights. I introduced a bill (H.R. 6031) in the last Congress to accomplish the same purpose as the part III amendment which was before Congress in 1957. I testified before the Committee that it is a moderate provision, lending itself to intelligent implementation.

It is a power to meet the problem. If a Federal force is needed to deal with civil rights violations, this should be accomplished.

We must realize the importance of the Federal Government squarely behind the effort.

We must realize the passage of the voting rights bill today is not enough. It is not enough simply to provide protection for the right to register and vote.

We must realize it is necessary to provide additional powers for those dedicated Americans, who risk their lives in the civil rights movement, protection of all their constitutional rights. Everyone knows that those dedicated Americans who are engaged in voter registration work have been subjected to the most blatant deprivations of their constitutional rights.

If we are to achieve full and complete equality which the Constitution promises, then this amendment will help to take us a long way.

I might point out that, when part III was debated in the U.S. Senate in 1957, Senator Clark of Pennsylvania, said:

Either we repeal the 14th’s equal protection clause or we give the Department of Justice all appropriate means of enforcing it, whether those means be criminal or civil.

At the same time Senator John F. Kennedy, later our President, said:

It is a moderate provision, lending itself to intelligent implementation.

I believe very strongly this should be included in the voting rights bill.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield? Mr. RYAN. I yield to the gentleman from New York.

Mr. OTTINGER. The gentleman from New York held an excellent hearing a week ago at which he came to people who were put in virtual concentration camps at Jackson, Miss., in connection with demonstrations for their right to vote. The Federal Government had to stand by, helpless to redress heinous violations of their rights by the very local police authorities that should have offered them protection. This is a very serious situation that we need additional tools at the Federal level to deal with intimidation in connection with the right to vote. Certainly the gentleman from New York (Mr. Lindsay) has helped us out on many key issues in which we believe, and I think it is time for us to support him in this excellentand meritorious measure. I ask that the amendment be agreed to.

Mr. HALPERN. Mr. Chairman, will the gentleman yield? Mr. RYAN. I yield to the gentleman from New York.

Mr. HALPERN. Mr. Chairman, I rise in support of the Lindsay amendment. It is consistent with legislation I have sponsored in this House, and in my testimony before the Judiciary Committee I urged that it be incorporated into the bill. Regrettably it was not and I am delighted my able colleague from New York (Mr. Lindsay) has reintroduced the legislation, is offering it as an amendment on the floor today.

I agree with the gentleman from Maryland (Mr. Mathias), that it is a great amendment. It provides teeth—necessary tools in civil rights legislation. I trust it will prevail overwhelmingly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Lindsay).

The question was taken; and on a division (demanded by Mr. Lindsay) there were—ayes 89, noes 91.

Mr. LINDSAY. Mr. Chairman, I demand a call of the tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Lindsay and Mr. Skenner.

The Committee again divided, and the tellers reported that there were—ayes 119, noes 134.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I should like to ask my good friend, the gentleman from Ohio (Mr. McCulloch), and my good friend, the gentleman from Michigan, the minority leader (Mr. Graham), whether we can at this juncture possibly agree upon when we might terminate all debate on the committee amendment and all amendments thereto?

Mr. GERALD R. FORD. May I ask the distinguished chairman of the Committee on the Judiciary if he knows of other amendments besides the three which I understand are at the desk; one amendment by the gentleman from Minnesota, an amendment by the gentleman from Georgia, and one other?

Mr. CELLER. I do not know of any others.

Mr. DOWDY. I have an amendment, for which I have been trying to get consideration for an hour, and we can at this juncture possibly agree upon when we might terminate all debate on the committee amendment and all amendments thereto?

Mr. GERALD R. FORD. I know there were three, but I had forgotten the sponsor of the third. So far as I know, there are three at the desk.

Mr. CELLER. Can we agree to close debate in about 20 minutes?
Mr. GERALD R. FORD. Would 30 minutes be more satisfactory?

Mr. CELLER. Very well. I ask unanimous consent, Mr. Chairman, that all debate on the committee amendment and all amendments thereto conclude at 7:20 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENTS OFFERED BY MR. MAC GREGOR

Mr. MAC GREGOR. Mr. Chairman, I offer the two amendments I have at the desk and ask unanimous consent that they be considered en bloc.

The Chairman. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

BY UNANIMOUS CONSENT, MR. CROSSyielded his time to Mr. MAC GREGOR.

BY UNANIMOUS CONSENT, MR. GROSSyielded his time to Mr. MAC GREGOR.

Mr. MAC GREGOR. Mr. Chairman, these amendments pertain to the section of the bill which deals with attempts to effect modifications of the 15th amendment. The majority report claims that the bill provides a means for a determination of questions of national concern and important questions of State. The majority report states that Congress has also previously established a single forum for determining questions of national concern and the Supreme Court approved this action, but it is well to note that the majority report contains no explanation for limiting the jurisdiction of the D.C. Court to the exclusive jurisdiction of the District Court for the District of Columbia. The clear answer to that question is, there are no adequate precedents for this extraordinary procedure. There is usually no statutory precedent for requiring a State or political subdivision to come into any court, much less the District of Columbia, to seek validation of laws duly enacted in their constitution and sovereign capacity. The Rights of States cited by the majority report concern the review of the administrative regulation of commercial affairs. As will be seen, they have nothing to do with the limitations on the basic constitutional powers or the rights of people acting through their State governments. This presumption of invalidity of State laws has no precedent, and none of the majority's examples even suggests that the distinction between the State or a subdivision a litigant in court seeking the license to operate in its sovereign capacity.

The majority cites as its principal precedent the Emergency Price Control Act of 1942.

The Emergency Price Control Act of 1942 provided an administrative remedy whereby a person subject to a regulation or price ceiling by the Administrator of the Office of Price Administration might file a protest containing objections to the regulation, order, or price schedule. The act empowers the Administrator to prescribe regulations for the filing of such protests.

The Emergency Price Control Act created a new court. It did not pick out one court, out of all the existing courts and require people throughout the country to come to it. Not only is the Price Control Act bare of limitation of this court's location to the District of Columbia—the court to be created by the act—but history shows that the court actually sat at 68 cities in hearing 401 cases throughout the entire country.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. MacGregor] has expired.

Mr. McCULLOCH. The Chairman, I ask unanimous consent to yield my time to the gentleman from Minnesota [Mr. MacGregor].

There was no objection.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield for a question?

Mr. MacGregor. I yield for that purpose.

Mr. McCULLOCH. The legislation which created the Office of Price Administration was not State legislation; it was Federal legislation, was it not?

Mr. MAC GREGOR. This provision which the gentleman is criticizing is aimed at the destruction of the rights that have been exercised by States and political subdivisions thereof since we became a union?

Mr. MAC GREGOR. The distinguished gentleman from Ohio is entirely correct.

Mr. McCULLOCH. And could this not well be the beginning of the onslaught upon the sovereign rights of the Federal system?

Mr. MAC GREGOR. It could, Mr. Chairman. If, indeed, we establish this precedent by rejecting the amendments which I have offered here we will be embarking on a course which could lead to
the reduction of every State and every political subdivision thereof to the status of a begging supplicant of the Federal court in the District of Columbia.

Mr. Mcculloch. Mr. Chairman, will the gentleman yield for one more question?

Mr. MacGregor. I yield.

Mr. McCulloch. Is not this a rash case of discrimination among the Federal courts?

Mr. MacGregor. It is certainly that, Mr. Chairman. And it is a ringing expression of "no confidence" in the integrity of our Federal district court structure throughout America.

Mr. Corrigan. Mr. Chairman, I rise in opposition to the amendment. The moratorium provision in this bill is a most important part of the bill, because unless we have that we potentially frustrate the purpose of the bill. We need it urgently. You will not have to come in hand to the court here, but just with clean hands. We are not taking away the exercise of right, but the exercise of wrong.

Mr. Chairman, I urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Minnesota [Mr. MacGregor].

The question was taken; and on a division (demanded by Mr. MacGregor) there were—aye 64, noes 92.

Mr. McCulloch. Mr. Chairman, I demand tellers.

The tellers were ordered, and the Chairman appointed as tellers Mr. Senner and Mr. MacGregor.

The Committee again divided, and the tellers reported that there were—yeas 125, nays 141.

Mr. Chairman, I ask unanimous consent to revise and extend the time.

Mr. Bennett. Mr. Chairman, I yield to the distinguished majority whip, the gentleman from Louisiana [Mr. Bocox] one-half of my time.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. Bennett:

On page 13, strike line 3 through 5, and insert in lieu thereof the following:

"The subsection (a) shall apply in any State or political subdivision of a State which the Attorney General determines maintained on November 1, 1964, and maintains at all times of his determination any test or device. A determination of the Attorney General under this section or under section 510 of this title shall be reviewable in any court and shall be effective on publication in the Federal Register."

Mr. Bennett. Mr. Chairman, I have introduced an amendment, which you have heard read. It eliminates the 50-percent trigger prerequisite provision.

The purpose is to broaden the voting rights bill to include States on a more fair basis than the present legislation, which seems to many to unfairly discriminate against certain States of the South. The debate has brought out that many southern legislators feel this to be so.

Further, I am sure that the constitutionality of this bill would be strengthened by this amendment.

Finally, I would like to point out that nothing that was allowed to be done under this bill prior to this amendment would be in any way reduced or prohibited by this amendment, as it clearly only eliminates one of the prerequisites for the triggering mechanism.

So it would be my belief that liberals as well as conservatives would feel that this would be an improvement on this legislation.

Before I close, I would like to make a few remarks about the actual experiences that we have had in Florida in a Duval County, the 1960 figures show that 63 percent of all Negroes of voting age were registered to vote and the comparable percentage for whites was also 63 percent.

What have been the results? It would be unfair to claim that this broadened electorate is responsible for the tremendous forward strides that have been made in this area in the ensuing years. No period in our history has in fact experienced better government or greater civic strides and progress. It has been truly miraculous.

I hasten to repeat that the broadened electorate cannot be given the credit for this under the word "age."

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I hasten to repeat that the broadened electorate cannot be given the credit for this under the word "age."

Surely, Mr. Chairman, I ask unanimous consent to revise and extend the time.

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

Mr. Dowdy. I yield to the gentleman.

Mr. Selden. Mr. Chairman, I ask unanimous consent to revise and extend my remarks immediately following the remarks of Mr. Whitten.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

(By unanimous consent, the time allotted to Mr. Selden was granted to Mr. Dowdy.)
Mr. DOWDY. Mr. Chairman, the pending bill provides that the law of a sovereign State shall be suspended. My amendment would provide for injunction if a law were not uniformly enforced.

The suspension of laws might come about because laws are not uniformly enforced, but that it has no authority to suspend the operation of a law duly enacted.

The signers of the Declaration of Independence had something to say about suspension of laws. In settling forth the abuses of the people by the King, which evidenced a design to reduce the people to despotism, they wrote that one of the abuses was that the King had suspended the operation of their laws. John Hancock and those other patriots, loving liberty as they did, wound up that part of their Declaration by alleging that a prince—a government—whose character is that marked by every act which may define a tyrant is unfit to be the ruler of a free people.

Mr. Chairman, this provision which I would amend, is one of the provisions which is tyrannical. The people who elected us have a right to expect better of Congress than to deliver this despotic power, in effect, into the hands of a political appointee, the Federal Attorney General. I urge the adoption of my amendment, which I previously touched upon in my remarks during general debate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Dowdy).

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Pickle).

(By unanimous consent, the time allotted to Mr. Waxon was granted to Mr. Pickle.)

Mr. PICKLE. Mr. Chairman, if time would have permitted I wanted to submit an amendment which I shall submit and have submitted to the chairman with reference to the poll tax.

I would like to have had the House consider the language which in essence was passed by the Senate and says that the poll tax would be a matter which ought to be decided by the courts as to its constitutionality.

I ask the chairman when the bill goes to conference that you consider the fact that the poll tax ought to be ruled on by the courts and that the language of my proposal provides for a court action. I believe that must be done in respect to the poll tax.

We have listened to 3 days of debate about my State. The poll tax is not a matter which ought to be left to the courts there. The constitutionality of such a matter ought to be left for the courts to decide. The House ought to adopt in principle, the language of the Senate.

In all fairness, when this bill goes to conference, I ask the chairman whether he will keep those thoughts in mind?

Mr. CELLER. I have no objection to a court test, I assure the gentleman.

Mr. PICKLE. I am going to give this language to the gentleman.

It is:

Sec. 10. (a) To assure that the right to vote is not denied or abridged in violation of the Constitution, or by the enforcement of the payment of a poll tax, the Attorney General shall forthwith institute in States having such a requirement in the name of the United States actions for declaratory judgment or injunctive relief against the enforcement of any poll tax, or substitute therefor enacted after November 1, 1964. If, after notification of voting, such requirement has the purpose or effect of denying or abridging the right to vote.

(b) The district courts of the United States shall have jurisdiction of such actions which shall be heard and decided by a panel of three judges.

(c) During the pendency of such actions, and thereafter, if the courts declare the requirement of the payment of a poll tax to be in violation of the Constitution, the United States shall have the right to sue the State to have the payment of a poll tax per se declared unconstitutional.

Mr. PICKLE. This whole poll tax ban was started in the Senate by certain individuals who thought it attractive to propose such a measure because it would make it possible for many of our people to be voted. When freedom is involved, there is a vast difference between our ways of our country. Apparently, legislation is vindictive and sectional. It is evildoing elections, and stark, centralization will no longer be considered in the cool, calm, deliberative, intelligent atmosphere as envisioned by the Founding Fathers. I never thought this Congress would seriously consider such repressive legislation.

This bill would turn the wheels of progress back to thought control, nationalized elections, and stark, centralization. So it does not follow that a poll tax in itself offers that kind of discrimination. It was argued that we have white primaries in our State—and nothing is further from the truth. I will admit that the poll tax has seen better days, but probably will be outlawed in the four remaining States. But that is a matter for the State to decide. Indeed, my State of Texas passed a constitutional amendment last month which will be submitted to our voters to do away with the present poll tax, and substitute therefor a registration system.

Mr. Chairman, I favor a voting rights bill. But let us do it in a constitutional way.

Mr. DORN. Mr. Chairman, again Congress is being forced to bow and subvert itself to the will of the mob. This is the second time in approximately 1 year that the violates provisions of 4(a) and 4(b) and a declaratory judgment has not been entered under subsection 4(a), during the first year he becomes otherwise entitled to vote by reason of determination of citizenship, a court shall be held to vote for failure to pay a poll tax if he tenders payment of such tax for the current year to an examiner at least forty-five days prior to election, whether or not such tender would be timely or adequate under State law, to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

(c) During the pendency of such actions, and thereafter, if the courts declare the requirement of the payment of a poll tax to be in violation of the Constitution, the United States shall have the right to sue the State to have the payment of a poll tax per se declared unconstitutional.

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ized power. The Armed Forces of the United States, representing the forces of freedom for almost 25 years, have been constantly engaged with the reactionary forces of totalitarianism which have destroyed many and are continuing to oppose the remaining reactionary regimes who boast of their democracy, voting nearly 100 percent of their people, but who void the ballot by terror.

This anti-American legislation would permit registrars appointed by the Federal Government to go into a few Southern States only and sit in judgment of registration boards, local officials, and the voting public. They would be armed by the Federal Government to register voters and then return on election day to see if they registered or voted. These registrars, examiners, and "commissioners" could be sent into South Carolina, the Deep South States, or Alaska, from California, Detroit or New York City. Mr. Chairman, this would be democracy—Russian style. Only a nonwhite person unable to read or write the English language could be placed on the registration books in South Carolina under the order of the Attorney General sitting in Washington. Under this legislation, in New Mexico, a nonwhite person could be denied the right to vote if he could not read and write this same English language. This is the most sectional and vindictive legislation ever proposed. The provisions of this legislation now would apply to certain States and not to others. It would establish a dangerous precedent of partiality and favoritism to the chosen States and certain pampered pressure groups. Under this legislation, those who could not even read the ballot could be hauled in and voted without regard to the constitutional rights of the States to set certain qualifications protecting and preserving the right to vote.

Under this Federal vote control legislation, any State or local registration laws passed since November 1, 1964, would have to be approved by three judges of the Supreme Court. Mr. Chairman, why Washington, D.C.? Any local official or registrar or citizen accused by the Federal Government under the provisions of this vindictive legislation could be subjected to 6 years in a Federal prison or $5,000 fine, or both.

Rather than this constant harassment and intimidation by the Federal Government, South Carolina has earned and deserves the commendation of the country. South Carolina is making fantastic progress in the field of human relations. We are making great progress in extending the full blessings of citizenship, economic opportunity and educational advantages to all of our citizens. We are urging and making it possible for our citizens who desire to do so to register and vote. We are protecting their right to vote, and Mr. Chairman, we are protecting their right not to vote.

In 1924 only 64 percent of the adult people of South Carolina voted in the national elections of that year. In 1948, only 13 percent of the adult population of South Carolina voted in the national elections of that year. In 1964, the last national election in November, 38 percent of our adult population in South Carolina voted, an increase of 300 percent over 1948—a greater percentage of increase than in any State in the American Union. In South Carolina, we are proud of this record. Without this legislation, in a very few short years, voter participation in all elections in South Carolina will be equal or higher than the national average. I hope you will help the people who registered for the first time, and the progress in a Deep South State. Let us accentuate the positive and not always dwell on the negative. No wonder the United States does not have the best image around the world. We are simply not telling the world the truth.

Yes, South Carolina comes under the provisions of this legislation while the overwhelming majority of the rest of the States is exempted. Yet, in Anderson County, the largest and most flourishing populous county in my district, 78 percent of the adult Negro population is registered to vote, while only 63 percent of the white population in Anderson County is registered to vote. Mr. Chairman, is this discrimination? Is this trickery and fraud to prevent nonwhite citizens from voting?

Pickens County, in my congressional district, is the second most populous county in South Carolina. In Pickens County 72 percent of its adult nonwhite citizens are registered to vote, while only 63 percent of the white adults of that county are registered to vote. Let us look at Oconee County, the third most populous county in my district, and see if he cannot read and write the Constitution. The percentage is 63 percent Negro registration and 62 percent white registration. I know of no discrimination against nonwhite voters in my area of the country. None has been proven in any court. No charges of voter discrimination have ever been brought into the courts. No sworn affidavits of discrimination have been presented to the Civil Rights Commission. The inescapable conclusion is that nonwhites are voting in the same bill, however, in New York a hundred counties, in South Carolina, District of Columbia, Maryland and District of Columbia, and District of Columbia, Washington, D.C.?

In 1964, 80 percent of all Negroes in South Carolina who know when and where to register and how to vote. The nonwhite citizens of South Carolina do not need Federal registrars, armies of invasion and examiners to tell them how to register or vote.

Mr. Chairman, every time I speak here of civil rights, which has been very frequently in the last few years, the discussion is brought up that we are bringing McCormick County in my congressional district. Before you reach in the files and ask about McCormick County, let me tell you about this fine example of the Negro population of my congressional district. I called an honest, forthright member of the board of registration in McCormick County, the Honorable Julius Baggett, a distinguished attorney, and a Christian gentleman, who is concerned with the perpetration and distortion of the facts concerning McCormick. Next to my own county, I am more familiar with the situation in McCormick than in any other county in the United States.

Mr. Baggett informed me that the registration board meets in McCormick County the first Tuesday of each month. They meet at the courthouse to register any potential voter who desires to have his name placed on the registration books. The prospective voter is required to have a simple application blank. Before his name is placed on the blanks, he is only asked his name, age, address, and occupation. You do not have to be listed on the registration books by race. There is no discrimination in the registering of Negroes. When a man is registering, an applicant is handed a copy of the Constitution of the United States and asked to read any portion of it. If they cannot read one part of the Constitution, the board of registration will even suggest another part, such as the preamble, familiar to virtually every elementary school child. This is only required in order to demonstrate the ability to read. Even teachers of both Negroes and whites do not have to read a few words from the Constitution.

In McCormick County, if they cannot read any portion of the Constitution and are therefore denied registration, the applicant can become registered if he has an assessed personal property valuation of $300. This includes automobile, house, land, personal belongings, etc. If the applicant pays taxes on this assessed personal property valuation of $300, he need not have personal knowledge of even though he cannot read and write or does not have an assessed personal property evaluation of $300, the applicant can still appeal under the State voting laws of South Carolina to the court of common pleas. The right of appeal to the court of common pleas is guaranteed by State law. The State court could order the applicant's name put into the Negro registration books even though he cannot read and write and even though he does not have the assessed personal property evaluation of $300. This simple requirement is not discrimination in McCormick County. McCormick County who genuinely has the desire to register and vote can do so.

Several years ago the FBI made a thorough investigation of registration and voting in McCormick County and no discrimination was found. No evidence of discrimination was found. No sworn affidavits from McCormick County alleging discrimination have been submitted to the Civil Rights Commission. Nonwhites are voting in McCormick County in increasing numbers. Ninety-five percent of all those registered in McCormick County voted in the last election. One reason for the overall small percentage of the total adult Negro population voting in McCormick County is that a good number of the nonwhite adults in McCormick County work in the large cities of the country such as Philadelphia, Washington, Baltimore, and Atlanta while their children go to school in McCormick County. McCormick County is county which is particularly fortunate with registra-
the splendid school system of McCormick County. Many of these parents have frankly confessed to me that they prefer that their children go to school in McCormick County to the better discipline and emphasis upon courtesy and good manners—an environment free of juvenile delinquency, teenage gang warfare, riots, and school boycotts.

Mr. Chairman, I am alarmed and concerned about legislation being considered and passed as a result of demonstrations, violence, and disrespect for local law and order. These demonstrations are a strange phenomenon which have caused the overthrow of friendly allied governments. Demonstrations and student riots are an ever-increasing threat to our own democratic society and even our national security whether they occur at the University of California, Philadelphia, Saigon, Ankara, or Panama. Democracy can only survive as a restrained, disciplined society. Even the House of Representatives, which we all love as a great institution requires discipline for orderly deliberative consideration. We have a Sergeant at Arms to enforce the rules of the House and the orders of the Speaker. No legislation is possible in Congress without restraint and discipline.

Mr. Chairman, I think the greatest contribution we can make today for freedom, brotherhood, and the rights of all of our citizens is to reject this legislation. Let us use our best judgment. Let us turn our attention to the needs of the country we have heard about discrimination and the need is drastic.

This legislation, if adopted, will be no more successful than the Civil Rights Acts of 1957, 1960, and 1964. This bill, as the other legislation, would only whet the appetites of mob leaders for more attention, more money, and publicity. Let us take no action that will lead to more demonstrations, more demand, and more so-called civil rights legislation. Let us digest what we have.

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Mr. WELTNER. Mr. Chairman, it is said that this bill is a drastic measure. Perhaps it is. Yet the problem is drastic, and the need is drastic.

It is said that this bill is not of uniform application. Yet you condone us to admit that voter discrimination is not uniform.

Finally, it is said, and with some justification, that this bill affects more areas than might be necessary. Yet, it is better to have this measure be too broad than too narrow.

And so we come to the final vote. There are those who wish to restrict the franchise. That is their prerogative. I stand with those who would extend the right to vote. Hence, I will support this bill.

Mr. BROHILL of North Carolina. Mr. Chairman, for 5 days this week the House has been engaged in major debate on what type voting rights bill will be enacted. Unfortunately, much of the debate has been filled with emotional overtones, and many of the details of the two bills before us have been overlooked or misunderstood.

The right to vote is the most basic of all rights. It is through the exercise of the franchise that all popular government is exercised.

Now, in this debate, and in these two pieces of legislation before us, we come to the question of what should be done about abuses of this right. The arguments are all concerned with what is appropriate but yet effective legislation.

It seems to me that the administration bill (H.R. 6400) is aimed solely at a few States. The President's bill would send the message of our national government to the States that there is a far greater responsibility to secure the right to vote. Where any test or device was used as a prerequisite to voting, and if less than 50 percent of the voting age population was registered to vote or voted in the November 1964 election. This arbitrary test has, I feel, systematically points an accusing finger at all States which require some form of literacy test for all voters.

It is true, according to evidence presented to the Judiciary Committee, that literacy tests have been used in some areas as a means for denying Negroes the right to vote. Wherever this occurs, it is wrong and in clear contravention to the Constitution itself. By no means, however, is this true in most States where literacy tests are required, and not one shred of evidence was presented that it is true in North Carolina.

Each State has its own constitutional responsibility to determine what its voters requirements shall be. I feel that knowing how to read and write the English language ought to be required of all voters. I feel that the laws and the constitution of North Carolina are right and proper in requiring this. These tests are applied fairly with no favoritism because of race or color, they are perfectly proper.

With its tortuously contrived formula of percentages, the administration bill seems to have been written by those who do not believe the constitutional right to vote is still being abridged in many sections of our country where we have had our civil rights bills. The troubles earlier this year in Selma, Ala., and elsewhere made it crystal clear to all of us that as long as the constitutional right to vote is still being invaded, and the election laws are open to challenge, our national heritage will not be so-called equal.

Even the sweeping civil rights legislation we passed here last year did not go far enough to meet the need on full voting rights.

President Johnson called on Congress last winter to move with dispatch in adopting corrective legislation. At that time I joined in introducing the administration's bill, the one we have now before us. The trouble is that I am glad to have had a share in making this achievement possible. While Congress has not moved as swiftly as we had originally hoped, I feel sure that this legislation will meet the need we uncovered together.

Mr. WALKER of Mississippi. Mr. Chairman, I come before you as I know we all do with well the fact that it has long been the custom within this legislative body for freshmen Congressmen to be seen and not heard, but this matter today is of such great importance to the future welfare of not only the people of the State of Mississippi, but also of this entire Nation of ours, that I must, in all good faith, oppose it with every means at my disposal.

I say I will take away the rights of my fellow man, nor do I want anyone to take my rights away from me. We have heard about discrimination and the way that certain groups have been discriminated against, but I would like to raise this question: Where do the civil rights of one individual end and the civil rights of another begin? We in Mississippi and the great Southland are not expecting any special treatment. All we ask is that we be put on an equal basis with our sister States.

There has been more progress on all fronts made in the State of Mississippi and throughout the entire Southeast in the last 15 years than in the past 100
years. Since reconstruction days the one-party system of politics prevailed in my State. As the first Republican Congressman to be elected since that time, and with this freedom-loving American, Republican mayors, aldermen and coun-
cilmen, there is no doubt that the two-
party system is now established in Mis-
sissippi. Certainly, we have had our prob-
lems—many types of problems, but the God-fearing, freedom-loving Ameri-
cans in Mississippi of every race, color, and creed are honestly and diligently try-
ing to resolve these problems in a way
that will benefit every citizen of the State.
I have said before that this resolution, H.R. 6400, as promoted by the admin-
istration, is one of the most unconstitu-
tional pieces of legislation ever to come
before the Congress of the United States.
I make this statement because of two
overwhelming facts:

First. The 15th amendment to the
Constitution protects the rights of
citizens of the United States to vote, re-
gardless of race, color, or previous condi-
tion of servitude. But the 24th amend-
ment does not provide authority for
the Federal Government to set vot-
ing qualifications.

Second. In the 1st article of the Con-
stitution, and again in the 10th amend-
ment there are statements which provide
that Members of the House of Representa-
atives and Members of the Senate shall be
elected by the people of the several States, and the “electors of each State shall
have equal and concurrent powers of
electors of the most numerous branch of
the State legislature.”

This statement removes any question
as to how voter qualifications are deter-
mined. To paraphrase, the voter qual-
ifications in a State shall be the same as
those set by the State for the electors of
the largest body of each State legislature.

The 24th amendment to the Constitu-
tion is evidence that the Federal Govern-
ment may not set voting qualifications in
States nor can it restrict the sovereign
States from setting voter qualifications.
The mere fact that Congress, and Mr.
Chairman, many of my colleagues were
then present, are necessary for a con-
stitutional amendment to abolish the
poll tax in national elections and not in
State elections is evidence enough to sup-
port my claim that any restriction by
the Federal Government regarding vot-
ing qualifications is purely unconstitutional.

Mr. Chairman, there is a statement
that George Washington made in his
farewell address that dictates the proper
procedures for Congress to take in mat-
ters of this type:

If in the opinion of the people, the distri-
bution or modification of the constitutional
powers be in any particular wrong, let it be
corrected by an amendment in the way in
which the Constitution designates, but let
there be no change by usurpation. Through
this, in one instance, there may be the in-
trusion of a conspiracy, of lawlessness, of
which free governments are destroyed.

If the administration and the Congress
see a need that Federal voting standards
be uniform, then let there be no doubt
as to the legality of the process—propose
a constitutional amendment. All we
ask is to be put on an equal basis with
our sister States in a manner befitting the
Constitution of the United States.

I will be the first to admit that the
Constitution is not infallible, by nature,
and in some instances, our basic go-

governmental structure must be modified
to conform but as a member of this
great governmental body, I plead with
you, follow the course provided by our
Pounding Fathers.

Through the years, many type of prob-

lems—many types of problems, but the God-fearing, freedom-loving Ameri-
cans in Mississippi of every race, color, and creed are honestly and diligently try-
ing to resolve these problems in a way
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First. The 15th amendment to the
Constitution protects the rights of

well as in the six Southern States affected by H.R. 6400.

In the Gospel according to St. Matthew, there is a passage in the seventh chapter, verse 3, that reads:

And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye? Or how wilt thou say to thy brother, let me pull out the mote out of thine eye; and, behold, a beam is in thine own eye? Thou hypocrite, first cast out the beam out of thine own eye; then shalt thou see clearly to cast out the mote out of the brother's eye.

I would suggest that these critics might go to this Scripture for guidance.

Mr. ANNUNZIO. Mr. Chairman, I rise in support of H.R. 6400.

For more than 100 years the American people have been striving to obtain the most basic right of a democracy—the right to vote and the responsibility for the election of their public officials. As legislators it is our duty to protect and to insure every citizen the right to vote. The history of this great country created certain basic ideals which were designed to give meaning and purpose to our Nation, but these were not just written or spoken words which would pass unnoticed. Rather, 200 years later they are as applicable as ever. The man who fought and died, not in vain, but for such principles as “all men are created equal.”

I have come to only one conclusion with regard to this bill, that is, to declare voter qualification tests; they have been used and continued to be used as instruments intended to deprive citizens of the right to register and vote.

The problem is indeed complex, but it can be simplified. If democracy is to flourish it must do so in a climate which affords respect, dignity, and equal protection under the law to all of its citizens regardless of race or color. A hungry mouth must be fed, an eager mind must be educated, and all America must be assured the right to vote. Unless there is a comprehensive approach to these problems, frustration, discrimination, and the destruction of the American way of life will result as a byproduct of this great country. As legislators, we must face these problems and search for answers which accomplish the goals and principles outlined in the Constitution of the United States.

Mr. Chairman, H.R. 6400 provides that answer. The brutality and violence which have existed in the past, and are continuing even now, are damaging our image abroad in connection with civil rights.

Even while we are administering our expensive foreign aid programs, we Americans sometimes find the very nations that are benefiting from the programs are exhibiting indifference and even persecution toward us—and ours, even while we are continuing to perform these friendly acts.

But what has motivated this apparently unjustified attitudes of indifference toward us? I think the answer is found in the emerging, underdeveloped countries of the world witness taking place within the democratic government of the United States? We must not forget that the martyrdom of the Reverend James J. Reeb and Viola Gregg Liuzzo made headlines in many countries of the world. Those, and other unfortunate incidents, have caused world leaders to question the credibility of our country which is supposed to exemplify the best in the democratic form of government. Leaders of those countries have mixed feelings regarding the policies we are following in our own country.

Mr. Chairman, must we continue to use meaningless words and phrases which circumvent the problems of racial discrimination?

To insure the basic rights of every American, to foster leadership which will have the genuine admiration and approval of the emerging democracies, and to strengthen the foundations of the American way of life, I strongly urge the passage of H.R. 6400.

Mr. FINDLEY. Mr. Chairman, effective Federal legislation to guarantee to all Americans the fundamental right of equality in voting has been long needed. Had action to implement the 15th Amendment to the Constitution been taken years ago, in my view, the need for other Federal action to assure equal opportunities and rights for Negroes would have been sharply diminished and perhaps eliminated. Diminished also, hopefully, would have been racial unrest, disturbances and violence.

Given the right of franchise, Negroes could have participated in bringing about needed social reforms. Therefore, I consider this a historic moment that has been too long delayed.

This legislation has special significance for me because I have the privilege of representing what is known as the Lincoln district—much of the area once represented in the House of Representatives by Abraham Lincoln.

Lincoln’s hometown, Springfield, is in my district, as are many of the places where he visited as an itinerant lawyer. He visited “as an itinerant lawyer. He visited Springfield and Quincy, III., where one of the celebrated Lincoln-Douglas debates occurred, recently observed the 100th anniversary of Lincoln’s death and the end of the Civil War.

Lincoln’s great contributions were saving the Union and emancipating the slaves. Emancipation still remains an ideal without substance in some areas where Negroes have been denied the most significant element of freedom—the right to vote. This legislation hopefully will give greater substance to this ideal, and bring closer the true American brotherhood for which Lincoln lived and died.

In this year, filled with significance for human rights, I rejoice that a constituent of mine, a young student of Springfield—Lincoln’s hometown—has the honor to serve as a page of the House of Representatives. He is Frank Mitchell, the very first Negro to serve in that capacity in the long history of this body.

He serves the House today when a bill important to the Lincoln heritage is being considered. Frank was appointed to this position by the distinguished minority leader [Mr. Fosdick], who heads the party of Lincoln in this body. Frank has done a good job. He is a credit to the State and to the party of Lincoln. We are all proud of him, and glad that he could be present and serve in an official capacity on this historic day.

Mr. DICKINSON, Mr. Chairman, my colleagues on both sides of the aisle have pointed out the many, many reasons H.R. 6400 should not be enacted into law. I can only endorse their statements.

I stand before the House today to urge all Members as fairminded men to examine their motives—to look inward and ask themselves one question—the very question to be voted upon today. The question is not whether we have a new voting rights bill—that question is now moot. The question before the House today is shall we have a fair, constitutionally sound voting rights bill that governs everyone in the United States equally, or shall we have a bill that applies only to part of the United States?

Mr. Chairman, is it possible that a majority of the Members of a majority of the party of Lincoln in this body are voluntarily surrendering to the executive branch of the Federal Government one of the last rights reserved to and exercised by the States? To me, this is incredible.

Mr. Chairman, H.R. 6400 is not an anti-Southern bill. It is not a bill in which politics inspired and contrived and aimed at the only section of the country the administration did not carry in the last election and cannot control today.

How can any man vote for a law that is designed to prohibit voter discrimination in only 6 States and impliedly sanction discrimination in the other 44 States? The very bill the administration claims will abolish discrimination will, in fact, set up discrimination against six States of the Union. Under the guise of civil rights, six Southern States are being punished for having voted wrong. H.R. 6400 is a discriminatory bill designed to be just. How can any bill that creates two classes of people or States be considered just or fair? Are we in the South now second-class citizens?

We are to have a bill, let us treat everyone alike. The passage by this House of H.R. 6400 will be one more giant step toward a totalitarian government. Only by passage of a bill affecting all Americans equally will we continue to have a nation of laws—not of men—with equal justice for all.

Mr. VANIK. Mr. Chairman, today we approach the climax of strenuous and lengthy debate which has ranged over the past week and, more accurately, the past century on the matter of equal voting rights and opportunity for every American citizen.

As the distinguished chairman of the Judiciary Committee, the gentleman from New York, indicated at the opening of this debate, it has taken a century for us to infuse the 15th amendment with legal and moral strength. There has been a definite delay in the passage of many members of Congress and citizens of this Nation that no matter how clever and subtle the modes of discrimination have become, the desire of Negroes in this
country to vote freely in every State has remained unstinted. The 15th amendment and the entire Constitution can have little meaning for any citizen of this country if 1 citizen, or 1 million, finds that he is deprived of his franchise in the words of this great document.

In this last-gasp effort, our Republican colleagues have tried once again to restate themselves as the party of Liberty and to broaden the voting rights measure to all the States of the Union. This effort is shallow. These attempts distort the true intent of this legislation, to reach areas of this country in which many rightfully entitled to citizenship in the United States have been disenfranchised in great numbers.

It is no longer possible to question whether there has been discrimination in the matter of voting in the South. To fabricate defenses of the existing franchise is to deny the basic precepts of equality in the United States and, therefore, the Constitution on the basis of our form of Government. Those who would perpetuate such a system and, therefore, vote against this legislation subvert the very purpose for which all of us are here, are sworn to uphold.

The 11th Amendment, the 12th Amendment, the Republican whip, for his brilliant presentation of superb work that has been done by that Committee, and to pay tribute to the leadership of the dean of the House, the gentleman from New York, John Lindsay; the gentleman from Minnesota, Clark MacGregor; the gentleman from Maryland, Charles McC. Mathias; the gentleman from California, Del Clawson; the gentleman from New York, John Lindsay; the gentleman from Minnesota, CLARK MACGREGOR; the gentleman from California, Del Clawson; the gentleman from New York, John Lindsay; the gentleman from Minnesota, ANCHER NELSEN. Mr. Chairman, in many respects I must admit reservations with reference to the House-passed bill that has been written. It is an unnecessarily punitive measure. Its deficiencies have been inadequately covered over with a patchwork of clumsy devices. Forty-three States in our country are not subject to the automatic triggering device in the Celler bill. This leaves out the State of Texas where fewer than 50 percent of the people voted in 133 counties in 1960. Texas, Arkansas, Florida and other States are left out because discrimination there is accomplished by means other than a literacy test or device. I fear that the cumbersome court procedures, which will be the only resort in those States, will prove inadequate. In addition, the seven States automatically covered and frozen in by the Celler bill are being subjected to what Chairman Celler himself called, a cruel and harsh law which is creating harshness and extremity in matters of this nature seldom serve the ultimate cause of justice. This was well illustrated by the extremism of the Reconstruction Era, which boomeranged upon the Negro with such venom that we still have not accomplished many elementary guarantees of citizenship for the Negro in the South. The most damaging discrimination is the subtle, indirect discrimination which emanates from fear, hatred, and emotional upheavals. I am unhappy that we are not passing the very best legislation today to guarantee voting rights of all of our citizens now. I fear we shall have to return to this task in a short time to increase the effectiveness of this law in areas exempted from the automatic triggering device and, on the other hand, to alleviate the harshness of the law in other respects.

Certainly, areas complying in full faith and honesty should be released from the burdens imposed by this bill. It is possible. I believe the Ford-McCulloch substitute is a far better piece of legislation than the Celler-committee bill.
In view of the critical need for voting rights legislation in this country today, however, I shall vote for the Celler bill in the event the Ford-McCulloch substitute is rejected on the recommittal motion.

Mr. MOOREHEAD. Mr. Chairman, I rise in support of this legislation in general, and particularly in favor of section 10 which abolishes poll taxes as a prerequisite to the exercise of the privilege of voting.

The right to cast a meaningful vote is the most important right which distinguishes a democracy from other forms of government.

This, Mr. Chairman, I submit that the Congress should go as far as the Constitution allows to secure this right for all citizens. The 15th amendment provides that the right of citizens to vote shall not be denied or abridged by any State on account of race or color and authorizes the Congress to enforce this amendment by appropriate legislation.

By enactment of section 10(a) of H.R. 6400, the Congress would make a congressional finding as follows: The Congress hereby finds that the requirement of the payment of a poll tax as a prerequisite to voting has historically been one of the methods used to circumvent the guarantees of the 14th and 15th amendments to the Constitution, and was adopted in some areas for the purpose, in whole or in part, of denying persons the right to vote because of race or color; and the understate the requirement of the payment of a poll tax as a condition upon or a prerequisite to voting is not a bona fide qualification of an elector, but an arbitrary and unreasonable restriction upon the right to vote in violation of the 14th and 15th amendments.

In the light of this explicit congressional finding, if the constitutionality of section 10 were raised, the question which a court would have to decide would not be whether or not poll taxes were discriminatory, but merely whether there was sufficient evidence so that Congress could reasonably believe that poll taxes were discriminatory.

The economic evidence presented to the Congress alone would be sufficient. It is clear that the poll tax places a far heavier burden on Negroes than on whites. According to the 1960 census, for example, the median family income for white families in Alabama was nearly 2 1/2 times greater than for nonwhite families. Similarly, the median income for white families in Mississippi is 2 times greater than for nonwhite families.

The Congress could justifiably base a finding that the poll tax was conceived in discrimination in Ratliffe v. Deale, 14 Miss. 514, 538, which the Mississippi supreme court frankly admitted that the poll tax was purposefully dedicated to restricting Negro suffrage.

The Congress could reasonably find that the poll tax is by its very nature discriminatory. For just as literacy tests discriminate against the victims of a segregated educational system, so poll taxes discriminate against the victims of a segregated economic system.

I share with Mr. Justice Black the belief that "no right is more precious than the right to vote;" and that "other rights in theory and law may be illusory if the right to vote is undermined" Weeberry v. Sanders, 376 U.S. 1, 17.

Mr. Chairman, it is our constitutional responsibility and our moral duty to end today the Civil War which the Constitution authorizes the Congress to enforce the 15th amendment to the Constitution, adopted in 1870 to pledge that the right to vote shall not be abridged on account of race or color.

This debate is a test of democracy. It is a test of whether we truly believe the goals which were set when the Americans of the 18th century wrote the historic documents by which we sought freedom and by which we governed our course. It is a test of whether we can truly make progress toward the national goals which have been stated, which have been examined throughout the years. We are approaching the third century of the Nation's existence, and we must make every effort to secure those rights for all Americans.

It is fitting that this debate began in a week which opened with the Nation's celebration of its independence on the Fourth of July. Whenever the American people have reflected upon the past, it has provoked strong emotional feelings. Yet measures to secure the full recognition of human dignity that we have pledged to our people fail dismally among the national goals of this country. We need to assure ourselves that we are not wasting our people by denying to some the full use of their capabilities.

At the base of this question lies the assurance of an effective, working democracy. The right to vote is a precious one, and it is basic to the privileges of American citizenship. The systematic exclusion of some Americans from the polls in certain areas of the country has been documented by the necessity to press this issue in the courts, and it has aroused the indignation of many Americans throughout this country.

It is the responsibility of Congress to insist that its will and the will of the majority in this country—the will that all Americans receive equal treatment under the law and be given the right to vote when they are qualified—be respected.

Mr. GLENN ANDREWS. Mr. Chairman, I rise in opposition to H.R. 6400, the so-called voting rights bill. In the name of abolishing discrimination, the bill offers discrimination itself. It allows all but seven States in America to keep literacy tests and qualifications for voting, and denies it to those seven States.

In the name of defending rights under the Constitution, it violates the Constitution itself. Article II, section 1, clause 2 of the Constitution gives to the States the power to set voter qualifications. This is absolute and specific. In no subsequent part of the Constitution or amendment is this power curtailed or modified. It is beyond the power of Congress to revoke, no matter how laudable the end may be. The Congress and the legislatures of three-quarters of the States informed the American people over a year and a half ago by the passage of the 24th amendment that setting voter qualifications was a State and not a Federal responsibility. All the constitutional authorities in America cannot erase this reaffirmation of basic principle recognized and accepted for the entire history of the Republic by all courts and by all men.

The main contention of the lawyers and the Attorney General in the matter of constitutionalism seems to rest on the John Marshall decision in McCulloch v. Maryland, 4 Wheat, 316, 321, and it said:

"Let the end be legitimate, let it be within the range of the Constitution, and it will not stop me from carrying that end into effect."

But the "letter and spirit" of the Constitution are clearly violated by this bill: the "letter" of article II, section 1—quoted above—is violated; and the "spirit" of the 15th amendment is violated ruthlessly by discriminating against seven States.

What profit the Negro if he gains everything, if in doing so, he further destroys the very charter of his own liberties or rights? What discipline will any law have which is beyond the power of the lawmakers to enact?

Mr. JONES of Alabama. Mr. Chairman, in the last 15 years this Congress has been called upon to discuss and debate over Southern States passed a variety of so-called civil rights legislation. Over the years, I have vigorously opposed all such legislation on the grounds that it was derisive, punitive, and unconstitutional.

However, never have I been confronted with a proposal—and I refer to H.R. 6400—that would inflict such ar­rant discrimination on my own State of Alabama and on her southern neighbors. Under H.R. 6400 and companion pro­posals, Alabama and five other Southern States are classified—if you will—as lepers, as something apart from the other States of the Union by a variety of so-called Voting Rights Act of 1965 is drafted, and is being processed, to af­fect just six States of this Nation.

Is this a vendetta, Mr. Chairman? It has been called that. Is this a program to whip it into line with powerful regional blocs of the North and West?

H.R. 6400 would appear to have just that purpose. And, further, H.R. 6400 does not even pretend to inflict punishment on six Southern States for al­leged sins of the past.

H.R. 6400, Mr. Chairman, is a harsh measure and we of the South must go back almost 100 years to its equal in op­pression and injustice.
The legislation seems to have been fashioned to settle old scores. It seems to have been nothing but incite turmoil and discord in the South. It will bring law and order into contempt.

It will lay the groundwork for further public demonstrations and will breed further civil disobedience and pit race against race.

This legislation will reopen old wounds because, patently, it is based on prejudice and is the product of racial discrimination. It represents a cruel and gratuitous slap in the face to the moderate South which has been moving forward in recent years to insure the equality of the Negro.

I assure you, Mr. Chairman, that the majority of the white citizens of Alabama believe firmly in the principle that all qualified persons—white or Negro—have the right to register and vote.

We have been making steady progress in the field of Negro voter registration. Left alone, freed of outside interference, we could do better. But, certainly, we cannot satisfy intimperables who come from afar seeking to overturn in a few months a way of life rooted in years and centuries of historical and social development.

If we approve a Voting Rights Act of 1965, it will mean the denial of steady progress under time-honored constitutional processes. It will mean a triumph for intimperables and the pressure groups they represent.

It will mean, Mr. Chairman, new dictation of powers for the Attorney General of the United States, who holds an ap­pointive office. It will mean in Alabama, and her five sister States singled out for punishment, an invasion by a flood of Federal agents and snoopers, who, ostensibly, will have the duty of accelerating the rate of Negro registration. Literacy tests will be suspended in these six Southern States, but not in any other State employing them.

Under a Voting Rights Act of 1965, the voter registration process in six States of the Union will become subject to Executive decree. Provisions of our Constitution will be ignored, or vetoed, by the Attorney General all down the line, whether Federal, State, or local elections are concerned.

The legislation we have under consideration, Mr. Chairman, would make a mockery of the Constitution. Through a single Federal statute, it would wipe out the constitutional rights of our States.

Certainly, this legislation ignores the fact that our Constitution reserves to each State the right to establish its own voting laws. Further, it ignores the fact that we already have laws under which discrimination in voting may be eliminated through the courts.

This legislation is a direct and vicious assault on States rights and our precious and time-tested democratic processes.

I am under no obligation to support this legislation and I shall fight it with all the strength I have.

Mr. BUCHANAN. Mr. Chairman, I am proud to represent the people of the Sixteenth District in the Congress. On their behalf, I assert my support and their support of the 15th amendment to the Constitution of the United States.

Notwithstanding which I reassert my opposition to H.R. 6400 as a bill which I consider to be unnecessary, unconstitutional, and discriminatory.

This bill is unnecessary because sufficient protective measures are now in place to protect American citizens against discrimination as to race or color in registration and voting. Not only the Constitution itself, but seven addition statutes offer such protection. Lastly, the Fourteenth and Fifteenth Civil Rights Act of 1964, is just now making its effect felt in areas of alleged discrimination.

In describing the present situation in Dallas County of Alabama during the subcommittee hearings, Attorney General Katzenbach said, regarding the district court decision of February 4, 1965:

This time the court substantially accepted our contentions and the relief requested by the Department. Specifically, the court enjoined use of complicated literacy tests and knowledge-of-government tests and enjoined compliance with the serious problem of delay. Whether this most recent decree will be effective only time will tell. We hope and expect it will be.

Thus, the Attorney General indicated there was nothing unlawful in the 1964 act. He might have added that immediately upon receiving the decision of the court the local officials announced their intention to comply.

This bill is also, in my considered judgment, unnecessary. For another reason. It is the will of the people within my State and in other Southern States to themselves make sure there is no discrimination in registration and voting because of race or color. The people of Alabama have been much maligned and are much misunderstood. They are in fact in overwhelming ma­jority decent, law-abiding, God-fearing Americans as fine as any citizens of this Republic. They are wholly content to put their own house in order without further Federal statutes in this area.

This bill is also, in my considered judgment, unreasonable, unconstitution and unconstitutional. Yesterday I introduced a resolution upon which this body to reaffirm its support of the 10th amendment to the Constitution. I did so for good reason. This amendment reserves to the States all powers not specifically given by the Constitution to the Federal Government. In recent years, however, it has increasingly become the habit of both the Congress and the courts to apparently assume the opposite, to act, that all powers rightfully belong to the Federal Government, and to disregard specifically reserved to the States. This measure, however, goes even beyond this. It strikes down without constitutional amendment powers specifically reserved to the States in article I of the body of the Constitution itself.

Last year, in 1964, distinguished constitutional lawyers of this House agreed in floor debate on the poll tax amendment that the constitutional amendment was required for such a change. This year, it has suddenly become acceptable to revise the Constitution in precisely the same area through an act of Congress, not a constitutional amendment. With this strange reasoning I cannot and do not concur.

Finally, this bill discriminates against certain specific States, predetermed by use of a "magic formula." It is discriminatory, as pointed out earlier in listing some of the areas of its inequity, H.R. 6400 gives these States no opportunity to comply and relieves all others of such necessity. As in John Calvin's theology, all persons are ordained to be damned and others foreordained to be spared according to the terms of this legislation. The rights of the affected States are abrogated, seriously and for an indefinite period of time, thereby threat­ening all the rights of all the States for all future time.

The greatest discrimination, however, is against the citizens of the 43 States not covered by this bill. For it creates a double standard of law in which an illiterate citizen could be registered by Federal mandate in Alabama, move to New York and immediately be disenfran­chised, with Federal sanction, for do so.

This bill is unnecessary, unreasonable, and unconstitutional. Its passage is, therefore, to my mind unthinkable. I urge that it be defeated, and that this body pass no further legislation which does not honor our democratic heritage and protect equally, the constitutional rights of all the people of this Republic.

Mr. MATSUNAGA. Mr. Chairman, I rise to join my colleagues who support H.R. 6400, the Voting Rights Act of 1965.

I have listened to the debate on the floor during the past several days with mixed feelings of regret and optimism—regret that in this great Nation of ours conditions are such as to require the passage of a legislative measure as that which we are now considering. I do not know whether the scheduling of this bill as the first order of business after the 186th anniversary of our country's Dec­laration of Independence was by design or not, but in my judgment some significan­ce should be attached to that fact.

It was not by pure chance that under Thomas Jefferson's able draftmanship the Declaration of Independence should state that "all men are created equal." These were not hollow words. Rather, they reflected the serious thinking of a people whose courage, sacrifice, and sense of justice provided the proud heritage which we now call ours. During the course of nearly two centuries since our country's birth, many Americans dared to pay more than lip service to the funda­mental principles that were penned by Jeffer­son. They did so in order to preserve the democratic principles upon which this Nation was founded and the Con­stitution which created the framework for a government which would practice these principles with regard to race, color, creed, or economic status.

Against such a background, we have voiced our views, for or against, the measure which is now on the floor. The expressions of some are tinted with party politics; others reflect geographic consideration and social origin. And those of still others show undue attention to the minutiae of the bill. However, I am convinced that all of our colleagues are engaged in the circumstances which have given rise to this legislative proposal.
And therein, Mr. Chairman, lies the basis of my optimism. Whatever may have been the expressions of my colleagues with respect to the bill as reported by our Committee on the Judiciary, and whatever may have been the natural sentiment of amendments proposed on the floor, I know that all of the Members of this great body are motivated by a desire to do the right thing in accordance with our oath of office and the principles of our democratic principles.

Americans may differ in their views of the applicability, initially, of constitutional principles to a given set of circumstances. Having decided that such applicability exists, we may again differ to the nature and extent of the right to vote. Nonetheless, let us not forget the occurrence of the right to vote. We are confronted today with a situation in which a large segment of our population is deprived, for one reason or another but chiefly because of the accident of birth, of the right to vote. Can anyone seriously and sincerely deny that there exists an economic one.

Let us assume that the various subjective tests barred by this bill are eliminated in the States of Mississippi, Alabama, and Virginia, a Negro will still have to pay a poll tax before voting. Any analysis of the comparative economic positions of whites and Negroes in these States will show that the poll tax is harder on Negroes than it is on whites. In Alabama, the median annual income of white families is $3,500; for Negroes, $900; in Jefferson County, $4,180 for whites, for Negroes, $890; in Issaquena County, $3,500 for whites, $860 for Negroes. In each of these counties, the income of white families is at least 3½ times that of Negroes. In circumstances like these, it is perfectly clear that a poll tax will systematically be harder on Negroes than on whites.

The second subsection prohibits denial of the right to vote on the basis of race. At least, in theory, this right is indisputable. Even if only theoretical, is distasteful. But here we are talking about more than theory. For a man who is trying to bring up a family on $900 a year, scraping up $4 to vote is more than a day's pay. Furthermore, the figures I have cited, believe it or not, are medians. Half of the Negroes in these areas are earning even less.

The relationship between the poll tax and the relative ability of Negroes to pay it, is no accident in the South. The legislative history of the poll taxes in that area shows that we are not the first to discover that a certain portion of the population is poorer than the rest. The predetermination of a right upon the payment of a fee will discourage that group from exercising the right. In Ratcliff against Beale, for example, the Supreme Court concluded that the Mississippi poll tax was designed to impede Negro voting. Or take the remarks of the president of the Alabama constitutional convention that adopted the poll tax bill:

"The purpose of the convention was, within the limits imposed by the Federal Constitution, to establish white supremacy."

The Senate Judiciary Committee in 1942, issued a report summing up its study of the poll tax. It stated:

"We think a careful examination of the constitutional and statutory provisions, and an examination particularly of the constitutional conventions by which they are to be interpreted, will convince any person that the State laws, will convince any interested person that the object of these State constitutional conventions, from which emanated the State laws, were moved entirely and exclusively by a desire to exclude the Negro from voting."

Mr. Chairman, I see no need to labor this point. The plain fact is that in this country there is a disparity in the economic status of Negroes and whites. This is starkly apparent in the poll tax States. Poll taxes were designed to take advantage of this disparity; there can be no doubt that they have been successful.

To be discriminatory a provision need not say "this is directed at Negroes." The poll tax does everything short of this.

Mr. Chairman, I have no doubt that upon the record which is before this Congress, the poll tax is an affront to the nature and extent of the responsibilities placed upon Congress by the 14th and 15th amendments. It is wise, and it is constitutional. In taking up the voting rights problem, we have directed ourselves to eliminating those devices which have made a mockery of the rights so proudly proclaimed in our Constitution.

It is an ancient principle of equity that one may not do indirectly what one is prohibited from doing directly. I believe it would be a tragedy if this Congress eliminates the devices that directly deprive Negroes of their franchise, only to find that the same ends are being achieved indirectly through the poll tax.

Mr. MONAGAN. Mr. Chairman, I have staunchly supported making real the right to be a complete citizen in the United States. The right includes the privilege of becoming a voter and casting one's ballot without governmental obstacles being placed in the way.

With this in mind, I introduced a bill to provide for the implementation of H.R. 6254, March 15, 1965—H.R. 6254. This bill preceded the filing of the administration bill which in changed form we are discussing today.

On March 17, 1965, I told the House that qualified Americans were being prevented from voting because of the color of their skin and that the guarantees of our Constitution concerning the political rights of citizens of the United States was being held hostage.

I pointed out that the Civil Rights Act of 1964 provided legal sanctions which would help the Nation to move toward the goal of equal treatment for all citizens. I also said that it was necessary to take further steps to guarantee access to the polls without impediment.

I am happy that this legislation has completed the long route and now is before us for final action. I consider it a vitally important step in bringing the benefits of democracy to all our citizens and as such to be of particular significance in today's turbulent times when we are trying to show the validity of democracy to a fragmenting world.

Mr. Chairman, I do, however, wish to express my opposition to the proposed amendment to waive the English language requirement for voting. It seems to me to be a reasonable requirement that a voter should be able to read and write English. This has long been the custom in my State, as well as in other States. Political campaigns are conducted in English, and on democratic principles they are transacted in English. As the New York Times in an editorial of May 22, 1965, said:

"A voter who spoke or read no English would have great difficulty in knowing whom or what he was voting for."
In the Meriden (Conn.) Journal of June 19, 1965, Mr. WATSON said:

A voter not equipped with a knowledge of English would be poorly prepared to make a reasoned choice of candidates. He could not read newspapers printed in English containing articles of the candidates' claims and information about their backgrounds and political records. He could not understand television programs in English beamned at the voter.

The obvious course is for the prospective voter to learn English. Our public facilities have long been available and have been extensively used by those seeking citizenship.

This amendment has no place in this bill. It touches only local interests and it should be opposed in principle.

Mr. TENZER. Mr. Chairman, during the course of the debate on this bill, reference was made to the United States of New York as requiring ownership of real property and the payment of taxes thereon, in order to be entitled to vote in school board and school bond elections. I want to strengthen the record on this point and to inform my colleagues on this point.

Not only is there no requirement that one be an owner of real property—or that one possess property in order to be entitled to register and vote—but provides that one who occupies property under a lease as a tenant is also entitled to vote.

The complete text of section 1203 of the education law of the State of New York is as follows:

QUALIFICATIONS OF VOTERS AT DISTRICT MEETINGS

A person shall be entitled to vote at any school meeting for the election of school district officers, and upon all other matters which may be brought before such meetings, which are within the powers of the United States of New York, (1) a U.S. citizen of the United States of New York; (2) 21 years of age; (3) a resident within the district for a period of thirty (30) days next preceding the meeting at which he offers to vote, or in addition to that, possesses one of the following three qualifications: (a) owns or is a spouse of an owner of real property in such district and is in the possession under a contract of purchase of, real property in such district liable to taxation for school purposes, but the occupation of real property in such district by a lessee or tenant shall not entitle such person to vote, or (b) is the parent of a child of school age, provided such a child shall have attended the district school in the district in which the meeting is held for a period of at least eight (8) weeks during the year preceding such school meeting, or (c) not being the parent, has permanently residing with him a child of school age who shall have attended the district school during a period of at least eight (8) weeks during the year preceding such meeting.

No person shall be deemed ineligible to vote at any such meeting, by reason of sex, who has the other qualifications required by this section.

Mr. WATSON. Mr. Chairman, the chairman of the House Judiciary Committee said this in his statement earlier that "This is no time for a Thaddeus Stevens," but, unfortunately, his actions speak louder than his words. This legislation is the most vindictive and vicious ever, aiming at the South. The whole purpose of this legislation is made to the various "mathematical trigger devices" in this bill, and all are equally reprehensible and indefensible. Yet, while we are discussing various triggers of this legislation. I care not whether these triggers are pulled by the President, the Attorney General, the Civil Rights Commission or the District Court of Washington, it should be equally evident to all that such legislation is not only an affront to the Constitution, but the gunbarrel of this legislation is aimed at the heart of the South. It is lamentable, but equally evident, that many of our citizens in the North are willing to forgive all former enemies except those south of the Mason-Dixon line.

It is difficult to state with complete accuracy when it began. Nor can we know when it will end. We can, however, without fear of contradiction, state that it is now at the highest point in our history. I refer to the rapo of our Constitution for political expediency. No other rational explanation exists for the proposal known as H.R. 6400.

Within the past few days I read the following in a national magazine:

A workable definition of a functional illiterate is the man who believes the proposed amendment of Lyndon Johnson is constitutional.

The setting of voting standards is a legitimate exercise of the power of the sovereign States. This power is theirs alone, being clearly and succinctly stated in article I and amendment XVII of the Constitution. Amendment XV is essentially negative or prohibitive in nature. It does not represent an enlargement of Federal authority, but merely restricts State discretion to the extent that the bill is constitutional, as I understand the Attorney General has done on several occasions, does not make it so.

I know that the manifold constitutional shortcomings of this measure have been called to the attention of this body by others. I know also that you are aware that as recently as 1959, the Supreme Court upheld the power of the State to impose a tax upon property for voters. If these were valid in 1959, it is inescapable that they are valid in 1965.

All of us know, Mr. Speaker, that the support of this measure is primarily the result of the almost universal and pitiable nature of the national press. An excellent example of this is the highly prejudicial and incendiary cartoon which appeared in a recent issue of the Washington Post, depicting a State trooper in Selma, Ala., with blood dripping from his fingers and the caption:

I just got him before he reached the church door.

Admittedly, we have little influence, if any, irresponsibility on the part of some of the press, but certainly we are responsible for our own actions. While the above is about what one would expect from the Washington Post, it ill becomes the membership of this body when they abandon their own responsibility, surrender its own judgment, and succumbs to mob rule.

It is most disheartening, Mr. Chairman, but also very true, that passage of this bill is the only area where Congress actually has authority to provide voter qualifications. I notice that the District is not covered, and yet I also observe that only .4 percent of eligible voters participated in the presidential election of 1964. These figures are from the table prepared by the Civil Rights Commission, which I assume is the basis of the District of Columbia and subdivisions subject to coverage under H.R. 6400. The 38.4 percent is only 0.4 percent higher than the figure given for South Carolina in the same chart. Is voter discrimination so widespread in the District of Columbia? I would assume this is the case, and if this is the case, why did the Senate here gave Senator Goldwater only 14 votes to his opponent's more than 3,700. I cannot match in that South Carolina
although I can offer one from my home-town where Goldwater got 55 votes and his opponent, Mr. Lindsay, got 45. At one end was a rural box in my county where the Senator received 21 votes and the other candidate 301. In fact, Mr. Chairman, is it not strange that five of the eight Republican Members of Congress directed votes against President Johnson last November? Perhaps you can convince yourselves that H.R. 6400 is not motivated by vindictiveness, but it will be difficult to convince the open-minded citizen of this.

I do not ask you to take my word for the fact that there is no voter discrimination because of race in South Carolina. Personal experience that the majority of the NAACP, stated sometime during 1963 in Charleston, that any Negro not registered in South Carolina had only himself to blame. Within the past several weeks the State, according to the Post, the drive to register Negro citizens. has stated publicly that his only, repeat, only, difficulty is apathy. Two Attorneys General of the United States have sent investigators into my State and have caused to be written substantial evidence of discrimination uncovered.

I would like also to call your attention to an article which appeared in the Monday, March 52, issue of the Washington Post, on page A-8. The author is Robert E. Baker. Neither the Post nor Mr. Baker are widely heralded for their conservative views. Mr. Baker wrote in part:

The plain fact of the matter is that Negroes in the South who fail to vote because of apathy outnumber those who do not vote because of discrimination.

You may ask then, "Why do you object to this bill when you have nothing to fear? If you are not guilty of discrimination, the bill provides a method of relief from its provisions." Mr. Chairman, if you point a loaded gun at my head, surely you would not expect me to take much comfort from any words assuring that you did not intend to fire it.

From time immemorial we have found that good government depends upon informed voters. We have seen in our personal experience that the pattern of voting in the Negro precincts does not reflect an independent or individually considered vote as noted in examples given above. We know the pattern of the block vote. Silence of ward nombres or names given to each voter as he enters the polling place, to be returned upon leaving so that they may be passed on to others. Voting for numbers. Handed through like sheep. And you propose to increase this practice by eliminating literacy tests in those States which prevented the President’s election by acclamation. I strongly oppose the denial of the right to vote to any qualified citizen of any State, and as strong measures which can serve only to lower the quality of voting. We cannot hope to improve the quality of voting by eliminating all literacy tests. On the contrary, literacy tests and literacy tests as strong measures which can serve only to lower the quality of voting. We cannot hope to improve the quality of voting by eliminating all literacy tests. On the contrary, literacy tests and other discriminatory voting requirements have been inevitable linked with discrimination. The noted historian of the south, C. Vann Woodward, tells us that in every State and in every town the pattern of property has been inevitably linked with discrimination. Therefore it is only the person who judges the interpretation section if the registrar is unable to do so and he is the person who judges the interpretation which is made by a citizen of Mississippi.

This bill will meet that need.

Just as literacy tests, moral character tests, and voucher requirements encourage administrative arbitrariness and avoidance, so does the poll tax. The Civil Rights Commission report on Mississippi is replete with examples of the failure of Mississippi sheriffs to collect the proffered tax payments. Since the law requires that the tax be paid in 2 successive years, it is obvious how effective such tactics can be in continuing to disfranchise a significant number of citizens.

Failure to eliminate the poll tax here and now would merely throw it up as a last line of defense for those now deprived of literacy and similar tests. H.R. 6400 also effectively prevents the enactment of new and potentially discriminatory voting requirements by requiring prior approval by the district court, or the failure of the Attorney General to disapprove.

Congressional power to enact H.R. 6400 is clear. As far back as 1939 the Supreme Court in Lane against Wilson declared that the language of the 15th amendment is not susceptible as well as simple-minded modes of discrimination."

The devices at which this legislation is aimed are both simple-minded and sound. Just as do literacy tests, moral character tests, and voucher requirements encourage administrative arbitrariness and avoidance, so does the poll tax. H.R. 6400 also effectively prevents the enactment of new and potentially discriminatory voting requirements by requiring prior approval by the district court, or the failure of the Attorney General to disapprove.

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The bill gives the Attorney General power to appoint Federal examiners simply on the basis of "his own judgment." And it provides no tests or rules for selection of the examiners and specifies no methods of operation. It gives the Attorney General power to register voters as he sees fit.

There is nothing in the bill to prevent an Attorney General from appointing a county political party chairman as voting registrar with power to register or refuse to register voters as he wishes. This would be an extraordinary authority.

How can we justify the feeling that punitive Federal action must be taken against States which have a voting registration or participation of less than 50 percent while we pay no heed to places where the percentage might be 51 or 60 percent? Surely in the light of cool analysis some months in the future this arbitrary proposal will appear to be artificial and contrived to many who may not see it now. How soon would the Congress again be called on to enact new voting legislation?

And if this kind of action can be taken against a few selected States, then it appears that some other punitive action can be taken against some other group of States for some other apparently worthy objective. But we should consider that a central government with this kind of authority can proceed another time with less regard to the real or suggested merits of the objective, and with less regard to an unanswerable reason.

This is how the National Socialist movement of the Germany of the 1930's was brought to prominence: Greater government authority on a wave of emotional fever followed by the loss of individual political expression. The stage preceding accession of absolute power by Adolf Hitler was the period during which the national legislature allowed itself to be intimidated by executive authority into putting its stamp on the constitutional and political process. Today's popular demand for centralization of power is tomorrow's dictatorship.

If we now are to approve voting rights legislation we should do so in the light of cool analysis and reason, not on the basis of emotion. We should not put the Federal Government in the position of dictating a State's voting laws on the basis of arbitrary percentages in an arbitrarily selected area.

What we should do is retain State authority to determine its voter qualifications in accord with the Constitution, but assure that each State's qualifications are applied without discrimination to all individuals of race, color, religion, or national origin.

I wonder if many Members of Congress today do not fear within themselves that many persons feel so strongly in favor of a voting right law that just any voting rights law will do without regard to its real merits. I have the distinct impression that it takes courage today in a northern State to publicly declare oneself in favor of taking a close look at the President's bill or to suggest that there may be improvements that can be made. In that connection, I want to make note here of some of the comments we have seen recently in nationally respected newspapers.

First, Arthur Krock in the New York Times, March 16, 1965:

The administration's bill . . . would reverse precedents in the constitutional and political history of the United States. And care must be taken lest the backsliding prove too wide for the conscience of the Supreme Court in the event of Members of Congress to the people of the several States.


The more time that is allowed to point out the flagrant constitutional and procedural flaws in the new administration, the more plainly these flaws will be exposed.

Third, Richard Wilson in the Washington Evening Star, March 24, 1965:

The question that the advocates of the [President's] new voting rights bill have as yet failed to answer adequately is this: Why should literacy tests as a qualification for voting be perfectly all right in 48 of the 50 States but not in some other 2? This is another example of the devious legislative tactics in the Johnson administration to achieve results by legal circumlocution. Literacy tests are an evident device by which the Johnson administration may succeed in destroying the fundamental ideas of American government. The Johnson administration was pushed into the presentation of a law that has so many obvious flaws that it can immediately be challenged in the courts.

Fourth, John Chamberlain in the Washington Post, March 25, 1965:

The law should be limited to ending in registrars to provide evenhanded justice in every case. The bill under consideration gives us arbitrary standards. The Federal Government has no right to substitute standards of its own. What impresses honest and decent southerners about all this [the President's proposal] actually denies equal protection of the law under the pretense of providing this protection. It penalizes the South along with the unjust. So let's have a Federal law that will guarantee fair enforcement of local election laws without telling States what their own standards shall be.

Fifth, James K. Basker in the Washington Evening Star, March 25, 1965:

This is a bad bill; bad in ways that need to be understood if something precious is to be preserved. This precious something is a system of government obedient to a written Constitution. If the Congress sacrifices this high principle to the pressures of a turbulent hour, the Congress may succeed in re-creating a principle that was, but a fearful price will be paid in the loss of ancient values. The bill undertakes to prohibit in some States [the] imposition of those very qualifications and restrictions of discrimination, that the Supreme Court repeatedly has approved.

Sixth, David Lawrence in the Washington Evening Star, March 25, 1965:

The 15th amendment to the Constitution now is being construed as giving to
Mr. ROYBAL. Mr. Chairman, I want to join with my colleagues from both sides of the aisle in urging the adoption of H.R. 6400, to enable the Members from the States to vote will not be denied or abridged.

Events in many parts of the country in recent months have again clearly shown the need for additional Federal legislation to guarantee this right for all Americans.

No one can deny that the safety, and even the lives of our fellow citizens are at stake. In my opinion, the full majesty and full resources of the United States must be exerted to preserve and protect the precious heritage of freedom and equality we all are entitled to enjoy.

President Johnson, in his eloquent address to the Joint session of Congress, voiced a deeply moving and forceful call to me, a parliamentary inquiry.

I urge that the Members of the House now answer that call with speed and determination—to assure, once and for all, the unrestricted exercise of the right to vote, possessed by every American by virtue of his citizenship in this “land of the free.”

Certainly, 95 years after ratification of the 15th amendment is not too early for the Nation to make good on its promise to provide the elementary right of all its citizens to full suffrage.

This bill provides for automatic suspension of literacy or any other tests or devices used to discriminate against those voting by mail. I estimate that less than 50 percent of the voting-age population was registered or voted in the 1964 presidential election.

In addition, it authorizes use of Federal examiners to register and assure the right to vote for all citizens previously unable to exercise that fundamental right.

Another strong feature of this legislation is its outright ban on the poll tax as a requirement for voting in State and local elections, in the same manner as the 24th amendment to the Constitution, ratified in January 1964, outlawed the poll tax in Federal elections.

All in all, the measure represents a clear, practical, effective, and legislatively responsible way to enable citizens to vote without the fear or threat of discrimination.

For that reason, I hope the Members of this House will pass the Voting Rights Act of 1965 without further delay, so that the Congress may again take a leading part in the noble crusade to create a better America, to banish the phrase “second-class citizen” from our vocabulary, and to fulfill the revolutionary dream of freedom and equality for all Americans.

Mr. DICKINSON. Mr. Chairman, many colleagues on both sides of the aisle have pointed out the many, many reasons why H.R. 6400 should not be enacted into law. I can only endorse their reasoning and their statements.

I stand before the House today to urge all Members as fairminded men to examine this legislation impartially and ask themselves one question—the key question in our debate today. The question is not, “Shall we have a new voting rights law”—that question is by now moot. The question before the House today is, “Shall we have a fair, constitutionally sound voting rights law that governs everyone in the United States equally, or shall we enact a law that applies only to part of the Nation?”

Mr. Chairman, is it possible that a majority of the Members from a majority of the States will voluntarily surrender to the executive branch of the Federal Government one of the last rights preserved and exercised by the States? To me, this is incredible.

Mr. Chairman, H.R. 6400 is purported to be a bill to abolish discrimination. It is an anti-South bill—politically inspired and contrived and aimed at the South. I am not sure that the administration did not carry in the last election and cannot control today.

How can any man vote for a bill designed to prohibit voter discrimination in only 6 States and thus implicitly sanction discrimination in the other 44 States? The very bill the administration claims will end discrimination will, in fact, set up a form of discrimination against six States of the Union. Under the law, six Southern States are being punished for having voted wrong. H.R. 6400 is not a just bill, nor was it designed to be just. How can any bill creating two classes of people or States be considered just or fair?

Amendment offered by Mr. CRAMER: On page 24, after line 15, insert a new subsection as follows:

(c) 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 his eligibility to register or vote, or conspires with another in such false registration or illegal voting, or offers to pay or accept payment either for
The SPEAKER. The question is on the Cramer amendment.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 293, nays 165, not voting 16, as follows:

[Roll No. 175]

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So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Thomas for, with Mr. Toll against.
Mr. Steed for, with Mr. Powell against.

Until further notice:

Mr. Keogh with Mr. Bow.
Mr. Mills with Mrs. May.
Mr. Bonner with Mr. Homester.
Mr. Riddle with Mr. Harvey of Indiana.
Mr. Purcell with Mr. Morton.
Mr. Thompson of Texas with Mr. Baring.

Messes. GARMATZ, DYAL, ANDERSON of Tennessee, and RODINO changed their votes from "yea" to "nay."
Messes. ROGERS of Texas, and KING of California, changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment on which a separate vote has been demanded, the Gilibert amendment.

The Clerk read as follows:

On page 16, line 25, insert a new subsection (e) to read as follows:

"(e) This act demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English."
"(b) A person is 'denied or deprived of the right to register or to vote' if he (1) is not provided by persons acting under color of law with an opportunity to register to vote or to vote, or to file a challenge in a voting district, or to have a hearing on a challenge, after making a good-faith attempt to do so, (2) found not to qualify to vote by any person acting under color of law, or he is notified by any person acting under color of law of the results of his application within seven days after making an application for registration or to vote, or to file a challenge.

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

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

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

"FINDINGS"

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

"(b) Congress further finds that literacy tests have been and are being used in various States and localities as a device or to discriminate on account of race or color.

"Congress further finds that persons with a sixth-grade education or higher have been and are being denied or deprived of the right to register or to vote for failure to satisfy literacy test requirements solely or primarily because of discrimination on account of race or color.

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

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

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

"CHALLENGES"

"SEC. 5. (a) A challenge to the factual findings of the report of the Attorney General and the Attorney General's written report on the election the subject of the Attorney General's report, may be made by the attorney general of the State or by any other person upon whom has been served a certified copy of such report or any portion thereof as provided in section 4(d).

"(b) If the challenge is made by the attorney general, it shall be made before the Commission, or promptly designated a hearing officer who shall be responsible to the Commission, or promptly designated a hearing officer who shall be responsible to the Commission, or promptly designated a hearing officer who shall be responsible to the Commission, or promptly designated a hearing officer who shall be responsible to the Commission.

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

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

"DEFINITIONS"

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

"(b) A person is 'denied or deprived of the right to register or to vote' if he (1) is not provided by persons acting under color of law with an opportunity to register to vote or to vote, or to file a challenge in a voting district, or to have a hearing on a challenge, after making a good-faith attempt to do so, (2) found not to qualify to vote by any person acting under color of law, or he is notified by any person acting under color of law of the results of his application within seven days after making an application for registration or to vote.

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

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

"The term 'vote' shall have the same meaning as in section 2004 of the Revised Statutes (42 U.S.C. 1971(e))."
made within ten days after service of the list of eligible voters on the appropriate State election officials and the attorney general of the State, on the voting district unless and until the registration of such person has been removed from such list as provided in section 4(d), the examiner shall serve such person, without payment of expenses, per diem in lieu of subsistence and traveling expenses, and per diem in lieu of subsistence expenses when away from their usual place of residence, in accordance with the provisions of sections 835 to 842 of title 5, United States Code. Examiners and hearing officers shall have the power to administer oaths.

**Termination of Listing**

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

**Enforcement**

**Sec. 13.** (a) Whenever a person alleges to an examiner within twenty-four hours after the closing of the polls that notwithstanding the provisions of this Act he has not been permitted to vote or that his vote was not properly counted, subject to the impounding provision, as provided in section 8(d), the examiner shall have reason to believe that such person is entitled to vote and has not been permitted to vote or that his vote was not properly counted, he shall forthwith apply to the district court for a temporary or permanent injunction, restraining order, or other order, and including orders directed to the State and local election officials to require any person who has failed to vote or whose vote was not properly counted to vote or whose vote was not properly counted to vote or otherwise to comply with the provisions of this Act for voting or attempting to vote; and

(b) if such person is entitled to vote under any provision of this Act for voting or attempting to vote; or

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

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

(e) any person violating any of the provisions of subsection (b), (c), or (d) shall be subject to a fine not more than five years, or both.

(f) All cases of civil and criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

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

**Interference with Elections**

**Sec. 14.** (a) No person shall, for any reason,

(f) fail or refuse to vote in any voting election held within the voting district unless and until the appropriate election officials have been notified that such person has been removed from such list as provided in section 4(d), the examiner shall serve such person, without payment of expenses, per diem in lieu of subsistence expenses when away from their usual place of residence, in accordance with the provisions of sections 835 to 842 of title 5, United States Code. Examiners and hearing officers shall have the power to administer oaths.

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

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

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(b) if such person is entitled to vote under any provision of this Act for voting or attempting to vote; or

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

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

(e) any person violating any of the provisions of subsection (b), (c), or (d) shall be subject to a fine not more than five years, or both.

(f) All cases of civil and criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

(g) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether an applicant for listing under this Act shall have exhausted any administrative or other remedies that may be provided by law.
“(d) Any person violating any of the provisions of subsection (b) or (c) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

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

“RELIEF FROM ENFORCEMENT OF POLL TAX

“Sec. 15. (a) Congress hereby finds that the constitutional right to vote of large numbers of citizens of the United States is denied or impaired by actions or inactions or acts or omissions of some States by the requirement of the payment of a poll tax as a prerequisite to voting in State or local elections.

“(b) No State or political subdivision thereof shall deny any person the right to register or to vote because of his failure to pay a poll tax or any such tax.

“APPROPRIATIONS

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

“SEPARABILITY

“Sec. 16. 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 provisions of other persons not similarly situated or to other circumstances shall not be affected thereby.”

Mr. COLLIER (interrupting the reading of the motion). Mr. Speaker, since the instructions in the motion to recommit were the terms of the language of the Ford-McCulloch bill, together with the language of the McCulloch amendment which was adopted in Committee of the Whole, I ask unanimous consent that it be printed in the RECORD.

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

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 34, not voting 15, as follows:

[Roll No. 179]

YEAS—171

...
The Clerk announced the following pairs:

On this vote

Mr. Koehn for, with Mr. Mills against.
Mr. Thomas for, with Mr. Freeman against.
Mr. Toll for, with Mr. Bonner against.

Until further notice

Mr. Fulwell with Mrs. May.
Mr. Powell with Mr. Barlow.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, pursuant to House Resolution 440, I call up from the Speaker's table for immediate consideration the bill S. 1564, an act to enforce the 15th amendment to the Constitution of the United States, and for other purposes.

The Clerk read the title of the bill.

AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

An amendment offered by Mr. Celler; Strike out all after the enacting clause of S. H. 440 and insert in lieu thereof the text of H. R. 6400, as passed.

The amendment was agreed to.

The bill was ordered to be read the third time, and passed.

The title was amended so as to read:

"A bill to enforce the 15th amendment to the Constitution of the United States, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

EXPRESSION OF GRATITUDE

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

THE SPEAKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

Mr. ALBERT. Mr. Speaker, will the gentleman yield to me?

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

Mr. ALBERT. Mr. Speaker, I desire to take this time to thank the distinguished gentleman for yielding and to say that not since I have been a Member of this House have I seen dedicated leadership, better prepared and executed management of a bill before the House than was exhibited in the presentation and handling of this matter in the last three days. I commend the gentleman from New York and all of the country is indebted to him.

REQUEST FOR RESIGNATION

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a letter.

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

There was no objection.

Mr. FEIGHAN. Mr. Speaker, this morning I had delivered a letter to the gentleman from New York, Hon. Emanuel Celler, requesting his resignation as a member of the Joint Committee on Immigration and National Policy. I did so in my capacity as chairman of the joint committee. The reasons for my action are set forth in my letter to the gentleman from New York [Mr. Celler], a copy of which I shall include in my remarks. I advised the gentleman from New York [Mr. Celler] that I intended to address the House today as soon as possible after its convening and that I would mention his name. The letter follows:

JULY 9, 1965.

HON. EMANUEL CELLER.
Member of Congress, House of Representatives, Rayburn House Office Building.

Dear Mr. Celler:

As you are reading your testimony before the subcommittee of the Committee on Appropriations of the Senate given on June 17, 1965, it is incumbent upon me, as chairman of the joint committee on Immigration and National Policy, to request that you submit your resignation as a member of that joint committee.

I make this request for the following reasons:

1. You have stated on the public record that you oppose any and all efforts of the joint committee to fulfill its statutory functions as defined in section 401 of the Immigration and Nationality Act.

2. You have made it clear that you will continue your disruptive efforts to prevent Congress from discharging in a legal and orderly manner its constitutional responsibilities for regulating immigration into the United States.

3. You have continued to misrepresent the facts concerning the House Subcommittee on Immigration and Nationality, of which I am chairman, with respect to staff, the nature of prior studies recommended by the subcommittee, and the manner in which you have failed to honor your commitment to testify.

I have taken great care and comfort from the fact that they have acted so and have participated in the passage of this voting rights bill which is indeed a milestone in the onward march of civil rights.

So the bill was passed.
have had no mail either way from my district. We may, on investigation, find that it is isolated principally to the Second District of Idaho.

I would respectfully say to the gentleman that the Judiciary Committee would undoubtedly consider any legislative proposals he may offer. On first blush, I would advise against his making the effort.

QUALIFICATIONS TO VOTE ON ROLLCALLS IN THE HOUSE

Mr. CALLAWAY. 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 Georgia?

There was no objection.

Mr. CALLAWAY. Mr. Speaker, last week after observing what I considered to be a violation of the rules of the House, I called the attention of this body to the rules for qualifying to vote at the end of a rollcall.

Since that time I have spoken with a number of Members who simply did not understand the rule and who thanked me for bringing the matter to their attention. It is reassuring to know that these Members were not knowingly violating the rules of the House. I know that we all agree the dignity embodied in this Chamber must be maintained through clear enforcement of its rules. In answer to the many questions I have received, I feel that it would be well to restate the rule.

In order to qualify to vote at the end of a rollcall, a Member must state that three things happened:

First. That he was in the Chamber when his name should have been called;

Second. That he was listening to the Clerk at the time that his name should have been called; and

Third. That he failed to hear his name.

There will no doubt be another rollcall vote today. At that time, Mr. Speaker, in order to clear up any misunderstanding that may remain, I intend to again call attention to this rule.

WOMEN’S JOB CORPS

Mr. DEVINE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

Mr. CALLAWAY. Mr. Speaker, in looking at the Wall Street Journal this morning, I noticed an editorial by one of the staff writers making references to the so-called Women’s Job Corps, as it is being operated in St. Petersburg, Fla. Among other things, the article states that the Job Corps offices are paying $225,000 for the use of the Huntington Hotel in St. Petersburg, Fla.

Further that the Huntington Hotel’s market value as indicated by reported tax assessments, is between $150,000 to $200,000.

The article states federally negotiated leases by law are not supposed to exceed 15 percent per year of the market value of a property. Further the Job Corps people are reported to have approved $35,000 in improvements to this hotel.

It seems to me that this situation cries for an immediate investigation.

If the facts as related are correct, this program could well be the granddaddy of all boondoggles. It is requested, therefore, that your organization investigate to determine the accuracy of this report and advise me of your findings at your earliest convenience.

I am enclosing a copy for your information.

Sincerely,

SAMUEL L. DEVINE,
Member of Congress.

Enclosure.

JOB CORPS MISTAKE: FIRST WOMEN’S CENTER RUNS INTO TROUBLE

PURDUE DEVELOPMENT OFF ICIA

By Richard R. Leger

St. Petersburg, Fla.—Uncle Sam’s first Women’s Job Corps center, in operation here for only 3 months, is already demonstrating a truism evident for decades in public housing and foreign aid: A policy of blank checks and loose controls can produce a debacle of amazing dimensions.

The city fathers here last week voted to throw out the Job Corps venture, amid the applause of local hotel men, realtors, merchants and the women who set up and operate the Job Corps here. The Department of Labor, the agency that runs the Job Corps, has committed itself to pay $225,000 for an 18-month lease of a hotel valued at $150,000 total.

Further, there is a Federal law that would prevent an amount in excess of 15 percent of the appraised value being spent. I have sent a letter to the Comptroller General of the United States requesting an immediate investigation of this particular situation.

Coupled with the fact that this particular project is creating quite a havoc among the residents here there is another information indicating it is costing about $7,000 per year per girl in this Job Corps area, which is about twice as much as it would cost to send them to Vassar.

My letter is as follows:

CONGRESS OF THE UNITED STATES,

Hon. JOSEPH CAMPBELL,
Chairman, Subcommittee on Civil and Federal Affairs of the United States, Washington, D.C.

DEAR MR. CAMPBELL: In connection with the operation of the so-called Women’s Job Corps, my attention has been directed to an article by Mr. Richard R. Leger appearing in the Wall Street Journal on Friday, July 9, 1965. Among other things, the article states that the Job Corps offices are paying $225,000 for the use of the Huntington Hotel in St. Petersburg, Fla.

Further that the Huntington Hotel’s market value as indicated by reported tax assessments, is between $150,000 to $200,000.

The article states federally negotiated leases by law are not supposed to exceed 15 percent per year of the market value of a property. Further the Job Corps people are reported to have approved $35,000 in improvements to this hotel.

It seems to me that this situation cries for an immediate investigation.

If the facts as related are correct, this program could well be the granddaddy of all boondoggles. It is requested, therefore, that your organization investigate to determine the accuracy of this report and advise me of your findings at your earliest convenience.

I am enclosing a copy for your information.

Sincerely,

SAMUEL L. DEVINE,
Member of Congress.

Enclosure.
The complaints of the St. Petersburg folks, while spiced with lively tales of unchaperoned smoking, drinking, boy-chasing teenage girls, and boarders in evening gowns, the Center's venture is being carried on a few blocks from the downtown area in the Huntington Hotel, an old five-story, gray stucco hotel they've lost full-time guests because of the old dropsouts and all of them with 7-night-a-week complaint of the Jobington Hotel, an old five-story, gray stucco hotel. Last summer they ran in the dozens. "neighbors" since the Jobington opened. Harold Barnes, the owner, expressed shock that the area. The complaints became so numerous that Police Chief Harold Smith 3 weeks ago assigned two officers to the building 7 nights a week.

The Job Corps center tried to mollify the neighbors. To ease complaints that the 16- to 21-year-old girls constantly entered neighboring hotels to buy cigarettes, the women's center installed a cigarette vending machine of its own. The center asks the girls not to drink, go out in cars parked just outside their windows. Hotrods make such a rush from the hotel to the gymnasium of a local high school courses include instruction in physical therapy, clerical work, and cosmetology. Other school courses include instruction in home and family life—how to cook, sew, shop, and maintain personal grooming.

The site's the thing

In all fairness, it must be pointed out that many of the difficulties of the St. Petersburg Job Corps center so far have not necessarily the fault of the site and do not necessarily indict the concept of the Job Corps itself or overshadow similar troubles at other centers. "I guess I'm just different, thinking but we can see how the socialization of electric power in this country has been handled when you see what was done in a hurry.

Joseph J. Busch, an employee of the county school system which teaches adult education courses in real estate law, says St. Petersburg Mayor Herman Goldner asked him to look into the idea. Mr. Busch says he was turned down by the first hotel he approached but at the second, the Huntington, Mr. Barnes, the owner, expressed concern. But Washington, by appointing a school system official to see the Huntington, for these services he collected $4,000, it has to be added was smaller than the commission of 5 percent of a lease's price realtors normally collect.

The Job Corps is young and its early troubles are in part due to the fact that anyone may indicate by any means the program is doomed to failure. "A kid who is unemployed in his lifetime is going to cost us about $20,000 a year to support plus the fact he won't be paying taxes," declares Mr. Fogelman in Washington. "I figure that kid would cost us $150,000 over 40 years. If we can pull 1,000 kids of the same heap we'll be saving $150 million." He adds, "We think we'll have 40,000 girls and boys in the program by December and I believe we'll save 60 to 70 percent of them."

Despite such enthusiasm, if decades of freshening up at home and abroad haven't brought about a change for the better, such programs, a good many folks are wondering if the St. Petersburg mishap can go far in that direction.

UDALL TELLS WHY HE OPPOSES DUKE

Mr. DORN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record, and to include unanimous consent.

THE SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN. Mr. Speaker, in the fantastically busy week of Secretary Udall in opposing Duke Power Co. projects in Appalachia has stirred and shocked my people. The following is an account of the Secretary's exchange on "Meet the Press":

UDALL TELLS WHY HE OPPOSES DUKE

WASHINGTON.—Secretary of the Interior Stewart L. Udall said Sunday that he thinks more competition between public and private power is needed in South Carolina where Duke Power Co. wants to build a new dam.

Udall was questioned about his opposition to the Duke project on the TV panel show "Meet the Press."

"Duke Power Co. wants to build a $700 million generating facility in northwest South Carolina in Pickens and Oconee Counties. It would be called the Keowee-Toxaway Power Project.

Udall says the region could be provided electric power by the Federal Trotter Shoals project on the Savannah River.

"I have questions about Udall on the Savannah River project went like this:"

Question. Mr. Secretary, let me ask about the socialization of electric power in this country. How far does he think this ought to go and what rule do you see in the future for investor-owned private power companies?

Answer. I think that in terms of electric power, I think the pattern is pretty well established. I think it was fixed during the Franklin Roosevelt era and I think that you could—as I foresee—that you will have pretty much the same pattern as you have now. Public power is over 80 percent of the total—or private power, rather. Public power has
The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, I applaud, with pleasure, the action of President Johnson in designating George J. Feldman as the first U.S. Ambassador to Malta. Mr. Feldman has served as minority leader in the U.S. Senate, as chairman of the Senate Foreign Relations Committee, and as a member of the U.S. delegation to Malta. He is a distinguished public servant who has been a leader in the effort to bring about a peaceful resolution of the conflict between Israel and the Arab states. His appointment to the position of U.S. Ambassador to Malta is a significant step in the progress of normalization of relations between the United States and the Mediterranean region.

The appointment of this distinguished American to this exalted and important position is in the best tradition of those who have served as U.S. Ambassador. Mr. Feldman will bring to his new task a scholarly bearing, a fine manner, a brilliant and trained mind and a wealth of experience in government and public affairs.

Mr. Speaker, this outstanding member of the legal profession was born in Denver, Colorado, and was graduated from Boston University Law School. He served as a secretary to the late distinguished Senator from Massachusetts, Theodore Roosevelt, and was associated with Mr. Feldman when he served as counsel to the committee on platform and resolutions during the 1964 Democratic National Convention. He rendered the committee skilled guidance born of many years of experience. He is the recipient of many scholarly and academic honors, and is a member of the American Bar Association. He is a man of judicious nature, great wisdom and integrity, boundless energy and creativity. I know that he will be a most eminent representative of the United States in Malta.

Mr. BOOBS. Mr. Speaker, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Louisiana.

Mr. BOOBS. Mr. Speaker, I commend the gentleman for making the remarks he has in reference to Mr. Feldman, an outstanding American in every sense of the word. Mr. BOLAND. I thank the gentleman for their contribution.

DEFEATS IN THE LAW PERTAINING TO COMMITMENT FOR ALLEGED MENTAL INCOMPETENCY

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, a few days ago, questions were raised by the gentleman from Wyoming in response to the gentleman from South Carolina's comment about the legality of actions taken by the Attorney General a few years ago in committing an individual to a Federal mental institution, without following due process.

I am sure the record deserves to be set straight. As a physician who interned at St. Elizabeth's Hospital, and in whose hometown is located the Federal Medical Center for Defective Delinquents, I have been concerned for some time with the problem of protecting constitutional safeguards for persons who may be committed to mental institutions, without due process.

Accordingly, I have introduced legislation, H.R. 795, which would amend section 4244 of title 18 of the United States Code, to insure that any individual who is committed to a Federal institution on the basis of alleged mental incompetency, is accorded due process.

Such is not now the case, nor was it the case in the situation referred to by the gentleman from South Carolina.

The key to the legislation I have introduced, is to close the apparent loophole in the present law by requiring that, first, a preliminary motion for a judicial determination of the mental incompetency of the accused to stand trial be supported by a sworn written statement, based on personal examination by a responsible adult, as to the mental condition of the accused; second, require a hearing on the preliminary motion at which the accused and his attorney should be present; and,
third, authorize a psychiatric examination, or temporary (30 day) commitment, for such examination only upon an order of the judicial determination that there is reasonable cause to doubt the mental competency of the accused. Otherwise, this could be too frequently used as a ruse to escape Federal prosecution for felonies.

In the case mentioned by the gentleman from Wyoming, there was no personal confrontation by a person competent to make a determination of mental competency, I saw the telegram of authority for the action from the Attorney General. The sworn statement that was subsequently used as a basis for the declaration was based wholly on hearsay, and not as a result of any direct examination or personal confrontation.

Mr. Speaker, the bill I have introduced to restore due process in the last two Congresses—now H.R. 785—that has received the backing of the New York City Bar Association has been recommended for a favorable report was accorded last year, and I believe it has the backing of most of the acknowledged experts in this area. The New York City Bar Association has indicated that it supports the major provisions. Mr. Speaker, I am particularly gratified that the Administrative Office of the U.S. Court has found itself in agreement with most of the provisions to the extent that it is obviously not possible for further consideration in the 88th Congress, I plan to resubmit the bill early next year and, in view of the Judicial Conference finding, am hopeful that the House Judiciary Committee will give it favorable consideration.

A PROPOSAL TO PROHIBIT HIRING PRACTICES THAT DISCRIMINATE ON ACCOUNT OF AGE

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the Record and include extraneous matter.

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

There was no objection.

Mr. RANDALL. Mr. Speaker, for far too long, there has been continuous and unjustified discrimination against middle-aged American workers, for no other reason than because of their age.

Those of us who have been Members of the Congress for very long have seen the passage of measures to bar discrimination because of race, or national origin, and then the Congress finally got around to enacting a measure that would bar discrimination against sex. But there is one loophole that remains open and is equally as large. It is so large that every year countless thousands of American workers who are fully qualified in every particular will be denied an opportunity for new employment if they lose their original job, for no other reason than because of their chronological age.

Secretary Wirtz recently reported that in the 30 States which have no bar against age discrimination fully half of all job openings are closed to applicants over 50 years of age and about one-third of those are going to do.

Now most of us know that older workers are usually preferred to younger ones, but that does not seem to be a consideration. It is only the question of chronological age and if one passes the time when he has become 45, he seems to be placed up on the shelf and out of circulation.

Mr. Speaker, I am delighted to learn that the General Subcommitte on Labor of the Committee on Education and Labor will soon hold hearings on amendments to the fair employment practices section of the National Labor Relations Act. In consideration of these hearings I have today introduced two bills. One would amend the National Labor Relations Act to make it a practice for an employer or labor organization to discriminate unjustifiably on account of age.

Then I have introduced a companion measure which would amend the Internal Revenue Code of 1954 to give a credit against income tax for an employer who employs older persons in his trade or business. Hearings in the past have indicated that there is an economic factor involved in the employment of older persons. This is due to the growth of health and welfare insurance plans and pension plans which actually cost an employer more in hiring an older person than in hiring a younger one who is capable of doing the same job. But it is for this reason that I have sponsored the measure which would give the employer a complete tax credit on whatever additional costs are involved in hiring older workers in comparison to hiring younger workers with similar skills. I think it is pretty well accepted that the hiring of older persons may frequently involve the additional financial burden on the employer. His reaction is to try to avoid this burden merely by not hiring these older people.

It goes without saying that each worker should be considered for employment on the basis of his individual qualifications and the employer should be in an economic position to recognize that, in a job, it is ability that counts, regardless of age. Let us all hope that the time may come when there is no fixed age at which a person becomes too old to work. At the present time there are many unemployed people who are too young to claim their social security pensions and who are considered by many employers by private industry. In some of these instances, these people have growing children who have to be fed and educated. Hardly anyone has given much thought to the situation of these poor, unfortunate souls who are going to do.

There are a lot of statistics to prove that many of our older workers are more reliable and more dependable and less susceptible to changing their jobs, once they have entered employment. It is equally true that employers are reluctant to hire older people because it costs them more to train an older worker and definitely
costs the employer more in the way of pension contributions and also more where there is a health and welfare insurance plan. These costs exist and there will be little gain by trying to minimize them or exploit them away by statistics. There is a way to help the employer and in a way that cannot work against the younger workers of America. Simply stated, an employer could claim a tax credit if whatever the additional cost may be for hiring an older employee as compared to what it would cost him to hire the youngest person who could do the same job effectively, by providing for a tax credit to take place after he has completed his corporate tax, in addition to his normal tax deduction. The proposal I have introduced would enable the employer to claim the entire additional cost of hiring older people against his firm's income tax.

I am a member of the Fraternal Order of Eagles, Aerie No. 385 in my home city of Independence, Mo. I have studied the problem of the aged and have spent several weeks in rural areas of the State of Missouri and have been intimately acquainted with the hardships of the aged and the need for employment and yet, year after year, they are not given the opportunity to work. They are the backbone of the nation and there is a practice of discriminating against them even though they are thoroughly qualified. This is the way we are going to look after the aged and the unemployed. If we have the health and welfare and a national insurance program, the aged, the unemployed and the ills of society will be provided for. It is not possible to do what we have not done. I ask unanimous consent to address the House for 1 minute.

Mr. SKUBITZ. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks on the amendment to the farmers home administration act.

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

There was no objection.

Mr. SKUBITZ. Mr. Speaker, some 30 years ago the Congress of the United States approved and the President signed a bill which created the Rural Electrification Administration. At that time 9 out of every 10 farmers in this Nation were without electricity to light their homes and to provide power to operate their equipment. Private enterprise could not profitably supply power in these areas at a price that the farmers could pay.

The Congress of the United States therefore provided funds—through a loan program—whereby these farmers could organize, borrow funds and establish their own lines. Since 1936, 5,385,000 homes have been provided electricity at a reasonable rate. As a result of this program less than 2 percent of our farmers are without electricity today. Through the REA we were successful in bringing electricity and telephone service to our farm population. But more than this needs to be done.

Rural America, if it is to survive, again needs our help. Statistics show that 30,000 communities—towns with less than 100 population—and the only rural water system is one out of five farm homes are without running water. Six and a half million families today depend upon wells and cisterns for their water supply and the Public Health Service tells us that 65 percent of these wells show bacteria contamination at various levels.

Mr. Speaker, the health and welfare of these 6½ million proud citizens are just as important to our national interest as the welfare of our city dwellers who cry for larger dams, bigger reservoirs, and more water supply systems to take care of their water requirements. Thousands of small rural communities are withering on the vine because they lack water. Without a central water system, without a waste disposal system, no community could hope to attract industry or encourage others to settle in it. Thousands of our senior citizens are forced to leave these areas and take up residence in more modern communities where living costs and taxes are much higher.

In 1961 we began to show some interest in the plight of these forgotten areas. Since 1961 the Farmers Home Administration has loaned $72 million to finance rural water systems in 558 rural communities, 300 of which have taken care of their water requirements.

I have introduced a bill today to amend the Consolidated Farmers Home Administration Act of 1961. It will give the Department of Agriculture the authority to make grants up to $25 million to finance storage, treatment, purification or distribution of water in rural areas. It increases the lending authority of the Farmers Home Administration from $200 to $450 million.

This may seem like a lot of money. It is a lot of money, but Uncle Sam will get it all back with interest. It seems to me that if we can get $3.5 billion annually to finance all the projects that are needed, we can spend $4 billion annually trying to put a man on the moon, if we can throw money down a rat hole on alleged antipoverty programs, the least we can do is to loan money and yet, year after year, the middle-aged and elderly workers who, day after day, look for employment and yet, year after year, find it more difficult to find jobs even though they are thoroughly qualified. This is the way we are going to look after the aged and the unemployed. If we have the health and welfare and a national insurance program, the aged, the unemployed and the ills of society will be provided for. It is not possible to do what we have not done.

The tax credit plan is sound and legislative counsel advises that it is not in conflict with any provision of our existing Revenue Code. The U.S. Department of Labor has admitted openly that there is a practice of discriminating against people in this country because of age. For this reason, as a basis to work upon, this Congress can set about to do something about this problem.

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For the sake of our older citizens who are employed and for the sake of our employment here to keep the jobs that exist and should be speedy approval of these measures.

BILL TO AMEND FARMERS HOME ADMINISTRATION ACT

Mr. SKUBITZ. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks on the amendment to the farmers home administration act.

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

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent for the purpose of making inquiry of the distinguished majority leader as to the schedule for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished minority leader yield to me?

Mr. GERALD R. FORD. I certainly do.

Mr. ALBERT. Mr. Speaker, the program for next week, the week of July 12, 1965, for the House of Representatives is as follows:

Monday is District day, but there are no District bills. On Monday the Consent Calendar will be called. Also, Mr. Speaker, there are 17 suspensions as follows:

H.R. 6845, correction of salary inequity for certain Chicago teachers.
H.R. 243, extension of civil service apportionment requirement to temporary summer employment.
H.R. 2035, cost-of-living adjustments in star route contract prices.
H.R. 3580, disallowance of Postal Savings System.
S. 998, amending Fisheries Loan Act.
House Joint Resolution 503, South Pacific Commission.
H.R. 9434, regulatory control of common carriers by pipeline.
H.R. 89, Tocks Island National Recreation area.
H.R. 797, Whiskeytown-Shasta-Trinity National Recreation area, California.
House Joint Resolution 454, to provide for the development of Ellis Island as a part of the Statue of Liberty National Monument.
H.R. 3320, to authorize the establishment of the Rubbell Trading Post National Historic Site, Ariz.
H.R. 3397, to authorize establishment of the Fort Union Trading Post National Historic Site, N. Dak.
H.R. 6111, to establish the Herbert Hoover Birthplace National Historic Site in the State of Iowa.
H.R. 7092, saline water conversion program.
H.R. 6790, emergency highway relief.
Mr. Speaker, these bills may not be necessarily called up in the order in which they have been announced.

On Tuesday, the Private Calendar will be called. Also on Tuesday, H.R. 8296, the Coinage Act of 1965 with an open rule and 4 hours of debate.

On Wednesday and the balance of the week, H.R. 8283, the Economic Opportunity Amendments of 1965, with an open rule, and 5 hours of debate. Also H.R. 4632, the rail rapid transit for the National Capital region with an open rule and 4 hours of debate.

Of course this is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later.

LEGISLATIVE PROGRAM FOR THE WEEK OF JULY 12, 1965

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.
In that connection I have been advised that the conference report on the cigarette labeling bill will probably be called up later in the week.

**ADJOURNMENT OVER UNTIL MONDAY, JULY 12**

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

**DISPENSING WITH BUSINESS ON CALENDAR WEDNESDAY NEXT WEEK**

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business may be dispensed with on Wednesday next.

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

There was no objection.

**JULY 9, 1965—A BANNER DAY FOR THE AMERICAN PEOPLE**

Mr. FUCINSKI. Mr. Speaker, I ask unanimous consent to address the House for the 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. FUCINSKI. Mr. Speaker, it has been a long day, but I think that July 9, 1965, will go down in history as a banner day for the American people. Here in this Chamber we have completed work on streamlining the 15th amendment so that all Americans may participate in the vigor and vitality of our democracy. In the other Chamber today they completed work on the Medicare bill so that our senior citizens may at least look to the future and to old age with something more than the horror that has faced them over the years.

I think that our President today may be proud of the Congress of the United States, and I think that we as Americans may be proud of the leadership of our President.

This has indeed been a banner day for the American people.

**DATA IN SUPPORT OF LEGISLATION**

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. Ashbrook] 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. ASH BROOK. Mr. Speaker, under unanimous consent, I insert at this point in the Record, the following data in support of the legislation I introduced and which I discussed on June 16: a Memorandum dated December 11, 1964, respecting Public Law 88-162, 79th Cong., 1st Sess., in support of the legislation I introduced and which I discussed on June 16: a Memorandum dated December 11, 1964, respecting Public Law 88-162, 79th Cong., 1st Sess., under which the above balance of $45,110.61 belonging to Miss Guessefeldt as the sole beneficiary, was dumped into the Federal treasury to pay war claims of persons who were not even born in the United States.

In one instance, it is used to pay a citizen of another country (who eventually became a naturalized American citizen) for his losses. In other words the above $45,000 is taken from Miss Guessefeldt to reimburse the former citizen of a foreign country.

Senator Keating did not reply to the letter of October 26, 1963, addressed to him in Miss Guessefeldt’s behalf.

That is a clear result of the act of Congress that defies belief.

Re Miss Christel Guessefeldt

American born citizen, Honolulu; daughter of Richard, deceased, a lifelong resident of Hawaii. He left on a vacation trip to Europe while still a minor. Alien Property Custodian seized his property (stocks and securities in trust) in Honolulu.

In the litigation that followed, the complainant was Mrs. Nagano, a Japanese born citizen of a foreign country.

Senator Keating was instrumental in 1964 in passing the Alien Property Custodian Act, codified as 50 U.S.C. 2042, which provides that in certain cases property be returned to the alien citizen of foreign countries. That is an Act of Congress defies belief.

So now we have it. In 1954 three appellate judges, in a country does not observe our Code and report to the House of Representatives, in a congressional reference case, filed April 7, 1953, (confronted with this admission by APO lawyers before the Chicago court), held:

“This old man was a resident of Germany ‘within the cases.’”

The judge cited no cases; refused to admit what the APO lawyers said; and would not allow his brief Memo opinion to be officially reported. Guessefeldt died—

all dividends from his trust were kept by the APO.

This judge’s action is not only incredible; it is contemptible.

**STATEMENT OF ALIEN PROPERTY LAWYERS TO A FEDERAL JUDGE, CHICAGO, AUGUST 18, 1953**

"Guessefeldt intended to leave Germany before the war; indeed he attempted to do so. He was in Germany under physical constraint."

"Mrs. Nagano was in Japan by free choice."

[Mrs. Nagano recovered her property back from the Alien Property Custodian.]

**PROCEDINGS IN DISTRICT COURT, D.C. BEFORE A FEDERAL JUDGE, WASHINGTON, D.C.**

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This judge’s action is not only incredible; it is contemptible.

**NORTH COUNTRIES HYDRO-ELECTRIC COMPANY, A CORPORATION OF ILLINOIS, v. THE UNITED STATES IN THE U.S.S. COURT OF CLAIMS**

(Cong. No. 2-59)

(Decided April 16, 1965)

(Lee Freeman for plaintiff, J. Barry O’Keefe and John W. Day, of counsel, Walter H. Williams, with whom was Assistant Attorney General Ramsey Clark, for defendant Ralph S. Boyd was on the brief.)

Before Cowen, Chief Judge, Laramore, Dupree, Davis, and Collins, judges.

**OPINION**

COLLINS, Judge, delivered the opinion of the court.

This is a congressional reference case, filed pursuant to H. Res. 189, 1st Sess., 86th Cong., agreed to by the House of Representa­tives, May 18, 1952, and sent to this court to "proceed with ** ** [H.R. 6093, a bill for the relief of plaintiffs, introduced in the House on February 26, 1959] in accordance with the provisions of sections 1492 and 2509 of title 26 of the United States Code and report to the House of Representatives, at the earliest practicable date, giving the reasons of the decision as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable against the United
States, and the amount of damages, if any, lessened by the claimant's negligence, has been before the United States to the claimant, the statute of limitations, the plea of res judicata, laches, any lapse of time, or any prior court decision of the United States to the contrary notwithstanding. The Court of Claims is directed to consider the relevant evidence in this context. 

1 Both the reference of this matter to the court and the filing of the petition (on July 24, 1959) occurred prior to the opinions of the Supreme Court in Goldenrod Co. v. Zdanok, 370 U.S. 162 (1962), which deem proper the filing of this report without reference to the opinions in that case.

2 Thereafter, plaintiff's motion for rehearing was overruled. Plaintiff's petition for writ of certiorari was denied by the Supreme Court, 355 U.S. 882 (1957).

3 The court had previously considered and denied defendant's motion to dismiss the second suit, particularly with reference to the operation of the Fox River with the Illinois River above the Starved Rock dam, impeded the flow of the Fox and contributed substantially to the flooding of plaintiff's plant, in 1952 and 1960, if indeed they were not the principal immediate causes of those floods. (See findings 22, 23, and 24, infra.)

4 The heavy cover of sheet ice in the still water of the Starved Rock pool was the barrier that held back the Fox River water on the levee of the Illinois. The ice jams, which were due not to ice jams but to the construction of the Starved Rock dam, created the basic conditions responsible for the flooding of plaintiff's plant. Plaintiff now seeks just compensation for the flooding, as well as for the destruction of plaintiff's property by the periodic impairment of the plant's ability to earn income. In the alternative, plaintiff seeks a declaratory judgment based upon the principles of res adjudicata and, therefore, dismissed the petition without considering the merits. North Counties Hydro-Electric Co. v. United States, 258 F. Supp. 1318 Ct. Cl. 380, 384, 151 F. Supp. 322 (1957).

5 In the first case, as in this, it was necessary to show the inevitability of the recurrence of these floods. Intervening events have made this no more possible now than it was then.

6 Plaintiff has had its day in court and, under the rule of res adjudicata, it cannot again litigate the same issue heretofore tried in the same cause of action against the same defendant.

7 Also, the court noted that the issue of causation was tried in the first action and was decided adversely to plaintiff for failure of proof (at 383). The opinion further stated (at 383) that "two floodings of plaintiff's property by the Government. If operation of the Starved Rock dam has resulted in flooding of plaintiff's property, as plaintiff has claimed, there would be no justification for allowing the Government to repeat the same effect in 1943, but it does not dispel the possibility that it did.

8 There is nothing in the record to show that, among the many freezes in the Fox River which occurred, there were ever such ice jams with resultant ice gorges and flooding of plaintiff's property, as plaintiff has claimed. Like many congressional reference actions, the instant case presents two separate questions: first, whether plaintiff has a claim of the type cognizable by a court of law or equity; and, second, whether plaintiff has an 'equitable claim' in the broad, moral sense.

9 Regarding the first alternative, the precise question is whether or not plaintiff has a 'taking' (ascertaining the value of the property by the Government). If operation of the Starved Rock dam has resulted in the taking, then, under the fifth amendment of the Constitution, plaintiff would be entitled to just compensation. In each of the prior actions, plaintiff asserted unsuccessfully that the Government had taken property of plaintiff. Now, to support its position that plaintiff has no legal claim, defendant relies in part upon the doctrine of res judicata.

10 This court finds it unnecessary, however, to pass upon the question of the applicability of res judicata to plaintiff's legal claim. We are of the opinion that, without regard to the operation of res judicata, there is a sufficient basis for holding that plaintiff has no legal claim. The operation of plaintiff that its property was taken is based upon the principles of United States v. Cress, 245 U.S. 315 (1917). The factual situation with regard to plaintiff's property in United States v. Cress, involved the erection by the Government of a lock and dam on a tributary of the Fox River, which was located on a tributary of the

Regarding the types of icing conditions, see findings 9 and 10, infra.
Defendant argues that we should not include in our report to Congress any mention of the 1952 or 1960 floods subsequent to the passage of the resolution which referred the instant case to this court. In my opinion, such a construction of that flow in our report to Congress and thus obviate additional litigation. Accordingly, in determining the amount of compensation, we do not exclude the damages attributable to the 1960 flood.

The plaintiff should be allowed not only the stipulated amount, but also compensation for the delay in payment of plaintiff's losses. Cf. Burkhardt v. United States, supra, at 57. The plaintiff has persistently sought a remedy for its losses and damages. It has had three extensive trials in litigating the issues at great expense. The broader equity demands that an allowance be made for the delay in payment. The court feels that an adequate and compensating amount, viz., $10,000, is required. We do not think that Congress authorized payment to plaintiff of $80,000 in addition to the stipulated amount of $137,058, or a total payment of $187,058.

Plaintiff seeks also to recover $79,689 as anticipated losses which would result from the operation of the dam 20 years hence. We feel that such a departure from the resolution is unjustified. We do not agree with defendant's construction of the term "taking" in the broad, moral sense. The United States, supra, is not controlling. Recovery of the "taking" of plaintiff's property. Congress determined that the property had been "taken," but it did not authorise compensation for the delay in payment of plaintiff's losses. supra, at 57. The plaintiff has no legal claim, but that plaintiff has an "equitable claim," recovery should be limited to compensation for the stipulated losses and for the delay in payment.

In conclusion, this court finds that plaintiff has no legal claim, but that plaintiff has an "equitable claim," in the broad sense. The amount of plaintiff's "equitable claim" from the United States is $187,058.

This opinion and the findings of fact, as modified herein, will be certified by the Clerk of this court to the House of Representatives, pursuant to House Resolution 189, 86th Congress, 1st Session.

The legislative basis for this action is 31 U.S.C. § 731 (1952); Chateau v. United States, 20 Ct. Cl. 250 (1935).

The court is of the opinion that recovery of the entire amount stipulated would be proper.

The bill enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to North Counties Hydro-Electric Company of Illinois, in the sum of $326,000, in full satisfaction of all claims of such company against the United States for damages to its powerhouse and dam at Dayton, Illinois, sus-


Regarding the related question of collateral estoppel, see Creek Nation v. United States, Ct. Cl. Appeal No. 9-63 (Dec. 11, 1964).

In the instant case, this court has made findings of fact. If any of these findings are inconsistent with those of the previous actions between plaintiff and defendant, we
GET INVOLVED

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentle­man's remarks of Mr. NEILSEN may extend his remarks at this point in the Raco and include extraneous matter. The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. NEILSEN. Mr. Speaker, the 101st commencement of Gallaudet College, the world's only college for the deaf, was held on Monday, June 14. The commencement address was delivered by Mr. Brad­shaw Mintener, former Assistant Secretary of the U.S. Department of Health, Education, and Welfare, and a member of the Board of Directors of Gallaudet College.

As a member of the Board of Directors of Gallaudet College I wish to insert this fine speech by Mr. Mintener in the Raco at this point in my remarks:

GET INVOLVED

(By Bradshaw Mintener)

President Elstad, Dr. Atwood, members of the board of directors, honor­ed and distin­guished guests, Members of Congress, mem­bers of the student body, gradu­ates of Gallaudet and all of you here, thanks again to the Federal Government, one of the finest educational institutions in the world. You have a president, Dr. Elstad, and a board of directors, Dr. Atwood, who are not only outstanding and distin­guished educators, they are two of the finest Christian gentlemen with whom I have ever had the privilege of meeting. The best it has ever been according to my under­standing, composed of competent, experi­enced people whose purpose is to give you all the best education which you are capable of receiving. You have an outstanding Board of Directors com­posed of men who have attained eminence and who have been significantly successful in their respective professions or other occupations. They are devoted to Gallaudet and dedicated to the proposition that Gallaudet College should give the maxi­mum possible benefit to you, and I hope you will impress upon the Federal Government the best education which they can receive. They give of their time, and lots of it, their expertise and their knowledge, and I would suggest, freely and voluntarily, Gallaudet College and the deaf community of America are most fortunately in being able to attract and inter­est and keep the best men and women to assist the Directors to administer the affairs of the college. No one here today should ever forget our benefactors.

"GET INVOLVED" is the theme I want to discuss today with you as members of Gallaudet's 1955 graduating class.

This theme was suggested to me by a news item in one of our Washington papers several weeks ago which reported a meeting of the DAR and which was addressed by Governor Harrison, of Virginia. He told the large gathering of delegates to the annual DAR Convention that "the citizen who doesn't want to serve his country is the only one who is not engaging in this country's heritage "as the rabble­rousers in the streets or the extremists who vocally oppose them."

Today we live in a world that has con­tracted manyfold since I graduated from Yale more than 40 years ago. We can fly anywhere in the world in minutes rather than days. We can communicate with others almost anywhere in the world in a few minutes. We can watch television satellites from England, France, Germany, and elsewhere. Someone recently said that Sir Winston Churchill was born before the telephone was invented and his funeral was telecast around the world by Telstar simul­taneously with the event.

The very morning the "Today" show I watched a live transatlantic conversation via Telstar between Vice President Humphrey in Washington and six foreign students in London. The students were asking Vice President Humphrey a number of interest­ing and penetrating questions regarding American foreign policy.

We have the benefit of miracle drugs and medical and surgical procedures and tech­niques unknown 15 or 20 years ago.

We have the ability to think and talk in the language of the stars. We can orbit the globe in a few minutes. We land rockets on the moon, receive pictures and radio mes­sages from outside the earth in details undreamed of a few years ago. Such pictures and messages have great scientific value.

We have just witnessed the historymak­ing 4-day orbiting of the earth and their successful return by Majors McDivitt and White. The entire world breathlessly watched and listened to their hourly progress. They have made us all proud. Truly we live in an extraordinary day.

We also live in a world of revolutions and rising expectations.

More men, women, and children are politi­cally and economically involved today than ever before, or perhaps even contemplated years ago.

We are the beneficiaries in our beloved America of a standard of living which is far away and above the highest in the world.

We have more necessities and luxuries of life than any other country, everywhere else. We have what is claimed to be the best educational system in the world and it is available to more people than in any place in the world.

We have the most integrated system of benefits, standard of living, and the rest, you may then ask, "What is there for me to get involved in?"

I will in several areas, you can think of more, in which you can and I feel you should get involved on your graduation from Gallaudet.
1. Get involved in rendering service in the community in which you decide to live and work there.

2. Get involved in the work and program of your church or synagogue.

3. Get involved in improving and expanding the work of your community, large or small.

4. Get involved in rendering service in the community in which you decide to live and work there.

5. Get involved in the work and program of your church or synagogue.

Mulberry Bend in New York City was transformed by Jacob Riis, a Danish immigrant. He could not sleep for the burden of the city's children with their hunger for play and their playgrounds, the street, beset with danger. He told his brother-in-law, "I simply do not have the time," or "Some­one ought to do it—someone—but it is not my business and I am the community, large or small. In America today which does not have important and difficult political, economic and social problems to be solved. You are the generation we look to carry on after we are gone, and I hope and pray that you will do a better job.

Why has all of this been possible? Because our Nation has been blessed with a flow of public service and public spirit which has carried teachers, social welfare and public servants of every sort, to the men who founded our Nation formulated a Declaration of Independence based upon the rights and prerogatives of the individual and government, no distrust of people. They have harnessed the forces of nature and have found ways of bringing the forces of nature to the enrichment of the human spirit.

As a nation we have prospered and grown great. Working as free men and women, the people of the United States, who have been transformed by Jacob Riis, a Danish immigrant, who out of a full heart said, "I am the necessary basis for free government."

The church, or the synagogue is the place—the center for opportunities to serve in this age of the middle class. The church, or the synagogue is the place—the center for opportunities to serve in this age of the middle class.

The church, or the synagogue is the place—the center for opportunities to serve in this age of the middle class.
have come from uncommon men and
women-men like George Washington, Abra­
ham Lincoln, and Thomas Edison.

"When we get sick, we want an uncommon
doctor. When we go to war, we yearn for
an uncommon general or admiral. When we
choose a president of a university, we want
an uncommon educator.

"In the experience of this Nation at all
times is the leadership of the uncommon
men and women. We need men and women
who cannot be intimidated, who are not con-
cerned with applause meters, who will not
sacrifice tomorrow for cheers today.

"So as you leave Gallaudet, get involved in
the work or program of your church or syna­
gogue. As you get so involved, you will indeed
be a churchman. Basically the laymen are the
church, because of that spiritual and in­
strumental relationship that exists between
the laymen and the clergy. Only the laymen
will be driven and motivated by high ideals. Lay­
men can and should strengthen the social
arms of the church and the political arms of the church."

Tremendous strides have been made in
educative and developmental programs in
the public schools and universities. In the
educative field, student participation is the
vital arm of the educational process. We need
participants who cannot be faceless.

For all of us, the leadership of the uncommon
men and women in America is the driving force of
this Nation at all times. It is the leadership of
the uncommon men and women that you will need in
educating and expanding the education of the deaf
in America.

You all know the need.

As you get so involved, you will indeed
be a churchman. As you get involved, you will
be influential members of a segment of our society which,
if you are "fired by a common purpose," you can
do about anything you set out to do and
finally, if you get so involved, you will
be able to say to your friends and neighbors
and the entire community in which you live,
"Give us the tools and we will
finish the job."

As you get so involved, you will indeed
be "on ship of state.

"Sail on, O union strong and great.

"Sail on, O ship of state.

"Sail on, O union strong and great.

"Sail on..."

God bless you all and great success and
happiness to each of you in the days and
years ahead.

SOUND BILL, UNFAVORABLE LABEL

Mr. DEL CLAWSON. Mr. Speaker, I
ask unanimous consent that the gentle­
man from Tennessee [Mr. Quillen] may
extend his remarks at this point in the
Record and include extraneous matter.

"We are a people whose freedom was
paid for with blood, sweat and tears.

"We are a people whose freedom was
paid for with blood, sweat and tears.

"We are a people whose freedom was
paid for with blood, sweat and tears.

"We are a people whose freedom was
paid for with blood, sweat and tears.

The SOUNDBILL was written by Guy L.
Smith, editor, and is entitled "Sound Bill,
Unfavorable Label." It makes sense to me.

SOUND BILL, UNFAVORABLE LABEL

This week the House will consider and de­
bate passage of a voting rights bill which
Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri (Mr. Curtis) may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mr. CURTIS. Mr. Speaker, one of the criticisms against the administration's program to reduce the outflow of U.S. capital overseas is that it could well result in a reduction in our exports, a key item in our balance of payments.

Supporting evidence for this position has now been provided by a specialist in foreign taxes and investments, who asserts that the Administration's program is largely responsible for an estimated 4-percent drop in U.S. exports during the first 5 months of this year.

The charge was made by Mr. Walter H. Diamond, director of the international tax division of the accounting firm of Touche, Ross, Bailey & Smart. His remarks are reported in the New York Times of July 7, 1965, which I include in the Record at the conclusion of my remarks:

FOREIGN-TAX EXPERT ATTRIBUTES EXPORT CUTS TO ADMINISTRATION'S PROGRAM

A specialist on foreign taxes and investments asserted here yesterday that the backwash created by President Johnson's pay-and-benefit withholding tax, which is now being applied to estimated 4-percent drop in U.S. commercial exports during the first half of 1965.

Walter H. Diamond, director of the international tax division of the accounting firm of Touche, Ross, Bailey & Smart, told a panel meeting of the Foreign Credit Interchange network that practically all of the drop in U.S. exports this year is due to the long shipping strike earlier this year.

About 2 percent, or approximately $250 million, may be attributed to the embargoes and embargoes that have been imposed by foreign competitors or from canceled orders.

CANCELED PROJECTS

"The bulk of the remaining $500 million decline in first-half exports principally is attributed to the end of some 60 U.S. companies that deferred or canceled investment projects in developing countries" in response to President Johnson's pay-and-benefit withholding tax, last promoted as a means of curbing foreign inflation.

In the absence of official Government figures on exports in the first 6 months of 1965, Mr. Diamond's data seemed to have been based on private estimates. The investment expert, who spoke to the foreign division of the National Association of Credit Management, could not be reached for elaboration.

The Department of Commerce so far only has released figures for the first quarter. These showed that exports dropped $855 million, to $20 billion, during the first quarter of 1964, while imports rose $245 million, to $4.6 billion, in the comparable span.

Mr. Diamond asserted that the heavy withdrawals of U.S. dollars overseas combined with the shutoff of foreign security buying by U.S. mutual funds because of the 50 percent tax on capital gains would have a flavor down-ward impact on the European and Japanese stock markets.

There is strong evidence, he continued, that the export of U.S. dollars abroad is behind recent financial difficulties, including bank failures, in Uruguay, Switzerland, Japan, Hong Kong, and Japan.

The Diamond data put the American exporters would have to press hard to equalize last year's record foreign sales of $25.6 billion. Although the exporters will probably reach that level, chances are less now that a 5-percent gain to $27 billion can be accomplished. This had been predicted prior to the long-drawn strike.

Mr. Diamond held that the loss in exports from foreign investments, substantially decreased sales of wheat and other agricultural products, and the washout of embargoes are offset by the sharp increase this year in purchases by the Agency for International Development from U.S. exporters.

A record $1.2 billion of every dollar now spent on foreign-aided goods goes to U.S. firms, compared with 87 percent last year and 41 percent in 1960.

On the other hand, he predicted that the unexpected 10-percent jump in imports would reduce the U.S. trade surplus in 1964 to about $8.5 billion this year.

A CRITIQUE OF THE "NEW ECONOMICS"

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri (Mr. Curtis) may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mr. CURTIS. Mr. Speaker, it has become fashionable among administration economists to claim that a new era in economic understanding has dawned. The thesis is that the advent of expansionary fiscal and monetary policies can provide the basis for continuing and non-inflationary economic growth. The economic history of the period since early 1961 is cited as conclusive proof of the administration's wisdom in its use of fiscal and monetary tools.

The basis for this new era economic thinking has been forcefully and, I believe, convincingly challenged by Prof. Raymond J. Saulnier, of Barnard College, former Chairman of President Eisenhower's Council of Economical Advisers. In a speech delivered on June 24, Professor Saulnier has argued that the good period of the economic expansion of 1960 did not arise from a new understanding of fiscal and monetary policy but from a favorable relationship between the rate of increase in hourly labor costs and the rate of improvement in productivity.

The development of pressures on prices from the expansionary policies made it possible for Government to follow expansionary policies with, until recently
at least, a minimum inflationary impact and a maximum effect on employment.

Professor Saulnier shows how the unfavorable cost and productivity increases which existed in the mid-fifties limited the use of expansionary policies during that period. However, gradually through the fifties and continuing into the late fifties the gap was narrowed, making possible the application of expansionary fiscal and monetary policies.

The point is an important one and should not be neglected by contraction economists. Their fascination with expansionism could lead to an inflationary disaster if pursued in the context of unfavorable cost-productivity relationships. As Professor Saulnier notes, the fundamental condition for vigorous, sustainable, and inflation-free growth is the achievement of a broadly stable labor costs per unit of production.

I include this important speech in the Remarks at the conclusion of my remarks:

SOME OBSERVATIONS ON THE SO-CALLED NEW ECONOMICS AND ON THE NEAR-TERM OUTLOOK FOR THE U.S. ECONOMY

(remarks by Dr. Raymond J. Saulnier, professor of economics, Columbia University, New York City, June 24, 1965)

Although it was not my original intention to do so, I should like to talk tonight on the so-called new economics. By that I mean the point of view, and the analysis underlying it, that the growth of the American economy in the last few years has been due not just primarily, but to all intents and purposes, to the aggressive use of fiscal and monetary policies to obtain an easily monetary policy with attendant large increases in the use of credit. Fiscal and monetary expansionism is a perfectly good alternative for it. As an approach, to economic policy it is gaining admirers from all quarters; and for its more exuberant disciples what it all comes to is that a kind of intellectual breakthrough has been achieved in the field of economic policy, that it was a failure to understand the benefits of fiscal and monetary expansion that prevented our having a faster rate of growth in the 1950's, that at long last, however, we now know how to manage our economy, and that because of our growing confidence in the new and better performance from it. I need not add that this enthusiasm is customarily accompanied by a lot of worry about the future course of business—near term, intermediate term, and long term.

Now, if this is a correct explanation of the good performance of the American economy in the first half of the 1960's and a reliable guide for policy in the remaining years of this expansion, then I am afraid we are all wrong, anyone, and least of all for an economist or a financial analyst, not to recognize it as such. As you should, you give public policy a bad name, and create a false but highly misleading image of the future course of the economy. My ob­ject tonight, therefore, is to try to help you sort through the facts and see the real picture. The new and the old economics and at the same time to understand its limitations. There is much that is useful in it though what is useful is mainly not very new; it is the intelligent rediscovery of some old truths.

Then, from what I regard as the vantage point of one whose thinking is not entirely in line with that of the contraction economist, I shall make some remarks about the near-term business outlook.

Let me begin with the doctrinal question. Without meaning in the least to disparage the use of fiscal policy, or of any other branch of policy, to help improve the performance of our economy, I shall argue, first, that the results that have been achieved in the near-term performance of the American economy since 1960, and the condition lacking which a good performance would have been impossible, was not a new understanding of fiscal and monetary policy but a favorable relationship between the rate of increase of productivity and the rate of improvement in productivity. This favorable relationship virtually eliminated any possibility of cost increases in any certain as an average across the manufacturing economy, and made it possible for Government to follow an easy fiscal policy and follow through with an easy monetary policy with, until recently at least, minimal inflationary impact on prices and wages and employment, hours of work, and production.

In other words, for the record of good growth with relatively little price inflation of the pass 4 years, the new economics gives too much credit to fiscal policy in particular, and too little credit to the stability of unit production costs. I say fiscal policy in par­ticular, because I will have observed, as I have, that the most outspoken champions of the new economics are inclined to be the loudest critics of their observations on monetary policy, contrasted with their enthusiasm for tax reduction and Federal expenditure increases.

Second, what the new economics, in its comments on economic policy in the latter half of the 1950's, ignores the fact that in that period there was an entirely different and unfavorable relationship between cost increases and productivity gains, that this was precisely the inflationary problem to which policy had to cope, that economic policy dealt successfully with it, that it did this without recourse to direct controls. The favorable relationship between cost increases and productivity improvement was achieved by 1961, and this was a favorable cost-productivity relationship, and its maintenance to date, that made possible the good performance of our economy so far in the present decade.

To support this point of view, I will, of course, produce evidence mainly from the experience of the United States; but, as I will show, the economies of Western Europe and Japan provide similar examples in the same period.

You can trace the record of productivity, employment costs and price developments in published official figures. A May 1, 1965, publication of the Bureau of Labor Statistics, "Comparative Indices of Labor and Nonfarm Pay­ments, Prices and Output Per Man Hour in the Private and the Nonfarm Sector, 1947-64" is a convenient source. You will also find pertinent data in the annual reports of the Council of Eco­nomic Advisers (1964-65) of the January 1965 report, for example, you will see that in the years 1955 through 1960 the average annual increase in labor cost rates for the total private economy was 2.7 percent while the average of annual increases in total compensation per man-hour was 4.8 percent. Thus if you are looking for this is the important gap; namely, the difference between productivity gains and cost increases. If you look at the trend productivity rates averaged 2.7 percent and we were having our own version of a wage explosion, with hourly employee com­pensation increasing annually at an average of 6 percent.

I will not burden you with a full recital of the relevant numbers, but I have a feeling that if you will look at it we find that by 1961, in an almost unbroken sequence of steps, this gap had been closed, partly by an improvement in productivity growth, but more by a slowing down in the rate of annual labor cost increases. In 1961, the annual productivity improvement was 8.4 percent and the labor cost increase was 5.6 percent. The picture varies depend­ing on how you measure productivity and on what concept and scope of productivity and cost changes one has in mind, but the comparison of the gap that obtained in the mid-fifties was narrowed as the decade progressed; it had been virtually eliminated, and balance established. And this balance of the rate of productivity improvement has been pretty well maintained. We have tended to lose it a bit of late, which was reflected in the inflationary appraisal of the economic outlook, but to pursue this at the moment would get me ahead of my story.

There are consequences of the relation between cost increases and productivity gains that are plain to see. In the mid-fifties and we have counted in labor cost per unit of output. Naturally, these unit cost increases tended to slacken as the deficien­cy (or gap) was narrowed; something very close to unit-cost stability was reached by 1961.

Increases in unit production costs in the mid-fifties and later fifties had their effect on prices, of course, and a serious effect it was. The index of wholesale prices of nonfood items during the period increased only a year in 1955 and in 1956. The increase was checked in 1957-58, but it resumed again, and was on a lower overall rate, when the recessionary effect of that period was over. By 1958, and reflecting the virtual stability that by then had been achieved in labor cost per unit of output, the wholesale price level began to stabilize, and, until very recently, remained flat.

No wonder that a favorite title for Sunday supplement articles on economics in the mid-fifties was "The Age of Inflation: What it Means to You," or words to that effect. And no wonder that an inflationary psychology developed, with which policy had to cope.

On the investment side of the economy, these cost-price developments were reflected in the lower cost of capital. Profits per dollar of sales dropped 25 percent in the second half of the 1950's. Stock prices rose, but not because corporate profits were being earned. The real volume of corporate profits, after taxes, was lower in 1960 than it had been in 1958, despite a 12 percent increase in real GNP, and despite a 26 percent increase in current price GNP.

Before I move to the policy implications of this economic context, let me recall the cost-productivity relationship that has ob­tained in the sixties, to date. The 1960's have been a year of hourly employment costs that had been flatly by the end of the 1950's has been broadly maintained, certainly until 1966. The productivity improvement rate was 3.4 percent and the employment compensation increase was 3.6 percent. As of January 1965 the Council of Economic Advisers (p. 57) describes it this way:

"The moderate gain of about 3.6 percent a year in hourly compensation in the total manufacturing workforce (1960-64) compares with an advance average of 3.9 percent a year in 1957-58 and 4.5 percent in 1950-57.

"The average increase per man-hour in the private sector in 1960-64 averaged 3.5 percent a year, compared with 2.5 in 1953-57, and 2.7 in 1957-60."
Reflecting these conditions, labor cost per unit of output in manufacturing industries has drifted downward since 1961, in contrast to the upward trend of the late 1950’s; labor cost per dollar and GNP, which is our broadest measure of unit labor cost of production, has declined since 1961. This is the result of rising labor productivity, such that labor cost per unit of output have risen substantially, in contrast to its rise in the second half of the 1950’s. Understandably, the ratio of price to unit labor cost since 1961 has been either stable or declining, does not escape you. The Federal budget, or of wanting in principle to reduce the need for fiscal and monetary restraint, thus reducing the risk of retarding growth. Indeed, it was precisely in order to avoid a recession that was deflatory and a series of price cuts were made in the 1950’s, and in the second half especially, for moderation in cost increases. Let me recall some words on this point from the January 1957 Economic Report of the President (p. 44):

“...to depend exclusively on monetary and fiscal restraint as a means of containing the upward movement of prices would raise serious obstacles to sustained, economic growth and stability. In the face of a continuous upward pressure on costs and prices, moderate restraints would not be sufficient; yet stronger restraints would bear with undue severity on sectors of the economy having little if any responsibility for cost and price increases that have been occurring. The level and would court the risk of being excessively restrictive for the economy generally.”

This is the sine qua non of vigorous, sustainable, inflation-free economic growth.

The basic elements of an economic context in which labor costs per unit of production are rising as compared with a context in which they are either stable or declining, does not escape you. The point is: when unit production costs are rising there is a genuine upward pressure on prices, and when they are stable, there is no such pressure. This is the sine qua non of vigorous, sustainable, inflation-free economic growth.

The same conditions of an economic context in which labor costs per unit of production are rising as compared with a context in which they are either stable or declining, does not escape you. The point is: when unit production costs are rising there is a genuine upward pressure on prices, and when they are stable, there is no such pressure.

This is the sine qua non of vigorous, sustainable, inflation-free economic growth.

The same conditions of an economic context in which labor costs per unit of production are rising as compared with a context in which they are either stable or declining, does not escape you. The point is: when unit production costs are rising there is a genuine upward pressure on prices, and when they are stable, there is no such pressure.
best fits this situation, but it has something to do with the shoe being on the other foot, except that we have two or three parking meters on it.

In any case, what was behind this reverse sal? It cannot be explained in terms of shifting underlying supply and demand or growth rates. Nor can it be explained in terms of having guidelines or not having guidelines. The fact is: Western Europe and in Japan as compared with the United States. The fact is that we are all operating at high leverages on the public sector. Nor can it be explained away abroad to "incomes policies" which, becoming increasingly specific and manda- tory as the year to come, will add to second half and not have income determination, are hav­ ing a profound effect on market institutions.

There is a real danger that, in the end, an Eastern European economy will experience a phenomenon for a system of broad market con­ trols. And the more determined the appli­ cation of monetary and fiscal policies, the more that the new economics, the greater is that danger.

There was no disposition to court this risk in the 1950's. Our paramount object was to achieve the purposes of the Employment Act within the framework of an enterprise sys­ tem and an incomes policy that would not jeopardize freedom. The guiding concept was the con­ cept of a free society. Fiscal responsibility in­ tended to moderate the rate of inflation and remains, an essential means to this end. I have no wish to diminish your estimate of what a prudently expansive fiscal and monetary policy can do in ordered and stable economic growth, and inciden­ tally, to ease the task of the financial analyst. My object is only to argue the case that such a policy is possible only when a balance is maintained between cost increases and pro­ ductivity improvements, and that it can be possible only when the productivity increases from this that there is less that is new in the new economics than its enthusiasts seem to believe. But, at the same time, cer­ tainly, then I will have made my point on the doctrinal question.

In commenting on the near-term business outlook, let me refer first to economic condi­ tions abroad. To a considerable extent, this uneasiness is as it is nowadays about the economic outlook—and is must be con­ sidered only as a reminder of the fact that it is a world economy, and that the world economy is, at least, for the time being, very international. Without the supports of the yen and the dollar, and with the properties of the new economics, the greater is that danger.

Great Britain is a special case. There are those who regard the Labor government's stabilization measures as inadequate to cor­ rect the country's international economic and financial position. They are mistaken. The econ­ omies involved, have been carried out only very reluctantly, without devaluing the currency, and remain, an essential means to this end. I have no wish to diminish your estimate of what a prudent and orderly financial policy can do in ordered and stable economic growth, and innocently, to ease the task of the financial analyst. My object is only to argue the case that such a policy is possible only when a balance is maintained between cost increases and pro­ ductivity improvements, and that it can be possible only when the productivity increases from this that there is less that is new in the new economics than its enthusiasts seem to believe. But, at the same time, cer­ tainly, some of the major settlements reached in the latter part of 1964, and to date in 1965, have been moving in the direc­ tion of imbalance.

Second, prices have started to move up. The rate of increase of the consumer price index, which is slow to move in any case, now stands at about 1 to 1½ percent a year. But after a long period of absolute stability, the rate of increase of industrial materials has moved up sharply. The last mentioned index rose 15 percent in the 12 months before that. And, as a whole, the 12 months and with a decline of percent in that period.

Cost push cannot be exonerated entirely from these price increases but pressure on production facilities from the side of de­ mand has also been heavy. Indeed, I have the distinct impression that demand pres­ sure has been more important than the push from labor costs. In part, I see this as a reflex of the surge in credit which we have seen in the past few months. Accordingly, I attach special importance at this time to monetary policy.

It is not easy to find just that degree of credit restraint which, without wrenching the economy, will get us back onto a sus­ tainable rate of credit expansion. There is danger in putting the brakes on too hard; but our monetary authorities know this. The new economics, applied when necessary, in staying too long with a rapid credit expansion, which is a mistake to which fiscal and monetary expansionists are distinctly prone, is a mistake to which the British authorities is also prone. A policy of this kind is a highly unpopular one it is at a time like this—to prevent our running afoul of either the fiscal or the monetary authorities. But a policy has moved in which I regard as the indicated direction. I have no quarrel with it, and I
FREELY MAILING PRIVILEGES FOR U.S. PERSONNEL IN SOUTH VIET-NAM

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. Bob Wilson] 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. BOB WILSON. Mr. Speaker, as Members of this House well know, the Veterans of Foreign Wars of the United States is one of the most effective and constant spokesmen for the man in uniform.

Another example of how they help look after the interests of our fighting men has recently come to my attention. Their commander in chief, John A. Jenkins, Birmingham, Ala., has written to the President of the United States, urging free mailing privileges for all U.S. military personnel in South Vietnam.

It should be emphasized that this far and away the best recommendation was a result of "Buck" Jenkins personally going to South Vietnam and visiting our troops in the combat areas. He went to the fighting fronts in the forested mountains along the Cambodian border and to the embattled base at Danang, and to the marine beachhead at Chului. He saw what was needed to help the troops, and came up with a practical solution.

Under leave to extend my remarks, I include the press release of the VFW Commander, dated June 17, 1965, which, in turn, contains his letter to the President:

VFW Urges Free Mailing Privileges for U.S. Personnel in South Vietnam

WASHINGTON, D.C., June 17, 1965—Free mailing privileges for U.S. military men was urged today by the national commander in chief of the Veterans of Foreign Wars of the United States, Mr. John A. Jenkins, Birmingham, Ala.

Commander Jenkins made the recommendation in a personal telegram to President Johnson. The VFW official, just returned from an extensive trip to the fighting fronts in South Vietnam, said he had the in-person experience of our Armed Forces in the conditions under which U.S. military personnel are living and fighting.

Explaining his recommendation, Commander Jenkins, as the Communist aggressors in South Vietnam is a full-time, around-the-clock job. This is a war in South Vietnam and it doesn't make sense for them to be unnecessarily burdened by having to travel to a postal branch, line up to buy stamps, which is the last thing the combatants could be in a usable condition when they return to their battle positions in rains, mud, and sand.

The text of VFW Commander Jenkins's telegram to President Johnson follows:

The President, The White House, Washington, D.C.

During my recent trip to South Vietnam, I was fortunate to be able to visit our fighting men in various parts of that embattled country. I can report to you, Mr. President, that I saw nothing that would have been better off without it; and I think that the market would be behaving better than it has been if we hadn't had it. But now I expect to see us settle down to a more sedate pace. If this is the way our economy goes, as I expect it will, then the stock market is currently understimating the strength and the growth capabilities of the American economy, and that is precisely what I think it is doing.

RESIDUAL OIL RELIEF NEAR?—STATEMENT DETAILS NEED

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. Fogarty] and, is encouraging to record, we also were specifically authorized to express his wholehearted endorsement of our position by the Speaker of the House.

If we are guided by these broad principles of financial prudence, and if labor cost increases are kept within the limits of the revenue increases we can expect from our economy's productivity gains, I see no reason why the evidence of a readiness to do this as I would more sedate pace.

It is plain from the matter.

MR. Speaker, the residual oil import problem continues to affect the consumers of the Northeast. Hopefully, a solution is near. Last week, an agreement was reached between New England State and New York met with Director Buford Ellington, of the Office of Emergency Planning, who is one of the President's key advisers on oil imports.

We were told in clear terms, calling for an early decision, which Mr. Ellington said he would try to achieve. The delegation's informal chairman was the distinguished gentleman from Rhode Island [Mr. Fogarty].

There was no objection.

Mr. CLEVELAND. Mr. Speaker, the residual oil import problem continues to affect the consumers of the Northeast. Hopefully, a solution is near. Last week, an agreement was reached between New England State and New York met with Director Buford Ellington, of the Office of Emergency Planning, who is one of the President's key advisers on oil imports.

We were told in clear terms, calling for an early decision, which Mr. Ellington said he would try to achieve. The delegation's informal chairman was the distinguished gentleman from Rhode Island [Mr. Fogarty].
COAL PROSPECTS EXCELLENT

We don't believe that the problems of the coal industry have been caused by imported residual fuel oil, that it has been disequilibrium from the standpoint of the domestic coal industry itself, and particularly the coal mining companies, nor do we believe that the prospects for profitable operation are excellent. In fact, all of my friends on Wall Street tell me that coal stocks are a good buy right now. They tell me that by mid-year, earnings per share in 1964 over 1963 were up 24 percent for Peabody; 15 percent for No. 2 heating fuel by the household consumer, and competitive market within the conven-

Throughout New England atomic energy plants are being built. Only recently a large atomic plant was approved for Oyster Creek in New Jersey. The decision to build this plant was made because of the competitive cost of the fuel and the fact that residual fuel oil was not available. But, let's return to New England and the atomic energy plant. But I have been told that were it not for the controls and restrictions on residual fuel oil imports into New England, atomic energy, residual fuel oil has been converted to residual fueloil industries. We feel that far too little effort has been spent on residual fuel oil imports has placed my industry in a form of monopoly cartel marketing system. Since quotas are allocated to eligible importers, it means that these importers have a locked-in advantage. If we have a freedom of choice, neither do the independent marketers since all are tied to the only available source who receives the import quota. This means that the consumer is forced to pay a higher price and this higher price has nothing whatsoever to do with the cost of production, transportation, or distribution. It is a false value that is placed on an import license. This value is the main cause of the disruption of the pricing structure of the residual fuel oil market and is the main reason for the fact that atomic energy is economically justified. The disastrous fact is that once atomic energy plants are built, that market is lost forever to all conventional fuels.

Another possibility for the market under discussion that has been created by the coal industry's successful attack on imported residual fuel oil is that of the importation of power from Canada. Here again plans are being made to import vast amounts of electric power into the east coast from the north. Here again, once these transmission lines go into operation, markets are lost forever to the conventional fuels marketed on the east coast. Another area of mutual interest to us is the fact that the energy needed is certainly more factual and scientific information on this highly political public issue.

NATION'S INTERESTS MUST COME FIRST

In the long term of history no man gets away with anything unless it is founded on fact. This applies to individuals, industries, and governments and it is a fact that I am afraid all three categories in my adopted country have yet to learn through bitter experiences the dangers of false assertions and trouble throughout the world and I predict this trend will continue. None of us can afford to subordinate our own personal interests for those of our country. We can get away with it but sooner or later our children will have to pay the price for our mistakes. The only thing that can save the coal industry is the only guilty party because my own coal industry has made plenty of mistakes in this whole intangible area of intangible questions. The best interests of our country and not to a small vested segment of our Nation. The only real long-term gain is if we can get back to the idea that we believe in the maximum amount of freedom and the private enterprise system is the keystone of this faith. While the Russians in their private sector can exist under such a faith, every action we take should be to strengthen and broaden it and never to frustrate and weaken this foundation.

We intend to continue our fight against any move by any conventional or other type of fuel that is contrary to the basic philosophy of the private enterprise system because we are fighting the challenge of communism throughout the world. We are against any preferential treatment that discriminates unfairly against any segment of our economy. For this reason we would support the coal industry in any moves made to expand to the fullest extent the non-coal burning treatment via the reduction of impediments to trade, both tariff and nontariff barriers, throughout the world. We would support any program aimed at eliminating Government subsidies on any fuel, either conventional or nonconventional, that is beneficial to the consumer and not harmful to competition. We believe that any action taken, such as the present import restrictions on residual fuel oil aimed at destroying competition and adopting a form of end use control of the consumer in order to favor one specific form of energy, is in the long run disastrous not only to the fuel industry but also to our Nation.

TRADE EXPANSION ACT OF 1962

Mr. DEE CLAYSON. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia (Mr. Moore) may extend his remarks at this point in the Record and include extraneous matter.

Mr. SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOORE. Mr. Speaker, I am joining those who have introduced a bill to amend the Trade Expansion Act of 1962. I know of no other legislation that is more in need of amendment than that act. It was based on untenable policy and was intemperate in its objective. Beyond that it was self-defeating in the rigid conditions it laid down for adjustment assistance.

It was intemperate in providing for another 50-percent cut in the tariff after our average tariff protection has already spread to 600 percent. The 50 percent on dutiable items since 1934.

Under the previous policy of selective tariff cuts, all our industries had been sifted time and again and studied with the object of seeing which the tariff could be subjected to further cuts without causing or threatening serious injury to the industries concerned. We may be sure that during the 30 years since 1934 our tariff has been cut in the successive tariff-reduction conference about as deeply as possible without exposing our market to excessive import penetration.

From 1934 to 1947 we entered into 29 bilateral trade agreements in which some of our tariffs were cut. Then the General Agreement on Tariffs and Trade was negotiated. It went into effect on January 1, 1948. Sharp additional reductions in the tariff were made in that act. Out of the 5 negotiation four other conferences were held in Europe at a few years' interval and each time yet further tariff cuts were made. In 1956 the Congress, however, restricted the remaining 5 negotiation during the 3-year period of the extension of the act, thus recognizing the low level to which the tariff had already been reduced. In the 1968 Trade Agreements
The hearings were barely over when the cuts were again limited to 5 percent per year, this time for a 4-year period, or recognizing the need for gradualness and that the information gathered in the extensive hearings be used as expected. The State Department thought otherwise and its policy prevailed.

Secondly, while industry and labor that were injured by past tariff reductions—not only those under the Kennedy round—were to be variably compensated as provided in the act, the requirement of 6 months' notification from the Tariff Commission was drawn that in 2½ years and 17 cases brought before the Tariff Commission, not 1 case has withstood the rigid test laid down. This has happened even though, as is well known, the members of the Tariff Commission are appointed by the President.

The upshot is that in its conception, construction, and administration, the Trade Expansion Act of 1962 was and is a mere piece of legislation. It should be changed drastically before the damage that is implicit in its potentials is actually inflicted on American industry, and particularly on the workers.

What possessed this body to accept so incredible a suggestion as that they were injured by past tariff reduction can only remain one of the unsolved mysteries of the decade. I am happy to say that I voted against it.

Sufficient time has passed to justify a reassessment of the situation and to make the point that the tariff cut may block the only chance that we have of holding our high-cost plateau. Tariff negotiations in Europe have stumbled along so haltingly and with so many misgivings and agonizing doubts. After more than 2½ years, the final negotiations are still months away. For that fact we should at least be thankful.

The world has moved considerably from its 1962 economic position. The framework of the new competitive realities is now more clearly visible. The steel industry in this country is the high-cost plateau, and the rest of the world is coming into sharp relief. We can no longer doubt that we can and are being outraced in many parts of the world despite the false or low official or skewed trade statistics. These all sing a song of high cheer over our great export surplus. Unfortunately the reality of the case is different.

Our export surplus quickly dissolves when it is subjected to a factual analysis. It consists mostly of subsidized exports under foreign aid; sales and giveaways under Public Law 480; sales to subsidiaries of our own companies, shipments to Allied military forces, and theservices available to the steel and automotive industries. When imports strike the larger companies they may come and go...
be driven out of business because they lack the resources to modernize or to invest abroad.

When imports climb, these smaller industries and other market-sharing activities are thrown back upon themselves. They are then told to diversify; and some of them have done so or are making efforts to do so; but the advice to diversify is more readily given than successfully achieved. Foreign competition is now quite as likely in other products as in the one in the production of which an industry may be in distress. Retraining, retooling and financing are all difficult steps, and in some instances represent insurmountable obstacles. The smaller companies then strive to hold on to the output they now have—and therein lies stagnation. They are unable to employ any of the new workers that population growth makes available, and that will form pools of unemployed if they are not hired.

Mr. Speaker, nothing is more certain than the untimeliness of the proposal for unfreezing the quotas at the present time in any instance where imports have already taken a liberal share of our market.

It is for this reason that I join wholeheartedly in support of the legislation that would remove certain items from the President's list, and that would provide machinery for the imposition of import quotas to prevent imports from doing yet more damage than they have already inflicted on many of our industries. We cannot be in the position industrially of being put on the run by low-cost imports that owe their competitive advantage, not to higher efficiency, but to lower wages.

I am happy to introduce this bill and to urge its earliest consideration by the Ways and Means Committee.

FOREIGN AGENTS REGISTRATION ACT SHOULD BE AMENDED TO PROHIBIT GESTAPO-LIKE SNOOPING ON REFUGEES

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. HOLIFIELD) may extend his remarks at this point in the Rules and include extraneous matter.

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

There was no objection.

Mr. GALLAGHER. Mr. Speaker, I am introducing legislation today to prohibit private American detective agencies from acting as a hired gestapo for any foreign government or foreign political party. This bill is intended to bring a halt to such spying and other snooping activities on refugees, exiles, and other foreigners who come to this country.

The long arm of totalitarian regimes reaches far and is not limited to touch and feel people, especially through private American detective agencies. I think that all Members of the House will agree that the United States should remain a haven for those who are suffering from political intrigue or who seek liberty from the oppression of their own governments. It is for this reason that this bill will help to keep America as a sanctuary for these unfortunate.

Mr. Speaker, my attention was first drawn to this matter last year when Virginia Prewett, the distinguished columnist on Latin American affairs, described the plight of Haitian refugees and exiles in the United States. She said in a column appearing in The Washington Daily News that "the same terror that stalks dictator-ridden Haiti now haunts Haitians in the United States." She reported that "a new secret service recently created by Haiti's President Francois Duvalier and called the international squad is being used on Haitians in New York and elsewhere with brutal reprisals for those who criticize Duvalier overseas and then go home." Private American detective agencies allegedly operated as part of this apparatus. Indeed, records of the U.S. Department of Justice substantiate the charge. They show that not only has such surveillance and investigative work been performed for Haiti by private American detective agencies, but also for the United States, to which nation the same service is being provided.

And I cannot help but feel there is much unreported activity of the same type.

This sort of nefarious snooping should be halted immediately. At the same time, Congress and the President of the United States should be made aware that the Foreign Agents Registration Act to make it clear that such activity constitutes a violation of American law and will be punished accordingly. Simple Justice demands no less. I hope the House Committee on Judiciary will approve this measure separately or as an amendment to legislation currently being considered to bring the Foreign Agents Registration Act up to date.

THE PROPOSED 200 BEV ACCELERATOR

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. HOLIFIELD) may extend his remarks at this point in the Rules and include extraneous matter.

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

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, there is a great interest over the location of a proposed 200 billion electron volt accelerator which currently is in the initial design study stage under the supervision of the Atomic Energy Commission. As of today the Atomic Energy Commission has received 110 proposals from 45 States recommending nearly 200 sites for the location of this proposed facility.

The Joint Committee on Atomic Energy for a number of years has closely followed the Nation's high energy physics program, more than 90 percent of which is sponsored and supported by the Atomic Energy Commission. High energy physics is a frontier of scientific knowledge. It is a field that is exploring the very basic forms of matter. Facilities that can accelerate the smallest known particles of atoms such as electrons and protons are necessary tools in the exploration of this frontier of scientific knowledge. By bombarding other particles with these fast-moving protons and electrons, we are able to discern phenomena that otherwise would remain unknown to us. New concepts, such as quarks, are being added to man's store of knowledge and better understanding of the physical world and matter itself.

These facilities which serve as tools in the field of high energy physics are very expensive to construct and to operate. They require large areas and tremendous amounts of electrical energy. The 3-mile linear electron accelerator at Stanford University, now nearing completion, is expected to be costing $114 million. The construction of the proposed 200 billion electron volt—Bev—proton accelerator is estimated to cost $290 million. When fully operational, its annual operating costs will run in the neighborhood of $50 million per year.

At the request of the Joint Committee on Atomic Energy, the executive branch of the Government undertook a study and analysis of the national need for facilities of this type. A report has been submitted to the Joint Committee a "Report on Policy for National Action in the Field of High Energy Physics." That report and additional background information has been published as a part by the Atomic Energy Commission due to those Members of Congress who desire to obtain some understanding of the Nation's high energy physics research policy and the projected national expenditures in this field for the next several years.

I would also commend to the Members of Congress the Joint Committee's hearings on the objectives and needs of high energy physics research which were held last March.

In regard to the proposed 200-Bev accelerator, I think it important to realize that the project has not been authorized for construction. I should like to repeat that. It has not been authorized for construction.

This year, the Joint Committee on Atomic Energy has recommended and the Congress has authorized only design studies for this project. A great deal of work directed toward the highly technical and complicated design of this facility has been underway for several years at the Lawrence Radiation Laboratory at the Berkeley campus of the University of California under the very capable direction of Dr. Edwin McMillan, a noted authority in this field. If the national policy report recommendations are followed by the administration, the Joint Committee next year will consider whether or not engineering preliminary to construction should be undertaken for a 200-Bev accelerator.

A design study prepared under the supervision of Dr. McMillan has been completed. It consists of two volumes running over 700 pages and will soon be made available to the AEC. A very group that has submitted its formal proposal to the AEC for the location of the 200-Bev accelerator will be able to obtain a copy of the two-volume study within the next several weeks. The AEC, the Joint Committee, and the Congress will consider these proposals next several weeks, the BEC will forward to a special committee of the National Academy of Sciences those proposals
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<td>Fort Pierce: Charles C. Moore, realtor, Fort Pierce.</td>
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UTAH

Brigham City: Brigham City Industrial Commission, Brigham City.
Salt Lake City: Gov. Calvin L. Rampton, Salt Lake City.

VIRGINIA

Norfolk: B. G. Dennead & Co., Columbus, Ohio.

WASHINGTON


WEST VIRGINIA

Point Pleasant & Ravenswood: Gov. H. E. Smith, Charleston.

WISCONSIN

Madison: University of Wisconsin.

WYOMING

Laramie: Gov. Clifford P. Hansen, Cheyenne.

WHITE HOUSE CONFERENCE ON EDUCATION

Mr. BRADENAS. 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 Indiana?

There was no objection.

Mr. BRADENAS. Mr. Speaker, I should like to take this opportunity to call to the attention of Members of the House the White House Conference on Education which will be held here in Washington on July 20 and 21.

In a statement concerning the White House Conference, President Johnson said:

Every child has the right to as much education as he has the ability to receive. I believe that this right does not end in the lower schools, but goes through technical and higher education—if the child wants it and can use it.

I want this not only for his sake, but also for our Nation’s sake. America badly needs educated men and women. And America needs not just more education, but better education.

Nothing matters more to the future of our country. Not our military preparedness—for armed power is useless if we lack the brains to build a world of peace. Not our productive economy—for we cannot sustain growth without trained manpower. Not our democratic system of government—for freedom is fragile if citizens are ignorant.

Thomas Jefferson once said, “If we expect a nation to be ignorant and free, we expect what never was and never will be.” Our Nation’s school systems were founded on that proposition.

Today, 41 million students are enrolled in our public schools. Four million more will enter by the end of this decade. But is the knowledge of 1965? Student out of every three now in the fifth grade will drop out before finishing high school—if we let him. Almost a million young people will quit school each year—if we let them. And over one hundred thousand of our smartest high school graduates each year will not go to college—because of nothing.

This cannot continue. It costs too much; we can’t afford it. The whole Nation suffers when our youth is neglected.

Lynden B. Johnson.

STATEMENT BY JOHN W. GARDNER

A number of outstanding educators from all over the United States will participate in several panels during the course of the 2-day Conference.

Here is a statement explaining the purpose of the Conference by the Conference Chairman, John W. Gardner:

In calling the White House Conference on Education, President Johnson said: “All of us can benefit from a lively exchange of views on the major issues affecting our schools and colleges. We need to pool our best ideas about how to stimulate and enrich the Nation’s adventure in learning.”

Accordingly, the Conference program has been designed to promote maximum discussion among panelists and audience participants. As the opening session page of the Conference has been divided into nine sections, each of which is headed by a vice chairman. Each of the vice chairmen is in charge of two panels in the same general area of interest. Seven panels will meet on Tuesday morning, seven on Tuesday afternoon, and four on Wednesday morning.

The vice chairman will begin each panel session by summarizing a background paper prepared in advance by a participant who has been working with him. Joining him on the platform, in addition to the consultant, will be a questioner and five panelists. We are writing a commission to trigger questions from the floor and to encourage audience participation. Small group discussion immediately after each panel Tuesday will provide further opportunity for active participation in the Conference.

Summaries of all panels and small group discussions held on Tuesday will be distributed to Conference participants Wednesday morning. Summaries of the Wednesday morning panels will be available at the general session on Wednesday afternoon. All panel discussions will be tape recorded.

There is no objection to the request of the gentleman from Indiana.

Because I think that Members of Congress will be interested in knowing the specific sessions of the White House Conference on Education, I should like to include at this point in the Record the program outline of the Conference:

Tuesday, July 20

9 a.m.: Opening general session: Presiding, John W. Gardner; welcome, the Honorable Anthony J. Celebrezze, Secretary of Health, Education, and Welfare; address, the Honorable Francis Keppel, Commissioner, U.S. Office of Education.

10:15 a.m.: Tuesday, panel discussion 1-A.

Chairman: Whitney M. Young, Jr.
Questioner: Judge Mary Conway Kohler, New York.


Wednesday, July 21

9 a.m.: Opening general session: presiding, John W. Gardner; address, Jerrold Zacharias, professor of physics, Massachusetts Institute of Technology; Ralph W. Tyler, director, Center for Advanced Study in Behavioral Sciences, Stanford, Calif.

10 a.m.: To 12:30 p.m.: First panel sessions (7).

Lunch: Small group discussions.

2:30 p.m.: To 4:15 p.m.: Second panel sessions (7).

4:30 p.m. to 6:30 p.m.: Small group discussions.

8:30 p.m.: Vice Chairman, consultants, and summary writers, meet to prepare digest.
SPECIAL PROGRAMS AND FOREIGN STUDENTS
Panelists: Edmund J. Gleazer, executive director, American Association of Junior Colleges; Lee A. DuBridge, president, California Institute of Technology; Father Paul C. Rehm, president, St. Louis University; Dean McHenry, chancellor, University of California at Berkeley; Willa B. Player, president, Bennett College, Greensboro, N.C.

EDUCATING THE HANDICAPPED
Panelists: Philip I. Mittinger, director, Center for Advanced Study in Behavioral Sciences, Stanford; Robert H. Horak, president, American Council on Education; Dr. Milton L. Gotlieb, director, National Institute of Mental Health; Dr. John E. Buell, president, University of Massachusetts at Boston.

EDUCATION IN THE FAMILY
Panelists: Dr. Maxine Green, director, National Council on Family Relations; Dr. Edith Green, director, National Council on Family Relations; Dr. Edward S. Geller, director, National Council on Family Relations; Dr. Harry D. Gideonse, president, School Board Association of New York City.

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INDEPENDENT AGENCIES

HON. WILLIAM G. COLMAN, EXECUTIVE DIRECTOR, ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

HON. WILLIAM J. DRIVER, ADMINISTRATOR OF VETERANS AFFAIRS.

HON. MILTON EISENHOWER, CHAIRMAN, COMMISSION ON PRESIDENTIAL SCHOLARS.

HON. JOHN A. HANNAH, CHAIRMAN, COMMISSION ON CIVIL RIGHTS.

HON. LELAND J. HAWORTH, DIRECTOR, NATIONAL SCIENCE FOUNDATION.

HON. E. WILLIAM HENRY, CHAIRMAN, FEDERAL COMMUNICATIONS COMMISSION.

HON. LEWIS B. HERSHEY, DIRECTOR, SELECTIVE SERVICE SYSTEM.

HON. JOHN W. MACY, JR., CHAIRMAN, CIVIL SERVICE COMMISSION.

HON. S. DILLON RIPLEY, SECRETARY, SMITHSONIAN INSTITUTION.

HON. DAVID ROCKEFELLER, CHAIRMAN, PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWS.

HON. CARL T. ROWAN, DIRECTOR, U.S. INFORMATION AGENCY.

HON. HAROLD RUSSELL, CHAIRMAN, PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED.

HON. GLENN T. SEABORS, CHAIRMAN, ATOMIC ENERGY COMMISSION.

HON. FREDERICK SEITZ, PRESIDENT, NATIONAL ACADEMY OF SCIENCES AND NATIONAL RESEARCH COUNCIL.

HON. WILLIAM WALTON, CHAIRMAN, COMMISSION OF FINE ARTS.

HON. ROBERT C. WEAVER, ADMINISTRATOR, HOUSING AND HOME FINANCE AGENCY.

HON. JAMES E. WEBB, ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

CITATION FOR MORRIS DOUGLAS JAFFE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks to those made in the Recessional and include extraneous matter.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, Mr. Speaker, Mr. Speaker. St. Mary's University in San Antonio, Tex., recently conferred on Mr. Morris Douglas Jaffe, also of that city, the degree of doctor of laws, honoris causa. The citation which accompanied this award was to me particularly inspirational and heartwarming, since it portrays a constructive business career, a wholesome home environment, and conspicuous public service, the combination of which is distinctly American.

The citation follows:

CITATION

Men of vision and particularly business men in the modern competitive world agree that the economic and accompanying social changes are continually evolving. They also recognize that the inquiring mind supported by an enterprising spirit forces, searches out, and even helps bring about these changes, for nothing in life is static.

Tonight, on the occasion of the 113th annual meeting of the St. Mary's University, it honors one of its former students, Mr. Morris Douglas Jaffe, whose qualities of leadership include an enterprising spirit, so interpreting the emerging patterns of business have enabled him to make significant contributions to the economic well-being of society.

The successful management of modern business is illustrated in the career of Morris Jaffe, requiring familiarity with the more relevant branches of history and philosophy, some knowledge of mathematics, of modern literature and the social sciences, the dynamics and political science. This indispensable liberal education, whether formal or self-acquired, contributes to a flexibility of mind and helps develop a sensitive responsibility to the larger society of which the businessman is a part.

Our heroine, the son of Mrs. Irene Jaffe and the late Mr. Morris Jaffe, received his early education at Central Catholic and Jefferson High Schools in St. Mary's University from 1940 to 1944. Then, after a short stay at Texas A. and M., he joined the U.S. Air Force Corps during World War II, where he served as a pilot assigned to the flight test section of the 2d Air Force; his continued interest in flying dates back to these early experiences.

In 1947 he married Jeannette Herrmann, daughter of Mr. and Mrs. Albert Herrmann. The Jaffes have six attractive children, whose daily adventures in growing up contribute to an exciting home life.

In 1948 Mr. Jaffe entered the highly competitive business world, building development and homebuilding in San Antonio. In 1951, in partnership with David P. Martin, he added commercial construction. Interest in oil followed, both locally and nationally. In 1955 his discovery of uranium in Karnes County stirred national interest.

Subsequently he associated himself with the Fed-Mart stores of California and became active in expanding the corporation in the Southwest. In partnership with Roger W. Martin, he pursued cable, lumber industries and moved the national manufacturing center to San Antonio. At the same time he served as chairman of the Dixie Form & Steel Co., which produces steel forms to construction firms throughout the world.

Morris Jaffe's managerial ability was recognized when a Federal judge of the western district of Texas approved his plans to reorganize a west Texas empire which had failed financially under previous management. When rebuilt, reorganized, and reconstituted, the American Grain Corp. came into existence, with Mr. Jaffe as chairman of the board. Demonstrating a capacity for adaptation, he disassociated himself from the Fed-Mart Corp., and assumed the responsibility of serving as chairman of the board of the First Financial Life Insurance Co.

While carrying on these multiple activities, Morris Jaffe, firmly committed to the proposition that citizens must concern themselves continuously with affairs of government, gave of his time, his energy, and his financial support to the promotion of good government on all levels. A lifelong Democrat he continues to involve himself in political affairs.

Complex business enterprises depend on the services of many individuals of varied talents, and Mr. Jaffe has surrounded himself with people, some of whom constitute their skill and technical knowledge to his diversified operations. His appreciation of the value of the well educated man in business has led directly to his interest in higher education. In 1955 he accepted an invitation to serve as a member of the board of governors of St. Mary's University, and more recently he was elected president of the educational foundation of St. Mary's University, where he now directs the activities associated with long-range planning and future growth of the university.

His gracious wife Jeannette continuously assists her husband in representing Morris by giving freely of her time and talents to various civic and charitable organizations. She is the
Lima's La Prensa reported how the Texas visitors met with Peru's free labor leaders. Lima's Ultima Hora published a box with the head: "Texas Gringos Come To Lend a Hand." The Voice of Tarma is a small-town paper whose type is still set by hand. The Texas Observer was published by the AFL-CIO Farm Workers Federation, while on a visit to the United States under the Alliance program, wrote a letter to the Voice in which he said the visit was helped by the nation by sinking political differences in a common cause." He advised Peruvians to do the same.

Similar reports are multiplying throughout Latin America as the partners in programs hear tales of an orderly society that are a powerful antidote against the Communist propaganda that constantly hammers away at Latin American minds.

ADDRESS BY REPRESENTATIVE JOE R. POOL AT OAK CLIFF JUNIOR CHAMBER OF COMMERCE, DALLAS, TEX.

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. Udall] 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 Georgia?

There was no objection.

Mr. UDALL. Mr. Speaker, today I should like to introduce into the Record a speech delivered by my colleague, the Honorable Joe Pool, Resident Congressman at Large from the State of Texas. He delivered this address in Dallas, Tex., at the Oak Cliff Junior Chamber of Commerce annual Fourth of July picnic. The occasion was particularly timely, for this speech indicates Mr. Pool's strong support of the President's policy in Vietnam and explains how vital the present program is for the cause of freedom throughout the world.

FOURTH OF JULY PICNIC, OAK CLIFF JAYCEES, DALLAS, KINST PARK

Today, we celebrate, for the 189th time, the birthday of this great Nation—the festivity commemorating the notion that every people has a right to live under a government of its own choosing, to make its own mistakes, and achieve its own triumphs, free from dictation from outside.

The Fourth of July has been celebrated in a great many places, and under broadly varying conditions. It has been celebrated in quiet, prosperous times, when the very thought of war was far from everyone's mind. We have celebrated it when America's neighbors, the Texans and Minnesotans alike celebrated—and I think they both honored the day in their own way—on the bloody slopes of Cemetery Ridge in Gettysburg, a hundred years ago. We celebrated the Fourth of July in the hedgerows of Normandy, 15 years ago. We celebrated it in the mountainsides of Korea 15 years ago. And Americans will be celebrating the Fourth of July in the jungles of Vietnam this year. They will be celebrating the Fourth of July in the jungles of Vietnam with the knowledge that Americans have always been able to do as the President says: "Let us celebrate. Let us listen to the Fourth of July."

To us, who live today in an age of crusade, the Fourth of July means the victory for freedom and progress. It is the victory for the millions of the world who desire to live under a government of their own choice, free from dictation from outside.

Our American struggle for freedom was a crusade, and we have now brought our crusade to Vietnam. We shall have to prosecute our crusade as long as it takes to win a free and independent Vietnam. And we shall not lose sight of the fact that this is a crusade, not a battle, not a war, but a crusade for freedom and for progress.

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driven in the villages of the South Vietnamese countryside. The Americans, even the South Vietnamese Army, are not the chief target. It is by killing and keeping civilians that these aggressors are striving to drive the people of South Vietnam into submission.

Aggression? When thousands of North Vietnamese soldiers, or Viet Cong, crossed the borders of South Korea, there was no doubt that this was aggression. And the world reacted to it, and stopped it. When we found an aggressor made his intentions unmistakable—just as if some U.S. imperialists are testing in South Vietnam, it is over, then it can be defeated everywhere in the world. Let me repeat—everywhere in the world—were General Giap’s words.

There is the challenge of the 1930’s again. If aggression can succeed in South Vietnam, it can affect everywhere in the world according to General Giap. And history has an unfortunate tendency to confirm his view. If we do not have the will to resist in South Vietnam, if we find South Vietnam too uncomfortable or too confusing or too far away, and if we lose our will to help these courages, then the next challenge—which will come as sure as the sun rises—will be just as uncomfortable, just as confusing. But it may not be as far away.

Lyndon Johnson has given the answer to those who predict that we cannot stay the course in South Vietnam. And he has, at the same time, given the answer to those who wonder what our goals are out there. "We will not relinquish our commitment," the President said, "to the people of South Vietnam, to the Vietnamese Army, are not the chief target. But the world learned, too, that people are still dying? This, I think, was an empty threat. The Nazis were ended, the whole world knew aggression was dead earnest when they said it. "Today, they are asking on all sides. The answers they receive are being tried on the north, and carried on by thousands of a government.

We stop the aggressor, but at a cost many times higher than it might have cost had we acted earlier. That mistake we have had burned into our souls. It is the lesson that will make it cost even higher to make again. And the degree to which we have learned that lesson is being tested today in the swamps and city streets of Vietnam. Freedom is being tested by the most distant and uncomfortable of freedom’s frontiers.

"Are we doing in Vietnam? "Why are we there, and what do we hope to get out of it? "Can war in Vietnam really settle anything? These and similar questions are being asked on all sides. The answers have been written in American blood on every continent, and they deserve to be repeated today.

We are in Vietnam because the Vietnamese people and their Government have asked us for our help in their effort to preserve their independence, and that we are not going to make again. And the degree to which we have learned that lesson is being tested today in the swamps and city streets of Vietnam. Freedom is being tested by the most distant and uncomfortable of freedom’s frontiers.

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life and death, blessing and cursing: therefore choose life, that both thou and thy seed may live.

"For the generation of the world must choose: destroy or build, kill or aid, hate or understand.

"We do all these things on a scale that has never been dreamed of before.

Well, we will choose life. And so doing, we will prevail over the enemies within man, and over the natural enemies of all mankind.

TEACHER FELLOWSHIPS

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. GILLIGAN] 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 Georgia?

There was no objection.

Mr. GILLIGAN. Mr. Speaker, the bill which the gentleman from Indiana [Mr. BRADemas] introduced on July 6, H.R. 9627, to award fellowships to elementary and secondary teachers and those persons whose professional roles are related to the process of elementary and secondary schools, has, with but one minor exception, my full and enthusiastic support. I have read and considered this bill carefully, and I find in it those things which command my praise and endorsement.

This bill is simple, short, and directed to the single and exceedingly important task of improving the quality of education in elementary and secondary schools. Approval of the bill by the Congress will surely prove to be a most worthwhile investment.

It has been stated repeatedly that there is a desperately growing need for more elementary and secondary schoolteachers despite the efforts to meet this need under such programs as provided by the National Defense Education Act. H.R. 9627 complements these programs by making eligible for fellowships teachers, prospective teachers, and those persons who wish to return to teaching on others in related work. But equally important is the increasingly urgent need for better trained teachers. The conventional training most teachers have received, and which was commonly believed, is by today's standards grossly inferior in view of the shattering developments of recent years in both the content of subject matter and instructional techniques. If our teachers, who are in many ways the parents of our children, are to translate the advances being made in nearly every area of learning for the benefit of their students, the exhortations for teachers to update and strengthen their skills must be backed by sharply focused efforts to furnish them with the means to do so. This bill does just that.

The National Teacher Fellowship Act also complements the recently enacted Elementary and Secondary Education Act of 1965. In that legislation, for example, there are provisions for the establishment and operation of educational research centers around the country and for the dissemination of the research findings and their adaptation to classroom use. By providing for financial assistance through fellowships to permit teachers to return to school on a full-time basis to upgrade their qualifications and to upgrade their professional skills, and thus improving the quality of education. This bill, like others already made law, recognizes the fact that this should not be.

What is it, however, one feature of the bill which I would like to see changed somewhat: More teachers than Mr. BRADemas proposes should be awarded fellowships, and correspondingly more others who would be eligible. I would like to see the proposed number doubled or tripled. But most of all, I would like to see this bill pass.

THE LATE MOSHE SHARETT

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SCHUERM] 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 Georgia?

There was no objection.

Mr. SCHUERM. Mr. Speaker, I would like formally to call the attention of this body to the loss of a great world leader. Moshe Sharett, Prime Minister of Israel from 1953-1956 died in Jerusalem on July 7.

Mr. Sharett’s death is mourned by all friends of Israel as well as by all lovers of peace around the world. Moshe Sharett was a humanitarian as well as a statesman. Instead of inflaming relations with Israel’s Arab neighbors, Prime Minister Sharett sought ways in which to ameliorate outstanding problems and forge a workable relationship.

The New York Times in an editorial yesterday stated this very well:

Throughout his long struggle Sharett never lost sight of the intimate relationship enjoining force for good and evil, the existence, between Israel and its Arab neighbors. Fluent in Arabic and proud of his friendships with Arab leaders of an earlier generation, he never gave way to bitterness nor lost his hope of an eventual reconciliation. This affirmative spirit is part of the heritage that this exceptional writer, linguist and diplomat—bequeathes to the nation he helped to found.

Mr. Speaker, I mourn the death of Moshe Sharett for personal reasons. I remember his kindness to me when I visited Israel in 1958. I recall the gentleness of his spirit and keenness of his mind. I would like to extend my condolences to his family for their great personal loss and to the State of Israel for the loss of a great leader.

AH, WILDERNESS

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. OLSEN] 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 Georgia?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, I think it is fitting to bring to the attention of the Members the present, and, I fear, future plight of wilderness areas, and the need to give them more protection and to create more of them for the enjoyment of our fellow Americans, present and future.

TRAFFIC LIGHTS NEEDED IN OREGON WILDERNESS AREA?

(By Matt Kramer)

EUGENE, OREG.—If pavement, engines, and people are beginning to wear you down, there is always the wilderness areas of the Far West for a refresher.

Go into a place like the Three Sisters wilderness area in the high Oregon Cascade Range and what do you find?

"More than 16,000 people were there last year," says Larry Worstell, deputy supervisor of the Willamette National Forest.

Not was this an isolated example. More than 50,000 persons last year covered the 13 wilderness areas set aside in Oregon and Washington. The problem is even worse in some other places.

"Wilderness use is increasing to the point that it's a problem for both the people who go to those areas for some degree of privacy, and for those of us who seek the wilderness environment," Worstell says.

And this in the areas set aside presumably to preserve the wilderness for all time. In these areas there may be no roads or motors or hardly any evidence of civilization; man may visit them but not stay.

Already they are talking about registration so that hikers can keep from trampling each other.

In areas where man goes to amuse himself, away from regulation, more regulation may be necessary. One of the problems is that much of the wilderness area is in high elevations. It is easy to ruin the beauty there. Grass cannot be cut, trees cannot be felled, the trees must be left. If a new camp is established, the old fire pits rather than build new ones.

Carry out camps and travel in small groups.

NEW YORK CITY IN CRISIS—PART CXVII

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MURRAY] 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 Georgia?

There was no objection.
Mr. MULTER. Mr. Speaker, the following article concerns the crime situation in New York City and is part of the series on "New York City in Crisis" appearing in the New York Herald Tribune.

The article appeared in the Tribune on May 15, 1965, and follows:

NEW YORK CITY IN CRISIS—CITY OF VIOLENCE: INJURIES TO POLICE UP 19 PERCENT OVER 1964

The mounting tide of violence in a New York City of many crimes was reflected yesterday in an announcement that injuries to policemen are occurring at a rate 19 percent higher than during the corresponding period of last year.

And 1964 was the most violent in New York City history insofar as harm to police officers is concerned.

The announcement was made by Police Commissioner Michael J. Murphy. He totaled up some of the reasons why last year was the city's worst and gave these 1964 statistics:

- Policeen killed, 7.
- Shot, 13.
- Struck and otherwise cut, 19.
- Bitten, 58.
- Punches and kicked, 200.
- Struck by objects, many of which were flung in the course of a quarrel.

Other police hurt in additional ways during arrests, 98.

Commissioner Murphy spoke at the second annual peace officers' memorial service at the police academy. The ceremony is held annually in response to a 1965 proclamation by President Kennedy setting May 15 aside for such commemorations of stricken police.

During last year, the police commissioner added, the city's law enforcement officers arrested 208,854 persons for murder, rape, armed robbery, burglary, theft and a dozen other felonies.

The annual peace officers' memorial service at the police academy marked the second annual observance of the second annual observance.

The police said they apprehended on felony charges 208,854 persons, including 208,854 for murder, 208,854 for rape, 208,854 for armed robbery, 208,854 for burglary, 208,854 for theft, 208,854 for arson, and a dozen other felonies.

The New York City police have been killed.

New York's police, Mr. Murphy said, are engaged now in what amounts to a war that seemingly has no end.

Few of the 208,854 apprehended on felony charges surrendered willingly, and many were repeaters, the commissioner said.

A man going in for New York police work at the request of Mr. MACKAY was granted leave of absence.

The Postmaster General would be asked to "look forward to a career in which day and night he will be armed and prepared to take action that endangers his life and safety."

Commissioner Murphy told the story of the 208,854 persons for murder, rape, armed robbery, burglary, theft, and a dozen other felonies.

The New York City police have been hurt this year in performing their duty.

"We pray that this succour from death in combat will continue throughout the year."

The range of New York crimes is as wide as the imagination of the most violent and most craven, Commissioner Murphy gave those entering the force of New York lawlessness in 1964.

Murder, 660; rape, 1,275; robbery, 4,914; burglary, 11,600; theft, 9,144; stealing cars, 6,033; arson, 360; narcotics offenses, 3,375; possession of dangerous weapons, 2,618.

New York City in Crisis and follows:

NEW YORK CITY IN CRISIS: SOMETHING'S OUT OF WHACK ON EAST 54TH STREET

(The New York Herald Tribune)

When the Federal Government gets ready to midwife a Manhattan apartment building, while all around the hue and cry is on to put up more of them, the situation would seem to call for a second look.

Last week, at the 11th hour, it was understood that a review was underway, at a city agency, of the decision to proceed with the situation at 225 East 54th Street. But it is doubtful whether anything can be done.

No. 225 is a pleasant six-story building, 30 years old between Second and Third Avenues. It has 117 units, all of them single rooms or double rooms with kitchen and bath.

The rents for tenants, mostly young, single people, range from about $55 to $120 a month. The building has a doorman, until 1 a.m., and its comfort and convenience make it a very desirable home.

POST OFFICE PLANNED

In 1958 and 1959 the Post Office Department, planning ahead, initiated Government construction between 54th and 55th Streets, on the east side of Third Avenue.

In 1963 the Department announced that it intended to build a new post office on the Franklin Delano Roosevelt Station—on the site at 899-911 Third Avenue.

The plans call for a four-story post office and a 24-to-38-story tower above it. Residential and commercial properties on the site were purchased and finally the complete parcel was leased last year to Coley Properties for construction.

According to the tenants, who are now in a last-ditch fight to save their building, the only building on the site that was of sound construction was 200 East 54th Street which contained 200 apartments, all of them single rooms.

The building has a door­man until 1 a.m., and its comfort and convenience make it a very desirable home.

Today, the tenants hope for a reprieve.

They want to know why the Government is seeking the site for its new post office.

The tenants formed their home-defense association last February, and its president, George Bamberger, says it may have been because a 200 or fewer people still living at 225 intend to go out fighting.

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULDER] 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 Georgia?

There was no objection.

Mr. MULTER. Mr. Speaker, the following article concerns housing in New York and appeared in the New York Herald Tribune on May 16, 1965.

The article is part of the series on New York City in Crisis and follows:

JOINT RESOLUTION REQUIRING COST OF LIVING SURVEY

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. RYAN] is recognized for 5 minutes.

Mr. RYAN. Mr. Speaker, it is my pleasure to join with our distinguished colleague, the Honorable Santiago Polanco-Abreu, Resident Commissioner of Puerto Rico, in introducing a joint resolution to give relief to Federal employees in Puerto Rico and the Virgin Islands from the Civil Service Commission's administrative order reducing the cost-of-living allowance for such employees from 12.5 to 5 percent effective July 1, 1965.

I have devoted considerable study to this matter, and it appears that the action was arbitrary and unreasonable.

My purpose in introducing this resolution is to call greater attention to the problem and to convince those who may be responsible for the legislation that swift and decisive action should be taken.

Mr. Speaker, the following article concerns the housing situation in New York City and follows:

Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULDER] may extend his remarks at this point in the Record and include extraneous matter.

In the main, the association has collected no more than expressions of sympathy, but one city agency—which wishes to remain anonymous for the moment—is looking into the history of 225, in case anything can be salvaged.

Meanwhile, the tenants hope for a reprieve and a private relocation firm is finding them new dwelling places. The target date for emptying the building is the end of October.

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. FARBSTEIN (at the request of Mr. MACKAY), for 5 minutes.

Mr. RYAN of New York (at the request of Mr. FARBSTEIN), for the week of July 12, on account of official business.

Mr. CRALEY and Mr. MORTON (at the request of Mr. ASPINALL), for the week of July 12, on account of official business.

Mr. EDMONDSON, for July 12 and 13, on account of official business.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. BURLESON.

Mr. Speaker, I ask unanimous consent that the request of Mr. MACKAY, the remarks he made in the Committee of the Whole today and to include extraneous matter.

In the main, the association has collected no more than expressions of sympathy, but one city agency—which wishes to remain anonymous for the moment—is looking into the history of 225, in case anything can be salvaged.

Meanwhile, the tenants hope for a reprieve and a private relocation firm is finding them new dwelling places. The target date for emptying the building is the end of October.

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. FARBSTEIN (at the request of Mr. MACKAY), for 5 minutes.

Mr. RYAN of New York (at the request of Mr. MACKAY), for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. BURLESON.

Mr. Speaker, I ask unanimous consent that the request of Mr. MACKAY, the remarks he made in the Committee of the Whole today and to include extraneous matter.
EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 or rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

H.R. 3260. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement which have been prepared for the following watersheds: Mills Creek, Fla.; Turkey Creek, Iowa; Lakin, Kans.; Standing Pine Creek, Florida; Red Creek, Neb.; Mitchell Swamp-Pleasant Meadow Branch, S.C.; Willis River, Va., pursuant to section 5 of the Water Pollution Control Act of 1944; as amended (16 U.S.C. 1425), and delegated to the Director of the Bureau of the Budget by Executive Order No. 10654 of January 20, 1956, to the Committee on Agriculture.

H.R. 3255. A letter from the Assistant Secretary of the Interior, transmitting determinations relating to construction payments due the United States from the Angostura Irrigation District, Angostura Unit, Missouri River Basin project, South Dakota, in the years 1960 and 1967 pursuant to the provisions of Public Law 86-308; to the Committee on Interior and Insular Affairs.

H.R. 3254. A letter from the Secretary of Commerce, transmitting the annual report on the relative cost of shipbuilding in the various coastal districts of the United States, pursuant to Section 204 of the Merchant Marine Act of 1936, as amended, to the Committee on Merchant Marine and Fisheries.

H.R. 3253. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement which have been prepared for the following watersheds: Mills Creek, Fla.;Turkey Creek, Iowa; Lakin, Kans.; Standing Pine Creek, Florida; Red Creek, Neb.; Mitchell Swamp-Pleasant Meadow Branch, S.C.; Willis River, Va., pursuant to section 5 of the Water Pollution Control Act of 1944; as amended (16 U.S.C. 1425), and delegated to the Director of the Bureau of the Budget by Executive Order No. 10654 of January 20, 1956, to the Committee on Agriculture.

H.R. 3251. A letter from the Assistant Secretary of the Interior, transmitting determinations relating to construction payments due the United States from the Angostura Irrigation District, Angostura Unit, Missouri River Basin project, South Dakota, in the years 1960 and 1967 pursuant to the provisions of Public Law 86-308; to the Committee on Interior and Insular Affairs.

H.R. 3221. A letter from the Secretary of Commerce, transmitting the annual report on the relative cost of shipbuilding in the various coastal districts of the United States, pursuant to Section 204 of the Merchant Marine Act of 1936, as amended, to the Committee on Merchant Marine and Fisheries.

H.R. 3220. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement which have been prepared for the following watersheds: Mills Creek, Fla.;Turkey Creek, Iowa; Lakin, Kans.; Standing Pine Creek, Florida; Red Creek, Neb.; Mitchell Swamp-Pleasant Meadow Branch, S.C.; Willis River, Va., pursuant to section 5 of the Water Pollution Control Act of 1944; as amended (16 U.S.C. 1425), and delegated to the Director of the Bureau of the Budget by Executive Order No. 10654 of January 20, 1956, to the Committee on Agriculture.

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 reference to the proper calendar, as follows:

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 8519. A bill to amend title 10, United States Code, to authorize language training to be given to a dependent of a member of the Army, Navy, Air Force, or Marine Corps under certain circumstances; without amendment (Rept. No. 986). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 7845. A bill to amend the United States Code, to authorize the survivors of a member of the Armed Forces who dies while on active duty to be paid for his unused accrued leave; to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. S. 1856. An act to authorize the Secretary to sell uniform clothing to the Naval Sea Cadet Corps; to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. S. 1856. An act to authorize the Secretary to sell uniform clothing to the Naval Sea Cadet Corps; to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of Illinois:

H.R. 9738. A bill granting the consent and approval of Congress to the Illinois-Indiana air pollution control compact; to Committee on Education and Labor.

By Mr. MACHEN:

H.R. 9792. A bill to provide for the establishment of the National Foundation on the Arts and 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. PELLY:

H.R. 9784. A bill to amend the Northern Pacific Hallibut Act in order to provide correction of certain inefficiencies and for other purposes for the International Pacific Halibut Commission; to the Committee on Merchant Marine and Fisheries.

By Mr. RODINO:

H.R. 9780. A bill to provide for the establishment of the National Foundation on the Arts and 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. 9796. A bill to authorize the Secretary of Agriculture to conduct programs to

ADJOURNMENT

Mr. MACKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Monday, July 12, 1965, at 12 o'clock noon.
reduce the impact of droughts on rural residents, small municipalities, agriculture and livestock enterprises, and for other purposes; to the Committee on Agriculture.

By Mr. SKUBITZ:
H.R. 9737. A bill to amend the Consolidated Farmers Home Administration Act of 1960 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes; to the Committee on Agriculture.

By Mr. YOUNG:
H.R. 9738. A bill to provide for participation of the United States in the HemisFair 1968 Exposition to be held at San Antonio, Tex., in 1968, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ADDABBO:
H.R. 9739. 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. CAREY:
H.R. 9740. 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. HEILSTOKSI:
H.R. 9741. 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. LINDSAY:
H.R. 9742. 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. HESSICK:
H.R. 9743. A bill to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats in accordance with the act of January 30, 1918, to remove certain restrictions on the American Hospital of Paris; to the Committee on the Judiciary.

By Mr. BOB WILSON:
H.R. 9744. A bill to provide free mailing privileges for first class letter mail sent by members of the Armed Forces of the United States in Vietnam; to the Committee on Post Office and Civil Service.

By Mr. BROWN of California:
H.R. 9745. 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. MACDONALD:
H.R. 9746. A bill to establish the Saugus Iron Works National Historic Site in the State of Massachusetts, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MATSUMAGA:
H.R. 9747. A bill to authorize the Secretary of Agriculture to conduct programs to reduce the impact of droughts on rural residents, small municipalities, agriculture and livestock enterprises, and for other purposes; to the Committee on Agriculture.

H.R. 9748. A bill to amend title 38, United States Code, to provide wartime rates of disability compensation for veterans disabled from injury or disease incurred or aggravated by overseas service and free insurance protection for members of the Armed Forces serving overseas; to the Committee on Veterans' Affairs.

By Mr. O'NEILL of Massachusetts:
H.R. 9749. A bill to amend title 10 of the United States Code, prohibiting construction for the construction of vessels for the U.S. Navy at places outside of the United States; to the Committee on Armed Services.

By Mr. REUSS:
H.R. 9750. A bill to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:
H.R. 9751. A bill to amend the act of January 30, 1918, to remove certain restrictions on the American Hospital of Paris; to the Committee on the Judiciary.

By Mr. RANDALL:
H.R. 9752. 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. SKUBITZ:
H.R. 9753. 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. ROYBAL:
H.R. 9756. A bill to amend title II of the Social Security Act to reduce from 65 to 60 the age at which benefits thereunder may be paid, with appropriate actuarial reductions made in the amounts of such benefits; to the Committee on Ways and Means.

By Mr. YOUNG:
H.J. Res. 573. Joint resolution requiring a cost-of-living survey to be made by the Bureau of Labor Statistics before the cost-of-living allowance for Federal employees in Puerto Rico and the Virgin Islands may be reduced; to the Committee on Post Office and Civil Service.

By Mr. FRIEDEL:
H. Res. 448. Concurrent resolution to authorize and request the President to issue a proclamation designating September 3, 1965, as "Cradue for Safety Day"; to the Committee on the Judiciary.

By Mr. BELL:
H. Res. 451. Resolution expressing the sense of the House of Representatives with respect to discriminatory practices by the Government of Humania; to the Committee on Foreign Affairs.

By Mr. DELANEY:
H. Res. 452. Resolution expressing the sense of the House of Representatives with respect to discriminatory practices by the Government of Hunania; to the Committee on Foreign Affairs.

By Mr. CURTIN:
H. Res. 453. Resolution establishing a Special Committee on Captive Nations; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:
H.R. 9757. A bill for the relief of Mrs. Knowles in Maine; to the Committee on the Judiciary.

By Mr. FELLY:
H.R. 9758. A bill for the relief of Christos A. Grivas and Despina Grivas, to the Committee on the Judiciary.

By Mr. SCHWEIKER:
H.R. 9759. A bill for the relief of Ina Zunastia, to the Committee on the Judiciary.

It has been difficult for Venezuela to understand this policy of restriction. Writing in the July 9, 1965 issue of Foreign Affairs, President Raul Leoni comments:

I want to emphasize that Venezuela has never been opposed to protection of an industry as vital as that of oil. What Venezuela objects to is the way in which protection has been applied by the United States; it just does not seem to us consistent with the proclaimed principle of hemispheric solidarity. In contrast to the products of other nations in the hemisphere, Venezuela's main export is discriminated against by a

EXTENSIONS OF REMARKS

Residual Oil Imports

EXTENSION OF REMARKS

HON. F. BRADFORD MORSE
OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 1965

Mr. MORSE. Mr. Speaker, more than a year ago on the floor of the House I deplored the continuation of residual oil import quotas as discriminatory, unnecessary, and harmful to our national security.

At that time I pointed out how serious was the impact of these quotas on the economy of Venezuela, a nation which depends on the export of oil for 90 percent of its foreign trade and 80 percent of its government revenues. We cannot emphasize hemispheric economic growth and solidarity and then turn around and isolate one of the strongest nations in Latin America.