SENATE

WEDNESDAY, AUGUST 4, 1965

(Legislative day of Tuesday, August 3, 1965)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, Father of our spirits, whose power is unsearchable, whose judgments are a great deep, our fervent prayer is that in this place we may touch the hem of Thy garment.

As amid the earthquake, wind and fire of this violent world we wait for Thy still, small voice, give us, we ask, sensitive ears to listen, teachable minds to learn, humble wills to obey.

Here today in this Chamber of national deliberation, let some revelation of Thy light fall on our darkness, some guidance from Thy wisdom save us in our bewildermont of some power from Thine infinite resources strengthen us in our need. Acknowledging our oneness with all humanity, we come as patriots believing that our America has come to the kingdom for such a time as this.

Because of our sense of mission our Nation needs of supreme importance to us. Grateful for its best traditions, anxious for its present perilous state, prayerful for its sons who this very hour are fighting in liberty's cause, we come crying for wisdom for our national leaders that we may contribute worthily to mankind's abiding peace.

We ask it in that Name which is above every name. Amen.

A Greeting to the National Rivers and Harbors Congress

EXTENSION OF REMARKS OF HON. GERALD R. FORD OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 3, 1965

Mr. GERALD R. FORD. Mr. Speaker, we are all familiar with the National Rivers and Harbors Congress and its endeavors. Many of us have attended its annual conventions and have been impressed with its dedication to the science of water use, control and conservation.

Our good friend the minority whip, LESLIE ARENS, wrote a note of greetings on June 4 to Mr. H. H. Buckman, president of the Congress. Under leave to extend my remarks I include Mr. ARENS' letter.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6 in 1965, as “National American Legion Baseball Week.”

THE JOURNAL

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield for one-half minute?

Mr. DOUGLAS. I am glad to yield to the Senator from Montana all the time that he might desire.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, August 3, 1965, be considered as read.

The Acting President pro tempore. Without objection, it is so ordered.

NATIONAL AMERICAN LEGION BASEBALL WEEK—LEGISLATIVE REAPPORTIONMENT

The Senate resumed the consideration of the joint resolution (S.J. Res. 66) to provide for the designation of the period from August 31 through September 6 in 1965, as “National American Legion Baseball Week.”

Mr. JAVITS. Mr. President—

The Acting President pro tempore. The Senate from New York. How much time does the Senator yield to himself?

Mr. JAVITS. I suggest the absence of a quorum, and ask unanimous consent that the time necessary for the call not be charged to either side.

The Acting President pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The PRESIDING OFFICER. The Senator from New York is recognized for 30 minutes.

Mr. JAVITS. Mr. President, I yield myself 30 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 30 minutes.

Mr. JAVITS. Mr. President, I am very understanding of the portentous issue and the great decision that face the Senate today. The days of debate have highlighted the importance of the decision.

It is interesting that the issue is what politicians call a “sleepy,” in that the public has not as yet become aroused to what is at stake, but I believe it will. Also, I believe it is the kind of issue of which much can be made and undoubtedly will be made in future campaigns. It is the kind of issue that develops slowly when something is done about which the people are unhappy. At some point they will suddenly return to the fact that the action has been taken and it has made them unhappy, and then they will look to us and say, ‘What did we do about it here—whether we adopted one of the two amendments or whether we did nothing.’ It is our
job to look down the road of time and of history, and viewed in this way the issue is fully as important as it has been made to seem. And the proponents of the proposals that are before the Senate.

Another aspect of the matter which strikes me as highly significant is that the Court that has spoken in the cases presented to the Senate has stood up amazingly well in the analysis and the debate which has ensued. My staff and I, together with the aid of experts in the field of constitutional law, have scrutinized this substitute; and whenever one postulates a standard of this kind, he anticipates its being shot full of holes. But if nothing else results from this effort on my part, I am now convinced, more than ever, that if a solution is desired—and I think that is undoubtedly the prevailing view of the Senate—this is a feasible, just, and constitutional solution.

Today, I wish, first, to deal with the essential differences between the substitute which I have suggested and the original proposal of my beloved leader, the distinguished Senator from Illinois [Mr. Dirksen], and then to deal with the major arguments which have been made against any amendment to the Constitution, and to show how, in my judgment, the substitute which I suggest meets all the arguments conclusively. First as to the changes: It will be noted that the first change is that in my proposal there is a joinder of the population along with geography or political subdivisions as factors in the apportionment of one house of a bicameral legislature. Let us remember that the reason why we are here at all is that the Supreme Court has decided that both houses of a bicameral legislature—and undoubtedly the one house of a unicameral legislature as well—must be apportioned strictly on the basis of population—one man, one vote. The Court has indicated that there may be a difference between the two houses, but not in the matter of the weight of voting, in accordance with population. It is important that we understand exactly how the Court felt about that, so I should like to read from the decision, in slip opinion form, in the case of Reynolds against Sims, at page 41. The Court said:

We do not believe that the concept of bicameralism is rendered anachronistic and meaningless when the predominant basis of representation in the two State legislative bodies is required to be the same—population. A prime reason for bicameralism, modernly considered, is to insure a diverse representation of one man, one vote. Different constituencies can be represented in the two houses. One body could be composed of single-member districts while the other could be made up of multijurisdictional or multiple-member districts. The length of terms of the legislators in the separate bodies could differ. And apportionment in one house could be made to differ, even significantly, and the geographical size of districts from which legislators are elected could also be made to differ. And apportionment in the other house could be arranged so as to balance off minor inequities in the representation of certain areas in the other house.

In short, the Court allowed for the continued use of two houses—but only within the strict population standard for both.

It should be noted, therefore, that the first change which my substitute amendment makes is to require that population be the base, but that the factors of geography or political subdivisions may also be given consideration in addition to population. The difference between the Dirksen amendment and my amendment in that regard is in the use of the disjunctive in the Dirksen amendment: "population, geography, or political subdivisions."

The first difference therefore—and I think it is most meaningful, because it goes directly to the base which was made by the opponents of any constitutional amendment—is that under my amendment, population must continue to be used, but geography or political subdivisions may also be considered in addition to population. The difference between the Dirksen amendment and my amendment in that regard is in the use of the disjunctive in the Dirksen amendment: "population, geography, or political subdivisions."

The effort in the Dirksen amendment is obviously to place whatever decision is made on this subject within the limits of geography, political subdivisions, or population, in the hands of a majority of the people in a referendum, without tying them to any particular standard. The Dirksen amendment would make the State's judgment final.

In the case of my amendment, the question of the Supreme Court would be preserved to determine, in the first place, whether population has still been used as the base, and geography or a political subdivision have been utilized as an additional factor. That is the second distinction.

The third distinction is, in my judgment, most basic. It concerns the relationship of the plan of apportionment to the needs of the State. The new words which I use:

Bears a reasonable relationship to the needs of the State, is consistent with the provisions of this Constitution except for the provisions of this article.

This language contains two separate ideas. One relates to the fact that even if the majority of the people in a State desire to apportion one house on a basis of not only population, but also geography or political subdivisions, it must yet be demonstrated to the satisfaction of the courts that the mixture of factors which the majority of the people seek bears a reasonable relationship to the needs of the State.

This is a time-honored standard of judgment which the courts will pass on. It has been fleshed out, and will cite again in the course of these remarks. The fourth amendment to the Constitution itself and a host of statutes under which the courts have dealt with precisely such a standard—i.e., a standard is entirely appropriate and is one with which the courts can deal.

This would mean that proof would have to be given to the Court that the nature and the needs of the State are such that they would not only be apportioned on a basis other than strictly on population. Let me cite some examples, because they are classic examples in this controversy.

It is a fact, for example, that in my own State—and it is always best to start with one's own State—some two-thirds of the population of the State is concentrated in the five counties of the city of Chicago and its contiguous urban areas. That represents but a small part of the State in area. However, it represents two-thirds of the population of the State. The other one-third of the population is currently apportioned on an overwhelming percentage of the total area of the State.

A similar situation exists in Alaska. In two heavily populated areas of Alaska, Anchorage and Fairbanks, reside half the population of the State.

In Hawaii, five-sixths of the population is concentrated in the Honolulu area.

In Arizona, three-fourths of the State's population is concentrated in the area in and around Phoenix.

In Nevada, three-fourths of the population of the State is concentrated in and around Las Vegas and Reno.

These are classic cases. There are others. My colleagues have debated the situation which exists in Colorado. Colorado is a classic instance of that character. Although I do not have the figures in front of me, it is roughly in the same order of magnitude as the cases I have cited. However, Colorado is also sharply divided by a mountain chain which almost compartmentalizes the State in a physical sense and gives the people of the State a great deal of concern about the apportioning of one of the houses of their State legislature with that concept in mind.

These are classic examples of the relationship of the geography of a State to its legislative apportionment.

There are 62 counties in New York. The counties to which I have referred as being contiguous to or part of the metropolitan area of New York City, in which two-thirds of the State's population resides, comprise 3 or 9 of the State's 62 counties. The disparity is immediately apparent. The other counties, constituting the overwhelming part of the area of the State, are relatively sparsely populated.

Therefore, I have drafted a substitute and proposed it to the Senate. It would seem to me that an apportioning of one house of a State legislature, which would differ from the strict population approach, could not fail to contribute to the development of parts of the State which are not heavily populated, would qualify
within the concept of a reasonable relationship to the needs of the State.

In referring to judicial review, I believe that even the minority leader, Senator Dirksen, would agree that the word "reasonable" would not be necessary under my amendment to wait until the people had acted in a statewide referendum adopting an apportionment plan, before submitting it to the courts for consideration. For decades a part of their population—Negroes—have been inhibited from voting, by outright discrimination, discriminatory application of literacy and other tests, [Mr. Dirksen] has made no other reason. There has been a very sharp limitation in some places upon their opportunity to vote.

I am seeking to protect against the utilisation of this constitutional amendment to apportion one house on such a basis as to capitalize upon the fact that many Negroes do not yet vote, for reasons which I have just stated. Therefore, by making applicable all other provisions of the Constitution, I seek to represent these special words to the 14th and 15th amendments, except that part of the 14th amendment affected by this amendment, I seek to insulate that there shall be no interference with the constitutional rights of the people. I feel that those rights are protected, and that the courts will protect those rights under this amendment, with the inclusion of these words.

It is claimed that the courts would do under the Dirksen amendment, even though it is not explicitly expressed as it is in my amendment. It is so important to me, [Mr. Dirksen] has made it clear that it is boilerplate language to make it clear that it is a referendum in which all the people of the States would vote, and not unit-wide or county-wide referenda, in which the result of separate majorities votes might be different from the statewide majority vote. I do not for a moment charge that the Senator from Illinois [Mr. Dirksen] had anything else in mind than did I, but it is not stated in any of his amendments. In my amendment I have stated it in just so many words.

Finally, there is in both amendments provision for the submission of alternate plans to the people, that is, a plan for apportionment which is submitted by the constitutional amendment and a plan based strictly on population, in the case of the first use of the amendment. I propose that not only the first use of the amendment, but all subsequent submissions, every 10 years following the decennial census, shall also
be in the alternative. The Senator from Illinois [Mr. Dirksen] provides for the submittal in the alternative only on the first occasion, but it is better to repeat the process in the most complete fairness, so far as people's judgment is concerned, by giving them the alternative of a straight population plan whenever the right is made against the Dirksen amendment, except, of course, the basic opposition of those who wish to make it absolutely impossible for the people to apportion one house of their legislature rather than on a basis of strict population.

Mr. President, I yield some time to the Senator from Pennsylvania [Mr. Scott], although he does not intend to express part of the argument. Nevertheless, I desire to accommodate him, as he wishes to state his position on the Dirksen amendment.

The PRESIDING OFFICER. How much time does the Senator from Pennsylvania yield to the Senator from Pennsylvania?

Mr. JAVITS. I yield 10 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SCOTT. Mr. President, first of all, I appreciate the courtesy of the distinguished Senator from New York. He may be unduly pessimistic, because I have not made up my mind concerning his amendment. As debate progresses, perhaps I can support it. At this moment, I do not wish to make a commitment either way.

Aside from that, we have had a good deal of talk about alternatives, yet it seems to me that most unsought and undesirable alternative of all is waiting in the wings, in case this body and the other body should not propose a constitutional amendment on reapportionment.

Mr. President, I have been quite surprised that throughout the debate so little attention has been paid to what can happen, and what is very likely to happen, if we quibble over the wording of a constitutional amendment, instead of meeting together among all who may have divergent views to agree upon some sort of wording, rather than to be thrown upon the second choice in the Constitution of the United States.

I believe it is sound advice not to forget that there is a Constitution, and that the Constitution contains provisions. Otherwise the provisions has never been used— which is not to say that it cannot be used, or will not be used—and that is the alternative in article V, which I read in part:

The Congress, whenever two-thirds of both Houses shall agree to it in two sessions of Congress, shall propose amendments to this Constitution, or—

In those two small letters "or" and "and" reside the danger of what can happen and what may happen on this issue if we do not deal with it now in the Senate as responsible legislators. Continuing reading from article V:

or, on the application of the legislatures of two-thirds of the several States, shall—

Notice that it says "shall." The word is not "may" or "might" or "could" or "maybe." The word is not a Presidential word. It is not up to the President at all, for once in our legislative excitement this year. It is something which is not up to the President. It is something the President does not have anything to do with. It is something the President has indicated he is staying out of—and I believe he is the one upon whom the responsibility.

The provision reads "shall.

Who shall?
The Congress shall.

Continuing reading from article V:

shall call a convention for proposing amendments, which, in either case—

Either alternative, that is—shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress;

Mr. President, what is going on? I believe that we already know what the Dirksen amendment provides.

The Dirksen amendment merely permits States, subject to the consent of their electorates, to apportion one house of their legislatures on a basis other than population. The only nonpopulation factors which can be considered are geography and political subdivisions. The use of these factors would be permissible only over the consent of a majority of a State's voters in a referendum. Failure to act, or a majority defeat at the polls, would mean both houses of the legislature would be based on population alone.

Under the Dirksen amendment, a State legislature when first submitting to the electorate a plan of apportionment based upon geography and political subdivisions must at the same time submit an alternative plan of apportionment, the only nonpopulation factors which can be considered being geography and political subdivisions. Thus, a State's voters have the last word as to how they want the second house of their legislature constituted.

Now, as to the first mistake of those who oppose this amendment. There rests the flimsy far-fetched conviction among them that because we support it have been forced by court decisions to take the initiative if we want to preserve a long exercised State right, that as opponents, all they need to do is to demand the second council of State to be based on the Senate floor and their problems and our problems will quickly fade away.

Mr. President, they are mistaken for two reasons:

First of all, no important piece of legislation other than the one under approach the two-thirds mark just fades away after a rollick. Majority will remain intact for a long time and has a way of prevailing ultimately.

Secondly, the Constitution is not going to work. Far too many people are too deeply concerned about this issue to be deflected from trying to achieve their objective. For example, 30 of the 50 State legislatures have presented formal pleas for action by Congress. Twenty-seven have actually told us that if Congress does not want to act, they want a constitutional convention called so that action can be taken regardless of our wishes.

I might advise some of our knee-jerk liberal friends that we can hardly expect fair apportionment if we turn this whole proposal over to State legislatures, many of which are infinitely more conservative than the membership of this body, and whose adjudication would be more conservative than that of the Members of this body. Therefore, I wonder whether the Senators who designate it for themselves, a very liberal act when they endanger every civil rights proposal for which they have fought and bled and almost died for on the floor of the Senate.

This is a caveat. This is a warning: "Ye know not what ye do."

Bearing in mind that 30 State legislatures have formally asked us to act on this matter, and bearing in mind, also, the alternative method of amending the Constitution provided in article V, I believe that the opponents of the constitutional amendment offered by my able and distinguished leader, Mr. Dirksen, fail to perceive the consequences of the developing chain of events.

If four more States demand action on this proposal, Congress will be in trouble. Let me assure my colleagues that there are more than 30 State legislatures that determined that action should be taken. Keep in mind that only 34 States have formally to demand a constitutional convention. Only 38 States are needed to ratify. This entire issue would then be taken from our hands and given to a national convention to decide.

Here we come to the crux of the contents of that Pandora's box which those who oppose have so far failed to perceive. A constitutional convention would be able to act as it pleases on this conservative for that matter, on any issue. Perhaps to the misfortune of the American people, it could abolish the Supreme Court, or amend any section of the Constitution which we deeply cherish. It could even propose to eliminate the equal protection clause of the 14th amendment which our opponents claim is at stake in this debate. We should be aware that the proposal of such a convention would not come back to Congress for study, correction or even official comment. It goes back to the States for ratification.

Mr. President, if you limit his speculation about the wide variety of controversial subject matter which might...
Mr. SCOTT. What would be the status of reapportionment of the various State legislatures during the proceedings of the convention?

Remember this: The action of the few remaining State legislatures necessary to call a constitutional convention could occur at any time.

If those who oppose the Dirksen amendment do not want this to happen, what have they done to draft a constitutional amendment that could reasonably expect to secure the support of a two-thirds majority in both Houses of Congress and the approval of three-fourths of the States?

It is the opponents of this amendment who would open Pandora's box.

The contents of Pandora's box are not elucidated in Greek mythology. Perhaps the box contained a bucket of eels.

Mr. President, I ask unanimous consent to have a statement printed in the Record at this point in my remarks.

The statement was ordered to be printed in the Record, as follows:

I want to bow to the Senator whose name is most popularly identified with the procedures of the Senate, Sen. Dirksen, and whose broad understanding of the problem has caused him to think through, as few of us would be able to, and deliver himself of a summary statement of how this resolution protects our American way of life.

I refer to that great student of legislative problems, Sen. Dirksen, who, just a few days ago, brought added clarity to the discussion by listing the fundamental principles involved, as follows:

1. Government derives from the consent of the governed. Stated simply, let the people decide.

2. The preservation of the traditional Federal pattern of two-house representation where the voters of a State so decide.

3. An opportunity for voters to consider alternative plans for State representation under constitutionally authorized procedure.

4. An opportunity to review.

5. A mandatory voter review of apportionment after every Federal census.

6. Deliberate avoidance of all language which might be interpreted as an attempt to influence or refute any existing constitutional provision or law dealing with guarantees of equal rights regardless of race, color, or creed.

How much simpler our legislative task would be if we could keep such fundamentals as these before us and place them in proper perspective as we debate the issue point by point. Much of the noise and din of the battle would fade, I am sure. Politics being what it is, however, I realize that this is too fond an expectation.

In a statement before the Senate Subcommission on Civil Rights in March, I summarized my view on the proposal now before us, as follows:

"What is at stake here is not equal representation, as suggested by the slogan 'one man, one vote,' but fair representation. Not only do individuals per se deserve representation, but individuals in the context of areas where they live, work, and play, represent the interests of these trees and open fields be represented on a par with people, but I am suggesting that people and the interests they share cannot be ignored in constructing a system of fair representation. That is the problem with the slogan of representation whereby the U.S. House of Representatives is apportioned on the basis of population whereas the U.S. Senate is based on area considerations."

Mr. JAVITS. I yield 2 additional minutes to the Senator from Pennsylvania.

Mr. JAVITS. I yield 1 additional minute to the Senator from Pennsylvania.
My able friend from Wyoming put it this way: "Using the 1960 census figures, let us assume that the Senate of the United States would be apportioned on the basis of the vote of the American people. The total number of votes to be considered would represent something over 178,500,000. Because of its population New York would get 36 seats, Pennsylvania would get six, California would be given nine, Illinois six, Texas five, and Nevada one. If the Senate of the United States were apportioned according to the vote of a majority of a nation-wide electorate, which in Pennsylvania would be 6, states with 40 votes or less and 53 states—a clear majority.

"It may help to know that in working out the Constitution the framers were working with the four States, Arizona, New Mexico, Utah, and Colorado, a combined total of three Senators. We found ourselves giving Kansas, Missouri, and Oklahoma a combined total of five Senators, and the States of Nebraska, North Dakota, South Dakota, Wyoming, and Montana would get a total of only two Senators."

I think Senators and all Americans should pull up sharply and look at what we are being asked to do. This is a question that the Supreme Court of the United States has found—and it was pursuing its responsibility before it—was the States in 1913, and it had neglected to spell out in necessary detail those provisions needed if States are to make decisions in regard to legislative apportionment. It established a clear-cut point regarding the United States Senate because it was placed in article I of the Constitution. As has been noted before, the Constitution was intended as an experiment in 1913. Ours is now the choice of adding language to our Constitution which establishes once and for all the right of a State to exercise its judgment in apportionment matters. Our alternative is to sit here on our hands and permit the influence of one State to overrule another in matters national in scope. Those who oppose the resolution have one advantage which its proponents do not possess. All they have to do is try to block the effort to preserve in constitutional language certain State rights which were long considered inviolate. That is the heart of the matter that involves majority control alone. It is one in which a small group seeks to block a two-thirds vote expression. One sometimes gets the notion that this type of proposal means nothing unless it is their will. Such conduct adds strength to the argument that they are trying to take control, to control from the bottom which is the expressed majority will of the people.

One of the finest attributes of our Federal system has been its obvious concern for protecting the rights of minorities. Majority rule is only one side of our system of government. The protection of minorities, be they economic, regional, religious, racial, or political, is also a part of our system and should be a part of the thinking of all of us. Arkansas is a State and other States need encouragement from the national level to work out their solutions. They need the assurance that they can come only with permissive language being placed in our National Constitution.

Mr. JAVITS. Does the Senator from Pennsylvania yield back the remainder of his time?

Mr. SCOTT. I do. I yield back the remainder of my time.

Mr. JAVITS. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 15 minutes.

Mr. JAVITS. Mr. President, whether or not the Senator from Pennsylvania votes for my substitute, I deeply appreciate what he has said, and I am delighted to have given him the time to say it. He has made a most significant point. This Senator from Pennsylvania yields eloquently, as is his wont, explained the dangers which are inherent in the demand of some 27 or, at a maximum, 30 States, for a constitutional convention, an alternative method of amending the Constitution, not heretofore used since the founding of our Nation.

I should like to underline this point. It is a perfectly proper argument and a legitimate consideration to raise at this time. But I would like to extend it one step further, because I believe it typifies what we are dealing with at the present time.

I am sympathetic toward the one-man, one-vote concept. No one has been a stancher defender of the Supreme Court than I. Yes, I recognize that their decisions were popular and when they were unpopular, I do so now. I hope to continue to do so.

But I recognize that what we are dealing with—the alienation sentiment—is not simply a willful attempt to override the Supreme Court.
What we are discussing is the danger of a constitutional crisis, which may arise in our Nation if we do nothing. That is quite possible.

At one time the President sought to pack the Supreme Court. That was back in the thirties. There was a cry of outrage. The proposal was turned down by the Congress. However, there was nothing to prevent Congress from packing the Supreme Court, by a majority vote, had it wished to do so. By majority vote, we could deprive the Supreme Court of the essential elements of its appellate jurisdiction.

Mr. President, if 34 States should demand a constitutional convention, and if the Supreme Court should intervene and say that such a convention must be called on the one-man, one-vote basis and not otherwise, and if the Supreme Court should then intervene and say that the work of such a convention may not be submitted to the State legislatures for adoption—until they are fairly apportioned, there could be a constitutional crisis second to none, in which the Supreme Court would be defied, as Andrew Jackson defied the Supreme Court of the United States; in which the Court itself, but for the soldiers to do it, and not otherwise.

We are legislators. We are statesmen. We are not children. We have to contemplate all the dangers and strains to the Nation which may result.

That is what would happen if this issue assumed, as it would, in the public forums, the size, and the tension, which it does now. I am the first to say that. So far as the public is concerned, as of now we have gotten no real reaction to indicate that they are cognizant of what is taking place in this Chamber, except that a colorful Senator is moving an amendment which is called the Dirksen amendment, and that some few liberal Senators are opposing it. Other than that, the public is generally unaware of it, and we must keep that before us. That is the more reason why we should, with judiciousness, with intelligence, and with a deep analysis, and in an objective and dispassionate way—because the public is not pressing passion upon us, as it often does with respect to burning issues—come to a conclusion in this matter.

It is for that reason that I have offered an amendment.

That is why I said when I opened this morning that I believe the whole course of the debate has buttressed and borne out exactly what I am arguing for: that this amendment has stood up remarkably well in the light of the criticisms which have been made of the Dirksen amendment, and which could not be made of my amendment. The debate leaves only the central proposition, Shall we allow any measure of flexibility to the people, or be bound to adopt Federal analogy, the composition of the U.S. Senate, and who face particular State problems, with heavy concentrations of metropolitan populations, or the physical character of any State, as, for example, in the State of Colorado? Shall we let anyone do anything about such cases? Shall we give them any such opportunity with the most complete safeguards in the world? I respectfully say that we would.

If we keep the top on top of the kettle while the kettle is boiling, it will blow some time. It would be a very unwise and dangerous thing for legislators to do. The changes my amendment would make in the Dirksen amendment answer the arguments which have been made against the Dirksen amendment. It is most significant that the opponents of the amendment have argued that unless they were given a chance to adopt the Dirksen amendment, they could not be compelled to say what we are saying in this amendment. That is to say, what the majority in Justice Stewart's opinion, but also in the agreement of Mr. Justice Clark.

It is extremely important that we should understand that point, because it seems to me, is a clear implementation of what was meant by the majority in the statement I have just read. Mr. Justice Stewart is the most important man in this whole debate, because he is the only one who has tried to understand the understanding of realities, went on in the requirement that both houses be apportioned according to population.

The Court indicated that even they had to accept the fact that they could not be quite as strict as they might like.

Then we find on page 6 of the dissenting opinion of Mr. Justice Vitz, the following statement, which seems to me, is a clear implementation of what was meant by the majority in the statement I have just read. Mr. Justice Stewart is the most important man in this whole debate, because he is the only one who has tried to understand the understanding of realities, went on in the requirement that both houses be apportioned according to population.

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drive us completely in the other direction.

I am against the tyrannies of minorities and also against the tyrannies of majorities. I consider it to be our duty to do everything I can, so far as human ingenuity will permit, which will avoid, equally, both tyrannies.

This is not the celebrated amendment that all the newspaper talk has been about. I think it is a logical amendment and the right amendment. It would do the job that needs to be done with the greatest economy of means and the preservation of the greatest values involved.

I deeply believe—and this is where I differ with the opponents both of my amendment and of the Dirksen amendment—that it is a great mistake of the liberals—and that does not mean that I derogate from their liberalism; I respect them for it and honor them—to keep the lid on a kettle that is likely to be hotly boiling, without providing some escape valve. That is what I propose to do. I consider it a high human endeavor and ingenuity can devise.

Mr. President, I reserve the remainder of my time.

Mr. DOUGLAS. Mr. President, I yield myself 6 minutes.

The Javits amendment, like the Dirksen amendment, is fundamentally based on the assumption that there was something—some thing—in the decisions of the Supreme Court covering the reapportionment of State legislatures. I believe, on the contrary, that the decisions of the Supreme Court were supreme right and that there was nothing wrong with them.

The State legislatures, over a period of 60 years, had refused to reapportion themselves in accordance with the movements of population. As a result, most of the State legislatures were grossly malapportioned. Voters in some districts had 10, 20, 100, or in some cases even 1,000 times the voice in selecting members of the legislatures as did other voters. The correspondingly large districts could not be assured of the equal protection of the laws to which they were presumably guaranteed under the 14th amendment if they were grossly underrepresented in the legislatures which made the laws.

There were many striking cases of States where less than 15 percent of the voters elected a majority of the members of one house of the legislature, and in some States cases in which the members of both houses were grossly malapportioned; there were many other cases in which less than 20 percent elected a majority of the members of one house; and still others in which less than 30 percent among many less than 40 percent elected a majority such a majority.

The legislatures had refused over many decades to reapportion themselves, so the Supreme Court, acting under the 14th amendment, finally was compelled to do so.

I wish to clear up one assumption under which my good friend from New York [Mr. JAVITS] seems to travel, namely, that the Supreme Court in its decisions tended to impose an inflexible sys tem of representation in implying that there must be a precise mathematical equality among the various districts and a precise equality in the number of voters so that the vote of any citizen is approximately equal in weight to that of any other citizen in the State.

Whatever the means of accomplishment, the overriding objective must be substantial equality among the various districts, so that the vote of any citizen is approximately equal in weight to that of any other citizen in the State.

That was reaffirmed in other passages of the Court decision, when the Supreme Court said:

We realize that it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents, or citizens, or voters. Mathematical exactness or precision is hardly a workable constitutional requirement.

So it is clear that in its initial decision the Court provided for flexibility, holding, however, with the basic principle of equal representation. It is not needed to keep the lid on a kettle that is likely to be hotly boiling, without providing some escape valve.

The proper thing to do would be to clear up the confusion, defeat the Javits amendment, and then defeat the Dirksen amendment.

Mr. President, I yield 5 minutes to my colleague the junior Senator from Maryland.

The PRESIDING OFFICER. The junior Senator from Maryland is recognized for 5 minutes.

Mr. TYDINGS. Mr. President, I urge the adoption of the Javits substitute for the Dirksen substitute for the National American Legion Baseball Joint resolution.

I do so with some regret, for I bow to no man in my admiration and respect for the distinguished senior Senator from New York.

Mr. JAVITS. Mr. President, will the Senator permit me to request the yeas and nays?

Mr. TYDINGS. Certainly.

The yeas and nays were ordered.

Mr. TYDINGS. Mr. President, the distinguished senior Senator from New York is an exceptionally able lawyer. I had difficulty throughout my tenure in this august body.

The Senator from New York studied in depth the question of amending our Constitution to modify the Reynolds against Sims decision.

I believe that he has an intimate and detailed knowledge of the judicial decisions rendered on the subject of reapportionment by the Supreme Court and by the lower courts.

In addition, I share, as does the distinguished senior Senator from Illinois, the view of the senior Senator from New York that it is desirable, and, indeed, necessary to permit the States some latitude and flexibility in the apportionment reasonable relationship to the needs of the State?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOUGLAS. Mr. President, the presently malapportioned State legislatures would determine the needs of the State. The Supreme Court may be bound to accept that decision, because while my good friend the senior Senator from New York tries to cover himself by saying that it must be consistent with the provisions of this Constitution, he adds the phrase, "except for the provisions of this article." The Court might hold that under the provisions of the Javits article, they might depart substantially from the basis of population.

It would be dangerous to agree to the Javits amendment. The situation is similar to a group of people being confronted with a piece of polluted meat, which, if eaten, would be dangerous to the health of the multitude. I believe that is what the Dirksen amendment is.

My friend, the senior Senator from New York, would try to retain the Dirksen amendment by pouring formaldehyde on the meat in the hope that it would tend to show that this is false.

The proper thing to do would be to clear the minute confusion, defeat the Javits amendment, and then defeat the Dirksen amendment.

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Mr. JAVITS. Mr. President, will the Senator permit me to request the yeas and nays?
of their legislatures. I believe that legislative districts should be substantially equal in population, as does the distinguished senior Senator from New York. However, if there is some good and rational reason to deviate in a modest degree from that standard, then it should be no constitutional prohibition. I believe, however, that that is where our agreement ends. If the distinguished senior Senator from New York is correct in putting his amendment as merely reiterating the judicial review inherent in the language of Reynolds against Sims, then I submit that this amendment is not necessary. I would like to point out that we had hearings for 5 months. One thousand two hundred pages of testimony were taken before our subcommittee. But we never once considered the complete language of the amendment which now seeks to be included in the Constitution of the United States. Therefore, we do not have the knowledge we would have gained from hearings and from study by the distinguished colleagues read, which uses the words "legitimate considerations included in the amendment is unnecessary."

The lower courts have permitted similar flexibility in approving the apportionment plans in Georgia. The decision of the lower courts seem to have adopted a somewhat mechanical attitude toward one man, one vote. But these decisions have not yet been reviewed by the Supreme Court.

We now have an effort to amend the Constitution of United States because of one unpopular Supreme Court decision—unpopular in certain areas. It is too early to tell if the Supreme Court's statements, admittedly in dicta, that the decisions of some of the lower courts are to be the law of the land, I hope and expect the general attitude of flexibility will prevail. But if it is a mistake, I believe, to amend the Constitution on a prediction or hunch that the case law will not develop in a reasonable way.

I would remind my colleagues that the Reynolds decision is barely 1 year old. Let us not amend the Constitution in that case, it wrong, and inflexible, I will support the Senator from New York in seeking ways to lessen these standards. For the time being, I would hope we would follow the age-old tradition of allowing the law to develop on a case by case basis, at least until it becomes clear what the law is. Only then will we have an adequate basis for determining what, if any, constitutional amendment is needed. We should not pass an amendment which has not been considered by the Subcommittee on Constitutional Amendments and which has not been debated in the Committee on the Judiciary, but which has been tacked on to a substitute for a substitute for the American Legion baseball joint resolution. This is no way to amend the Constitution of the United States.

I thank the Senator. Mr. DOUGLAS. Mr. President, how much time is remaining under the control of the senior Senator from New York?
There was considerable debate on the Dirksen concept last year, in which, it will be remembered, the whole effort was to keep the Supreme Court from deciding this issue and that effort was headed off. There was much discussion with respect to this amendment. My amendment seeks to make certain changes in the Dirksen amendment. It seems to me that its effect can be fully judged by Senators as a result of the weeks which have intervened since it was proposed, and that there has been full opportunity to study my amendment.

Second, I have proposed a way to take care of a situation which might one day arise sufficiently to create a constitutional crisis. Let it be remembered that we are dealing in the Congress in substantially few constitutional crises we have had. It is difficult to think of one after the effort of President Roosevelt to pack the Supreme Court. I am trying to avoid a constitutional crisis by providing the little flexibility which is needed to avoid it.

Finally, realistically and practically, I do not put beyond the realm of possibility within my own State, or any other State, that we might have the apportionment of one house not based strictly on population, but having an admixture of population with geography or political subdivisions as additional factors, by the vote of the people in the areas which are most congested and who might be expected to have the most to gain from the vote of the people.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 additional minute.

Let us not make the same mistake in giving a tyranny to the majority over the minority, which may have legitimate requests, not only abstractly, but which would willingly be accepted by the majority itself. I say let us give the majority that opportunity. On that ground I hope very much that the Senators will choose this logical way and adopt my amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DOUGLAS. Mr. President, may I inquire how much time remains?

The PRESIDING OFFICER. The Senator from Illinois (Mr. Douglas) has 12 minutes under his control.

Mr. DOUGLAS. How much time remains on the other side?

The PRESIDING OFFICER. The Senator from New York (Mr. Javits) has 17 minutes under his control.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that there be a quorum call, with the time not charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOUGLAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?
I do not mean for one moment to determine the status or authority of the Supreme Court of the United States. I do mean, however, that, insofar as I am concerned, I wish to get back to the people, because I believe the States are sovereign, for, if they were not, we would have no State-Federal system, as we understand it.

Justice Harlan deals with that subject also when he says that the majority opinion is so profoundly ill-advised and constitutionally impermissible. He said:

"These decisions also cut deeply into the fabric of our federalism—"

Meaning our Federal-State system.

The time of the Senator has expired.

Mr. DOUGLAS. I yield 1 minute to my colleague from Illinois.

Mr. JAVITS. I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. I continue to read:

What must follow from them may eventually require a system of State legislatures. Nevertheless, no thinking person can fail to recognize that the aftermath of these cases, however deplorable it may be, is the question whether it was ever achieved at the cost of a radical alteration in the relationship between the States and the Federal Government, more particularly the Federal judiciary. Only one who has an overbearing impatience with the Federal system and its political processes will believe that that cost could ever have been justified.

I cannot understand his solicitude for the Court. I do not yield in that respect to anyone. On the other hand, I take my constitutional doctrine straight. When that preamble began "We, the people, ordain this Constitution of the United States," even though that is not admissible for purposes of legal interpretation, it still means to me exactly what it says.

It is in full accord with what Jefferson wrote in the Declaration of Independence. It is because of this concept of a Federal-State system that I do not wish to see it destroyed; and when overemphasis is put on judicial interpretation, as against the rights of the people, then look out for a precious system, which has made this the greatest country on the face of the earth. Under those circumstances, I earnestly hope that the Senate will reject the substitute offered by my distinguished friend and he is my friend—from New York.

He and I have conferred time and time again on the verbiage of his substitute and on the language that I propose to the Senate. However, I would rather not undertake the dangers that may lie in the Javits substitute. I hope, therefore, that an overwhelming vote it will be voted down.

Mr. JAVITS. Mr. President, how much time do the remaining?

Mr. DOUGLAS. How much time remains?

The PRESIDING OFFICER. Eight minutes remain under the control of the Senator from Illinois. Fifteen minutes remain on the control of the Senator from New York.

Mr. JAVITS. I yield myself 3 minutes.

Mr. DOUGLAS. I hope that we may proceed to a vote on the amendment as quickly as possible.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 more minute. But I say we should not keep the lid on too tight. If we do, it will blow up in our faces. That is the essence of my amendment. It is because of that reason that I hope very much that the Senate will adopt my amendment.

Mr. BAYH. Mr. President, will the Senate yield?

Mr. JAVITS. I shall be glad to yield.

Mr. BAYH. I know that the time of the Senator from New York is running short. If he would yield to me 2 or 3 minutes, I would appreciate it.

Mr. JAVITS. I yield 3 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 3 minutes.

Mr. BAYH. The Senator from New York, as a member of the Judiciary Committee, is well aware of my view on this question. I regret that the Supreme Court of the United States was compelled to intervene in the problem, which I, as a former State legislator, believed very well could have been settled at the local level. But the Senator from New York has adequately stated the point. Some action was necessary because a number of States had failed to reapportion for long periods of time. In Tennessee it had been 70 years while my own State went for 40 years before apportioning—although it was one of the better States in this regard. What alternative to an individual have when State after State refuses to take responsibility for their own destiny? This question has been posed by the Senator from New York and remains unanswered.

So the Supreme Court was forced into the field to protect individual rights. To the consternation of some of my good friends in this body, I share the opinion of the Senator from New York that we should still permit some State leeway. But the Senator from New York and I feel that the Senator from New York will go with that leeway. The proposal of the junior Senator from Illinois does not have adequate safeguards. The Senator from New York would require the "reasonable advantage for some leeway." That is not his exact verbiage, but that is the major thrust behind his safeguard.

Until recently I had intended to offer an amendment which would contain my own views on the subject. With the indulgence of the senior Senator from Illinois, I hope later to discuss a modification. I had planned to offer an amendment, but to save time I shall not do so. I had thought that perhaps prior compliance with the Court ruling, coupled with provisions for some leeway which the junior Senator from Illinois desires, would be the better course.

I compliment the Senator from New York, and encourage on the floor of the Senate and also in the committee has been an educational opportunity. I still wish that we could provide for some leeway. Frankly, as I view it now, it appears, as the junior Senator from Illinois has pointed out, the deck is stacked against those of us who wish to have safeguards and yet also some
Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. DOUGLAS. What the Senator has said is most congenial and most interesting to me. Whatever his action might be on my amendment, I believe every Senator wishes to feel that he has tried to provide something which makes basic sense. I have now highlighted what I feel very deeply. In the present argument I am on the side of the Court proponents. But I believe the Court tied its hands in a way in which logic dictated. It could do nothing else. As we look through the decisions, notwithstanding the dicta which have been referred to, I feel that they would allow some flexibility. When it comes to deciding cases like this, are straight down the line on the one-man, one-vote principle. They feel that is what they must do. They find it difficult to do anything else, unless we tell them that is what we want them to do.

Mr. BAYH. Mr. President, will the Senator from New York yield for one further thought?

Mr. JAVITS. I yield.

Mr. BAYH. I have to say in line with the Senator's argument, I must admit that I speak from a very low rating in the batting order so far as seniority in this body is concerned. But as I look at the legislative process, it seems to me other legislative measures decide the issue which is before us. The vote which will soon be taken will be on the following question: Do we prefer the Javits amendment in the nature of a substitute, or do we prefer the Dirksen amendment in the nature of a substitute? That is the issue on which I intend to vote—not what might conceivably happen at some indeterminable period in the future in some other body. Let it be ex-presssed in any action which is taken in the other body must come back to the Senate for concurrence. I know very well from recent experience that it takes two-thirds of those present and voting to concur in any action which is taken by the other body.

Mr. DOUGLAS. Mr. President, the PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, the debate has been thorough. We shall not use any more of our time. If the Senator from New York does not wish to use any of his time, I suggest that the Senate come to a vote.

The PRESIDING OFFICER. Do both Senators yield back the remainder of their time?

Mr. MILLER. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from New York in the nature of a substitute has been yielded back. The Senator from Iowa is recognized.

Mr. MILLER. Mr. President, on January 18 of this year the Supreme Court handed down its decision in Fortson against Dorsey, which was No. 178 of the October term, 1964. In reversing the district court's decision, the Supreme Court held that under the particular facts before it, the equal protection clause of the 14th amendment to the Constitution was not violated. The case involved apportionment of the Georgia State Senate, and the facts, briefly, were that in those counties where there were more than one member of a house of the legislature, one legislator was elected from a separate district, but all of the people of the county voted for all the senators from that county.

The Court did say, however, that "It may be that the legislature of another State, or a multi-member constituency apportionment scheme, under the circumstances of a particular case, would operate to minimize or cancel out the voting strength of racial or political minorities of the voting population"; and that when this condition could be demonstrated, it would be time enough to consider the constitutional aspects.

It seems to me highly desirable to avoid the Fortson case and the Douglas case and the Javits case insofar as it would preclude from the Constitution protection of political minorities. People move, and political affiliations change. Why not allow the problem all-owing the legislature to provide that, in counties having more than one legislator-representative or senator—each legislator must be elected from a separate district? Such constitutional provision would contradict the Supreme Court decision in the Fortson case insofar as it would preclude all of the people of a county from voting for all representatives. People residing in one legislative district could not elect a representative from another legislative district. Unless such a provision exists, how could racial and political minorities be protected? And, I believe that any representative from any district is going to quite naturally be concerned with the problems of his county. After all, he will be a resident of not only his legislative district or subordinate, but of his county.

To permit a situation to exist, as now exists, in which all the legislators from one county may come from one corner or one small section of the county because all of them can run at large, also lays the foundation for such unfair and unwise apportionment of the rights of racial and political minorities.

Such a situation exists in my own State of Iowa today. The largest county, Polk...
County, has 11 State representatives and 3 State senators. Several other counties have from four to six representatives.

Mr. President, I ask unanimous consent to have printed at this point in the Record a table which I have prepared on this subject.

The following objection, the table was ordered to be printed in the Record, as follows:

MEMORANDUM OF THE IOWA GENERAL ASSEMBLY, HOUSE OF REPRESENTATIVES, MARCH 1, 1965

The following counties have more than one State representative under the interim apportionment plan and they are all elected at large within their counties under article III, section 7 of the constitution:

    Polk
    Linn
    Black Hawk
    Scott
    Woodbury
    Pottawattamie
    Dubuque
    Cerro Gordo
    Clinton
    Des Moines
    Johnson
    Lee
    Marshall
    Story
    Wapello
    Webster

Polk County also has three senators elected under the same system.

Mr. MILLER. Mr. President, it is recognized that certain sections of Des Moines, which is the capital city of Iowa and the largest city, by far, in the State, contains racial minorities of a substantial number not present in other parts of Polk County. It is also recognized that certain sections of Des Moines contain a great preponderance of voters affiliated with the minority party, which today happens to be the Republican Party. A similar condition exists in some of the other larger counties in Iowa. As a result of the election of last fall, all 11 State representatives from Polk County are members of the Democratic Party. Racial minorities are represented in the 11 elected State representatives, but it happened to turn out that there is nothing at all in the State of the law which would assure such representation in future primary and general elections. Also, it is generally conceded that if Polk County had been districted into 11 State representative districts of approximately equal population size, some of the 11 State representatives would have been elected from the minority party.

Mr. MILLER. I yield.

Mr. BAYH. Mr. President, will the Senator from Iowa yield?

Mr. MILLER. I yield.

Mr. BAYH. With due deference to the Senator from Iowa, I have not had an opportunity to read fully his amendment; but as I understand, he makes certain requirements in the first section and then says, in effect, "But if you do not want to do this, you do not have to, provide a separate subdistrict for each of the minority districts of approximately equal population size, so that the people in one district may elect their own State representative or their own State senator." I also provide that the separate subdistricts be set up for multilegislative counties or multilegis­

Mr. BAYH. The Senator from Iowa appears to have a point of order and I will yield to him.

Mr. MILLER. The Senator from Indiana well knows that the umbrella to which he has referred provides protection not only to the racial and religious and political minorities, but to the protection of crooked and unfair representation. As I said in my opening remarks, in the case involving the Georgia senatorial districts, the Supreme Court intimated that under certain circumstances race should be a factor. I also submit that the rights of racial, religious, and political minorities are protected.

It is my understanding that in Illinois, for example, there are legislative districts in which members of the State legislature are elected, but that because of cumulative voting it is further required that at least one of the three be from the minority party. Therefore, it appears that this particular amendment is designed to protect political minorities. To what extent racial and religious minorities are protected, I do not know; but they should be protected, nevertheless.

That is all there is to my amendment. I believe it goes to the heart of fair representation; and that it goes to the heart of the protection of racial, religious, and political minorities, which is what we are striving for basically and what we are seeking to accomplish on the floor of the Senate now.

I am not trying to suggest that any ultimate umbrella is involved, because there are the minority districts of approximately of substantially equal population size. Some of the 11 elected representatives, which are designated with the minority party, which is designed to give the people of the State the leeway necessary to determine the population size, and yet incorporate in the amendment restrictions which would require them to treat multicounty and multilegislative districts in a specific way?

Mr. MILLER. I believe we are entirely in order. We are really compelled to impose a restriction such as I have indicated. I have stated that there is nothing that would preclude a State from the amendment, under which more than one member would be elected from a separate district when the rights of racial, religious, and political minorities are protected. I believe that is a reasonable restriction to place on them. If that is not to be done, I do not believe a State has any business having multilegislative districts.

Mr. BAYH. With due deference to the Senator from Iowa, I have not had an opportunity to read fully his amendment; but as I understand, he makes certain requirements in the first section and then says, in effect, "But if you do not want to do this, you do not have to, provide a subdistrict for each of the minority districts." It seems to me that a much simpler way would be to require the protection of racial minorities, which is a clear requirement under the 14th and 15th amendments to the Constitution of the United States.

Mr. MILLER. The Senator from Indiana well knows that the umbrella to which he has referred provides protection not only to the racial and religious and political minorities, but to the protection of crooked and unfair representation. As I said in my opening remarks, in the case involving the Georgia senatorial districts, the Supreme Court intimated that under certain circumstances race should be a factor. I also submit that the rights of racial, religious, and even political minorities if, in the largest county of his State, there were 11 State representatives, all running at large, so many that the voters would not know more than 2 or 3 of them. That simply does not make for good government nor does it lay a foundation for the protection of basic rights.
Mr. CASE. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. CASE. Mr. President, I feel strongly that the Senate is endeavoring to get at a very important and useful point.

If his amendment were limited to his first sentence, which is the proviso, I should be inclined to support it. I do believe that the proviso is unworkable. It would purport to give a duty to the Supreme Court or to the courts which I do not believe the courts are competent to perform. I do not believe that the Court can protect the political minority, for example.

Specifically, I should be rather happy to vote for the amendment if it did not contain that proviso. I believe that it is desirable to bring representation in every political body down to the smallest possible case and to have one person representing each area.

Mr. DOUGLAS. Mr. President, I appreciate the reasons stated by the distinguished Senator from New Jersey. I point out to him that I originally had my amendment drafted in that way.

The amendment which was presented to the Bayh subcommittee was so drafted. I then discovered that there appeared to be at least one State which has a peculiar situation in existence. I would be most reluctant to have my amendment prevent the State of Illinois from following a plan which appears to be working for the protection of the political minorities, and probably the racial and religious minorities, of that State.

Frankly, I do not believe that many States which would follow this particular point. I believe that most of them would go along with the use of the separate subdistrict approach. However, in cases in which they have not, I believe that it would be wrong for us to say, "regardless of how fairly the racial, religious, and political minorities are treated in Illinois, we will not let Illinois follow that plan."

I believe that we must have a second part to the amendment if we want to be fair.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Iowa.

The PRESIDING OFFICER. The PRESIDING OFFICER. The Senator from Iowa is recognized for 1 additional minute.

Mr. MILLER. Mr. President, if they do not want to do that, they would have the privilege of developing another plan, provided that it would protect racial, religious, and political minorities.

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

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 1 minute.

Mr. BAYH. Mr. President, let me make it abundantly clear, as the chairman of the Subcommittee on Constitutional Amendments, that I very much appreciate the contribution which the Senator from Iowa has made. However, the Senator is aware, I am sure, that there will be about 8 months. We heard about 200 witnesses. There were several volumes of testimony.

Perhaps I should say that I take the full consequence of the fact that this matter has been discussed as it should have been. It was discussed along with other proposals. However, here, at almost the 11th hour, we have to discuss this with all of its ramifications.

I agree with the Senator from New Jersey. I believe that the individual would get better representation by the kind of legislative district proposed by the distinguished Senator from Iowa. However, I believe that we would have to consider all of the other ramifications which I am frankly not prepared to vote on intelligently at this time. We have not discussed the measure thoroughly enough.

Mr. JAVITS. Mr. President, I yield 2 minutes to the senior Senator from Illinois.

The PRESIDING OFFICER. The senior Senator from Illinois is recognized for 2 minutes.

Mr. DOUGLAS. Mr. President, the amendment has been sprung, not only at the 11th hour, but also at the 11th hour, 59th minute, and 59th second. Only a few Senators have had an opportunity to read the amendment. The amendment has not been printed. It is contrary to parliamentary procedure in the consideration of so grave a matter as an amendment to the Constitution of the United States.

I ask that this amendment be voted down overwhelmingly because, procedurally alone, it is a monstrosity.

Mr. JAVITS. Mr. President, I yield 1 additional minute to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, I am not appalled by the fact that the amendment contains conditions that the 11th hour, 59th minute, and 59th second.

If I could encompass the matter intellectually, I would be glad to do it. Sometimes we are placed in this position. It is a matter of first impression with me. I saw the amendment a few moments ago.

I cannot accept the amendment. The Senator from New Jersey has helped by pointing out that if we were to design the new Senate in this Chamber, with regard to the Court's jurisdiction, or on the theory of the junior Senator from Illinois, with regard to the jurisdiction of the people, giving some degree of flexibility to this process in respect to the House, we could not adopt another section which would restrict the flexibility which I seek to give.

The proposal seems to be contradictory to the reasons for this amendment. As I leave the reasonableness of apportionment to the Court, I should leave this matter to the Court as well.

In the case to which my distinguished colleague has referred, Fortson against Dorsey, the Court reversed and made it very clear that it was sending the issue of multimember districts back for further consideration. That is pretty much my judgment of what we should do here. If that is the judgment of the Court, I should leave this matter to the courts. As ly, whether we shall give some flexibility, and, if so, what shall it be? Shall it be entrusted to the Court or left exclusively to the people?

As sympathetic as I am for the problem in my colleague's State, I believe that if my amendment were agreed to, this problem would fall very easily within its ambit and could be worked out within the confines of my amendment.

I hope, with all due deference and respect, that the Senate will not encumber the rather clear proposition which I have submitted to the Senate through my amendment and which has been debated and discussed. I believe the amendment to my substitute might change the views of some Members for reasons unrelated to the basic issues of principle before the Senate.

For those reasons, and with the greatest understanding, I hope that the Senate will reject the amendment to my substitute.

Mr. President, I yield back the remainder of my time.

Mr. MILLER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Iowa.

The amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New York.

The amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Minnesota.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Oregon [Mr. Moss] is absent on official business.

I also announce that the Senator from Minnesota [Mr. McCarthy] is necessarily absent.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was rejected.
The VICE PRESIDENT. The Senator from Texas is recognized for 10 minutes.

Mr. TOWER. Mr. President—President, I wish to add my vote and those of my colleagues who have already spoken out in behalf of the Dirksen amendment. I believe that the proposal has suffered for want of the kind of exposition it has been given here in the past week, and hopefully there is still time to offset the wholly misleading things that have been said of it in the past 6 months. I am pleased to see Members from the other side of the aisle join in this endeavor to save the American Federal system. It is true that we cannot find the phrase in the Constitution of the United States, but we cannot find consent of the governed or the rule of law there, either.

The concept, of course, part of our traditions; our heritage down through the centuries. The American way is the sum total of those things from our national experience which have served us well and, by their very endurance, proved their worth.

Justice Oliver Wendell Holmes put it very succinctly when he said:

'The life of the law is not in logic; it is experience.'

I think it is ironic, indeed, that the blow which was dealt to the checks and balances of the government was administered by a body whose authority to work fundamental changes in our social, economic, and political life rests not upon an explicit constitutional power but, rather, on an implied one. The sweeping decisions of the Supreme Court which have worked great changes in American society over the centuries rest upon a foundation no more concrete than an appropriation of jurisdiction by the Court. It has bowed that original assumption, and I speak of Marbury against Madison. Of course, has been acquired in; it has full force today and, sustained and nourished as it is, there is no danger of it being swept away.

As I say, Mr. President, how extraordinary it is that a feature of the American system, equally—if not more—honorable and historic, should be standing in peril of being lost if not retrieved by explicit constitutional amendment.

What shall we have, I wonder, in place of the checks and balances in State governments? After all, if we will not act to save a system we have used from the earliest days of the Republic, we at least try to answer that question. We cannot stand idly by and see a vacuum open up. The question demands an answer.

I submit that the confidence of some of my colleagues that "numbers only" apportionment will guarantee majority rule is unfounded. On the contrary, I envision "plurality rule"—total political power vested in the Republican party for a period of time sufficient to lose it, as much as 10 years at a time. It goes without saying that I do not share his fear. It seems to me that, if we have been able to hold the Republic together despite 175 years of its defense against theDemocratic monster, a provision for decennial referendum on legislative apportionment poses no peril. Indeed, I much prefer the latter and am greatly heartened at the prospect of its availability. I believe that the Republicans of Texas, who have had some experience with problems of the gerrymander, would gladly welcome it.

I have confidence that a proposition as fundamental as this is not going to be so lightly considered in an election campaign that its outcome will be a matter of caprice. If there are skeptics among us, I suggest that they consider the referendum of May 4 in Ohio this year in which the question of legislative districting was put to the voters in an off year, nongeneral election, and yet, 1,200,000 people went to the polls and rejected the proposal of the legislature.

No, Mr. President; it is not majorities that I am afraid of; it is democracy. I do not wish to join with the Senator from Nebraska when he says, "Let the people decide." What worries me is the likelihood of government by plurality.

Let me elaborate. The senior Senator from Illinois, who leads the opposition to this proposed amendment, said here the other day that control of the governorship and one house of his State's legislature was not good enough for his party; he be said not that it requires only the control of one house of the State legislature in order to exercise the veto power upon legislation.

And he went on to say, relative to the recently concluded session of the Illinois Legislature, that:

"Knowing that a good deal of legislation which I think the judgment of history will record as being in the public interest, only to have the measures defeated in the senate and the program of the Governor disrupted."

Now, I believe we ought to pause a moment and think through the implications of this statement. I think it is a very frank exposition of the case for government by plurality. Of course, the governorship of Illinois is in the hands of the Democratic Party. The lower house of the legislature, as a result of that celebrated "blindman's buff" election of 1962, is in the hands of the Republican Party. Although control of the Senate is in Republican hands, the margin is...
small: 33 to 25. In other words, what the senior Senator from Illinois is saying is that, no matter how considerable his party’s control is everywhere else, those eight Republican senators have got to be done away with somehow. Plurality rule must triumph.

To tell the truth, I rather suspect that the people of Illinois are rather glad to have that margin of eight Republicans. I do, of course, yet believe that a majority of the people of Illinois, regardless of whether they are registered Republicans or Democrats, want their State administered by the mayor of Chicago. I do, of course, yet believe that Wisconsin, whether he be Democrat or Republican, is concerned over the prospect of Illinois State policy being tailored to suit Cook County. It would not surprise me to hear that the people of Peoria and Bloomington and East St. Louis really did not know they were installing Chicago as their master when they voted Democrat last November. Under the impact of Reynolds against Smathers, many Illinoisans are being straight toward total government by plurality.

This is the alternative which is presented to us in place of checks and balances. It requires more extensive familiarity with American history to see that under “numbers only” reapportionment, it is the plurality within the majority party that is the real winner.

Let us not be beguiled by the simplistic slogan of “one man, one vote.” No man’s vote is any better than the outcome of the ballet he casts. Under a differentiated system of legislative apportionment—such as we have here in Congress—there is at least the chance that the momentum of the well-oiled big city machine will at least be checked. Remove that barrier you and remove a voice in government to those who do not generate the votes to fill the seats.

In a brilliant exposition of the case for the Dirksen amendment last Wednesday, the senior Senator from California said, and I quote:

Let me warn that the alternative which these critics endorse, yet so skillfully hide, is the haunting specter of unconstitutional bossism, which has ever led to the denial of minority representation. Carried to its fullest implication, this can only mean that such critics are willing to entrust the determination of future State policies and expenditures to a type of popular expression mobilized and controlled by big city bosses.

I could not agree more fully with the Senator from California, and I suggest to my colleagues that, as postwar political events have shown, big city machines have held sway wherever circumstances favored plurality rule. I have only to point to the amateur reform movements which have sprung up—and usually died—in New York, Pennsylvania, Illinois, and California to make my point.

The glorification of organization, money, and discipline that one finds as a hallmark of the machine enable it, like a parasite, to grab the plurality from disorganized and nonprofessional opposition in the party primary or State convention, and moving forward under the official banner of the majority party, seize victory in the general elections.

I wish it were otherwise, but the record shows that the machine has ever lead to the denial of a minority of the people in the world, but in the words of Lincoln, “We cannot escape history.”

Mr. President, in the past few weeks we have heard innumerable references to the Founding Fathers—and rightly so. The record of the Senate this past week has served us well over the years.

James Madison stands out as one of the great thinkers of the Constitutional Convention. Yes; he did trust the people, he did trust the mass of people. It is the one-man, one-vote concept.

Mr. President, the proposed amendment expresses confidence in the intelligence, in the integrity of the citizens in this country. I have the utmost faith in them.

I hope the Senate will not reject the dispassionate and farsighted counsel of James Madison. I ask that my colleagues grant the States the right—merely the right—to follow that counsel. The Members of this body to support the Dirksen amendment.

Mr. President, I ask unanimous consent that at this juncture the Governor of my own State, Governor Connally, very strongly supports the Dirksen amendment.

I ask unanimous consent that at this point in the Raccoon there may be published the statement, July 29, 1965, entitled “We Vote for Dirksen.”

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

[From the Sunday Star, Aug. 1, 1965]

WE VOTE FOR DIRKSEN

The Dirksen constitutional amendment, which would modify the Supreme Court’s one-man, one-vote ruling, is slated for a vote today. Senator Dirksen and Senator Mansfield, the majority leader, have agreed to seek unanimous consent tomorrow for a showdown vote.

If the opponents think they can block the two-thirds Senate vote required for passage of the Dirksen proposal, they would be seeking the unanimous-consent appeal. If not, if they do not believe they have the needed negative votes, then a prolonged liberal filibuster is anticipated.

We think the Dirksen proposal, in its present form, should be approved. For it has been significantly improved since it was first submitted.

At one time it was feared that the amendment, if finally adopted, would enable State legislatures controlled by members representing a minority of a State’s population to determine congressional representation on factors other than population. In other words, one house of the legislature might continue to be dominated by a minority of the population over the objection of the majority.

This is not true. The Dirksen amendment has been properly designed. First, assuming ratification of the amendment, a State legislature wishing to act under it would be required to submit two plans to the people of the State for referendum. One plan would have to embody the one-man, one-vote concept. The other would authorize apportionment of one branch of the State legislature on principles other than those deemed appropriate. In short, at the very outset a majority of the voters in each State would have to approve any modification of the one-man, one-vote rule laid down by the Supreme Court last year.

Furthermore, a recent change in the amendment stipulates that any plan approved in a new referendum would have to be resubmitted in a new referendum every 10 years.

To us, it seems perfectly clear that the amendment, far from protecting entrenched minorities, would enable the people of the State to choose their own form of government, and to revise their choice should they see fit to do so at 10-year intervals.

What could be more reasonable, more consistent with our democratic process? To oppose it on liberal grounds is absurd. I hope the Dirksen amendment will be called up this week, and that the necessary two-thirds vote to approve it will be forthcoming.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the Senator from Florida.

Mr. SMATHERS. Mr. President, I am happy to join those of my colleagues who have already spoken in behalf of the Dirksen amendment. It is, to me, a reasonable proposal and a desirable one.

I like to think that the Senate is composed of reasonable men. I have had the high honor of serving here nearly 15 years and I believe that, in the main, my colleagues have proven themselves to be reasonable men.

I believe that, above all, the distinguished minority leader has proven himself a reasonable man. He has time and again placed the national interest, as he saw it, above party considerations. If he were the leader of the loyal opposition in England I suspect he might be in some difficulty today for this “weakness” of his. I use the word “weakness” because, if we assume that the role of the minority leader in the Senate of the United States is to oppose, embarrass, and generally cause mischief, he has passed up all sorts of opportunities to do it. He is prey to the habit of pursuing national goals first and it does not appear to be an addiction he can—or wants to—break.

Mr. President, the issue of legislative apportionment has been with us a good many months now. It might be said to have been with us two years ago in the form of an amendment to the foreign aid bill. Perhaps some of my colleagues will recall that issue; it occupied some of our time last summer. There were some who had misgivings about that very issue, the question of apportionment, and to the Democratic leadership I, for one, did not share that view, but there is room here for honest differences.
Be that as it may, the proposal before us now is new. When the 89th Congress convened in January, the minority leader, joined by 37 of his colleagues—from which I was proud to be one—came forward with Senate Joint Resolution 2—better known as the Dirksen amendment.

This proposal has been before us for more than 7 months. Prolonged hearings were held by the Subcommittee on Constitutional Amendments with my good friend, the junior Senator from Indiana, in the chair. The minority leader's proposal, and three other resolutions, received microscopic examination during those hearings. Distinguished constitutional lawyers, eminent political scientists, Governors, legislators, and mayors came forward to speak their minds. The subject has received a very thorough airing. I would hope that, by now, we all know what we are talking about.

Mr. President, a moment ago I commented upon the reasonableness of the minority leader. He caught the temper of those hearings. He heard the fears and doubts expressed by many people, but he did not share those apprehensions but, because his is of a conciliatory nature, he altered the wording of Senate Joint Resolution 2. When it came time to vote, he had new language. With amendments, Senate Joint Resolution 2 won the endorsement of the Subcommittee on Constitutional Amendments.

As a member of that subcommittee, I am pleased to say that I voted for the proposal. I was prepared to support it, too, in the full Judiciary Committee, but it was quite clear that we had a stalemate that might have lasted until Christmas. So I agree with the Senator that the only thing to do was to bring it before the entire membership of the Senate.

I confess I am somewhat disheartened at the refusal of the opposition, notwithstanding all the discussion that has taken place, to read the language of the proposed amendment. It is not the language of Senate Joint Resolution 2 as introduced in January. It is not the language of Senate Joint Resolution 2 as approved by the Subcommittee on Constitutional Amendments in June. It goes further yet to meet the criticisms which have been made.

What is the substance of the Dirksen amendment? The actual language is:

The people of a State may apportion one house of their legislature using population, geography or political subdivisions as factors.

Let us pause a moment here. The proposal does not say "both houses." The equal-population rule mandated by the Supreme Court in Reynolds against Sims for one house of the legislature is undisturbed. We are concerned only with one of two chambers.

Secondly, this language categorically limits the other factors to "population, geography or political subdivisions as factors." Some detractors rest their case on the allegation that this amendment will sanction outrageous gerrymandering so as to deny Negroes their right to representation. I think, quite frankly, that they do not have a leg to stand on. "Population" means no more than it says. It does not mean race; it does not mean color; it does not mean national origin; it does not mean income; and it does not mean religion.

Third, judicial review is maintained. There is not a single word in this proposed amendment that would deny Federal-court jurisdiction of any scheme that might be devised to dilute or circumvent the 14th and 15th amendments.

Let me read the final clause of the second section:

Such plan of apportionment shall continue in effect until changed in accordance with law and with the provisions of this resolution.

Now, Mr. President, there were those who were genuinely concerned with the original provision of Senate Joint Resolution 2 for periodic review. It is true that the moment a 3rd, 5th, and 7th amendment provided for just one referendum. The senior Senator from Idaho noted this and pointed out that his proposal, Senate Joint Resolution 38, called for "periodic reviews." There was much to be said for this view and so, when the Subcommittee on Constitutional Amendments reported Senate Joint Resolution 2, language was inserted to require a referendum within 2 years following each Federal census. If the referendum fails at any juncture—by which I mean 1972, 1982, or any other time—the entire legislature will be apportioned on the basis of substantial equality of population.

It appears that the fears of the opposition to this proposal revolve around safeguards; in any event, that is what they say. I hope those fears have now been allayed. There are safeguards, as I have shown.

There is not the remotest chance that some States will return to a basis of apportionment that denied population representation. Indeed, it appears that the Presiding Officer. The time of the Senator from Florida has expired.

Mr. SMATHERS. Mr. President, I request 3 additional minutes.

Mr. SMATHERS. There are no grounds for the cry that this amendment will "lock in" the Southern States to continue their original form. This proposed amendment, like its namesake, is both reasonable and fair. It represents an effort to strike a balance between the intransigence of some States who brought down the wrath of the Court, and the sweeping revolution that the Court's decisions have wrought.

Those of us who support this middle-road solution have the unhappy lot of living against a strait-jacket of apportionment, distortion, and oversimplification poured out by some members of the press. We are accused of trying to save "rotten boroughs" and "undoing" the Supreme Court's decisions.

So ill-informed is some of the information I have read and some of the comment I have heard that I am reminded of the sardonic words of that old newspaperman of another day, Ambrose Bierce. He defined a "statesman" as one who is enamored of existing evils, as distinguished from the liberal, who wishes to replace them with others.

We are asked to adopt a compromise that will show the depths of cynicism to which people often descend, there is, I think, something pertinent to it. If we who
support this amendment are to be foreced, against our will and the merits of our case, into the position of defending the status quo, then I think our opposition ought to accept the responsibility for creating new evils.

What are the new evils? I believe the senior Senator from California described them quite accurately here the other day. He said:

"To those who might be misled, and to all others, let me warn that the alternative which we endorse, yet so skilfully hide, is the haunting specter of unrestrained bossism, which has ever led to the denial of minority representation."

I submit that the proponents of "numbers only" apportionment seek to ride the back of a tiger. That tiger appears to be going in their direction today. They are, for the most part, concerned over the neglect of the cities but, rather than remedy that neglect by means of a reasonable and balanced device, they would ride the tiger all the way. They can, like the dictators Winston Churchill described, get all they want from the tiger. They can "turn the tables" on their adversaries with a skill and with inherent political advantage because the tiger is with them today. But what of tomorrow? They would do well to remember that, as Churchill noted, tigers get hungry.

I do not think we are making progress at all if we go from one extreme to the other. That does not solve the problems of the States. I, for one, would like to see a reasonable, fair, and workable solution emerge from the morass of litigation into which we have been plunged.

Mr. President, I would like to see the Senate put its shoulder behind this proposal. We cannot stand idly while the turmoil and confusion persists. We have a responsibility to perform and I hope we shall rise to it. Let us pass the Dirksen amendment.

Mr. President, I ask unanimous consent that a letter which I addressed to the Miami Herald be printed in the Record at an appropriate time.

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


Mr. John McMullan,
Knight Newspapers, Inc.,
Washington Bureau,
1266 National Press Building,
Washington, D.C.

DEAR JOHN: Thank you for your letter of the 22d asking for my views on legislative reapportionment.

1. The answer to your first question is quite simple: Yes, I do favor legislation that would allow States with bicameral legislatures to reapportion the basis of the two lawmaking bodies in a State, on bases other than strictly population.

2. While it should be left to the people of a given State to determine these bases, I would take into consideration such factors as geography, political subdivisions within a State, and well-defined economic regions should be considered in arriving at the make-up of those legislative bodies.

3. Certainly, I recognize that Florida has long suffered from the effects of malapportionment. However, I do not believe that a strict "numbers only" apportionment, applied to both counties and State Senate apportionment should be established, even if it were to be the sole matter of the State legislature, will remedy the situation. Such a rule makes one of the two lawmaking bodies superfluous, as both would be drawn from essentially the same electorate and would be mirror images of each other.

Most serious of all, the one-man, one-vote dictum, as handed down by the U.S. Supreme Court in Marquis, denies the long-time-tested Federal system, in which interest is balanced against interest, power against power. As the great French philosopher, Montesquieu, put it over 200 years ago, "If power is not to be abused, then it is necessary in the nature of things that power must be made a check to power." To expand a bit, the decisions of the Court regarding legislative reapportionment have been derived largely on the growth of the "political thicket" the late Justice Felix Frankfurter warned his colleagues, chief among them.

In California, for instance, a system of apportionment—approved on four separate occasions by the voters of that State and hailed by Chief Justice Earl Warren while he was still Governor—has been thrown out by the Supreme Court's decision. Similar instances of legislative reapportionment that have patterned their legislatures on the proven Federal system.

In my opinion, so long as the people of a State have the say in selecting the ballot, on the matter of legislative reapportionment, the courts should not interfere.

With best wishes and regards, I am

Sincerely yours,
GEORGE A. SMATHERS,
U.S. Senator

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from New Mexico.

Mr. ANDERSON. Mr. President, I am opposed to the Dirksen amendment and to constitutional amendments which would serve not the cause of democratic representation but, the perpetuation of totally unfair representation systems in many of the State legislatures. It is not with pride that I view the charts which show that in New Mexico 14 percent of the people may elect a majority of the State Senate. That is one of the grossest cases of malapportionment in the Nation and it ill serves the interests of a young and growing State.

Normally, a Member of Congress would shy away from such a spotlight on himself in the "political thicket" of his State's legislature. But since the one-man, one-vote ruling of the United States Supreme Court, Congress has been involved in this issue in a manner that is improper. The Congress has acted to assure equal rights for all citizens regardless of the color of their skin. It should do no less to assure equal representation rights for all citizens regardless of their address—rural route or city street.

We debated for 3 weeks last summer in this Chamber the wisdom of an amendment which would have delayed, if not blocked, any fair apportionment in the State Legislature. That amendment having failed, we are now asked to cement into the Constitution of the United States the invitation to unfair representation of one house of a legislature.

What we did approve last September was a sense of the Congress resolution that Federal district courts should allow State legislatures up to 6 months to comply with the revised reapportionment. The result is that apportionment of both houses of State legislatures be elected from districts of approximately equal population. We simply were trying to give the State legislatures time in which to do the right things—not an opportunity to longer deny just representation to people. And the rights of people are what is important—not mere numbers of cattle, fencem posting, and mine shafts.

There are those who contend that our area of Government is strengthened by the checks and balances it incorporates by law and custom. I believe in that arrangement. But I do not subscribe to the subsequent argument that such being true, one house of a bicameral State legislature should be apportioned on factors other than population as a check on the population-based house. I believe that considerations of political boundaries, history, and other elements may be appropriately fitted into the drawing of State senatorial districts. But I do not believe that such considerations should override population. To do so is to encourage legislative deadlock and prevent the constructive statewide policies which are vital to the economic and social progress of our States.

Mr. President, I have prepared a series of tables which show quite clearly that the representational situation in the New Mexico Senate is growing steadily more unfair. In 1950, the 16 least-populated counties had one senator—16 senators representing 145,475 people, and Bernalillo County, with 456,473 people, had one senator.

In 1960, 22 counties, with a total population of 285,469, each had 1 senator. And it is important to note that most of those counties lost population between the 1960 and 1970 census. Bernalillo County, with 262,199, had 1 senator.

By 1970, projections show the 24 least-populated counties will have a total of 385,300 people and, with a senator from each county as provided in present law, they will have 24 senators; while Bernalillo County, with an estimated 375,400 people, will have 1 senator.

And I ask unanimous consent that these tables be printed at this point in my remarks.

There being no objection, the tables were ordered to be printed in the Record, as follows:

1970 projection—Counties ranked in order of population

<table>
<thead>
<tr>
<th>Population</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harding</td>
<td>2,200</td>
</tr>
<tr>
<td>Catron</td>
<td>3,000</td>
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<tr>
<td>De Baca</td>
<td>1,100</td>
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<tr>
<td>Mora</td>
<td>6,700</td>
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<tr>
<td>Torrance</td>
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<tr>
<td>Hidalgo</td>
<td>7,300</td>
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<tr>
<td>Union</td>
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<tr>
<td>Guadalupe</td>
<td>7,500</td>
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<tr>
<td>Sierra</td>
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<tr>
<td>Lincoln</td>
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<tr>
<td>Socorro</td>
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<tr>
<td>Luna</td>
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<tr>
<td>Quay</td>
<td>15,400</td>
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<tr>
<td>Colfax</td>
<td>15,500</td>
</tr>
<tr>
<td>Taos</td>
<td>15,600</td>
</tr>
<tr>
<td>Roosevelt</td>
<td>60,200</td>
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<tr>
<td>Grants</td>
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<td>Los Alamos</td>
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<td>San Miguel</td>
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<tr>
<td>Valencia</td>
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<tr>
<td>McKinley</td>
<td>41,400</td>
</tr>
<tr>
<td>Otero</td>
<td>44,600</td>
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</table>

42 counties, 385,300 population, 24 senators.

1 county, Bernalillo, 375,400 population, 1 senator.
Congressional Record — Senate
August 4, 1965

Counties ranked in order of population, 1950 census

<table>
<thead>
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<th>County</th>
<th>Population 1950</th>
<th>Percentage loss (1950-60) gain of population 1950-60</th>
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<td>767</td>
<td>(41.0)</td>
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<td>De Roco</td>
<td>3,101</td>
<td>(13.7)</td>
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<tr>
<td>Rio Raton</td>
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<td>(13.7)</td>
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<td>Guadalupe</td>
<td>2,811</td>
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<td>Mesilla</td>
<td>1,526</td>
<td>(26.4)</td>
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<td>Union</td>
<td>6,938</td>
<td>(19.5)</td>
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<td>Luna</td>
<td>1,526</td>
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<td>Socorro</td>
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<td>Quay</td>
<td>13,971</td>
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<tr>
<td>Colfax</td>
<td>16,761</td>
<td>(11.5)</td>
</tr>
</tbody>
</table>

Sixteen counties, 145,475 population, 16 senators. One county, Bernalillo, 145,673, 1 senator.

Senators ANDERSON. I have one other point of order. It is this: Los Alamos did not have a senator in 1950. Not included in total of 145,475.

Counties ranked in order of population, 1960 census

<table>
<thead>
<tr>
<th>County</th>
<th>Population 1960</th>
<th>Percentage gain of population 1950-60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harding</td>
<td>1,074</td>
<td>(37.9)</td>
</tr>
<tr>
<td>Cañones</td>
<td>767</td>
<td>(41.0)</td>
</tr>
<tr>
<td>De Roco</td>
<td>3,101</td>
<td>(13.7)</td>
</tr>
<tr>
<td>Rio Raton</td>
<td>3,101</td>
<td>(13.7)</td>
</tr>
<tr>
<td>Guadalupe</td>
<td>2,811</td>
<td>(17.2)</td>
</tr>
<tr>
<td>Mesilla</td>
<td>1,526</td>
<td>(26.4)</td>
</tr>
<tr>
<td>Union</td>
<td>6,938</td>
<td>(19.5)</td>
</tr>
<tr>
<td>Luna</td>
<td>1,526</td>
<td>(26.4)</td>
</tr>
<tr>
<td>Socorro</td>
<td>3,101</td>
<td>(13.7)</td>
</tr>
<tr>
<td>Quay</td>
<td>13,971</td>
<td>(12.2)</td>
</tr>
<tr>
<td>Otero</td>
<td>14,900</td>
<td>(12.1)</td>
</tr>
<tr>
<td>Roosevelt</td>
<td>16,761</td>
<td>(11.5)</td>
</tr>
<tr>
<td>Colfax</td>
<td>16,761</td>
<td>(11.5)</td>
</tr>
</tbody>
</table>

Mr. ANDERSON. It is not just Bernalillo County which will have major population gains. Other counties, including Dona Ana, Chaves, Santa Fe, Eddy, and others, will expand too. They will be shortchanged in the Senate if considerations of population lose out to the county lines.

I do not want to take much more time to state my reasons for opposing the Dirksen amendment, but I ask unanimous consent that an editorial which appeared in the Portales, N. Mex., News-Tribune and my reply to the editor, a good friend, be printed at this point. It amplifies my position on this issue.

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

[From the Portales News-Tribune, July 25, 1965.]

The Dirksen Amendment
We hope Senators Clinton P. Anderson and Joseph M. Montoya remember that New Mexico is a high, wide, and handsome State when it comes time for the showdown vote on the Dirksen amendment.

Senator Everett Dirksen proposes simply that each State shall have the right to decide in periodic referendums the question of whether one of its legislative houses may be apportioned on some basis other than population.

Senator ANDERSON in particular is well read as to the struggle that marked the principle of area representation in the U.S. Senate. Popular sovereignty and national necessity for the maintenance of state formative bonds of the Union through the formative years of the Union.

This land of ours is broad, and even in this instant of time, it would be a matter of instantaneous communication, less populated areas would vote in inverse proportion to population. Quite often the points of view of lawmakers from these less populated areas are needed to temper and balance the hard edge of population considerations as to the struggle that marked the principle of area representation in the U.S. Senate. New Mexico has contributed its grain of voice in times of stress because of this principle. Senator Anderson has been one of the most effective of these voices.

It is now apparent that there was nothing but tradition to uphold a similar arrangement in State legislatures, but the Supreme Court has made it abundantly clear that these traditions are not binding. We are now face to face with determining once and for all whether we are all in one big population pot, with no distinction as to area or population, as the Supreme Court decision implies, or whether in our highest deliberative body in the land we are all in one big population pot, with no distinction as to area or population.

The Dirksen amendment, we believe, will restore balance to the legislative process of our States. Without it we hesitate to guess the future of rural and urban apportionments of the House, restored the imbalance that formerly existed in the State legislature. It is not possible to use the same formula in our State senate without making that body too large. Shoestring districts would create all sorts of political stresses. Our legislature has adopted a sensible alternative in weighted voting. The Dirksen amendment would uphold this sort of arrangement, if approved by a vote of the people. We cannot use any democratic way to solving this problem.

Mr. GORDON K. GREAVES, Managing Editor, Portales News-Tribune.

Dear Gordon K. Greaves:

I read your recent editorial on the Dirksen amendment with a great deal of interest, particularly since the debate in the Senate on reapportionment is reaching a climax.

Many of those who support the idea of at least one house of the State legislature being apportioned on some basis other than population hinge their argument on the "Federal analogy:" that is, that seats in the U.S. House of Representatives are based on State population and that the State legislature is apportioned solely by area. In effect, they argue: "What's sauce for the goose is sauce for the gander."

The Federal Constitution is used to rationalize malapportionment in State legislatures. It is not a valid analogy for comparing minority-dominated legislatures. The separate States at the time of the adoption of the Constitution in Philadelphia were virtually sovereign. In order to gain the consent of those formally sovereign States to the formation of a National Government, it was necessary to achieve a compromise between the more populous and the less populated States.

That argument is used to rationalize malapportionment in State legislatures. It is not a valid reason for continuing minority domination in the House of Representatives based on population.

No such historical basis or necessity for compromise brought into being the States—untlike the original States—do not exist. It is time for New Mexico and the States to reapportion their legislatures on a basis other than that of the States to reapportion their legislatures on a basis other than population.

August 8, 1965.

The Dirksen Amendment may be attractive on the surface in providing for periodic referendums. I do not believe that those considerations should serve to create a State senate where malapportionment, from the standpoint of population, is still extreme. I believe strongly in a system of checks and balances. But I do not believe in a system whereby the political power of a group of legislators far outweighs that held by other groups and that such imbalance is established and perpetuated by law. This is the situation that we have today.

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I am convinced that this debate on apportionment should not be cast strictly as a city-versus-rural conflict. If we look at it squarely, it is an effort to enable our legislatures to grapple with the complexities of a rapidly changing environment and economy. If this issue is resolved with reason, all the rural, city, suburb, farm or mining town—will benefit.

Sincerely yours,

CLINTON F. ANDERSON.
on in the executive branch. We pointed out that State legislatures used to be effective formulators of policy on the local level. Thirty years ago, we said, Justice Brandeis had praised the State legislatures as laboratories which could "try experiments without risk to the rest of the country." Partly because of failure to reapportion, the State legislatures had failed to adapt themselves to modern problems and majority needs, particularly in urban areas.

The Court's holding in Baker was only the beginning of the administration's commitment in this area. The following year Gray against Sanders, in which the plaintiff challenged Georgia's county apportionment method, was decided by the Court. We used to say that the Court's decision "effectively" demonstrated this. Throughout the hearings and in debate on the Senate floor we have heard example after example in State after State--in Missouri, Iowa, Illinois, New York, and others--where the fairly apportioned house passed progressive and badly needed legislation and a majority of the malapportioned house, representing a minority of the people, blocked it.

And it is important to note the significant progress which has occurred as a result of the Supreme Court's decision.

Mr. President, I ask unanimously consent to have printed at this point in the RECORD, as follows:

MEMORANDUM

The records of the States in which reapportionment has occurred are most instructive.

Colorado concluded the main session of its 45th general assembly early in May. It was the first legislature elected under the one-man, one-vote rule, and the session was one of the most fruitful in years. Lee Olson of the Denver Post wrote that "much of this legislation supports the conclusion that Colorado's history, and including the number of high officials who were interested in the problem.

Ultimately, we decided that if each citizen's vote were to have the weight and significance it deserved, the equal protection clause had to be regarded as a unit system of electing its statewide officials, came before the Court. Although the case did not involve State legislatures directly, it was clearly related.

I want to explain why the Department of Justice, on behalf of the Federal Government, took such an interest in the problems faced by individual citizens, particularly in the cities. He agreed that if substantial departure from per capita representation were permitted even in one house, the result would be state-man and the same old story of legislation which was short on merit and long on purpose.

I have gone into the detail I have because I want to explain why the Department of Justice, on behalf of the Federal Government, took such an interest in the problems faced by individual citizens, particularly in the cities. He agreed that if substantial departure from per capita representation were permitted even in one house, the result would be state-man and the same old story of legislation which was short on merit and long on purpose.

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This year, the Michigan Legislature passed a bill increasing unemployment benefits by 20 percent, and extending coverage to an additional 60,000 employees.

Before reapportionment, workers' compensation amendments were killed by senators representing 2.9 million people despite support for them by senators representing 3.5 million. This year the legislature passed a vastly improved workers' compensation bill.

In the memorandum I have submitted, I have examples of three or four major pieces of legislation which were defeated in the legislature of the State of Michigan by the time of reapportionment.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from New York. I believe that his speech demonstrates that there are practical benefits in rejecting the Dirksen amendment and enabling our State governments to move ahead under the Reynolds against Sims decision with both houses based on population. The State governments have been encumbered by malapportionment proposals which have been blocked and unable to act. Because of inaction by the States, it has become necessary for the Federal Government to move into areas into which the States should have moved long ago.

The speech of the Senator has been a most practical and helpful contribution to our understanding of the problem.

Mr. KENNEDY of New York. Mr. President, I wonder if we have devoted enough attention to the civil rights implications of the Dirksen amendment. Its adoption, I would suggest, could result in nullification of much of what we were trying to do just two and a half short months ago when we passed the Voting Rights Act of 1965. Its adoption could make a mockery of our scheduled action tomorrow to approve the conference report on the Voting Rights Act.

Mr. PROXMIKE. Mr. President, I yield myself an additional 2 minutes.

The PRESIDENT pro Tempore. The Senator from New York has expired.

Mr. PROXMIRE. Mr. President, I yield myself an additional 2 minutes.

The PRESIDENT pro Tempore. The Senator from Wisconsin is recognized for 2 minutes.

Mr. PROXMIKE. Mr. President, is it not true that in the State of Michigan, for many years, it was difficult to get legislation through the State legislature, for example, when Governor G. Mennen Williams was elected with a strong popular mandate, a situation existed in which the lower Michigan House was elected by a popular vote, and the State senate apportioned in accordance with geography. Blocked bill after bill, although senators representing the majority of the people, but a minority of the State senate, voted for the Williams legislation.

Mr. KENNEDY of New York. Mr. President, I can cite a few specific examples of what happened prior to the time of the Supreme Court decision.

Before reapportionment, a bill providing unemployment benefits to 35,000 was killed by senators representing 2.9 million people despite support for the bill by senators representing 3.5 million.

During the past 20 years, and the committee has heard 10 times as many witnesses as had appeared before." These structural reforms were no accident. As President Kennedy recently pointed out in an article in the Washington Post that the reapportionment decisions appear to have stimulated structural reforms in the legislatures in a number of States. He observed that since many of the representation schemes rendered unconstitutional by the Supreme Court's reapportionment decisions are contained in State constitutions, there is an inevitable prodding to State constitutional reforms. Rhode Island and Connecticut are holding constitutional conventions this year, and Idaho, Kentucky, and West Virginia have taken some steps toward constitutional reform.

Mr. KENNEDY of New York. Mr. President, the Michigan experience is particularly significant, because it demonstrates the responsiveness of the reapportioned legislature to rural as well as urban needs, and the tendency of a reapportioned legislature to be interested in structural reform.

The record shows that, under the prod of the Supreme Court's decision, our State legislature has been in a mood to - begin to move. What President Kennedy called the shame of the States may turn to pride if we refrain from disturbing the process which the Court set in motion with its holding. This was a major interest of the Federal Government in entering the litigation in the first place, and it is a major interest of the Federal Government today. I urge the Senate not to turn the clock back on this process. My proposal today is to appoint a Senate to reject the Dirksen amendment.

I urge the Senate not to turn the clock back to the past. I urge the Senate to reject the Dirksen amendment.

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

Mr. KENNEDY of New York. I yield.

Mr. PROXMIKE. Mr. President, I commend the distinguished Senator from New York for his speech.

The PRESIDENT pro Tempore. The time of the Senator from New York has expired.

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Before reapportionment, a bill providing unemployment benefits to 35,000 was killed by senators representing 2.9 million people despite support for the bill by senators representing 3.5 million.
Mr. Marshall's testimony showed the South to be following the same trend, only perhaps more markedly:

* * * the percentage of nonwhites living in urban areas went up 23 percent from 1950 to 1960, while those living in rural areas went down almost 20 percent. In Mississippi the comparable figures were 27.6 percent increase against 2.5 percent; in Louisiana, over 200 percent against 8.6 percent. Of all the Southern States, only Florida showed any increase in the number of nonwhites, and that increase was slightly over 1 percent as against 71.3 percent in urban areas.

The marked increase of nonwhites—primarily Negro—population in the urban areas underscores the discriminatory nature of the Dirksen amendment. Negroes are the most deprived minorities are city dwellers—and are becoming more so. Perpetuating the antilurban balance of power in the State legislatures, therefore, would jeopardize any further effort to obtain significant help at the State level in their struggle for equality of economic opportunity, better housing, and better schooling.

As to the determination of these men that the Nation's Government should suit the needs of the people, what better words of emphasis can be used than those of John Adams:

Our people must be consulted, invited to erect the whole building with their own hands upon the broadest foundations.

To those who attempt to argue that we should not be tampering with the Constitution on such a subject as legislative apportionment, I have two answers. One is that we are not engaged in either the unusual or the unexpected. As recently as 1913 there was an amendment of a similar nature. At that time it was felt there was need for clarification of the 19th Amendment and it be followed in the electing of men to this august body. The language and the protections desired were not in the original Constitution. All Senators, I am sure, put forth only words of emphasis can be used than those of John Adams:

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Court decisions and the self-help efforts of individual legislators; The Supreme Court decisions have for all of us created an unprecedented situation. To put it mildly, they have been far-reaching and they have been history making. We all knew that they have created in many States what can inestegantly be called a mess. Politics being what it is, there have been loose efforts at self-preservation that have compounded the troubles in some States and in others the courts themselves added materially to the confusion. Some measure of the difficulty is found in the words of State Supreme Court Justice Matthew M. Levy, of New York, when he wrote in their opinion: "The wondrous ramifications related to a matter and they have been history making. The power in a nation such as ours do not lend themselves to simple packaging. I think the developments of recent weeks in trying to adjudicate apportionment is varied confusing to read, and complex. It makes the logic of the constitution and its purposes obscure, and months have well proved my point."

We owe it to the people to make the courts understand the difficulty of the situation.

Mr. DIRKSEN, Mr. President, I yield 2 additional minutes to the Senator from Nebraska.

Mr. HRUSKA, Mr. President, there are many able students of the subject who will quickly agree that the courts, in trying to adjudicate apportionment State by State, have actually added to the frustrations of all. The history of court actions on this subject is long, varied, and complex, and testimony in the Senate committee. In fact, I believe, as Senators, owe it to ourselves to become familiar with some of the legal complexities and uncertainties involved. We owe it to the people to make the courts understand the difficulty of the situation.

On the heels of Reynolds, a suit was filed in the State's high court but that tribunal, although acknowledging the present apportionment act unconstitutional under the Federal supremacy rule, declined to grant injunctive relief and the suit was dropped. Following the inactivity of the legislature to act, the lower court rested from its labors, only to be joined by the Supreme Court's declaration that the 14th amendment requires that the basis of State legislative districts be equal, whatever the shape or size of district, that the court had jurisdiction in the case because the question of whether some districts might have been gerrymandered, the lower court rested from its labors, only to be joined by the Supreme Court's declaration that the 14th amendment requires that the basis of State legislative districts be equal, whatever the shape or size of district, and that the court have jurisdiction in the case because the question of whether some districts might have been gerrymandered.

On the other hand, the court decided, however, that it couldn't be constitutional to mix single- and multi-member districts in the same apportionment. One tough decisions having been made, the lower court rested from its labors, only to be joined by the Supreme Court's declaration that the 14th amendment requires that the basis of State legislative districts be equal, whatever the shape or size of district, and that the court have jurisdiction in the case because the question of whether some districts might have been gerrymandered.

New York has been through the wringer of Federal Court decisions. The New York Supreme Court ruled that the subject was "nonjusticiable" and was contradicted by the Supreme Court. Then the district court examined the State's apportionment laws and concluded that they were sound. Now the Supreme Court disagreed. Following the announcement of Reynolds and its companion cases, the New York Supreme Court ordered a 10-month deadline on the New York Legislature to redistrict and, for good measure, truncated the member. The Supreme Court of Texas has not been well served. The former Court summoned legislators into special session following the November election and, with little warning, gave them plans to choose from. The judges selected one and it became the basis for the November 1965 election even though violating the State constitutional amendments respecting the membership of the assembly. The scene was thus set for one of the few instances in which Federal and State courts have "gone to war" over the same subject. New York's court of appeals struck down the new districting act on the rationale that the new districts were not the result of apportionment. The Supreme Court of Texas received the Court's mandate and held that the State constitutional provisions automatically invalidated by Reynolds. The Federal court won the confrontation, notwithstanding the fact that, from the beginning, Washington that Federal judges should be guided by State jurisprudence of the Constitution.

The New Jersey supreme court, in a 1960 ruling, noted that the Federal high tribunal's decision in Baker v. Carr, in Ashbury Park Press v. Woolley (33 N.J. 1, 161 A. 2d 768), the New Jersey court concluded that it had the power to compel reapportionment and notified the legislature that it had better act or see what it can do in its next session and the State court laid the issue to rest. After last June's Supreme Court decisions, however, New Jersey's high court again declared the legislature malapportioned. The State's lawmakers were commanded to call a constitutional convention in the winter of 1965-66 to devise a temporary plan for the regular 1965 election.

TENNESSEE

Tennessee, the offending State in Baker v. Carr, was ordered by a Federal district court to redistrict its lower house in 1962. Over a year later, in a 1964 special session, following passage of reapportionment acts, the district court found both unconstitutional but ordered their use, nonetheless, for the November election. The 1965 legislature then adopted new districts for each chamber, winning approval only of its apportionment for the 1965 primary election and the Senate apportionment unconstitutionally but backed away from finalizing action until the Supreme Court disposed of such case for it. With the announcement of the flat one-man, one-vote rule in the Reynolds case, the Federal court received its blessing of the Tennessee cases, which were disposed of by the Supreme Court. Despite this, the legislature again awaits the sanction of the judiciary.

WASHINGTON

Both houses of the Washington Legislature were found to be malapportioned in 1962 by a Federal district court. In the March 1963 reapportionment of Lucas v. Colorado, shrugged off the voters' rejection of an initiative ballot proposition calling for straight population apportionment. Following the Supreme Court's approval of its action in 1964, the lower court consented to allow the upcoming legislative session to proceed on the basis of unconstitutional districts but foreshortened all legislators' terms to 1 year and devised a weight voting scheme for the 1965 legislature to use. Then the judges changed their minds, scrapped the weighted voting and short terms, and substituted a flat that the lawless could not do no better than reapportionment until acceptable districts were enacted.

HAWAII

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The people of Connecticut had to forgo the privilege of electing their legislators last year. A special session of the legislature failed to devise a plan meeting the Federal courts' demands that it come up with a temporary plan. The court then junked that proposal and ordered the preparation of temporary legislative districts for 1964. Now those districts are providing for an election this year, all of them providing for an at-large election. Three major proposals were put forward with still another temporary plan. The legislature were rewarded by being permitted to deal with other legislative business this spring.

IOWA

Iowa's Senate was reapportioned by the 1961 legislature in a session which also saw initial approval given a constitutional amendment: providing substantially greater weight in the House of Representatives for the districts with small population. The new apportionment was sanctioned by the State supreme court 2 weeks prior to Baker v. Carr, then junked by a Federal district court. In a special election, Iowa voters, although predominantly urban today, rejected the constitutional amendment. Nevertheless, the Federal court, following up on its previous action, ordered the preparation of temporary legislative districts for 1964. Now those districts have been thrown into limbo with the election out of the way and the Iowa legislature, overwhelmingly composed of first-time districters, wasposium, then junked by a Federal district court, in League of Nebraska Municipalities v. Marsh (205 F. Supp. 169), declared both the constitutional amendment and the temporary districts to be unconstitutional. The court permitted the 1964 legislative elections to be held as scheduled but mandated the 1965 regular session to reapportion itself. The people of Nebraska had to forgo the right of the voters in the several States to make decisions regarding the apportionment of their State legislatures.

Mr. Hruska. Mr. President, contrast the approaches which I have just outlined with the straightforward language of the Dirksen amendment. The entire issue of legislative apportionment is a vexing problem of unwieldy proportions: yet the time for decision is at hand and the time for deliberation has nearly terminated. In view of the amount of thought and care which has gone into the question to this question, I will only briefly summarize the question, attempting to view it in its entirety, and state the conclusions which I feel may be fairly drawn from the facts.

In the landmark case of Baker against Carr, decided early in 1962, a divided court, in a plurality of opinions, held that malapportionment of seats in a State legislature, as distinguished from the House of Representatives, is not to be viewed as presenting a political question when the validity of the form is challenged on the basis of the equal protection clause of amendment 14. The question, with the exception of all succeeding cases on the issue of apportionment, constituted a major departure on the part of the Court from its previously traditional attitude that such issues amounted to political questions, and were therefore nonjusticiable. This is to say that until Baker against Carr, the Court regarded the problem of malapportionment to be strictly of legislative cognizance, and simply not amenable to judicial development.

Perhaps the reason for this departure may be best explained as judicial restraint being supplanted by obvious and overriding needs of the individual. The political situations which gave rise to the Baker against Carr, Reynolds against Sims, and various other reapportionment cases offered clear-cut examples of a minority exercising political control through the device of the districts.

And, it may be true that the Court did substantial good in calling public attention to these injustices. It is also true, it seems to me, that the structure of a State's political system is a subject which concerns the people of that State, and is not a logical or legitimate area for Federal judicial intervention.

There is an unquestioned need for reform. However, there remains the question of whether the reforms which led to the reforming. It is the legislative function to determine the policy, the executive function to implement that policy, and the judicial function to determine the constitutionality of that policy. In this regard, my views correspond with those of Mr. Justice Harlan in his various dissenting opinions when he states that the vitality of our political system, in which I am particularly concerned, is defended by reliance on the judiciary for political purposes. In the name of constitutional interpretation, the Court adds something to the Constitution that was deliberately excluded from it, the Court in reality substitutes its view...
of what should be so for the amendment process.

Thus, it becomes apparent that the reapportionment decisions represent a two-pronged attack on certain fundamental concepts of American constitutionality as it has been traditionally defined. First, the Court abandons the principle of "checks and balances" by entering an area which, by its own definition, is political and should be exclusively to the legislative branch.

Second, it abrogates the basic tenets of federalism by patently disregarding a State's sovereign right to determine its political system. Perhaps, Mr. Justice Stewart correctly states the result of this recent judicial intrusion when he says in the case of Lucas against Colorado:

It states values of local individuality and initiative vital to the character of the Federal union which it was the genius of our Constitution to create.

After taking jurisdiction of State reapportionment cases, the Court moved swiftly to the conclusion that the equal protection clause demands a scheme unconstitutional which was based on any factor other than population, this being so, even though a majority of people gave their overwhelming support to the contrary — as the Colorado case indicates. The Court rested its decisions on a single inflexible standard — one man, one vote. I think it is worth while to pause and briefly comment on the Colorado case, since it reflects again the application of the one-man, one-vote standard. In 1962, the State of Colorado, reapportioned and generally reconstituted its legislature. Accordingly, one house was based strictly on the theory of equal representation and clearly comport with the concept of one man, one vote. However, what principle of representation was to prevail in the other house was referred to the people, and they adopted a form which considered factors other than population but in another way could frustrate the will of the majority of the electorate. The Supreme Court, nonetheless, struck this down as a device denying equal protection to the laws. This result, though a logical extension of the Court's standard, is a bit incongruous. It is especially incongruous when one learns that the Court placed the following question on the issue: "We the people," in arriving at the standard of one man, one vote. Is the Court a better interpreter of what the will of the people is than the people who, through the use of their franchise, express that will?

The PRESIDING OFFICER. (Mr. Bass in the chair.) The time of the Senator from Nevada has expired.

Mr. DIRKSEN. Mr. President, I yield 1 additional minute to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 1 additional minute.

Mr. BIBLE. Mr. President, this amendment was intended in response to the challenge of federalism made by the Supreme Court, as well as an efficacious proposal to combat the apparent inequities being perpetuated in the various States through malapportioned State legislatures. It places the right to determine the composition of State legislatures where it properly should reside — with the people. The provision requires a periodic review of the reapportionment scheme adopted, offers certain assurance that the power to change such a scheme will continually rest with the people of the State at large.

It is strange that this Court, which has placed such high regard on minority rights, has chosen to deny the constitutionality of any legislative arrangement which substantially guarantees minority representation. But use of the phrase "one man, one vote" leaves open for consideration the traditional factors which have been recognized as proper considerations when establishing a representative political entity. The provision requiring a periodic review of the reapportionment scheme adopted, offers certain assurance that the power to change such a scheme will continually rest with the people of the State at large.

In concluding, I think it can be fairly said that the problem of State legislative reapportionment poses very difficult questions, questions of practicality as well as questions of constitutional law. It can hardly stand, as an advocate of the status quo which, in this instance, means supporting the inequities of legislative malapportionment as it is manifested among the various States. However, I find myself equally troubled with a constitutional mandate requiring that all States reapportion according to the strict one-man, one-vote doctrine. That is, if the inefficacy of changing one undesirable extreme for another? The amendment before this body represents an opportunity to strike a balance between the extreme positions, a balance that would preserve the integrity of our Federal structure, and at the same time, vest the majority of the people of the several States with the right and continuing opportunity to determine the composition of their democratic institutions.

It is for these reasons that I earnestly urge the adoption of the amendment under consideration which was prepared and proposed by my colleague from Illinois.

Mr. President, I thank the Senator from Illinois for yieldings to me.

Mr. DOUGLAS. Mr. President, I yield 6 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 6 minutes.

Mr. MORSE. Mr. President, the question before the Senate is whether to consider a major change in the U.S. Federal system. This change goes to the very foundation of the Federal system.

I know that the proponents of the Dirksen amendment have based their case largely on the idea that the Supreme Court, in applying the equal protection clause to reapportionment of State legislatures, performed some kind of disservice to the people of the States.

That idea is quite mistaken, and one of the purposes of the long debate of last year was to make it clear to the country that it was the Supreme Court which was upholding the Federal system and not those who were seeking to reverse its decisions through constitutional amendment.

The facts have been put in the record time and time again which show that the original States of the Union did use reapportionment according to population for both houses of their legislatures. One man, one vote was the controlling principle for State representation for generations.

It was not until the end of the last century, when population shifts began on a marked basis, that the one-man, one-vote principle was abandoned. New State constitutions began to allow reapportionment on a basis other than population, and States where equality of representation was required disregarded the principles they themselves had established. Yet, the health and vitality of federalism was founded on the health and vitality of the States. If there has been an undue trend in the direction of national power and action it has been the result of the failure of the States to remain up to date in respect to the needs of their own people. It is one of the ironies of this whole debate that those who have complained the loudest over the last 30 years about excessive Federal power have also stood firmly behind malapportionment of the State legislatures. I say nothing more than the obvious when I say that if the Dirksen amendment is approved, and succeeds in maintaining malapportioned legislatures, then the States will atrophy at a much faster rate in the next 30 years.

Indeed, had conditions existed as they existed before Baker against Carr, I believe that the States would, in 30 years' time, become little more than geographic lines, having little effect on the lives of their citizens, or on conditions within their jurisdiction.

We are seeing population figures projected for the United States that place our population at 350 million by the year 2000. These additional tens of millions of people are not going to be farmers; they are not going to be residents of small towns. Most of them are going to contribute to the growth of large metropolitan areas. Unless the State legislatures are apportioned to reflect these population changes, the Federal Government is going to move into all areas of metropolitan land use. We have already moved into many of them out of necessity.

The Supreme Court, in its reapportionment decisions, has sought to restore the effectiveness of federalism. The Supreme Court gave the Federal system its greatest shot in the arm in 50 years.
I wish to uphold what the Court has begun. I do not wish to see the American States slip backward into the backwaters of American Government. 

No matter how it may be amended and docketed, the purpose of the Dirksen amendment is to preserve apportionment to the majority based on something other than people. In my opinion, such an objective can only lead to a further weakening of federalism, and I am opposed to it for that reason alone.

I am also opposed to it because it would remove from court review a present constitutional right of every American—the right to test in the Federal courts his equal protection in the State legislature. Included in our American system as deeply as federalism is the ultimate procedural right of an American to have his substantive rights tested in court. Of course, by constitutional amendment, either the substantive right or the right of review may be moved. But that is an inroad into our legal protection of minorities. I am not in favor of making any such inroads.

Proponents of the amendment, and of the constitutional amendment and upon personal rights and guide for the majority the final decision on what sound apportionment shall be considered to be. In short, I see no longrun advantage to be gained from this proposal, either for the majority of citizens of a State or for a minority of its citizens. The Dirksen amendment robs both of some very useful and precious procedures now guaranteed by the Constitution. I believe that such a provision good for the Senate and upon personal rights and should be rejected.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may suggest the amendment be reorganized and upon personal rights and should be rejected.

Mr. DOUGLAS. Mr. President.

Mr. DIRKSEN. Without charging the basis of representation in the Senate?

Mr. DOUGLAS. Reserving the right to object—I should like to suggest to my colleagues that the time be equally charged. I am in the interest of expediting the final vote.

Mr. DIRKSEN. Mr. President, the trouble is that I am going to be a little short on time and I have not been heard yet. I am trying to accommodate as many of these many amendments as are made by our colleagues so that my distinguished colleagues will not object to my request.

Mr. DOUGLAS. Let me inquire of my colleagues whether it is understood that this will not be a quorum.

Mr. DIRKSEN. It will not be a live quorum.
I come from a relatively sparsely populated State—one of the largest in area of all the States, but one of the smallest in population. So I was intrigued by this argument that the one-man-one-vote concept would get rid of the reactionaries that were holding back progressive legislation. Under such an argument I would have understood that in some areas I have never considered myself to be a reactionary or an obstructionist to liberal and progressive legislation. To the contrary, ultraright wing groups have denounced me as being a leftwinger. But I do say that the one-man, one-vote advocates, who want to have a State senate mod­eled after the U.S. Senate—the U.S. Senate in the form provided by the Constitu­tion—were more diametrically opposed organizations under the application of the one­man, one-vote rule to the U.S. Senate. How some advocates of the one­man, one­vote concept can contend in the face of these facts that its applica­tion is necessary to State legislatures in order to remove reactionary obstructionism to progressive legislation is beyond my understanding.

No, this argument that sparsely popu­lated areas produce obstructionists op­posing liberal and progressive legislation, and therefore should be denied area rep­resentation, just does not make sense. For had it been applied in the past to the U.S. Senate and the small population States denied the two­Senator representa­tion that the Constitution gives them, the Senate would not have had the past that it has enjoyed. A number of small population States like George W. Norris, of Nebraska; William E. Borah, of Idaho; Joseph C. O'Mahoney, of Wyoming; James E. Murray, of Montana; William Langer, of North Dakota; Dennis Chave­ez, of New Mexico; Charles Tobey of New Hampshire; Theodore Green, of Rhode Island, and several others who authorized and fought for liberal and pro­gressive legislation.

Such argument is no more logical and tenable than the opposition to giving the people of each State the right to vote in a referendum on whether or not they want to have a State senate modeled after the U.S. Senate, as provided in the Con­stitution by the founders of our Nation.

Mr. DIRKSEN. Mr. President, I yield 4 minutes to the Senator from Wyo­ming.

Mr. SMITH. Mr. President, I have taken the floor on other occasions to support the proposed constitutional amendment dealing with reapportion­ment. I think it is imperative that the people reassert themselves in this fight. It is a fight that is being waged by the courts of the land against our form of government. The issue is: Shall the people be trusted to govern themselves, or will Congress permit nine men who are appointed to the Supreme Court of the United States to determine what is the proper way for the people to be represented in their respective State legislatures. The case, in my judgment, has been well presented, and I know that the views I have expressed and the views which have been expressed by the Governor of the great State of Wyo­ming, both houses of our State legisla­ture, and I am confident by the great majority of the Wyoming people. It is not my intention to overly criti­cize the U.S. Supreme Court. I feel that it has erred and that the Congress and the States must take corrective action at this time.

I want to tell the Wyoming story. Wyoming was admitted to the Union in 1890, 75 years ago. In fact, we just cele­brated on July 10 our 75th anniversary of statehood. At the time of admission to the Union this Constitution to the Constitution had already been adopt­ed. The 14th amendment was the sup­posed constitutional basis that the Su­preme Court used in ruling that popula­tion be the only factor considered in reapportionment of the Congress and State legislatures. When Wyoming sought statehood, it submitted its proposed con­stitution to the Congress of the United States for approval. That constitution was approved by this Congress. In my judgment, Wyoming's constitution was in conformity with our Federal Constitu­tion when it was approved by Congress and it still is today. Wyoming's State Legis­lature was not elected in conformity with our State constitution which pro­vides for a republican form of govern­ment as required by article 4, section 4, of the U.S. Constitution.

The Wyoming constitution provides: Each county shall constitute a senatorial and representative district; the senate and house of representatives shall be composed of members elected by the legal voters of the county, respectively. They shall be ap­portioned among the said counties as nearly as may be according to the population, and each county shall have at least one senator and one re­presentative but at no time shall the number of members of the house of representatives be less than twice nor greater than three times the number of members of the senate.

This is the formula which was laid out in our State constitution and which has been followed. In 1964 citizens of the six most popu­lous counties of the State of Wyoming brought an action seeking to enjoin the State officials who were charged with conducting elections, under State laws, from proceeding in the 1964 primary and general elections. The allegation was that the recently adopted reapportion­ment laws of 1963 relating to the election of representatives to the Wyoming State Legis­lature were unconstitutional and violated the 14th amendment to the U.S. Constitution. They alleged that the ap­portionment failed to give representa­tion on an equal basis as required by the Wyoming constitution and the 14th amendment to the Constitution of the United States.
Wyoming State Legislature did constitute "an invidious discrimination against the voters of the State of Wyoming," thus violating the equal protection clause of the 14th amendment of the Constitution of the United States. The court then ruled that the Wyoming reapportionment act of 1963 was null and void. This court also determined that section 3, article 3, of the Wyoming constitution, which provided that each county shall constitute an election district, is ineffective and not to be considered when determining the reapportionment of the Wyoming State Senate.

In effect the Federal Court was saying that Wyoming's constitution which had been approved by Congress and had been unchallenged for 75 years because, in my opinion, it was proper, was at fatal variance with the recent Supreme Court decision and thus must be considered unconstitutional from its inception.

There is no validity to such an assumption other than the recent decision of the Supreme Court of the United States which I think must be remedied by the Congress of the United States.
in detail, but I would refer each Member of the Senate to Mr. Justice Harlan’s dissenting opinion. The inescapable conclusion of this legislative history and experience, as well as the judicial precedents prior to the rendering of the decision to pass on the proposition that the Federal judiciary does not have jurisdiction to entrench apportionment cases and that the Constitution does not prohibit the States from determining the apportionment and composition of both houses of their respective legislatures.

In addition to the legal attacks on the constitutional validity of these decisions, Mr. President, I submit that there are compelling economic and political reasons for the decision of the Court. This is a Nation composed of many elements and population groups, each having an economic, political, and social interest peculiar to their own circumstances. In a republic, the government of each of these groups interests is entitled to recognition in its legislative representation. Citizens in rural areas, for example, have interests different from those of urban and semi-rural areas. Agricultural interests differ from those of industrial organizations, and similar distinctions can be made for many other interested groups throughout our Nation. The factors which should be considered in providing representation for these various interests are susceptible of recognition and definition only by the State and local governments. No judicial body, State or Federal, can pass on these questions and render fair and workable solutions. Our entire legal and historical background substantiates this fact.

I stated last year during the consideration of this question, and I say so again now, that there is no more vital issue pending in Congress than the subject matter of Senate Joint Resolution 2. The principles involved go right to the very heart of our Federal system and the principles of representative government. While recognizing that certain inequities have existed in the apportionment of some State legislatures, I believe that these are far outweighed by the dangers inherent in the Dinken and Reynolds against Sims. In my opinion, Congress must act and act now to reverse these decisions and restore control of legislative apportionment to the respective States, where it rightfully belongs.

I thank the Senator from Illinois [Mr. Dinken] for yielding to me.

Mr. DOUGLAS. Mr. President, I yield 5 minutes to the distinguished Junior Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, the proposed amendment to the Constitution introduced by the distinguished minority leader [Mr. Dinken] which would provide for a reapportionment of the house of their legislatures on factors other than population is one of the most important and far-reaching legislative proposals ever to come before the Senate. How we act upon it will shape the government of our doings. On June 15, the Senate, Congress and the people of all American counties for generations to come.

The question of reapportionment of State legislatures is, in effect, a civil rights bill of the highest magnitude for it affects the voting rights of over half the citizens of the Nation. Stripped of all its verbiage, the amendment comes down to the essential question of whether we are willing to recognize the concept of one man, one vote in the election of the vote of every other citizen. In the words of the Court, one man, one vote.

The Supreme Court ruling was, quite simply, a ruling in favor of fair representation for all citizens. The Dirksen amendment is a blatant attempt to stop the clock of progress and to perpetuate a situation whereby millions of our citizens do not receive fair representation. Its aim is to protect the vested political interests of the present rather than correct the gross imbalance of power that now exists in most of our State legislatures. In effect, it will allow evil to perpetuate itself. It will permit present State legislatures, many of which have been formed with gross unfairness, to prevent reapportionment for decades to come.

Not only will this affect the composition of our State legislatures, but also of our Federal Government. Under the status quo, rural-dominated legislatures have to a great extent so gerrymandered congressional districts in their States that citizens living in cities and their suburbs do not have fair representation in the House of Representatives of the U.S. Congress.

There are numerous examples of some State legislatures sitting for 50 years or more without so much as acknowledging the requirement of their own State constitutions regarding apportionment. With the enormous development of industry in the last 70 years and the correlative growth of urban areas more and more our State constitutions have been neglected in order to freeze rural predominance in at least one house of their legislatures.

My own State of Ohio is a classic example. Both chambers were generally apportioned according to population during most of the 19th century. In 1963, however, the so-called Hanna amendment was adopted in Ohio which guaranteed to each county at least one member in the lower house. It was sponsored by Marcus S. Alonzo Hanna, who was then the boss of the Republican Party in Ohio and was ambitious to become a Senator of the United States at a time when the legislatures of the various States elected U.S. Senators. Following the adoption of the Hanna amendment, Hanna was in fact chosen by the Legislature of Ohio and represented my State as a Senator of the United States.

In Ohio the Dirksen amendment would permit the legislature again to be apportioned with 1 member in the house of representatives for each of the 88 counties, regardless of population. Vinton County, for example, would have 1 legislator; and Lake County, with a population 18 times as large, would also have only 1.

The 68 less densely populated counties of Ohio, with a population of 2,800,000 today have 68 representatives in the house, while the remaining 20 more heavily populated counties of Ohio, with a population of 7 million have only 66 representatives in the lower body. The result is that 28.4 percent of the State’s population has more than 50 percent representation in the lower house.

Regarding the Senate, I am glad to note that the situation in Ohio is not so bad. There, it would require only a minority of 44.8 percent to elect a majority. Mr. President, the people of Ohio last May 5 rejected a reapportionment proposal which would have, in effect, nullified the Supreme Court decision in our State. I know that the great majority of Ohioans support me in rejecting this attack on our great American tradition of freedom and equality for all.

Mr. President, the Supreme Court decision was long overdue. It has provided a tremendous stimulus to the States to take the long needed remedial action necessary to make their legislatures capable of coping with the voluminous and diverse problems facing State governments in this space age of change and challenge. My only regret is that it was necessary for the Federal courts to step in at all. This would not have been necessary had the States taken action themselves.

The facts are that at the time the one-man, one-vote decision was handed down, less than 45 percent of the population was able to elect majorities in both houses of the legislatures of some 33 States. Today, there are still 2 States in which less than 20 percent of the people can elect a majority to the lower houses and 17 States in which from 20 to 40 percent can elect a majority. With respect to the upper houses, there are 10 States in which less than 40 percent can elect a majority and 13 States in which from 20 to 40 percent can elect a majority. These figures are based on the 1860 census, so the disparities are probably greater now.

Today 7 out of 10 Americans live in the cities and suburbs. In 10 years that figure will be 8 of every 10. In 28 States more than half the population resides in the cities. Many of these States are saddled with malapportioned and unrepresentative legislatures which are not responsive to the needs of their great urban and suburban majorities. The urgent needs of today, as opposed by the dominant majorities, the politicians elected from sparsely populated areas. In some cases there might be some truth to the saying that some State legislatures have become old folks homes for retired town and village trustees.

Many of our States violated their own constitutions by failing to periodically reevaluate their apportionment. One State made no attempt to reapportion at all until 1885, and that was until the Supreme Court decision. Another had not reapportioned since 1901.

There is another aspect which must be brought forcefully to the attention of...
the Nation, for it has a bearing on other recent legislation designed to assure full and equal rights to all citizens regardless of their race.

We have come a long way in the last decade in reaffirming constitutional guarantees to all Americans. All of our civil rights laws were based on voting rights bills that were enacted by the Congress in association with the 14th and 15th amendments to the Constitution have been written to protect Negroes and all others in their civil rights and civil liberties. That proposed amendment would only dilute the rights that we have labored so long and hard to assure. It is clear that in some States the choice as to what method of apportionment should be used would fall upon legislators who have been elected by an electorate from which large segments of the citizenry were barred from their rightful privilege at the ballot box. I have supported all civil rights legislation to come before the Senate. It would surprise me to think that I would oppose this amendment. If I were to approve of this amendment I would, in effect, be negating every vote I cast for civil rights.

Mr. President, I reject the arguments against the Supreme Court's dictum. I have always argued against equal representation based on fundamental principles. To the contrary, I feel that there is ample foundation for the one-man, one-vote rule.

The one-man, one-vote rule, in the ordinance of 1787 which was intended to be a guide for future government, included the provision:

"The inhabitants shall always be entitled to a representation of the people in the legislature.

James Madison in one of his Federalist papers wrote that "Numbers are the only proper scale of representation," and Jefferson wrote that "Equal representation is so fundamental a principle in a true republic that no provision can justify its violation." Between 1790 and 1889 every State admitted to the Union entered with a constitutional provision for representation based on population. In all, 36 States had this provision in their original constitutions.

It is clear that the emphasis on population as the basis for representation is rooted deeply in our American philosophy of representative government. In many States, though, including Ohio, the original constitutional provisions were altered in order to preserve the legislative control by areas of declining population regardless of subsequent shifts of population. I firmly believe that votes should be cast by persons on an equal basis. I was born and reared in a rural community—Puckerbrush Township in Huron County, Ohio. Huron County is strictly a rural county with a population of approximately 47,000.

I know from living in a rural area of Ohio, and from having lived in urban areas of my State, that citizens of our city will not make a single argument or vengefully in legislative matters.

Equal representation for all citizens without discrimination cannot be dangerous, despite the view of those who are opposed to this. On what basis, for example, are citizens of Franklin County or Cuyahoga County, or Hamilton County, the three largest counties in Ohio, to be assigned intellectually or morally inferior to citizens of Union or Vinton Counties, two of our smaller counties?

Mr. President, adherence to the decisions of the Supreme Court must not be based on the whims and fancies of a few politicians in a few local lives. The courage and wisdom of the Supreme Court has changed the system under which millions of Americans have been deprived of equal representation for so long a time. The Dirksen amendment is an attempt to circumvent the Supreme Court. It is designed to protect vested political interests rather than correct the imbalance of power in legislatively chambers.

It is true that the proposal provides for the submission of reapportionment plans to a vote of the people and approval for a majority of those voting. Presumably, the reapportionment referendum, under which power would be apportioned on factors other than population.

Should this amendment be approved by both houses of the Congress and ratified by the legislatures of those States which have not been reapportioned, and which are malapportioned, immediately to present a plan to the voters for apportionment of one house on bases other than population. The referendums themselves would be prepared by malapportioned legislatures.

Mr. President, every amendment to our Constitution has extended in one way or another the rights and privileges of all citizens. If the Dirksen amendment should be passed through both branches of Congress, there is real fear that three-fourths of the legislatures would ratify what would be the first amendment to the Constitution to reduce and minimize the peoples' liberties rather than guarantee and expand them.

The proposal is full of ambiguities and uncertainties. It is dubious of principle and dubious in practice. Its provisions are blazed in favor of those who will benefit most from its ratification and who will be the ones to judge it. It is supported, not by facts and experience, but by rationalizations and by uncertainties, even fear. A constitutional amendment that constitutes a backward step in our Nation's history is too important to be based upon such a proposal.

I urge deliberate consideration of all its aspects and I believe that when we have finished our examination it will be resoundingly defeated, a consequence which it well merits.

Mr. DOUGLAS, Mr. President, I should like to yield to time to the distinguished Senator from Massachusetts (Mr. Kennedy). He is not on the floor at the moment but we expect him very shortly.

Mr. President, I was greatly interested in the address by our very good friend and beloved colleague, the senior Senator from Maine [Mr. SMITH], who seemed to imply, even though she did not directly state, that there was involved in this question the abolition of equal representation in the States in the United States Senate.

A spurious map has been circulated from an unknown origin and is on the desks of Senators, indicating what the representation in the Senate would be if there were represented in this body according to population.

All Senators understand, even though not all citizens understand, that the feature of the Constitution which calls for each State to be represented in the Senate by two Senators is the one feature of the Constitution which cannot be amended.

We have only to turn to article V of the Constitution, which deals with the process of America, to see that this is so. Article V states in part: "Provided, that, no State, without its consent, shall be deprived of its equal suffrage in the Senate."

This is the one feature of the Constitution which cannot be amended. Therefore, the implication that equal representation in the Senate would be eliminated if we were to defeat the Dirksen amendment is highly fantastic and fantastic. Like the flowers that bloom in the spring, it has nothing to do with the case.

Mr. President, I yield 5 minutes to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. CLARK. Mr. President, I am grateful to my friend the Senator from Ohio [Mr. DOUGLAS] for this time. I note that there are a good many more of my friends in the press gallery than are usually there when I address the Senate.

As I add on the floor of the Senate a couple of days ago, I believe that a very important procedural question is raised by the pending amendment.

I believe that we should face up to that procedural question before we determine whether we want to take the step. We have a procedural question before us, which have not been raised by the pending amendment to the Constitution of the United States. This is the procedural question: Does not the action of attempting to engraft on an innocent little joint resolution dealing with American Legion baseball, an important, and, indeed, critical amendment to the Constitution of the United States, tend to bring the Senate of the United States into disrepute throughout the country, if not indeed throughout the world? I believe that it does.

I should hope that a number of my colleagues would agree, and that, purely on the procedural question, we shall get a good strong vote against the pending amendment.

I believe that I am correct in saying that there is no other legislative body in the free civilized world which would permit amendment of a joint resolution to be offered on the floor of a legislative body. It could never be done in the House of Representatives. I know of no State legislature whose procedural rules are so loose that it could be done there. However, we have fallen into a bad habit on...
both sides of the aisle, among all degrees of political philosophy in this body, in utilizing this utterly illogical and ridiculous procedure. We did it in the case of the Stella School District when we passed an earlier civil rights bill.

I rise, today, however, to underline a particular aspect of the Dirksen proposal—a defect which should be cause for concern to all of us here who are involved in the continuing fight to obtain full and complete citizenship for our Negro citizens.

It is cause for concern because, if adopted, the Dirksen amendment would, in my judgment, permit the enactment of State legislative apportionment plans which would create and cetain Southern States and in many of our Southern States in some areas of our country, the motivation for racial malapportionment still exists. It existed in the past when malapportionment was permitted. The Civil Rights Commission 1961 voting study found a close correlation between malapportionment and racial discrimination.

There is no reason to suppose that this motivation does not still persist in certain areas. an opportunity is there. Until the Voting Rights Act of 1965 has worked its beneficial effects, the electorate passing on apportionment plans, as provided for in the Dirksen amendment, would in some States, because of past racial discrimination, be able to apportion the power and the opportunity to make race a factor in such plans.

As the testimony before the subcommittee made plain, disciplinary plans to nullify or dilute the Negro vote can be achieved by apportionment based upon factors of geography or political subdivision—factors which the Dirksen amendment makes explicitly permissible. As Burke Marshall pointed out in his testimony before the subcommittee, apportionment on the basis of geography or political subdivision, because of the increasing movement of Negroes into urban areas can be an effective means of effectuating racial discrimination and depriving Negroes of political voice in the South, because of the high concentration of Negroes in certain counties, it would be a simple matter to achieve racially discriminatory results by the application of these factors.

The Civil Rights Commission, in its report to the committee expressed their belief that the proposed amendment could easily lead to racial discrimination. I have some of these remarks of Burke Marshall's concern has been indicated earlier in my remarks. He summarized his position in the statement that amendment, or any similar thing which would be designed to frustrate the principle that our representation in Congress should be based on a one-man, one-vote philosophy.

Bernard Kleinman, a Chicago attorney, testified to apportionment abuses in Illinois, and in testimony, pointed out that enactment of the amendment would mean that negroes in Illinois Senate has been diluted to the extent of perhaps one-twentieth of his rightfule share. He expressed the irony of the current amendment in clear terms.

"There is simply no way that the proposal before this subcommittee can be reconciled with the civil rights legislation that the vast majority of the Members of this Congress and the citizens of the Nation support." The New York City Bar Association offered its support for the proposal, but the amendment might "... invite attempts at districting based on racial criteria or arbitrary criteria having racial or other discriminatory overtones. It is not enough to state a simple matter to achieve racially discriminatory results by the application of these factors. Burke Marshall's concern has been indicated earlier in my remarks. He summarized his position in the statement that amendment, or any similar thing which would be designed to frustrate the principle that our representation in Congress should be based on a one-man, one-vote philosophy. Bernhard Kleinman, a Chicago attorney, testified to apportionment abuses in Illinois, and in testimony, pointed out that enactment of the amendment would mean that negroes in Illinois Senate has been diluted to the extent of perhaps one-twentieth of his rightfule share. He expressed the irony of the current amendment in clear terms.

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apportion or district on the basis of arbitrary or discriminatory criteria.

"We are involved in this country at this time in a great struggle to make certain that every individual of race or color, has the right to vote ** ** ** merely because of his interest in first amendment freedoms and minority groups' rights was concerned by the lack of adequate safeguards against discrimination:

"The apportionment issue was presented by Robert McKay, associate dean, School of Law, New York University. He stated that the ACLU contends that it is enough merely to guarantee that every person has the right to exercise his franchise, because of its interest in first amendment freedoms and minority groups' rights was concerned by the lack of adequate safeguards against discrimination:

"Mr. President, I want to say ** ** ** that this is the question as to whether it would be possible under these proposals granted judicial review to discriminate against racial, religious or ethnic groups, and my answer then was it would be possible under these proposals granted to our Negro citizens.

"We, here in the Senate, in this very session, have sought through the Voting Rights Act of 1965 to make this fundamental guarantee a living reality for our Negro citizens. Would it not be a mockery if the same Congress which adopted this Voting Rights Act of 1965 approved and presented to the States a constitutional amendment which would permit the votes of some of our citizens to count for more than the votes of others is potentially just such a device.

"The decision in Reynolds against Sims is only 1 year old. No one can yet say that this decision will do harm to any State's system of government. Certainly, there is no evidence as yet that any harm has been done.

"Quite the contrary, there is ample evidence that since our States are apportioned on the basis of one man, one vote, our State governments will be able to play a more responsible role in our governmental structure, for the benefit of all our citizens.

"Mr. President, it is for these reasons that I believe that the right to vote ** ** ** merely because of his interest in first amendment freedoms and minority groups' rights was concerned by the lack of adequate safeguards against discrimination:

"Mr. President, the State of Massachusetts has had an admirable record on the question of State legislative apportionment. In recognizing the problem and achieving a solution, Massachusetts struggled with some of the same issues with which we are confronted today.

"As early as 1835, Massachusetts was the first Colony to establish population as a basis of representation in its colonial legislature. At that time, the fundamental plan in all the Colonies was that each town should be represented. Massachusetts continued this tradition by establishing a system whereby larger towns had more representatives, and this principle was retained when the Colonies achieved independence as the United States.

"But the fight for a better system of truly equal representation continued. In 1775, the Massachusetts Legislature declared that every town had a right to be represented, thus causing a steady growth in the number of legislators. Dissatisfaction with this scheme led to much agitation for reform, culminating in a 1776 statute giving 3 members of the legislature to each town with 220 freeholders, with 1 more for each additional hundred.

"Even this compromise system—based on both population and town representation—was criticized by many. And in 1776, the county of Essex adopted a resolution pointing out that:

"The rights of representation should be so equal and impartially distributed that the representatives should have the same views and interests of the people at large.

"Let these representatives be apportioned among the respective counties, in proportion to their number of freemen.

"This compromise system prevailed into the next century, assuring at least one representative to every existing town, no matter how small. Then in 1835, the Constitution was changed to provide, in effect, that the small towns were to be unrepresented in the legislature in some years.

"The struggle for complete equality of representation continued. Charles Francis Adams made an eloquent argument—appropriate then and appropriate today—for such equality. He said:

"I maintain that the moment a majority in a republic assumes to draw a distinction with the intent that certain men shall be enabled to enjoy twice or thrice the amount of political power which an equal number of other men are to possess, that is the house when tyranny begins.

"Finally, in 1857, this popular sentiment prevailed and a district system, based as nearly as practicable on numerical equality, was put into effect. Numerical equality is defined in terms of "legal voters." The system has continued, and equal representation has prevailed, from 1835 down to the present.

"Results have been excellent. As of July 1, 1965, the States re-apportioned their legislatures in response to Baker against Carr, there were only eight States where the minimum percentage of population needed to elect a legislator was 45 percent or over. Massachusetts is one of these eight States.

"As the figures indicate, Massachusetts long has stood for the principle of equal representation in the State legislature. I am proud of the record my State has in this area.

"Moreover, there can be no doubt that Massachusetts stands now on the question of a constitutional amendment. A constitutional amendment is needed to call a constitutional convention to pass a constitutional amendment permitting apportionment of State legislatures on factors other than population.

"Mr. DOUGLAS. Mr. President, I yield 10 minutes to the Senator from Indiana [Mr. BAYH].

The PRESIDING OFFICER. The Senator from Indiana is recognized for 10 minutes.

Mr. BAYH. Mr. President, I thank my colleague, the senior Senator from Illinois, for yielding me some of his allotted time on this matter. I have no particular point of view as to the, matter. I have no particular point of view as to the, matter.

At the outset of the hearing it became rather apparent that we were confronted with two seemingly diametrically opposed points of view. One was that it should be a one-man, one-vote legislative apportionment, while the other was that this was completely wrong.

I read some editorials in certain publications which stated that, although there was nothing wrong about majority rule, it should be made to breach this seemingly unbreachable obstacle.

From the very outset it appeared that the matter of legislative apportionment was really a State problem; that if the State legislative bodies were to fulfill their constitutional responsibilities they would, on their own initiative, apportion their legislatures. There are several instances in which the legislative body as composed continued for an extended period of time without change. The case in which the Supreme Court ruled in favor of reapportionment for 70 years. There have been many instances in which the legislative bodies refused to reapportion, not in violation of the Supreme Court's decision, because it had not yet been laid down,
but, rather, in violation of the State’s own constitution.

Indiana was one of the better apportioned legislative bodies, yet it went for 40 years without apportionment in violation of its own State constitution. Some of the results were difficult to rationalize, especially when a particular State has 8 percent of its citizens concentrated in the house of the legislative body. There are similar States in which a small minority has a stranglehold on a legislature.

A study of this problem discloses that the only practical alternative—in fact, the only possible alternative, because the legislatures themselves have refused to apportion—was for the Supreme Court to protect the rights of the individual in the given States—and that is what it did.

After the hearings, I thought I had glimpsed a way to bridge the gap which existed between these two diametrically opposed philosophies. I hoped that we would be able to amend the Constitution, first the State geographically and then the legislative districts, to determine for themselves, in light of certain circumstances which existed in individual States, the way in which they wished to apportion.

The purpose of apportionment is the kind of representation each citizen receives. In the subcommittee hearings, it was made abundantly clear—at least, to me—that a citizen living in the downtown metropolitan area of Denver, for example, would have better access to his legislator, and his legislator would have better access to him, than would be the case with a similar group or a similar number of citizens in the State of Colorado spread out all over the Rocky Mountains.

I firmly believe that we need to give a certain amount of leeway to citizens who live in terrain which is difficult to reach, and in some cases almost impossible to reach, as in Colorado.

It is my understanding that in certain parts of Colorado, particularly in its western sector, many of its citizens cannot be reached by television stations in their own State, and they have to tune in to television stations operating in the State of Utah.

Therefore, I believe that we should consider giving those citizens some leeway.

At the same time, I was determined that we should have certain basic safeguards, and I therefore suggested that these factors should not be left open, but should be enumerated. I believe that political subdivision factors as well as population should be considered, and that there should be periodic review by the people and that the Court must have the power to review overall legislative apportionment schemes.

The distinguished junior Senator from Illinois (Mr. Diskin) has gone out of his way to accept these three particular proposals made by me and other Senators, and I hope that now before us is much improved and is a much safer measure.

Still, in one sense, it lacks what I believe to be the most important requirement of all; namely, that although each State should be permitted adequate leeway, they should all start from the same point. Some States have apportioned. They have gone through the rigors of every constitutional amendment in the Supreme Court. There are other States which are doing everything humanly possible to keep from having to reapportion.

If we are to talk about equality of representation, let us treat each State equally. Let us insert in the so-called Dirksen amendment, which we are now considering, the requirement that each State, before it can deviate from the one-man, one-vote rule, must first reapportion itself.

I have discussed this question at some length with my friend the Senator from Illinois, and I am persuaded that he and the great bulk of his followers are convinced that they should not support it.

I have also talked with Senators who feel that there should be no amendment whatsoever.

Therefore, at long last, with some reluctance, we decided not to take the time of the Senate which would be necessary to have a prolonged debate and a yeas and nay vote on the amendment; but I am still convinced that if we permitted any starting point, then gave each State some leeway to consider these other factors to apply its apportionment scheme to the State in question as it thought best, we would then come closer to any plan I have seen to accommodate the opposing philosophies.

Mr. President, I should like to make one final argument, and ask the Senator from Illinois one last time.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. DOUGLAS. The President, I yield 2 additional minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 2 additional minutes.

Mr. BAYH. Mr. President, let us remember that if we are successful in ratifying the measure which is known as Senate Joint Resolution 1, and it becomes part of the Constitution, Senator Dirksen’s proposal would be the 26th time in the history of the country that this great document had been changed.

I do not need to tell any Senator of the severity and seriousness of such a move; yet, I am extremely alarmed over the fact that we should seek to impose a constitutional amendment of the complexity of the one proposed by the Senator from Illinois. It would change the structure of our Government and therefore the Federal Government.

Quite frankly, this question was discussed two or three times in the subcommittee, but it was never discussed in detail, or in depth, by the parent Judiciary Committee.

I make this plea, because of the recent experience that we had in advancing the last constitutional amendment, Senate Joint Resolution 1, through the Senate. We thought that it could be changed overnight. We are talking about amending the Constitution.

I remember when the Judiciary Committee had hammered out what it thought was the best possible solution. The Senator from Connecticut, the Senator from Arkansas and the Senator from Illinois were present.

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. DOUGLAS. Mr. President, I yield 2 more minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 2 additional minutes.

Mr. BAYH. Mr. President, the Senators, and other members of that committee, made significant contributions that made it a better constitutional amendment than it was when it was first introduced and reported by the subcommittee.

Mr. President, on the floor of the Senate we argued for 2 hours over whether “either/or” would change the structure of the constitutional amendment. Frankly, I believe that we gained much from that additional debate. I see the smiling countenance of the Senator from Maryland who was my great right arm in that other body. I thought that we ought to eliminate the small imperfections from the proposed constitutional amendment, I know he realizes the value of those discussions.

I have listened with great interest to the debate—and I have heard some extremely flowery and factual oratory—much better than the oratory that I am now displaying—but as yet there is no line-by-line, period-by-period, sentence-by-sentence, discussion of this matter that can take place only in a committee.

There have been great statements of policy, as to the course to be followed, but we have not yet had a specific point-by-point discussion of this problem, as is the product of committee work.

I hope, after the fire has died out and the smoke has blown away, that the Senator from Illinois will let us consider this problem in the great depth with the subject deserts it.

It seems to me that it should not be necessary for a freshman Senator to speak of the importance of the committee system in a legislative body.

We are violating it, to the detriment of the entire country.

The PRESIDING OFFICER. The time of the Senate has expired.

Mr. DOUGLAS. Mr. President, I yield 9 minutes to the Senator from Connecticut.

Mr. DODD. Mr. President, the U.S. Constitution stands as the most brilliant and effective charter of government in the history of the human race.

In 176 years of American freedom, the American people have amended the Constitution only 14 times since the first 10 amendments were added in 1791.

We have been hesitant to tamper with this magnificent plan of government, even in times of national crisis and public outcry.

The Founding Fathers recognized that times of public discontent might require constitutional revision. But they provided a difficult, long, and orderly process for amendment so that discontent could not easily be translated into the potential disaster of hasty constitutional change.
Those wise men who created our plan of government prudently provided that the Constitution could be amended only by a two-thirds vote of the Congress followed by a ratification by a full three-fourths of the States.

If we keep faith with the Founding Fathers and if we accept the lessons of our history, we will not amend the Constitution under pressure, in haste, or without taking a very long, thoughtful look at the conditions we seek to change.

Yet today we are asked to vote on a proposal for constitutional revision which has not been subjected to the time-proven tests of legislative prudence, as the Senator from Indiana has pointed out.

 Barely 12 months after the Supreme Court's decision that each citizen must be given to legislation as vital as a constitutional amendment.

No one has pointed to any evils which may flow from that decision.

No more than half the States have even been reapportioned under it. And only a handful of reapportioned legislatures have met.

Furthermore, as the Senator from Indiana has said, the amendment we are asked to consider has been brought to the floor without the normal consideration given to legislation as vital as a constitutional amendment.

Although one version of the proposed amendment was voted upon in the subcommittee, the form of the amendment we are asked to vote upon today has been barely considered and has never been voted upon in any Senate committee or subcommittee.

We have no committee or subcommittee reports from either House of Congress to point out its strengths and weaknesses.

Under these circumstances, I cannot support this amendment.

In fact, in the light of serious defects in the amendment, I must vote against it.

Yet no Senator has been more concerned with the problems of fair State legislative apportionment.

And there has been plenty of cause for concern.

For decades, the legislature of practically every State has been grossly malapportioned.

The majority of State legislatures, some in flagrant violation of their own State constitutions, refused to reapportion themselves to reflect the radical shifts in population which have occurred in nearly every State since the 19th century.

Prior to the Court's decision in the reapportionment cases, the legislatures in more than half the States could be controlled by fewer than two-fifths of a State's population.

In one of our States, less than 15 percent of the population could control both houses of the State legislature.

In fact, for many years in my own State of Vermont, we had a population ratio between the most populous State legislative district and the least populous was 427 to 1. The 382 people of one small town in my State could elect as many representatives as the 162,176 people of the largest city in the State.

This failure on the part of most States to fairly apportion themselves violates the tradition of American State government.

The people of this Nation revolted against their mother country under the banner of "no taxation without representation." The original constitutions of 36 States embodied that revolutionary principle of fair representation by providing for legislative apportionment based completely, or substantially so, on population.

What happened to change this predominant pattern of equality of representation in State legislatures?

What created the grotesque and unfair pattern of unequal representation which prevailed among the States at the time of the Supreme Court's decisions on reapportionment?

The answer is simple.

Between 1800 and 1960 the population of this Nation shifted from 70 percent rural and 30 percent urban to 50 percent rural and 70 percent urban.

During those 70 years, most of the people who lived in many of the rural legislative districts created during the 19th century moved to the cities.

But the apportionment of State legislatures stood still, frozen in the 19th-century pattern.

The malapportionment which resulted from the massive urban migration of the last seven decades destroyed the principle of majority rule in State governments.

At least 30 of the 99 State legislative houses in the United States in 1961 could be elected and controlled by less than 40 percent of a State's people. At least 52 of those houses could be controlled by less than 35 percent of the population.

By violating the principles of fair representation and majority rule which underlie our entire system of government, malapportionment has ripped the fabric of our Federal system.

It has paralyzed State legislatures in the face of problems.

Time after time State legislatures apportioned on a 19th-century census have proved unwilling or unable to cope with the problems of 20th-century life.

Time after time the people of the States, clustered increasingly in underrepresented urban centers, have had to turn to Washington for the answers to urgent State problems in such areas as health, transportation, urban planning, education, and conservation.

And Washington has answered these demands for essential action which the States, paralyzed by apportionment systems based on the population patterns and problems of the past, have been unwilling or unable to solve.

I cannot support any constitutional amendment which would permit continuation of the gross malapportionment which has imperiled our Federal system.

I would let people vote on this matter.

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The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. BROKENHOUR, Mr. President, I have some remarks in support of the Dirksen amendment. Complementary to what other Senators have said in support of the Dirksen amendment, it seems to me that this amendment would offer not only an opportunity to implement the basic political principles of self-determination which lie at the heart of our constitutional system but, in the last analysis, it would leave to the States themselves the decision as to whether or not the second house of a legislature is to be based substantially on population.

That would leave the question for the States to determine. If the States desire to have both houses on a population basis, they can have that under the Dirksen amendment.

The amendment would not alter that right at all, and it would preserve the right of self-determination to the people of a State.

In this judgment there is no more serious hour in this body than when we are called upon to address ourselves to the basic nature of our Republic. I want to speak on that subject today, in support of the proposed constitutional amendment that we are discussing, and to present the heritage of self-determination within the States of the Nation.

I use the term "preserve" advisedly in this context, because in these days of enormous change and reform and expansion of government any appeal to traditional values or procedures often is suspect on its face, without regard to the basic issues involved.

But the proposal offered by the Senator from Illinois, (Mr. Dirksen), and others, can scarcely be called an appeal to tradition or a suggested return to the status quo of our political life.

Instead, it is a hinge which will permit us to open the door to future apportionment of our State legislative districts, without closing the door either on the Supreme Court decisions in this regard or on the political heritage under which this Nation was formed and on our unprecedented history of achievements.

One fundamental principle which has remained unchanged throughout all of that history is the Federal system and the principle of self-determination for the American people. It was basic to the Founding Fathers in their break from Great Britain, it was basic to the establishment of each of the States, and it is basic today at every level of government. It would be more appropriate to undertake Federal apportionment of city council districts throughout the country than we would attempt to legislate a monarchy. Self-determination is an unproven and fundamental in our country.

We trust the people and we derive our powers from them. Theoretically, at least, the people—as citizens, as voters—retain all those powers which are not specifically surrendered to the States or to the Federal Government.

It is now our obligation, in the Congress, and in the State legislatures themselves, to protect those powers. It is now our responsibility, beginning where the Court left off, to make certain that no man's vote is reduced to a meaningless exercise. It is our duty to create effective protection against abuse of the citizen by certain political interests which would use the Court decisions for self-seeking agrandizement through minority rule.

This the so-called Dirksen amendment is prepared to do. By the simple means of permitting the voters of the States to determine the composition of the city councils, as well as the apportionment of the State legislatures, in this country it would be one of the fundamental principles that lies at the heart of our constitutional system—by simply spelling out their continued right of self-determination, and always against an alternative proposal based solely upon political precepts. That would provide periodic opportunities for them to decide whether to apportion one house on factors other than population alone.

Significantly, the opposition to continuing this right of the people is not based substantially on constitutional or legal grounds. We are under no Supreme Court injunction to refrain from acting on this issue. The opposition is based almost solely on political precepts.

Those who see the greatest immediate gain at the polls through the so-called one-man, one-vote concept are those who would take the revolutionary step today of denying American voters a voice in the making of the laws for their States. Others of us who see an inherent danger to constitutional government in the concept of minority rule are convinced that this amendment is an essential bridge between the past and the future.

The opponents of this proposed safeguard by and large never addressed themselves to this subject prior to the Supreme Court decisions. Yet today these same opponents are constantly criticizing the histories of so-called malapportioned State legislatures, as though the progress of our States throughout all the decades past were to be measured against this standard of apportionment instead of the realities of history.

I reject this criticism completely. I do not believe the histories of our States need apologies, any more than I question the capacities of the voters of any State to determine their own self-government.

My own State of Iowa has a State legislature which some of my distinguished colleagues would define as "malapportioned." But the record of that legislature and the record of that great State are sources of tremendous pride to the people of Iowa and to me.

This malapportioned legislative house of ours has created such an outstanding record that Iowa has the highest literacy rate in the United States.

This malapportioned legislature has created three great universities whose academic records are acknowledged throughout the Nation and the world— Iowa State University, Iowa State College, and the State University of Iowa.

This malapportioned legislature has developed the Home Economics School at Ames into a model of its kind not only for the Midwest but for the world.

This malapportioned legislature has given the State of Iowa one of the finest highway systems in the Midwest, with an outstanding ancillary road system to move the products of our farms to the markets of America.

And this great malapportioned legislature has created, maintained, and expanded a magnificent public health system, operating efficiently and effectively under the self-help concept of the Kerr-Mills bill.

And so, to my distinguished colleagues in opposition to this amendment, I would counsel: Look to the States and you will see that "malapportioned" legislatures are responsive to the needs of the people. They have balance. They have cross sections of interest—economic, geographic, legal, ethnic, political.

They are not weighted solely by a standard of numbers; they are not weighted to favor a small-city vote, as you would restrict them to do. They are balanced, and their balance is their formula for progress.

Iowa certainly is not alone in this regard. The great State of California is another obvious case in point. Many of my distinguished colleagues argue that California's State senate is the most malapportioned in the Nation.

Yet, as the No. 1 farm State in the country, Iowa welcomes the opportunity to acknowledge that California is the No. 1 income-producing farm State in America, and that its great agricultural industries have been enormously from the enlightened farm legislation coming from its "malapportioned" legislature.

I call the Senators' attention to the fact that California also has an enlightened FEPC program, one of the Nation's best highways, most progressive schools, beneficial welfare programs, forward-looking labor legislation, and more protective programs for the aged, to name but a few of the achievements in which its "malapportioned" senate may claim partnership.

So I would suggest to my distinguished colleagues that they are in error if they assume that a senator elected on a basis of one-person, one-vote is a vote in the interests of his entire State that is cast by one who is elected on a basis of population alone.

And yet there are, I admit, certain services in my State, at least, which the government and the people of Iowa do not provide. But I am not aware and I have two reasons why this is so.

First, the people of Iowa traditionally reject bond issues. Generally speaking, they will not commit themselves to long-term, interest-paying obligations. In the last 10 years, the State of Iowa has passed one bond issue—$36 million for Korean war veterans; and one in 1948 for World War II veterans. The State treasurer says that it would take 3 weeks to determine the number that had been rejected.

Second, they have placed debt ceilings and tax-rate limits directly in their State constitution so that neither State nor local debts, nor State or local taxes, could become oppressively great.

The other side has refused to increase either ceiling.

Now I presume my colleagues would say that my people have refused to increase their debt or tax ceilings not because of an overriding sense of frugality or prudence or fiscal responsibility, but
because allegedly they know they can get the same services they deny themselves by asking Washington for them, since the cost from that source simply would be added to the national debt for their grandchildren.

This is the common assumption, or at least the common claim, of those opposed to this amendment—that malapportioned State legislatures are a failure, and therefore their people are forced to turn to a burgeoning Federal Government if their needs are to be met.

But this allegation I also reject categorically. Has a single Senator from a single State with a one-man, one-vote legislature repeatedly turned his State from Federal programs, on the grounds that his legislature is now so efficient and effective and perfectly representative that his people no longer need turn to Washington for redress of their needs?

Of course the answer is "No." And it will always be no.

For the Senators know this is not a valid excuse for the growth of the Federal Government. More than a hundred years ago De Tocqueville foresaw the dangers of government which would seek to keep men in perpetual childhood with minimal need to act and think on their own.

Today, that danger is being realized in reality. The Federal Government has become massive, and the States have had their capacity to serve diminished by those who are sowing tax money in every possible field to harvest votes. The aggrandizement of Government is continued, to the accompanied weakening of individual will, by those who would build power by promising solutions to all problems.

It is not the weakness of the States that has fed the growth of the Federal Government. Instead, it is the growth of the Federal Government that has weakened the States.

They could be weakened further—and they could be weakened fatally, to the everlasting detriment of our country—if this apportionment amendment is not passed and ratified. For without this amendment, State legislatures could be reduced to the status of committees for city councils in the largest cities of the States.

I ask you, Mr. President, to consider carefully the political consequences which would concern us all, if the substance of this proposed amendment is not written into the Constitution of the United States.

Each of us is here as a product of the political system of free choice which we hold so dear in this Nation. We have competed fairly—and as Senators we have won on a one-man, one-vote basis only insofar as our own electorates are concerned, while our respective electorates are weighted so vastly different one from another.

This is one of the reasons Congress is repeating States of widely diverse interests, such as my own where there is a healthy economic balance between agriculture and industry. If a State of the Pacific coast had a healthy economic balance between rural and urban voters, believe we are accountable to the whole and must serve the whole, rather than any favored segment or powerful fraction of it.

Now if this system of free choice is denied the States—if the right which was theirs until 2 years ago is permanently taken away from them, and the consequences to the States themselves, to the Nation, and to us?

Considering the States first, we know of course the defeat of this proposed amendment would insure urban domination of both houses of the State legislatures apportioned strictly on a popular basis. Simply, for example, New York City would dominate the New York State Legislature, leaving the upstate areas powerless, still more those of western New York permanently almost powerless. The pattern, if not the geography, would be the same in Chicago's domination of Illinois, or Los Angeles' domination of California, or a score of other cities dominating a score of other States.

In response to those arguments that this would assure justified political representation to millions of urban voters, I reply that it would also deny a voice in the management of State affairs to millions of additional citizens and voters outside the largest urban areas—and to deny anyone an effective franchise cannot be justified.

And even if we proposed to justify it—even if we turned our backs now on the right of every citizen to cast a meaningful vote, after ourselves voting in two successive Congresses to preserve and protect minority rights—even if we ignored the moral aspects of wrongly saying, "We will permit by default the concentration of political power in the hands of a few"—we would still be committing an error in political judgment unworthy of any Senator who has earned election to this Chamber.

Let us look at the inevitable process. A generation ago this Nation was dominated by the consequences of urban domination of certain States. There was incredible abuse of the democratic process by those self-perpetuating political machines in which political power was looked upon as private property rather than as a public trust. The public business was conducted more by coercion than by consent.

Fortunately, in the never-ending process of perfecting and maturing our government, the day that self-defined dictatorship is now virtually past. The political trusts have been broken. Government of the overwhelming majority of our cities is responsive to the wills of the people, and the governments of our States are responsive to the electorate, rather than to the bosses of the cities.

Yet suddenly we stand on the brink of reversing that progress. If we permit the major cities to control the major issues of the country without their representation being subjected to the checks and balances which are traditional to the success of our country's political system, then inevitably we will invite the creation of new political machines which are a menace to the political life of the Nation.

Without question the great masses of population now swelling our cities deserve adjustment in their representation. This proposed amendment permits that adjustment, not just once but periodically, regularly, and subject to their own approval.

Yet, if that adjustment is levied arbitrarily against the will of the people, that adjustment has been at the behest of a State's population, then we shall be permitting great masses of voters, in the words of Raymond Moley, "to work their will and promote their interests with a check or restraint."

In a compelling form for the 14 issues of Newsweek, Mr. Moley said:

"The suggestion of the necessity of countervailing forces to assure deliberation of debates and legislative calm these days may be exaggerations brought about by the desire for change. But sober reflections on the motives and habits of the people in the mass must tell us of the need for balance."

When power is given without limitation to the people in the mass, they do not make their decisions by individual and rational choice. They move as a unit, dominated by their social and economic environment—and their leaders.

Mr. Moley continued by saying that in the industrial centers today the principal leaders are the political bosses and the labor leaders.

For more than a century these urban areas were boss controlled. Some still are. But as Federal welfare grew after the middle of the 1930's, the bosses became mere procurers under the Federal Government which had unlimited funds to supplant the machine's treasury. This, it seemed, meant the twain—Henry Clay, the bosses and the politicians—would forever be in conflict, as in the case of Othello, they found their occupation gone.

But Mr. Moley went on to point out that reapportionment will throw control of the legislatures back to the city machines. It will mark a revival of the old order. It will restore concentrated power without checks or restraints, for in many States the urban organizations will dominate the State capitals.

And through control of the legislatures, legislative majorities-machine-tgood in the States will next redraw congressional districts to perpetrate in the House of Representatives a concentration of such enormous power that the Representatives of no more than six cities in this Nation could control the fate of the legislation of the country.

To those of us in this body, that prospect must be a compelling consideration today—for if the day ever arrives when half a dozen city machines control the power of the House, then Senators we will be forced to prove that it cannot happen here. As realists, as products of the elective system, we know that those of us from States which do not have one of the 16 or 12 largest cities could very well be reduced to a political voice equal to the silenced millions outside the major cities who would have no voice in their State governments. Those others who do come from those States with those cities under those bosses would, I know, sense the political peril of a free thought in this deliberative body if and when it should be in conflict with the will of those few lords of the cities.

Mr. President, I am not at all afraid of the change we are facing. It is our opportunity now to prevent it from happening. We may never have this chance again.
I find the position of the opponents very inconsistent. In effect, they say that they want the people to be in control of the second house of a bicameral legislature. At the same time, they are unwilling to let the people decide that question. Why is it that they either trust the people or they don't trust them. If they trust the people, they should have no difficulty in supporting the Dirksen amendment.

Futhermore, so that the plan for apportioning the second house is not locked in forevermore, and to enable the people to review the situation at reasonable intervals, the Dirksen amendment requires that the people vote to approve the plan. It is the people who have lived in the consequences I have foreseen here today, or even a modification of those ill-effects, the American people of years to come who inherit this political legacy will be left to this hour in 1965 and say, that was the day when our franchise was betrayed.

But if this Congress submits this amendment to the States for ratification—and more than half the States already have indicated their profound disapproval of it—I fear that the consequences have been the Congress that I revile.

There are some sincere individuals who believe that the one-man, one-vote doctrine should apply to both houses of a State legislature. Insofar as the Dirksen amendment would require that doctrine to be applied to one house of a bicameral legislature, there would be no argument.

The argument turns on the composition of the second house of a bicameral legislature. To those who believe the second house should also be based strictly on population—on the one-man, one-vote principle, I think the argument boils down to this:

The opponents of the Dirksen amendment wish to have the principle apply to the second house only, regardless of the wishes and the needs of the people of a State.

The proponents of the Dirksen amendment wish to have the principle apply to the second house only if a majority of the people of a State, in a general referendum, wish to have it apply.

I urge you to reaffirm this freedom as one that is just as inalienable as the personal choice of religion, or a place to live, or a newspaper to read. If we fall to the tyranny of a minority, we will look back on that day and say, that was the day when our franchise was betrayed.

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In conclusion, let me say to rest another fallacy. There are some who suggest that the one-man, one-vote principle is basic—just like the right to free speech. It is not so. The right to free speech exists at the Federal, State, and local levels—but not at the Federal level. The one-man, one-vote principle exists only at the State and local levels—not at the Federal level. It is not a true, fundamental right, or it would exist at the Federal level too.

Mr. DOUGLAS. In view of the time situation I suggest that my friend and colleague [Mr. DIREKSEN] use some of his time, and we shall use some of our time, but of course, we shall permit him to close the debate.

Mr. DOUGLAS. I thank my colleague. Mr. DIRKSEN. I believe the country has taken note of the issue. I have talked with some who have been through various regions of the country, making observations, both political and otherwise. But I do not believe, nor do I think this issue is not fundamental, or that the people are not taking account of it.

Let no one for a moment get the idea that this is the end, if perchance we should not prevail. I stated to the Senate before that I play for keeps. I made that statement to a distinguished visitor in the person of Mr. George Meany, the president of the AFL-CIO, and one of his assistants, who came to see me this morning.

I said that I should use every weapon in the arsenal, and I intend to do so from now on. There will be no hiatus in this effort because I esteem it of such importance to the country. If I get nothing else, I hope I can make some telling marks in the interest of this proposal for the well-being of our people.

I have been lampooned; I have been cartooned. A local cartoonist likes to cast me as the character of Red Skelton, who happens to be a friend of mine, but the cartoonist always depicts Red as a hobo with my name on the figure. I do not mind.

There have been editorials and there have been particles from one end of the country to the other. I believe it is now time to pull the elements of the question together and see where we are.

The genesis of this struggle was the Tennessee case of Baker against Carr. The Court said that it was a justiciable issue. But one of the interesting things about that case was the dissenting opinion of a great Associate Justice, Felix Frankfurter. He wrote that the Court was getting itself into a political thicket. I have seldom read a better or more classical dissenting opinion than that. Mr. Justice Frankfurter shared with Mr. Justice Harlan the sentiment with respect to the authority and the competence of the Court to intrude itself into this domain and undertake to become an amending power of the Constitution. That is a power that is exclusively and carefully saved for the Congress of the United States or for the people when they initiate amendments by petition for the holding of a convention.

There have been other cases. Then came the case from Alabama, of Reynolds against Sims. Interestingly enough, that happened on the 15th of June, 1964, only 14 months ago. There was in that case that Justice Harlan, after doing a great amount of research work, finally wrote what I regard as a classical dissent that will go down in history. I make this statement in all kindness, but I do not believe their homework as Justice Harlan did—and examined all the debates on the 14th amendment, both in the House of Representatives and in the Senate—to make sure he was on solid ground.

Thereafter, of course, the first action came in the House of Representatives, where there were introduced a great number of bills. One bill in particular was introduced by the former distinguished Governor of Virginia, Representative Tuck. That bill would have denied to the Federal courts the authority and the competence of the Court to intrude itself into this domain and undertake to become an amending power that is exclusively and carefully saved for the Department of Justice when we brought it together and offered it as an amendment to the foreign aid bill.

Then began the business. Who say "the business," I mean that all the vocal stops were opened. We could not tell how long the debate would last.

Then came a substitute for our proposal—the Humphrey-Javits substitute. We were informed that if the Senate and Vice President could stand down here and reply to arguments. I remember saying at a dinner, "Now we have him where we want him. He cannot reply to anything. We must insist on making a speech on the Senate floor."

That proposal was one of those sense-of-the-Senate things. We had one up once before in connection with the Russian wheat deal. A man who graces this body today, the junior Senator from New York, Robert Kennedy, was the Attorney General. When we pointed out that in an agricultural bill there was a provision stating the sense of the Senate with respect to shipments of wheat to the Soviet Union, he dismissed it in his opinion, saying that if Congress really intended to do so, it would have said so, instead of submitting it as the sense of the Senate. So that proposal gave no heart.

Finally we got together still another substitute, this one to order the courts to give us a respite in the matter. I used the term "a breather." We were informed that there was a scheme up against. There was a scheme of events that made it difficult. So we let it stand. For what reason? We all pilled off to the national convention,

I learned my rule book, after a fashion, a long time ago. When I see that I am confronted with what seems to be a hostile condition—I say it in the utmost kindliness—I then have to look elsewhere. I am reminded of what John Ruskin once said, that there are three types of audiences—friendly, indifferent, and hostile. He said, "I will take a friendly audience; I will take a hostile audience; but I do not like an indifferent audience." I had a hostile audience on that particular day, although we could get no consent to take a vote, or consent to vote the following week, or the following week after that.

But when the situation looked favorable to the opponents, and when they observed that three members of the committee were missing—all of them representing votes for the proposal that I have introduced—they were ready to vote; and they were ready. Mr. President, proxies cannot be voted in that committee. I almost lost my eyesight once and had to quit Congress; but I am not so blind that I cannot see what is happening. When I saw what was going on, I knew that I must repair to the rule book in order to have done what I wanted to do. That is precisely what I did.

The distinguished majority leader and I tried last year, in the 88th Congress, to buy a little time. That seems to be a good military expression. The distinguished majority leader and I teamed up, and the interesting thing was that we had some assistance from the Department of Justice when we brought it together and offered it as an amendment to the foreign aid bill.

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starting on the 22d of August. We did not return here until August 30. The amendment was still here.

Then my friend the distinguished majority leader [Mr. Mansfield] suggested that instead of ordering the court, we urge the court. Finally we disposed of the matter.

The distinguished Senator from Maryland [Mr. Tydings] at one time wanted to recommit this measure, saying that more time and deliberation were required. I was not one of the things. But I remind Senators that later the proposal was before the Senate for 44 days. Twenty days were devoted to debate.

A moment ago the Senator from Connecticut [Mr. Donn] spoke about how cautious and careful we must be before we lay profane legislative hands upon the Constitution. I remind Senators that the ink was hardly dry on the Constitution when Jefferson, who happened to be in Paris, hurried back and offered 12 amendments which were discarded; the other 10 became the Bill of Rights.

Talk about taking time. I think we have taken all the time we needed in order to cope with this proposal. But I promised the Senate then that I would resume the battle; and on the 3d of August I said, 

"We have taken all the time we needed in order to hammer out the differences."

I was delighted to turn over my office to the subcommittee in order to hammer out the differences.

My friend from Maryland [Mr. Tydings] on one occasion said, "It has been change, change, change. The medical security bill contained 500 modifications, including the technical changes, as the Senator from Florida [Mr. Smathers], who is a member of the Committee on Finance, will attest. Five hundred modifications were made in that bill, and it was on that basis that it went to conference with the House.

Talk about changes; a Johns Hopkins professor, thinking he had isolated one truth, only to have it dissected and pulled apart by his associates on the faculty, fairly wept and said, "In God's name, is there nothing eternal?"

One of his associates said, "Yes. One thing is eternal, and that is change."

May the day never come when we cannot find a way to hammer out the anvil of discussion the truths that we feel.

That we did and then, of course, it went to the full Judiciary Committee. I shall not belabor the issue. I have had it placed in the executive notes and certified, because I wanted the world to know what happened in that meeting of the subcommittee. Possibly everybody wants to find out whether there was a stacked deck, all he has to do is to look at the notes. It was then that I said I would get it to the floor in one way or another.

So it is here, and it is in compliance with the establishment of the American Legion Baseball Week, which we shall take care of in time. It will not begin until the 1st of September. The Senator from South Dakota [Mr. Mundt] has already introduced another Senate joint resolution.

An interesting committee comes under the jurisdiction of the Committee on the Judiciary. It has two members. I am the chairman. I am the only Republican chairman in the Senate. My colleague, the Senator from Arkansas [Mr. McClellan], and I can meet in a phone booth. We can report a bill and then take it to the full committee. That is expedients; I need a little expedition from time to time.

These efforts to obtain action have been tried before. There has been reference to the Stella School District bill. The distinguished occupant of the White House seat in the Senate [Senator Bayh], who occupies the White House pretty well, has not been able to come. The whole subject was explored. At long last, there had to be a meeting of the subcommittee for the markup.

I am not sure, but I believe almost every one of the subcommittee meetings was held in my office.

Mr. BAYH. Mr. President, will the Senate yield?

Mr. DIRKSEN. I yield.

Mr. BAYH. The subcommittee is indebted to the minority leader for his hospitality. That is correct. I only wish we could benefit further from his hospitality to do a little additional work on the subcommittee.

Mr. DIRKSEN. I was delighted to turn over my office to the subcommittee in order to hammer out the differences.

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One of his associates said, "Yes. One thing is eternal, and that is change."

May the day never come when we cannot find a way to hammer out the differences.
This is the way the amendment is before the Senate:

The people of a State may apportion one house of a bicameral legislature using population, geography, or political subdivisions as factors, giving each factor such weight as they deem appropriate, or giving similar weight to the same factors in apportioning a unicameral legislature, if in either case such plan has been submitted to a vote of the people in accordance with law and with the provisions of this constitution, and has been approved by a majority of those voting on that issue.

That is the simple language of the amendment resolution. It refers to the people. That is a great word.

I continue to read:

When the first plan of apportionment is submitted to a vote of the people under this section, there shall also be submitted, at the same election, an alternative plan of apportionment based upon substantial equality of population.

The people would have an opportunity to vote on two proposals, not only on the Extension, and let the people send them, but also on the proposition that population.

The people in Wisconsin embodied the philosophy of the finding of the high tribunal in the Reynolds of section 1, at the November general election submitted approved under this article shall be resubmitted under the provisions of section 16-ounces gloves when I slugged.

I continue to read:

Any plan of apportionment which has been approved under this article shall be resubmitted to a vote of the people, or, another plan may be submitted under the provisions of section 1, if the November general election, held 2 years following each year in which there is commenced any enumeration.

Enumeration of course, means census.

One of the arguments that was made was that they can make a plan and freeze it. I have said, “All right. We will see that they do not freeze it.”

So every 10 years, plus 2, when there is an election, they go back to the people with a plan. There can be no freeze. Of course, they have a opportunity to pass on the matter on the basis of one man, one vote.

I heard it argued by my distinguished friend and colleague the senior Senator from Illinois [Mr. Douglas] and by others that, “Legislatures are so skillful and adroit that they can get something on the ballot in the form of a referendum, and let the people send them here. A dozen Senators walked out of this Chamber with contemptuous sneers on their faces. That prompted Bob La Follette to say, “The seats that are temporarily vacant will be permanently vacant;” and many of them were.

Back to the people—that is what I have been urging all along, because if we do not have a Federal-State system, what do we have? People?

The erosions are bad enough as it is. There was the Nelson case in Pennsylvania. Under the subversion law someone was indicted, and that conviction was sustained in the courts of that State. They had him redheaded, until it came to the highest tribunal, and it stated that because the Congress had passed the Smith-Connally Act, and had preempted the field, the law of Pennsylvania had no application.

Section 14(b) of the Taft-Hartley Act is cooking on the front burner. That is why Mr. Meany came to see me this morning. He wanted to know how long I was going to stay. I told him how I feel about 14(b).” I told him that even if he could induce the Senate to allow the Chaplain to have a vote and he should vote with the other Senators for its repeal, I would still stand for opposing repeal.

It is proposed to say to 19 States, “You cannot legislate in that field.”

It seems to me, that this decision stand without a constitutional amendment, the erosion will continue.

I see present in the Chamber my good friend from my State, Mr. Yates. I once ran against him. I am sorry, but glad. That was a bad word. What was done in the Equal Opportunity Act? It took away the veto power of the Governor. I see sitting in the Chamber my friend the Senator from Kansas [Mr. Carlson], a former Governor; the Senator from Idaho [Mr. Jordan], a former Governor; the Senator from Wisconsin [Mr. Meany], from Wisconsin [Mr. Lyman], and many others.

There may be projects that the people do not want to see in Wisconsin, but the Governor of that State, for instance, says to the Governor that is going to have any veto power. It is proposed to take that power away.

So the erosion process is going forward by leaps and bounds. One day we shall have positive effort by the distinguished Democrat from my State, who occupied the Senate Chamber, who had pink whiskers and flashy waistcoats.

I refer to J. Hamilton Lewis. We were staying at the same hotel. He used to say, “My boy.” I used to brush the particles off his shoulders, and he would say, “Don’t do that. I purposely put those on there.” He would say, “I won’t work, but you will see the time when the only people interested in State boundaries will be Rand-McNally, for there will not be any authority left in the States.” Mr. President, that is the erosion process.

I say to my friend the Senator from Maryland [Mr. Tydings], that when the Constitution was called before the constitutional convention of his State, only 2 days of consideration were given to it. I received 2 days’ discussion in the legislature from Wyoming [Mr. Simpson], a former Governor of that State.

There may be projects that the people do not want to see in Wisconsin, but the Governor of that State is going to have any veto power. It is proposed to take that power away.

In our system of government, we have a House and a Senate. In a household, if the family is going to cook on the front burner, the husband cannot cook.

It is said that this amendment is an attack on the Court. It is nothing of the kind. I am a lawyer. I respect the Court. Always the court decision is there. The people can make their selection. If they do not do anything, the court decision is there. But this is a remedy within the power of Congress. Always the court decision is there. The people can make their selection. If they do not do anything, the court decision is there.

In our system, Congress has power over the entire body. The city of Baltimore has 3 Representatives, and it is
entitled only to two. One of the three is Representative SAM FRIEDEL. Representative FRIEDEL and his two colleagues have 52 years of cumulative service, and the city of Baltimore wants to keep them, so it is said in this case, “We have to ignore population.” So some of us ignore it in one instance and insist on it in another.

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

Mr. DIBBEN. I yield.

Mr. TYDINGS. What I said was that the Representatives from Baltimore should continue to represent the city and its suburbs, where there are 2 million people, if they were to receive fair representation, no other legislator in the State bodies of this country on the floor of the Senate.

Mr. BAYH. Mr. President, will the Senator from Indiana yield?

Mr. DYKSEN. All I know is what I read in the newspapers.

Mr. TYDINGS. One headline.

Mr. DIBBEN. I read it in the Washington Star and I read it in the Washington Post. That newspaper loves to caricature.

So it is said that we are showing haste. This is no haste. It is said that this is an attack on the Court. This is no attack on the Court.

It is said that it reverses the Court. It does nothing of the kind. We go back to the people. If they fail, they automatically come under the provisions of the Court decision.

Senators speak about nonapportioned legislatures. I was distressed to hear my friend the Senator from Wisconsin [Mr. Proxmire], and my friend the Senator from Maryland [Mr. Tydings], and even the Senator from Indiana [Mr. Bayh] talk about legislators in the State legislature being so anxious to hold on to their seats that one could not get a fair shake.

Do Senators mean to tell me that only in the 50 legislatures is there a lust for publication? Look around the Chamber and see how many Senators are going to run again. My colleague is going to run. He will be 73 years old—perhaps he already is. He says that 73 is too old to be President, and I never thought it was. It is not too old to be a Senator and therefore, he is going to be back in this Chamber if possible.

Look at the list of Senators and see how many will run for reelection.

Are there any members of the legislature who wish to hold on to their seats?

Oh, indeed no.

When I got my first taste of Congress in 1893, and I was called Honorable, and invited to dinner without having to pay for them, and people came saluting me in my office, I thought, “This is for me. I do not wish ever to give up this office.” And I fought to keep it until a malady made me yield, and later, by the grace of the voters of Illinois, I was sent to the Senate in 1950, and I thought, “The Senate is for me. There is no germanness rule. You cannot be taken off your feet.”

The amazing thing about expressing that kind of sentiment concerning the members of our State legislatures is that on the average they are no different from Members of the House of Representatives and the Senate in the Congress of the United States. If there is someone well under the age of 70, let us say, with a great burden on a great deal of discussion on the floor of the Senate, I would not do it. I have too much respect for State legislators. When they present a plan, they must present two plans.

Then we come to the one-man, one-vote principle. There we have the one man, one vote within the framework of the Federal system. If that is what the people wish, well and good. But evidently, that is not what the Court wishes.

Senators should read Justice Harlan’s decision concerning how the Court misinterpreted the provisions in the 14th amendment. He makes the point, and quotes the debate in House and Senate, to show that both sections 1 and 2 must be read together; but, instead of that, they pick out one phrase between two commonplaces of the equal protection law, and that becomes the foundation for Reynolds against Sims.

That is why the Harlan decision is classic. That is why, one day, Congress will have to act on this matter if it is to save the Federal-State system.

Here we have a decision which, in a way, is a little like the prohibition amendment, when Congress said to the people, “Thou shalt not”—“thou” meaning “the people”—“shalt not manufacture, transport, and sell spirits with a little kick in them.”

That was the first time in the history of our Constitution that a stop sign was ever read. Find me any other amendment to the Constitution which does that and I will eat it right out of the page in the rule book. How long did the 18th amendment last? Fourteen years—with all the mischief that went along with it.

In 1923, my party was overwhelmingly voted out of office, and not the least of the issues were bread and booze—and I use that term in a refined sense. Those were among the great issues on which Franklin Roosevelt went into the White House.

Fortunately for me, the discernment of the voters in my old congressional district back home gave me as much of a majority as they did Franklin Roosevelt. That is what I call discernment with a vengeance.

But, that was one time when we held up the halting hand to the people. It did not make love to the amendment out of the Constitution—and it probably will never get back there.

That is exactly the import of the Supreme Court decision.

To have an act on North Carolina [Mr. Ervin], representing the people of North Carolina, and the Senator from Arkansas [Mr. Fulbright], representing the people of Arkansas, will comply with the Court not with what their people wish, well and good. But evidently, that is not what the Court wishes.

I go back to “We the people,” because if that is not fundamental to the American system, I have never seen anything that is. We have made the issue as simple as we can. I believe that we are on common ground. I do not know whether we shall win or lose. I know that the nose-counting has been going on for many weeks.

There is one point I should like to consider. The issue in Arkansas was made on this floor that I had hired the publicity firm of Whitaker & Baxter in California. I did not know that such a firm ever existed.

I could not accumulate enough money in a lifetime ever to have been able to afford hiring a firm of that kind.
I do not even have one publicity man. However, it was made to appear that I had employed this firm, and that it had been doing a project. I do not know who hired them.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DIRKSEN. I do not know who is paying them. How much time have I remaining?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. DIRKSEN. I am glad the firm is paying them. They have a great deal more to insure the success of the substitute that we shall be voting on before too long.

I believe that, generally speaking, is about all I wanted to say, except for perhaps one or two other things.

This is a pretty good time to stand up to our responsibilities as Senators, because when we talk about "We, the people," we go back to the preamble of the Constitution. When we talk about "We, the people," we go back to the signers of the Declaration of Independence, and to that great red-haired, square-jawed Virginian, Thomas Jefferson, who wrote that immortal sentence. He said that governments derived their just powers from the consent of the governed.

They signed their names to that document. John Hancock wrote his name so high and big that the King could read it without his spectacles.

What happened to them? Five of those signers were captured by the British. Five lost their lives in the Revolutionary War. Most of them had their goods confiscated. One, who had 13 children and a sick wife, was harassed by the British and the Tories and others, to the point where he had to leave. He returned just in time to see his wife pass away. There were 13 children left.

Those men were willing to make a sacrifice for principle.

I add to all this that man from home, Benjamin Franklin. He was 83 years old when he signed the Declaration of Independence, who vouchsafed to the people of this country, that they should vote down the proposal. He was late in the afternoon. The first man out of the door was the venerable Benjamin Franklin. He was 83 years old. He came out onto the lawn in the courtyard of Constitution Hall, where a number of women had gathered. Among them was the leader, Mrs. Smith, a Pennsylvania woman. She was named Eleanor Powell. Her father had been mayor of Philadelphia. Her husband is now mayor of Philadelphia. She was quite a politician in her own right. She walked up to Benjamin Franklin and, presumably holding him by the shoulder, said, "Mr. Franklin, what have we got—a monarchy or a republic?"

Mr. Franklin said, "A republic, if you can keep it."

What great sentiment.

That Constitution guarantees every State a republican form of government. We have a republican form of government in this country, because it is representative.

Coming down the corridor of time is this great echoing challenge of Franklin—"If you can keep it."

That is the reason why I go along with John Marshall Harlan in his great decision, when he points out that federalism is in danger in this country, contrary to the remarks made by the senior Senator from Oregon.

That is the issue. It will not die. I do not propose to let it die.

There will be a place to hook it on. I may not succeed, but this I must do for the people of my State and the people of other States.

I can only add, in the language of one who was a Caesar with all those stab wounds, and Brutus with his apology, "not that I love Caesar less, but that I love Rome more."

I love this country. My parents came from the old country. I went to school in the old country. I lost my father at the age of 5. Drew Pearson was right this morning when he referred to me as the driver of a bakery truck. Yes; I was.

Some people say the Congress of the United States will give any humble person the opportunity that this country does. I do not want it eroded; I do not want it sullied; I do not want it impaired. I ran away from Congress and left Congress. I am a citizen of the United States, by the people, and for the people.

I want to keep it. That is the reason why I go along with John Marshall Harlan. I want to keep it. That is the reason why I go along with John Marshall Harlan. I want to keep it.
part of Article V of the Constitution which states:

No State without its consent shall be deprived of its equal suffrage in the Senate.

Because of this, I ask the distinguished minority leader if a State should not be permitted to follow the pattern of the founders of our Nation and the framers of the Constitution by adopting a similar "no county without its consent shall be deprived of its equal suffrage in the State senate," in view of that portion of section 4 of Article IV of the Constitution, which states: "The United States shall guarantee to every State in this Union a republican form of government."

Mr. DIRKSEN. It does indeed, in the most specific words, and when the analogy was drawn with this body, which is not selected on the basis of population, the Chief Justice delivered an intriguing note. He said the analogy "is in apposition."

I am not sure that I know what that means.

I may have to look it up in the dictionary, but anyway, that was a sort of test of the analogy.

Of course, it was a compromise; and it was done by the people's representatives. It was submitted to the people or their conventions freely selected, and that is why we have a constitution; and that is why the States have constitutions. Veto powers are tied and delegated to the legislature, to the executive and to the judiciary.

I say to the distinguished Senator from Maine that we have trusted them since 1818, when we came into the Union, and I am prepared to trust them a much longer time because, as Lincoln once said:

The best rule, after all, is to let the people do pretty well as they please with their own business.

Mrs. SMITH. I thank the Senator, Mr. DIRKSEN. I reserve the remainder of my time, if I have any left.

The PRESIDING OFFICER. Who yields time?

Mr. DOUGLAS. Mr. President—The PRESIDING OFFICER. The Senator from Illinois [Mr. Douglas] is recognized.

Mr. DOUGLAS. Mr. President, we have listened for 55 minutes to a speech by my colleague, full of charming irrelevancies, which covered virtually every subject under the sun except the amendment in question, to which he referred. The United States has repeatedly held during this last year, men and women do not have the equal protection of the laws when they are denied an approximately equal vote to that of other citizens in the selection of their State legislature which makes the laws. It is true that most of the people in the world do not enjoy the rights of equal citizenship and are not protected in them. But for 190 million Americans, the greatest Constitution designed by the minds of men now protects the rights of the individual not only to stand equally before the courts of the land but to stand equally before the legislatures which make the laws.

The purpose of the Dirksen amendment is to withdraw this right by giving the rotten-borough legislatures now in operation the power of self-perpetuation. There is no getting around that fact. It is an awesome and, in my judgment, an abominable proposal. The great deception upon which the proponents of the amendment rely is to say that all they are doing is limiting the people's ability to exercise their ability to decide, and, according to them, what could be more democratic than that?

As I pointed out earlier this week, this appeal is attractive, but it is also deceptive.

First, the claim of letting the people decide is without substance because the amendment carefully retains in the hands of the present malapportioned or rotten-borough legislatures—and it is necessary and important to point out that the present malapportioned legislatures, with a few exceptions, are subject to widespread confusion in the understanding of the voters. It is virtually impossible for the average voter to understand the meaning of a question and not vote, or cast a vote without understanding it. There is a good question whether this truly and fairly expresses the will of the people.

While it is true that a number of legislatures have enacted reapportionment plans, most of those plans will not go into effect until the fall of 1968, and the approval by the Congress of the Dirksen amendment would be an open invitation for further obstruction and delay.

I am levying no special charge against these legislatures when I say that it is the natural tendency of human beings to hold onto such power as they possess and not to divest themselves of it even if they should.

Second, the amendment would retain in the hands of the present rotten borough legislatures the power to propose whatever apportionment plan they choose to refer to the people in referenda. They have the power to frame the questions and the terms under which they will be submitted to the people. Even though the final referendum there must be provision for further obstruction and delay. A rotten-borough legislature may construct the proposal so as to force the approval of a "less bad" amendment rather than a worse one.

The Colorado referendum, which was held invalid by the Supreme Court in the Lucas case, is an excellent example of this.

Third, the so-called periodic review provided in the amendment continues to leave the actual decision in the hands of the forces of minority control and malapportionment. There is no requirement that an alternative plan based upon population be submitted, and an amendment to the previous adoption of a plan, or due to population changes in the period since the prior referendum.

Mr. President. I have also pointed out that the argument of "letting the people decide" in a referendum is a deception because, in addition to the built-in protections for rotten-boroughism in the Dirksen amendment, referenda themselves are not an adequate vehicle to express public opinion, particularly on something so complex as apportionment. The facts show, first, that actual participation in such referenda is universally and absurdly low. In many states, as little as 6 or 10 percent of the voting age population have made the decision on referenda on apportionment of the State legislatures. And from available data it is clear that even in referenda submitted at general elections decisions are made, on the average, by a total of less than 30 percent of the population of voting age.

Second, it is overwhelmingly clear that referenda, particularly on apportionment, are subject to widespread confusion in the understanding of the voters. It is virtually impossible for the average voter to understand the meaning of a question and not vote, or cast a vote without understanding it. There is a good question whether this truly and fairly expresses the will of the people.

Third, the history of referendum campaigns in recent years shows that they are subject to manipulation by powerful interest groups, newspapers, and other communication media. Referenda have become, in this day of modern communications, and propaganda techniques the tools of special interests rather than acceptable vehicles for the expression of an informed popular will. And I may point out that if a referendum proposal is held up by the public, to whom may control the public understanding of referenda are the same special interests who have the greatest stake in preserving rotten-boroughism in the United States. Some of these very elements are present in the proposal submitted by the Congress. The Senate, during this last year, men and women do not have the equal protection of the laws when they are denied an approximately equal vote to that of other citizens in the selection of their State legislature which makes the laws. It is true that most of the people in the world do not enjoy the rights of equal citizenship and are not protected in them. But for 190 million Americans, the greatest Constitution designed by the minds of men now protects the rights of the individual not only to stand equally before the courts of the land but to stand equally before the legislatures which make the laws.

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As I pointed out earlier this week, this appeal is attractive, but it is also deceptive.

First, the claim of letting the people decide is without substance because the amendment carefully retains in the hands of the present malapportioned or rotten-borough legislatures—and it is necessary and important to point out that the present malapportioned legislatures, with a few exceptions, are malapportioned—the initial and the crucial decision; namely, the ratification of the amendment. References to it.
Mr. President, I hope no one will be fooled by this argument. Since the forces of rotten- boroughism have been unable to preserve in the other house the real principle of the people, they will settle for control in one. And for good reason. Minority control of one house of a legislature, as should be apparent to everyone, in actuality gives the minority by placing a veto in their hands. By that veto they can dictate what the final legislation shall be.

Mr. President, the issue before us, contrary to what appears from the facts on the surface, is not one of urban voters versus rural voters. It only appears this way because of the historical development of malapportionment. The malapportionment came about because the distribution of population has changed in the last 75 years from being equally distributed to being concentrated in the great cities and suburbs.

In the metropolitan centers of cities and suburbs 70 percent of the population resides, compared with only 40 percent in the smaller towns and the countryside, whereas 70 years ago the situation was precisely the opposite.

The needs of the great body of the people are much the same whether they live in rural or urban areas, but because most of the people are now concentrated in the cities and the suburbs their problems are intensified in quantity and in quality: the people of this country, regardless of where they live, look to the governments of their States and of the Nation for the same things: An opportunity for their children to receive an education commensurate with their abilities, the opportunity to live decent lives in good health and with self-respect, and enjoyment of the rights of citizenship.

The real issue at stake here is whether the needs of the people are to be met by their State governments or whether those interests which oppose protections to the consumer and the revenues necessary to provide needed government services are to control and hold back the activities of the representatives of the people. All these narrow interests need in order to stop needed programs for essential government services for the great majority of the people is a minority control over the house of a State legislature. In many States their existing minority veto has been achieved through the years by an alliance with representatives from the more sparsely settled areas of the country. The retention of this veto against the interests of the great masses of consumers, wage and salaried workers, and the general body of citizens is the real purpose behind the Dirksen amendment.

This amendment in the final analysis, therefore, seeks to pull the wool over the eyes of the American people by having them believe that, if the mere procedures of our government were followed, it matters not whether there is any substance to them. To say that some citizens may have a vote worth 10, 20, 50, 100, or 1,000 times the weight of the vote for one person is not necessarily a sham of democracy and a farce of constitutional, representative government. We may not be able to stop the Dirksen motion to substitute his amendment for the American Legion resolution, but we should never submit his constitutional amendment to the States for ratification.

Let us ultimately hold fast for the principle of substantial equality of representation of the people in the State legislatures. Let us be done with rotten-borough legislatures and vote down the Dirksen amendment.

There have been rumors on the floor of the Senate that at the last moment the proponents were going to bring a modification of the Dirksen amendment out of the box and onto the floor of the Senate for a vote, in the hope that this action would gain some votes so that the amendment could be adopted.

I am suspicious of all these last-minute tactics. I hope that if they are used, they will stand condemned in their own right and that we may vote down the Dirksen amendment or any amendments thereof.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the distinguished Senator from Alaska.

THE SCRIPPS-HOWARD NEWSPAPERS SUPPORT THE DIRKSEN AMENDMENT

Mr. GRUENING. Mr. President, the Scripps-Howard newspapers publish today an excellent and convincing leading editorial in support of the Dirksen amendment entitled: "The People Are the Last Word." It is sufficiently impressive and logical so that I desire to ask unanimous consent that it be printed at the conclusion of my remarks.

THE PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRUENING. Mr. President, the Scripps-Howard chain includes 17 newspapers, respectively, in New York City, Pittsburgh, Cleveland, Cincinnati, Memphis, Birmingham, Covington, Ky., Columbus, Ohio, Denver, El Paso, Fort Worth, Minneapolis, Pa., Knoxville, Evansville, Albuquerque, and Washington, D.C., and should have considerable influence on the people of their communities.

I find myself in accord with the ideas expressed in this editorial and shall support the Dirksen amendment.

Although the entire editorial will appear following my remarks, I wish to read three sentences, as follows:

But the Senators opposing the Dirksen amendment don't want the people to decide for themselves.

If the people in the States are not capable of deciding such basic questions as the manner in which they wish their legislatures to be organized, then it is valid to question the capacity of the people to decide other questions—whom, for instance, should represent them in the U.S. Senate.

Mr. DOUGLAS. Mr. President, how much time have I remaining?

Mr. DIRKSEN. The senator from Illinois has 30 minutes remaining.

Mr. DOUGLAS. I am not yet quite certain what feat of magic will appear from the other side of the aisle. I do not profess to be a magic expert; I am only aware of a promise that unless some extraordinary feat of legerdemain is produced, we shall take very little time from now on.

Mr. DIRKSEN. Mr. President, I have 4 minutes left to say that in 4 minutes Houdini could probably perform a feat of magic.
Mr. DOUGLAS. Mr. President, I yield my colleague 2 minutes.

Mr. DIRKSEN. I thank my colleague for his forbearance. Since he has that much time, and I have only 4 minutes, I think I shall save my 4 minutes and see what will happen. I assure my colleague that I have no aces up my sleeve.

The PRESIDING OFFICER. Who yields time?

Mr. DOUGLAS. Mr. President, I yield back the remainder of my time on the condition that my friend and colleague yields back the remainder of his time.

Mr. DIRKSEN. Mr. President, I yield back the remainder of my time with the exception of 1½ minutes.

Mr. DOUGLAS. Mr. President, I yield back the remainder of my time.

Mr. DIRKSEN. Mr. President, I discuss this subject with the distinguished Senator from New York.

The PRESIDING OFFICER. The amendment being rather technical in nature, I have no objection to accepting it "and." The Clerk will state the second amendment.

Mr. DIRKSEN. The amendment is so modified. On page 2, line 1, strike "or" and insert "and."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska to the Dirksen substitute.

Mr. HRUSKA. Mr. President, I yield my colleague 2 minutes.

The legislative clerk read as follows:

On page 2, line 2, strike "similar" and insert "reasonable."

Mr. HRUSKA. Mr. President, I call the attention of the Senate to the fact that was the original terminology of the Senate Joint Resolution 2. It was changed in the revisions that were made.

The PRESIDING OFFICER. The amendment being rather technical in nature, I have no objection to accepting it.

Mr. DIRKSEN. Mr. President, the amendment is so modified. On page 2, line 2, strike "similar" and insert "reasonable."

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The PRESIDING OFFICER. The amendment being rather technical in nature, I have no objection to accepting it.

Mr. DIRKSEN. Mr. President, the amendment is so modified. On page 2, line 1, strike "or" and insert "and."

The legislative clerk read as follows:

On page 2, line 1, strike "the first" and insert in lieu thereof "a"; and in the same line 8, after "apportionment" insert "based on factors of population, geography, and political subdivisions."

Mr. HRUSKA. Mr. President, I yield.

Mr. HOLLAND. Mr. President, the amendment is so modified. On page 2, line 1, strike "or" and insert "and."

The PRESIDING OFFICER. The amendment will be stated.
It is not reasonable to assume—from a logical or a political point of view—that these legislators would draw up or favor any plan which would lessen their position, or the position of the people they represent.

On the other hand, it is reasonable to suppose that a plan might be devised, perhaps even unintentionally, which would work to the disadvantage of citizens in less populous areas, and these areas would not have sufficient representation in the State legislature to stop it.

To take the case one step further, when a reapportionment plan was presented to the electorate in a referendum, the more populous areas of a State would have the built-in protection of numbers. They could vote down the referendum if they felt it would reduce the present situation in which they have an equal vote.

Voters in the less populous areas, on the other hand, would not have the voting strength to protect any weakening of their present equal vote status. A plan might be adopted which would diminish their representation and the weight of their individual votes.

Mr. BOGGS. It is not reasonable to assume—from a logical or a political point of view—that these legislators would draw up or favor any plan which would lessen their position, or the position of the people they represent.

Mr. BOGGS. I have thought about this matter in studying the amendment. As I pointed out, the majority have a built-in protection in already reapportioned States. There is no need for it at all. The amendment is needed for the protection of the minority which does not have such protection in the legislature or in a referendum.

Mr. GORE. The built-in protections to which the Senator refers are people.

Mr. BOGGS. Yes. People. Why be afraid of the people? Let the people vote.

Mr. BOGGS. We are not afraid of the people. We are giving them an opportunity to vote.

Mr. GORE. Why would not the Senator oppose the modification of the amendment which would provide protection of the people in the more populous areas that he seeks to provide for people in the less populous areas?

Mr. BOGGS. For the reason, as I have already pointed out, that the majority is in the populous areas, and they have a built-in protection. Under the concept of the Dirksen amendment, it is the minority who do not have a voice or a vote to protect their citizens' right in the legislature, and they are the ones who need this constitutional protection. The other group, the majority, have a built-in protection. They have the final decision. I have confidence they would vote to protect their interests, and I am happy to submit to their final judgment on it.

Mr. DIRKSEN. Mr. President, as I read this language, there is no specific guideline whatsoever. It seems to modify the substitute so as to provide that:

Under such plan the people residing in the less populous geographic areas or political subdivisions—

Mr. BOGGS. I apologize for interrupting, but it is impossible to hear my distinguished colleague.

The PRESIDING OFFICER. Who yields time?

Mr. BOGGS. For the reason, as I have already pointed out, that the majority is in the populous areas, and they have a built-in protection. Under the concept of the Dirksen amendment, it is the minority who do not have a voice or a vote to protect their citizens' right in the legislature, and they are the ones who need this constitutional protection. The other group, the majority, have a built-in protection. They have the final decision. I have confidence they would vote to protect their interests, and I am happy to submit to their final judgment on it.

Mr. DIRKSEN. Mr. President, as I read this language, there is no specific guideline whatsoever. It seems to modify the substitute so as to provide that:

Under such plan the people residing in the less populous geographic areas or political subdivisions—

Mr. BOGGS. I yield my time to my distinguished colleague.

The PRESIDING OFFICER. The question is on the substitute amendment to the Dirksen substitute. The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Illinois (Mr. Dirksen), as amended.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. DOUGLAS. What is the question before the Senate?

The PRESIDING OFFICER. The question is on the substitute amendment of the Senator from Illinois, as amended, to the joint resolution.

Mr. DOUGLAS. As modified.

The PRESIDING OFFICER. As modified.

Mr. DOUGLAS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG of Louisiana (when his name was called). Mr. President, on this vote I have a pair with the Senator from Minnesota (Mr. McCArthy), who are present and voting, I would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollocall was concluded.
Mr. LONG of Louisiana. I announce that the Senator from Minnesota (Mr. McCarrory) is necessarily absent and his part was previously announced.

The result was announced—yeas 59, nays 39, as follows:

[No. 203 Leg.]

YEAS—59

Alken
Allen
Allott
Bartlett
Bennett
Bible
Byrd, Va.
Byrd, W. Va.
Cannon
Carlson
Church
Connor
Cotton
Curtis
Dirksen
Dominick
Dodd
Eastland
Elledge
Ellender
Ervin
Ewing
Fong

NAYS—39

Anderson
Bates
Bayh
Boggs
Browne
Burwell
Byrd, S.
Carr
Cassidy
Carrow
Chambliss
Chambers
Church
Church
Cooper
Coppinger
Craig
Cummins
Curtis
Darragh
Davis
Davis
Dodd
Douglas
Durenberger
Durham
Earl
Federico
Fenstermaker
Fink
Florida

Mr. PROUTY. I have no objection to a unanimous consent agreement being made after I finish my speech. I shall probably take between 45 minutes and an hour.

Mr. MANSFIELD. The Senator could take more than 45 minutes, perhaps an additional half hour. Senators could govern themselves accordingly, if he were agreeable to such a suggestion. Members of the Senate could govern themselves accordingly insofar as their engagements and other matters they must attend to with whom their constituents are concerned.

Mr. PROUTY. I should like to accommodate the majority leader.

Mr. MANSFIELD. Not the majority leader. I am thinking of the Senate. Mr. PROUTY. It will not take me more than an hour, probably considerably less than that.

Mr. HOLLAND. Mr. President, the Senate will be in order. Senators will please cease conversation or retire to the cloakrooms.

Mr. PROUTY. Mr. President, in March 1962, the U.S. Supreme Court, in Baker v. Carr, 369 U.S. 186, held that a challenge to the apportionment of representation in a State legislature put forward a justiciable question under the equal protection clause of the U.S. Constitution that was not foreclosed by the decisions of this Court. The Court added something to the purposes of the 14th amendment as a condition to their readiness to the Union to have legislative systems far different from those now made mandatory by the Court.

Two years later in Reynolds v. Sims, 377 U.S. 553, and in other cases, the Supreme Court held that the equal protection clause required both houses of State legislature to be apportioned on the basis of population.

Mr. LONG of Louisiana. I announce that the Senators from Vermont is correct. The Senate will be in order. Senators will please cease conversation or retire to the cloakrooms.

Mr. PROUTY. Mr. President, do I correctly understand that the Senate is no longer under a time limitation?

The VICE PRESIDENT. The Senator is correct.

Mr. DOUGLAS. Mr. President, I ask for the yeas and nays on passage of the joint resolution.

The yeas and nays were ordered. Mr. PROUTY. Mr. President, I seek recognition.

The VICE PRESIDENT. The Senator from Vermont is recognized.

Mr. YARBOROUGH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. YARBOROUGH. How much time is being allotted?

The VICE PRESIDENT. There is no time limitation in effect.

Mr. MANSFIELD. Mr. President, will the Senator from Vermont agree to a time limitation, so that Members of the Senate may govern themselves accordingly? He could take a full hour or more. Can he give any indication of how long he will take?
For more than a century and a half, it has been the right of each State or the people thereof to decide under what political system they shall operate. Operating under this right or principle, the State of Colorado reapportioned and restructured its legislature. One house was established on the equal representation or one-man, one-vote theory. The legislature left up to the people of Colorado the determination as to what system should prevail in the other House. In a referendum the people of Colorado decided to adopt a system which took into account factors other than population. Yet the Supreme Court of the United States cast aside the will of the people and substituted its own set of standards.

Mr. Justice Stewart, who dissented in the Colorado case, exposed for all time this shocking challenge to the precedents and practices of a free society when he said:

"What the Court has done is to convert a particular political philosophy into a constitutional rule, binding upon each of the 50 States without regard and without respect for the many individual and differentiated characteristics of each State, characteristics stemming from each State's distinct history, geographic situation, population, and political heritage. Even if it were thought that the rule announced by the Court is, as a matter of political theory, the most desirable general rule which can be devised as a basis for the makeup of the representative assembly of a typical State, I could not join in its fabrication of a constitutional mandate which imports and forever freezes one theory of political thought into our Constitution, and forever denies to every State any opportunity for enlightened and progressive innovation in the design of its democratic institutions, so as to accommodate within a system of representative government the interests and aspirations of diverse groups of people, without subjecting any group or class to absolute domination by a geographically concentrated or highly organized majority.

That the Supreme Court has brought about a political revolution in this country cannot be gainsaid.

As of March of this year, all States but Oregon and South Carolina have been involved in reapportionment proceedings. Forty-four States have been parties in Federal and State court suits. Four of these States were reapportioned by the courts, while 22 others are under order to reapportion one or both houses of their legislatures.

It is small wonder that several legislatures have petitioned Congress to call a convention to propose an amendment to the Constitution to allow States to appoint one house of a bicameral legislature on factors other than population.

Those who feel that the Constitution should be amended only by the processes described in that document believe that in Reynolds against Sims the highest Court in the land has united itself, found it relatively easy to impose on California and all other States a legislative scheme which comport with their own political ideology—an imposition or intrusion that finds no support in the Constitution itself or in the statements of the authors of the 14th amendment.

The equal protection clause of the American Constitution did not cover legislative apportionments in 1904, in 1932, or in 1944. Yet, the Court held that is did in 1935.

The political bosses in the larger cities are ecstatic with joy. The judicial lever has opened the door for their political combine, and there is virtually no limit to a possible expansion of boss power.

It is interesting to note, Mr. President, that those who warmly endorse the actions of the Supreme Court would be the first to complain if the Court's concept of equity and justice were to be transported and applied to the General Assembly of the United Nations.

In that Assembly at the U.N., 176,000 people from Iceland have as many votes as nearly a half a billion people from the nation of India.

As one writer said, if delegates to the U.N. were appointed solely by population, India would have 2,448 delegates to Iceland's 3.

In a word, those advocates of the one-man, one-vote rule suggest that Egypt should be allowed to outvote Israel at the rate of 12 to 1? No, on this question the one-man, one-vote crowd is curiously silent.

Those who want the Supreme Court to prescribe the makeup of our State legislatures tell moving tales about how the big cities are neglected by rural legislators. They say that the fact that in study after study, political scientists have concluded that when cities fail to get what they want, it is generally the result of squabbling between city Republicans and city Democrats. Mr. Justice Derge, of Indiana University, did an analysis of every rollcall vote in the Illinois Legislature between 1948 and 1959. He concluded:

"The city's bitterest opponents in the legislature are political enemies from within its own walls, and those ramped in the adjoining suburban areas."

Dr. Murray Clark Havens, formerly of the University of Alabama, reports:

"In the case of rural splits, which were frequent, urban representatives, fairly well united themselves, found it relatively easy to employ the ancient political device of the balance of power."

After studying the actions of the Missouri Legislature, George D. Young, of Missouri, concluded:

"Indeed, he went on to say:

"It is almost invariably true that if the people's delegation is united upon a measure, it will be accepted by the entire general assembly."

Noel Perrin, writing in the Yale Review in the fall of 1962, brought to light the fact that in Connecticut half a dozen country villages have been wiped out for the sake of a water supply. One of the villages, he said, was 170 years old, in good shape physically and financially, and not a bit anxious to die.

Examples of this type will multiply if the people of each State are not permitted to devise the composition of their legislature.

In the State of Pennsylvania, the Constitution of 1776 called for representation by cities and counties and since that time no other than population have been required.

The constitutional mandates contained in the Pennsylvania constitution were adopted in a referendum of all the people. At least five times since 1891 there have been proposals submitted to the people to call a convention to revise the Pennsylvania constitution, and five times the people have rejected these proposals, thereby indicating their satisfaction with the language in that constitution or their feeling that change was not imperative.

In Butcher v. Bloom, 415 Pa. 438, Mr. Chief Justice Bell made a wise observation when he stated:

"A rule which completely disregards and nullifies history, tradition, geography, local interests, and local problems, differences in dialects and language, in customs, in ideas, in the environment in each part of each State; which will inevitably deprive minority groups of a fair representation in the legislature, in the representative halls of their principles, customs, traditions, their particular problems and desired solutions, and the preservation of their cherished environment, which are the interests which their interests will not only be diluted, but will be in practical effect, frequently ignored;
Mr. President, let a word be said about the importance of the proximity of the State legislator to the people he represents.

One point, prior to the Supreme Court decision, each community was entitled to one representative in the State's lower house. A person with a legislative problem could walk a few blocks and talk it over with his own representative. This easy identification of the citizen with his legislator must, under court order, become a thing of the past. What Vermonter thinks is good government must give way to the notion of men in judicial robes, many of whom have never been in our State.

I am not prepared to accept this judicial revolution supinely, and I co-sponsor and strongly support the Dirksen amendment. Why should we allow the voters to appoint the sitting members of their legislature? Nothing could be more unrepublican in character. In any and all political subdivisions, this immunity from the will of the people is far more dangerous than the same power as it now exists in the 14th amendment.

Mr. President, it is entirely possible that every State may have a legislature whose composition is based on population, even if the Dirksen amendment becomes a part of the Constitution.

What do opponents of the amendment have to fear? Are they afraid that the voters will repudiate the notions of the Supreme Court? Are they afraid that the voters may have some ideas of their own? Are they afraid that a member of the legislature may do anything that the voters do not desire? They may structure both houses of their legislature on a population basis, or if they so choose, they may apportion one house using population, geography, or political subdivisions.

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In other words, Mr. President, it is entirely possible that every State may have a legislature whose composition is based on population, even if the Dirksen amendment becomes a part of the Constitution.
In closing, Mr. President, I would express again my strong support for the amendment offered by the distinguished minority leader. It contains the best of all possible solutions to the reapportionment problem. It should pass—and I certainly hope it will—then I hope the House of Representatives will give its provisions resounding approval.

Should the Senate, through unwisdom, reject it by a close margin, I hope the distinguished junior Senator will offer it again to those in error a chance to be on the side of the people.

The able minority leader has given his pledge that he will offer his constitutional amendment because I believe the people of the States should have the right to decide how they will be represented in their State legislatures.

Under the amendment, the people are to be given the choice at the voting booth between two plans, one based on population, geography, and political subdivisions, the other on substantial equality of population.

The amendment provides that this right of the people to decide would be a continuing one, in that after every decennial census, they would choose a plan for the future.

At any time the voters defeated a geographical plan, both houses of a bicameral legislature or the one house in a unicameral system would have to be apportioned on a population basis.

The amendment does not restrict the power of Congress to provide judicial relief if a legislature were not apportioned in accordance with a plan adopted by the people. If a State did not utilize the provisions of the proposed amendment, both houses would be apportioned by population. If they were not, a citizen would be entitled to a judicial remedy. In all circumstances, judicial relief would be afforded whenever one house of a bicameral legislature was not apportioned on the basis of population.

It is the essence of our democratic system that the people are the authority for the government.

The amendment would permit—not require the people—the people to decide the basis of their representation. I believe the people should have that right and therefore shall vote for the modified Dirksen amendment.

Mr. HARRIS. Mr. President, as a member of the Oklahoma State Senate and as a citizen of Oklahoma, I supported reapportionment under Oklahoma's constitution. However, once the Federal court had issued its order for reapportioning the Oklahoma Legislature under the rule established by the U.S. Constitution, because I respected my oath to uphold the United States and Oklahoma constitutions, an amendment authoring a bill in the 1963 Oklahoma Legislature to apportion that body in accordance with the Federal court decree.

Thereafter, the people of Oklahoma, during the same primary elections in which I was nominated for the U.S. Senate, adopted State question No. 416, providing reapportionment of the Oklahoma Legislature on a formula different from that established by the Federal court decree. The Federal court then invalidated State question No. 416.

Thereafter, in a widely publicized statement before the Oklahoma Municipal League in Tulsa, during the last general election, I stated that I felt morally committed by reason of the vote of the people of Oklahoma on State question No. 416 to support some measure along the lines proposed by Senator Dirksen, and Senator Humphrey.

It is the people's right to be on the side of the people. It is the people's right to decide whether their representatives shall be apportioned on a formula that is neither geographical, nor political subdivisions, nor a plan based on substantial equality of population, but on a formula that is apportioned in accordance with a plan adopted by the people of the State.

The amended Dirksen resolution, which would refer to the States the question of amending the U.S. Constitution to allow the people of each State to decide how its legislature should be apportioned and providing for a periodic review by the vote of the people of each State, is in line with my commitment to the people of the Nation. I, therefore, intend to vote for it.

Also weighing heavily in my mind is the fact that some 29 States have memorialized Congress to call a constitutional convention for the purpose of reapportionment. If I were a citizen of one of those States, I think I would be a far more unwieldy procedure than that proposed in the Dirksen resolution, particularly in view of the fact that such a constitutional convention apparently would not be limited to considering that proposition alone.

Mr. BURDICK. Mr. President, the Supreme Court decisions which began with Baker against Carr have done much to correct stubborn abuses in State apportionment. But they have done more than just that. They have also helped to rejuvenate State government.

During the past 30 or more years, as problems of an ever-changing society have become ever more complex, State governments have become more ill-defended, and just plain forgotten. Much of the reason for this affront to the States is the fault of the States themselves. They simply were not equipped to grapple with growing problems of education, welfare, transportation, and air and water pollution—which are vexing problems for North Dakota as much as problems for California or New York.

The farflung wave of reapportionment reform set in motion by Baker against Carr, Gray against Sanders, Wesberry against Sanders, Reynolds against Mills, and the reapportionment cases demonstrated an encouraging quality both of restraint by the Court and compliance by most States. Certainly not every State has been completely satisfied.

Many cases are still in dispute, including North Dakota. But in the overwhelming number of cases, the wheels of genuine reapportionment have been set in motion. It is almost as if the various States were waiting for an objective third person to rule on abuses which had grown more perplexing and harder to resolve with each passing year.

If Congress now tampers with the delicate question of reapportionment, by adopting Senate Joint Resolution 2 or any of its cousins, the whole impulse for reform will be thrown out of gear. It will do great harm to this and future generations.

As the Christian Science Monitor in a roundup of reapportionment cases by States commented on July 13, 1965:

The States are putting their legislative houses in order.

Perhaps at no time in American history has there been such widespread activity in the realignment of the districts from which State legislators are elected.

In summarizing, the Monitor notes:

All but six States—Alaska, Maine, North Carolina, Oregon, South Carolina, and South Dakota—have been involved in one or more lawsuits over legislative reapportionment... With reapportionment court orders ringing in their ears, cautious State lawyers have had little choice but to do the job many have dreaded for decades.

Obviously this has not been easy. Indeed, it has not been accomplished without much pain and suffering inside the various States. Many members of State legislatures have found themselves voting for reapportionment schemes which promised to eliminate their own political careers. Yet it is being done, not only because of the Supreme Court's ruling, but because the States knew they had erred and the Court had merely prodded them into action. If Congress now injects new concepts completely foreign to the long tradition of equal representation, our whole Nation will suffer irreparable harm.

OURS IS A NATIONAL GOVERNMENT—STATES WILL FLOURISH WITH FAIR APPORTIONMENT

It may come as some surprise for my colleagues in the Senate to realize that reapportionment is a live topic in a sparsely populated State like North Dakota, as much is it is in border States like Illinois, Georgia, or New York. A pending law suit filed by several eminent North Dakota citizens is designed to end some of the inequities in our present system. The amendment against Sims decision has hastened the drive for fair apportionment in North Dakota as well as other States. The ap-
There are many States righters who favor the Dirksen rotten-borough amendment. I respect them, although I disagree with them. But I ask them if they know what they are doing to the States. If we approve this slap at the Supreme Court, and it is found, as it is against Sims, this is precisely what it is, then what are we doing to State government?

Mr. Allen Otten of the Wall Street Journal reported only a few days ago from the Governors’ conference in Minneapolis that the States no longer have an inferiority complex. They are beginning to come to grips with the monumental problems of education. Why? Certainly one reason is reapportionment—not just of congressional districts, but of the State legislatures, too: Legislative reapportionment, ordered by the Supreme Court, is producing legislatures more representative of the cities and suburbs and more willing to come to grips with the pressing problems of expanding metropolitan areas.

Writes Mr. Otten, a most astute political reporter on the national scene—

it also is focusing attention on the whole problem of abysmal State government. In close to two dozen States, constitutional revisors or commissions are on the way or already at work. These often are set up mainly to reapportion the State legislature, but most branch out to streamline archaic constitutions and bolster the legislative and executive branches.

Are we now going to discourage this wave of reform which is sweeping the States by saying to one house of the State legislature, you can reapportion just about any way you please and the Supreme Court cannot touch you? I hope not. For the sake of good State government, able to struggle successfully with the problems of the jet age, let us not fool the machinery of the horse and buggy on the States.

NORTH DAKOTA FARMERS RELY ON GOODWILL OF CITY DWELLERS

It is self-evident that North Dakota agriculture is the predominant economic activity of my State. But North Dakota is by no means a predominantly rural State. Not many recall that more than one-third of North Dakota or 222,708 of its inhabitants are urban dwellers. Another 202,738 according to the 1960 census are rural nonfarm, and the remaining 207,000 are rural. There has been a steady urbanizing trend in North Dakota for the past 20 years. The rural sector has steadily diminished as the urban group has grown. In a State like ours, familv relationships are very close regardless of where people live. Grandfather Nyberg may live in Minot. He has farmed all his life and is now classified in the census figures as a city dweller, while his sons are farmers. Does grandfather rate 25 or 15 percent less of a vote than his son because he moved to the city during his old age? I think not.

North Dakota farmers long ago accepted the fact that “farm prices are made in Washington.” North Dakota farmers realize that without the votes of Senators and Congressmen from city and suburban areas they could not have a farm program which assures an ample supply of wheat in a hungry world and an adequate price for that wheat.

In this connection, I should also like to point out that in last year’s passage of H.R. 6196, the wheat-cotton bill, on April 8 in the other body, it was the 64.7 percent “Yes” votes from big city congressmen which made the difference in the outcome and meant so much to the wheat farmers of North Dakota.

The following chart prepared by the Division of Legislative Services of the National Farmers Union illustrates my point.

I ask unanimous consent that it may be printed in the Record at this point.

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

Analysis of record vote by House of Representatives on wheat-cotton bill, H.R. 6196—Passed 211 to 203, Apr. 8, 1964

<table>
<thead>
<tr>
<th>Type of congressional district</th>
<th>Democrats for H.R. 6196</th>
<th>Against H.R. 6196</th>
<th>Percent of total votes for</th>
<th>Percent of total votes against</th>
<th>Percent of Democrats for</th>
<th>Percent of Democrats against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>429</td>
<td>267</td>
<td>167</td>
<td>50.9</td>
<td>49.1</td>
<td>83.1</td>
</tr>
<tr>
<td>Big city</td>
<td>91</td>
<td>31</td>
<td>60</td>
<td>64.7</td>
<td>35.3</td>
<td>85.7</td>
</tr>
<tr>
<td>Rural</td>
<td>313</td>
<td>135</td>
<td>103</td>
<td>68.4</td>
<td>31.6</td>
<td>62.2</td>
</tr>
</tbody>
</table>

1 Negative (−) and positive (+) pairs are counted in total.

Mr. BURDICK. Mr. President, I mention this to emphasize that North Dakotans have for a long time appreciated their reliance on the city, as I hope the city people realize they depend on the hard work and efficiency of the North Dakota wheat farmer. There is no more precious world asset today than our abundant supply of wheat. Would that we would make more use of it than we do. Hunger stalks the face of much of the world, and our food is a stronger weapon in winning friendship for the United States than napalm, bombers, and marines.
domain of the States has come about because State governments failed to meet the challenge of the new day. Inadequate educa-
tional opportunities, archaic labor laws
leading to discrimination, have all too frequently,

It is expecting too much for State legis-
latures to change without outside
pressure.

Why should the Supreme Court get
into the middle of "this political thicket" as Justice Frankfurter warned? Why not? How else in our system of checks and balances can we better resolve this
tangle which grows more tangled as our Nation changes, as people move, and new problems emerge?

Any substantial change in districts means that the members must face new constitu-
ents and deal with uncertainties—in short, put upon themselves. Voting for a
new Constitution results in that the people of a State could permit themselves to be enveloped by tax or
without representation. (Hearings, S.J. Res. 2, p. 707.)

In a further comment, Representative
Jacobs added:

I give you my assurance that those two gentlemen also would, in my opinion, mean voting oneself out of office. That is
too much to ask of most politicians. The result is that the State legislatures do not reapportion, or, as it has been said, in dealing with reapportionment problems, indicate how futile it is to try to disenfranchise for relief to the body which has failed to enfranchise them.

So writes Anthony Lewis, prophetically,
4 years before Baker against Carr in an
article calling for the Supreme Court to take reapportionment case jurisdiction
in a Harvard Law Review article "Legis-
alative Apportionment and the Federal
Court."

Referendum and Initiative Not Intended for
Fundamental Constitutional Change

North Dakota has a long and proud history providing for initiative and
referendums, but this was never intended to
decide so fundamental a question as the
right to have a full and equal vote. The
history of referendums, not only in North Dakota but in other
States, does not move in rashly and tell Tennessee
precedents. It must do. It counseled
and persuaded. And as matters began
to move, the Court moved deeper, but it has
still left much of the initiative in the hands of the States themselves.

Mr. Anthony Lewis in his 1968 article before Baker against Carr said in "Legis-
alative Apportionment and the Federal
Court":

"If speech by a dissident minority is
of sufficient importance to the political health of society to deserve special judicial protec-
tion, surely there is greater warrant for
intervention by the courts when "the streams of legislation" become poisoned at the source, but that has not been the case, of major-
ity—of a majority, as is often the case in
case in malapportioned districts—to apply per-
assuring minority control.

On the surface, Senate Joint Resolu-
tion 2 looks like a fair proposition. Give
the people the right to vote. But, Mr.
President, I insist this is a deceptive pro-
posal. There is nothing in our history which
requires that the people should vote over and over on their fundamental
right to full and equal representation.

The one-man, one-vote principle which the Court has clearly enunciated, is not a blind, mathematical formula
which has no give or take to it. Indeed
not. The Court has merely said that the rule of reason shall be the yard-
stick in apportioning congressional and
State legislative districts. Thus, there
are variations from State to State, or from district to district—but they
must be reasonable.

Farm people have a vital stake in se-
curing the principle of one man, one
vote. Nobody questions the fact that a
shift in population from farm to
city has occurred. It is more in some
States than in others, but even in North Dakota, which depends on agriculture as its principal source of livelihood, the
trend continues and there is nothing
to stop it.

If farm people fiddle around with area
voting they will perpetuate terrible abuses and further bring down the wrath of
city dwellers. If we do not have fair
standards of representation along the
tines prescribed by the U.S. Supreme
Court, it is wholly conceivable that the tables could be reversed, that the cities
given enough time and given enough out-
errage will react in such a way that farm
dwellers will be deprived of even their
right to one man, one vote. That is why
the rules laid down by the Supreme Court are both good for the sheepherder and
good for the shoemaker.

Congress Should Not Lock into the Fede-
eral Process a Deceptive Method for
Assuring Minority Control

The one-man, one-vote principle which the Court has clearly enunciated, is not a blind, mathematical formula
which has no give or take to it. Indeed
not. The Court has merely said that the rule of reason shall be the yard-
stick in apportioning congressional and
State legislative districts. Thus, there
are variations from State to State, or from district to district—but they
must be reasonable.
The issue has been well stated by Prof. Royce Hanson of American University, in testimony before the subcommittee:

But I must emphatically oppose any system that permits a majority found on a single day to prejudice by a single vote the power whose exercise within which all subsequent decisions must be made, and by which every individual citizen must then abide.

No, Mr. President, Congress must not treat lightly the right of every American to a full and undiluted vote. This is no small matter which Congress or a fleeting majority in a State legislature has either right or reason to tamper with. THERE IS NO SUCH THING AS BEING JUST A LITTLE BIT DISENFRANCHISED!

Mr. President, the wisdom of the Supreme Court rulings on reapportionment grows as time goes on. In our North Dakota brief for fair apportionment, the plaintiffs say, quite correctly, "there is no such thing as being a little bit disenfranchised.

I have already pointed out how grandfathers who move from the farm to the city can in North Dakota have their votes whittled away by an apportionment which is prejudicial against the inhabitants of Bismarck, Grand Fork, Fargo, Minot, or any other city of any size in North Dakota.

We are a mobile people. We move from county to county, from town to town, from city to city. Why should any vote be diluted each time we move? The Supreme Court soundly reasons that in a mobile society the Founding Fathers and the authors of the Northwest Ordinance were right in establishing equal representation. There is no other rule which can better meet the test of fairness and reason.

Mr. THURMOND. Mr. President, I am opposed to the adoption of the conference report on S. 1564, on the same grounds that I opposed Senate adoption of the legislation in the first instance. The primary issue involved in the constitutional protection of the privilege to vote was not involved in the pending measure, which I am sure we all consider dear.

More particularly involved is the protection accorded that privilege by the 15th amendment to the Constitution. Since S. 1564 is predicated solely upon the 15th amendment, it becomes incumbent upon us to carefully examine the provisions of the amendment. It provides in section 1 that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." The second section of the amendment authorizes Congress "to enforce this article by appropriate legislation."

In my judgment, S. 1564 is not appropriate legislation, such as is contemplated by the second section of the 15th amendment.

In my judgment, S. 1564 is unconstitutional, because it is in direct conflict with other portions of the Constitution. The pending bill would invalidate, among other things, the literacy tests of the Southern States. Literacy tests are one valid method by which a State can judge the qualifications of citizens who offer to vote. At the present time, more than 20 States, obviously including many States outside the South, have some form of a power which more or less, in a test degree, be described as a literacy test.

The provisions of the Constitution which authorize a State to require the proof of literacy for voters are clear and unequivocal. Article 1, section 2, of the Constitution states:

Electors (for Members of the House of Representatives) in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The 17th amendment, adopted more than 40 years after the 15th amendment, contains language identical to that found in article I, section 2, of the Constitution. In providing for the direct election of U. S. Senators, the people of this country specifically reaffirmed the basic principle that it is the function of the States to establish qualifications for voters.

S. 1564 would override both of these provisions of the Constitution and substitute qualifications for voters established by the Federal Government.

The intervening adoption of the 15th amendment in no way invalidated the specific provisions of article I, section 2, of the Constitution and the 17th amendment. At a very early date, but subsequent to the adoption of the 15th amendment, the Supreme Court held that literacy tests which are drafted so as to apply alike to all applicants for the voting franchise would be deemed to be fair on their face, and in the absence of proof of discriminatory enforcement could not be viewed as denying the equal protection of the laws guaranteed by the 14th amendment. Therefore, it is implicit that neither would they violate the terms of the 15th amendment.

In 1959, Justice Douglas, speaking for the Court in the case of Lassiter against Jasper County, said:

"No time need be spent on the question of the validity of the literacy test considered alone since 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."

This decision upheld the literacy test of the State of North Carolina against a charge of unconstitutionality on its face.

Even as recently as March 1 of this year, the Court, speaking through Justice Stewart, made the following observation concerning the constitutional right of the States to prescribe voter qualifications:

"There can be no doubt either of the historical function of the States to establish, on a nondiscriminatory basis, and in accordance with the Constitution, other qualifications for the exercise of the franchise. Indeed, the States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised."

In that case, the Court quoted with approval the following language taken from Pope v. Williams, 193 U.S. 621:

"In other words the privilege to vote in a State is within the jurisdiction of the State itself to be exercised as the State may direct, and upon such terms as it may deem proper."

Mr. President, it would be possible to continue giving citations and examples which prove beyond the shadow of doubt that a State has been both the constitutional right and responsibility to specify the qualifications for voters, both in State and Federal elections, including requiring voters to pass literacy tests if such literacy tests are not used as a cloak to discriminate against anyone on the basis of race, color, or previous condition of servitude. However, this should be sufficient authority to convince any one of the basic constitutional right of the States to require literacy standards for voters. For this reason, I would like to turn now to the bill itself and attempt to point out some of the more obvious defects of the proposal.

The primary object of the bill is to outlaw any use of any device whatsoever to determine the qualifications of voters in any State or political subdivision of a State if, first, less than 50 percent of the persons of voting age residing in the State were registered on November 1, 1964; or, second, less than 50 percent of such persons voted in the presidential election of November 1964.

The Attorney General is empowered to determine what standard required by the bill will be considered a "test device" for the purposes of the bill. Section 3(b) of the bill contains broad guidelines for the Attorney General, but it is clear that he is delegated unlimited power to brand any qualification a "test or device" and outlaw its further use. To illustrate, if an applicant is required to sign his name to the application blank, then obviously he is being required to demonstrate his ability to write. The Attorney General may determine that this is a prohibited test or device. Similarly, the prohibition against requiring an applicant to "demonstrate any educational achievement" refers me to the conclusion that title I, the voting right division of the Civil Rights Act of 1964 falls within the prohibition of this bill. As you are aware, that act states that proof of a sixth-grade education raises a rebuttable presumption that the holder is a prohibited test or device. This is unquestionably a requirement of educational achievement which would fall within the proscriptions of the pending measure. In this unhappy circumstance, a State registration official would be placed in the unenviable position of violating one Federal law by enforcing another Federal law.

This bill is predicated upon the presumption that the terms of the 15th amendment have been violated merely by the existence of the fact that less than 50 percent of the voting-age residents of a State or political subdivision of a State were registered or voted at the time of the presidential election of 1964. This is a presumption which has no logical or
legal connection with the facts. It must be remembered that the 15th amendment prevents the United States or any State from denying or abridging the right of a citizen to vote solely on account of race, color, or previous condition of servitude. The amendment cannot be applied further to effectuate the protection provided by this amendment must be predicated upon the denial of the right to vote for the specific reasons enumerated in the amendment.

It is evident, however, that the Department of Justice has no intention of applying the terms of this bill to any section of the country outside of the States...
the Constitution so as to overcome the harshness, the injustice, and yes, the undemocratic features of the Supreme Court's reapportionment decisions? Why must "We, the people" be denied the right to apportion our own State legislatures by a judicial oligarchy of five? What is at the base reapportionment decision?

The Dirksen amendment is to simply provide the people with a means of apportioning one house of their State legislature and to face it for apportionment of their legislature. Moreover, the people of Colorado have even had the Supreme Court deny them their rightful choice as to apportionment of their legislature. In 1962, the people of Colorado were given the right to choose by an election one of two methods by which their legislature could be apportioned. The first plan, the so-called Federal plan, had one house of the Colorado Legislature based on population only while the other house was based on geography plus population. The second plan provided for both houses of the Colorado Legislature to be based on population only. By a 2 to 1 margin of the people, Colorado chose the Federal plan over the one-man, one-vote plan. Yet the Supreme Court rejected the choice of the people of Colorado and insisted upon their own obscure and confusing dogma. It was nothing less than judicial tyranny when the plan approved by the good citizens of Colorado was obstructed.

In the Colorado case—Lucas v. Forty-fourth General Assembly of Colorado, 377 U.S. 109 (1964)—Stewart, Justice, in what I consider to be a great and rational dissenting opinion from which I quote:

To put the matter plainly, there is nothing in the history of all this Court's decisions which supports this constitutional rule. The Court's draconian pronouncement, which makes unconstitutional the legislatures of most of the 50 States, finds no support in the history of our Constitution, in any prior decision of this Court, or in the 175-year political history of our Federal Union.

It is clear that the Court's concept of equality is based on sheer numbers rather than on a plan of rational representation of all the various interests in a State. By these reapportionment decisions, the Court has not only told us what we are, but what we are not. The Court's concept of equality is based on population, and the people's method of representation is to be apportioned equality.

Good citizens and the legislature of my own State of Nebraska have been vexed by these reapportionment decisions. In 1963, the citizens of my State amended our constitution and by popular vote, selected a method of redistricting our legislature. The amendment to which I refer provided that:

Primary emphasis shall be placed on population and not less than 20 percent nor more than 30 percent weight shall be given to such other factors as the people of the State may adopt in their reapportionment decision.

By adopting this amendment, the people of Nebraska clearly indicated their preference, yet the Federal courts have said "No" to the citizens of Nebraska.

The courts, through these reapportionment decisions, have substituted their will for that of the people. Why cannot the people, not only in Nebraska, but in the other 49 States as well, be trusted to adopt fair and equitable apportionment of their legislatures? There is not a Member of this body who would be here today except for direct action by the people of his State.

If today we say the people are not to be trusted to select their own method of apportioning their legislatures, tomorrow we shall surely hear the cry that the people are not to be trusted to select their representatives to the U.S. Senate.

As U.S. Senators, it is and must always be our duty to insure all the citizens of the States and all the various areas within those States of fair and equitable representation. I am heartily in agreement with the contention of the sponsors of this amendment when they say that such representation cannot be brought about by cold computer totals that turn people into numbers and numbers only. To adopt such a philosophy and such an approach, in my opinion, is to cast aside that precedent that has been fundamental to our way of life. It is to depart from a system of representation that has made the rural areas of our States self-reliant and self-confident. I am utterly amazed when I hear the opponents of this proposed amendment claim that because of the best traditions of civil liberties precepts when they tell us that the vast and widely scattered units of our economy are entitled to only such representation as they can be bought through bargaining with the political process. It is not the way things have been done in this country. It is not in keeping with the American philosophy and with the American understanding of fairness.

To me, this entire debate has resolved itself into the simple question of whether we, as Senators, are afraid to trust the voters who sent us to Washington—trust them, I mean, to make other decisions as to how they want to be represented. I, for one, am going to support a constitutional amendment that will permit such decisions to be made at the voter level. I urge support for the distinguished Senator from Illinois, the HonorableDirksen, in his splendid efforts to increase legislative responsibility and leadership at the State level.

FREEDOM ACADEMY LEGISLATION MOVES FORWARD

Mr. MUNDE. Mr. President, it is frequently difficult for a layman to specu- late accurately about what activities of Congress or in Washington may be considered newsworthy by the newsgathering people on Capitol Hill. A difference of opinion involving two officials of different political conviction may stir comments of comment and reportorial material. There may be a difference by a Committee of Congress—unanimously arrived at—may be overlooked entirely by the press despite the fact its potentiality is so great it can conceivably change the course of human history.

A recent case in point is the unanimous vote by which the House Commit­tee on Un-American Activities reported favorably to the House the so-called Freedom Academy bill. This significant action was virtually unreported by half the Nation's press; it was overlooked entirely by many of the commentators and reporters who purport to give the public a full and fair daily report on national decisions and actions of Congress.

Even the wire services failed to catch its significance or to report its highly important ramifications. If passed by this session of Congress—as I hope will be the case—this bill will create a Freedom Academy for strengthening the capacity of America to win the cold war in which we are engaged by other than military might and sacrifi­ce, in all probability can bring about a real turning point in the cold war. It is thus highly unfortunate so many Americans remain uninformed about this action because it was not considered exciting or important or controversial by some groups or sections of the publicity media covering Washington.

However, facts will out. Slowly but surely Americans are learning about this significant development. For example, today's issue of the Washington Evening Star carries as its top column in the editorial section an interpretative piece written by James J. Kilpatrick entitled "Freedom Academy Plan Backed." It is an excellent résumé of what is involved in this important legislation. I urge all Senators interested in freedom to write their Congressman or Senators requesting a copy of the committee report issued by the House Committee on Un-American Activities on its favorable action on the Freedom Academy bill. It is informative, interesting, compelling and encouraging reading. It gives real hope that situations such as that in which are now engaged in Vietnam will not need to be repeated and that peace and freedom may well prevail in this world without war.

Mr. President, I ask unanimous consent that the Kilpatrick column may appear in the body of the Record at this point in my remarks.

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

FREEDOM ACADEMY PLAN BACKED

(By James J. Kilpatrick)

The House Committee on Un-American Activities has come up with a bill the other day that has been almost wholly ignored in the press. This is a pity, for the bill is a good bill, intended to fill a critical need, and it
ought not to be left to languish for want of public discussion.

The bill would create a new seven-man Freedom Commission, whose principal duty would be to maintain a Freedom Academy. And the principal business of the Academy would be to teach courses and conduct research in "total political warfare" and political intelligence.

Such a proposal is not new. The bill just reported by the House committee is patterned after a measure adopted and approved in the Senate 5 years ago. Since then, a bipartisan coalition of liberals and conservatives in both Houses has kept the idea of national political intelligence alive. But the plans include such respected men as MUNDT, CASE, DODD, DOUGLAS, FONG, HICKENLOOPER, MILLER, PROCTER, PROUTY, PROXMIRE, and SMATHERS. And the principal business would be to establish and maintain a Freedom Academy. And the principal business would be to teach courses and conduct research in "total political warfare" and political intelligence.

The Commission, under the chairmanship of Meyer Kestenbaum, was charged with an examination of the relationship between the States and the Nation in the Government in our Federal system. On the question of reapportionment, the report concluded:

Reapportionment should not be thought of solely in terms of a conflict of interests between urban and rural areas. In the long run, the interests of all in an equitable system of representation that will strengthen State government is far more important than any temporary advantage to an area enjoying overrepresentation.

I am very proud of my State, South Dakota, because it has been responsive to the necessity of fair representation for all our citizens. Article III, section 2, of the South Dakota State constitution declares: "The legislature of each State legislature may vary from not less than 25 to not more than 33. The membership of the State house of representatives may vary from not less than 50 to not more than 75. Because both houses of the South Dakota Legislature are comparatively small, the apportionment problems that arise are particularly difficult to solve. Equitably apportioning the statutory 75 house seats among 67 counties with populations varying from 1,042 to 86,575 is difficult. Even more taxing is the job of dividing the 35 senate seats among the same counties in an equitable manner.

Nonetheless, South Dakota legislatures have made significant and largely successful efforts to apportion the State in accordance with population movements. The South Dakota constitution laid out the legislative districts from which the 1889 State legislature were to be elected. Under section 2, article XIX, this apportionment was to remain in effect until otherwise provided by law. The legislature of 1891 passed a major reapportionment act, and others followed in 1897, 1907, 1911, 1917, and 1937. In addition, adjustments were made in 1903, 1951, and 1961. Striving to draw apportionments which would reflect population movements, the State legislature of the early years sought to take into account the increasing population in the area west of the Missouri River—the West River area. Possessing only 11 percent of the seats in both the house and senate under the original constitutional apportionment of 1889, the West River, in 1961, held 25 percent of the house seats and 29 percent of the senate seats. The 1951 reapportionment represented a step—a healthy and logical step—toward the road to equitable representation. In a paper prepared under the auspices of the Legislative Research Bureau of the State University of South Dakota, Dr.
Alan L. Clem, associate director of the bureau, evaluates the 1961 reapportionment. Dr. Clem notes that:

On the basis of sectional representation, the legislature in 1961 did improve matters considerably by shifting a senate seat out of the northeastern quarter (Brown County) and into the West River section (Pennington County). Before the 1961 reapportionment, the West River section had been underrepresented in both the house and the senate.

On the basis of the 1961 reapportionment, South Dakota was placed in the "well apportioned" category by Glendon Schubert and Charles Press in an article in the American Political Science Review for June 1964. Still, South Dakota's largest counties remained underrepresented. Once again, in 1965, the State legislature took action to bring legislative reapportionment into line with population concentrations. This year, South Dakota has passed both a legislative and congressional reapportionment.

Mr. President, I ask unanimous consent that two tables—one showing the populations of South Dakota's house districts and the other showing the populations of her senate districts—be inserted in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McGOVERN. Mr. President, South Dakotans can take pride in the record of our State in living up to the "one-man, one-vote" standard set forth by the Supreme Court. Only 2 of 39 senatorial districts and only 3 of 39 house districts deviate from their respective chamber averages by more than 15 percent. None of the deviations reach 20 percent, and it appears that they have resulted principally from particular arrangements of the population that are invariably a problem in redistricting. South Dakota has done well in complying with the elastic apportionment which is called for both by the Federal and State constitutions.

Professor Clem has written to me concerning the Dirksen amendment. At the close of his letter is this observation which I find intriguing and moving.

May I be allowed, in closing, one personal conclusion. I deeply reverence the American political heritage, particularly its Constitution and the principles of self-government, of free government, of limited government, and of responsible government that we associate with it. Crucial to these principles is the political equality of every citizen. In this sense, I strongly believe it would be wise to defeat the Dirksen reapportionment amendment and any other proposal that would limit the rights of Americans to receive fair representation and the equal protection of the laws. As the 1964 court decisions said, the right of qualified citizens to political equality should be beyond the reach of the referendum as well as of the legislative and judicial branches.

I agree with this well-stated opinion of Professor Clem's. Acting in accordance with the American tradition of political equality and South Dakota's proud history of fair apportionment, I shall oppose this attempt to dilute the Supreme Court's ruling.

<table>
<thead>
<tr>
<th>Exhibit 1</th>
<th>South Dakota House of Representatives districts, 1965 apportionment</th>
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<td>District No.</td>
<td>Members</td>
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<td>1</td>
<td>Harding and Perkins</td>
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<td>Mellette, Todd, and Washabaugh</td>
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<td>Gregory and Tripp</td>
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<td>Jackson, Jones, and Lyman</td>
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<td>Marshall and Liberty</td>
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<th>South Dakota Senate districts, 1965 apportionment</th>
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<th>Exhibit 3</th>
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Mr. MURPHY. Mr. President, as a co-sponsor, I rise to urge my colleagues to support Senate Joint Resolution 2, which proposes a constitutional amendment permitting one house of a State legislature to be apportioned on factors other than population, provided the people of the State so elect.

I believe that this is a most fundamental and paramount domestic issue facing the Congress and the American people. I would indeed be negligent if I did not, at the outset, pay tribute and commend the distinguished minority leader for his perseverance, his astuteness, and his leadership in chairing and steering this bill to the Senate floor.

Mr. President, I should also like to compliment the distinguished members of the Judiciary Committee who took
part in the extensive hearings that were held on this resolution. The hearings have helped to focus the people's attention on this issue. I have studied them carefully and I hope that as many Americans as possible will read them. The hearings have been helpful in improving Senate Joint Resolution 2. As a result of these hearings, a bill has been drafted that will permit the people, if they so elect, to have one house of a State legislature based on factors other than population.

At the same time, safeguards have been written into the measure to make certain that the composition of the legislature will continue to reflect the wishes and the desires of the people. It does this by requiring the resubmission to the people of any approved plan every 10 years.

The Supreme Court on June 15, 1964, in Reynolds against Sims, ruled that both houses of a bicameral legislature shall be apportioned on the basis of population. This was a precedent-shattering and a far-reaching decision—one I believe that goes to the very foundation of our system of free government. It seems perfectly clear that the amendment far from protecting entrenched minorities, would enable the people of the States to have a voice in choosing their own form of government, and to revise their choice should they see fit to do so at 10-year intervals.

What could be more reasonable, more consistent with our democratic process? To oppose it on "liberal" grounds is absurd. We hope the Dirksen amendment will be called up this week, and that the necessary two-thirds vote to approve it will be forthcoming.

Mr. MURPHY. Mr. President, as the editorial states:

It seems perfectly clear that the amendment far from protecting entrenched minorities, would enable the people of the States to have a voice in choosing their own form of government and to revise their choice should they see fit to do so at 10-year intervals.

The editorial ponders:

What could be more reasonable, more consistent with our democratic process?

There is general agreement that a legislative apportionment formula based on factors other than population is an approach that allows continuous scrutiny by the American people.

Mr. President, I ask unanimous consent that a recent editorial from the Sunday Star, entitled "We Vote for Dirksen," urging support of the Dirksen amendment, be printed in the Record.

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

[From the Washington (D.C.) Sunday Star, Aug. 9, 1964]

**We Vote for Dirksen**

The Dirksen constitutional amendment, which would modify the Supreme Court's one-man, one-vote ruling, is slated for a showdown vote this week. Senator Dirksen and Senator Mansfield, the majority leader, have agreed to seek unanimous consent on the amendment to on Wednesday. If the opponents think they can block the two-thirds Senate vote required for passage of the Dirksen proposal, they presumably will go along with the unanimous-consent appeal. If not, if they do not believe they have the needed negative votes, than a prolonged "liberal" filibuster is to be anticipated.

We think the Dirksen proposal, in its present form, should be approved. For it has been significantly improved since it was first submitted.

At one time it was feared that the amendment, if finally adopted, would enable State legislatures, controlled by members representing a minority of a State's population to apportion one branch of a legislature on factors other than population. In other words, one house of the legislature might continue to be dominated by a minority of the population over the long haul.

This is not true. The Dirksen amendment contains two key provisions. First, assuming ratification of the amendment, a State legislature controlling the election process would be required to submit two plans to the voters of the State in a referendum. One plan would have to be in accordance with the one-man, one-vote concept. The other would authorize apportionment of one branch of a legislature on such factors as the people "deem appropriate." In short, at the very outset a majority of the voters in each State would have to approve any modification of the one-man, one-vote laid down by the Supreme Court last year.

Furthermore, a recent change in the amendment stipulates that any plan approved by the people must be submitted to the People's Assembly, the supreme lawmaking body in the States, for its approval. If it is rejected, the amendment would be nullified.

If all 39 States have a say in the matter, the amendment would become a viable selection for citizens of California since the Supreme Court has ruled that one-man, one-vote is meaningless without the approval of the voters.

Subsequently, the people's voice was again heard, and the earlier decision was reaffirmed in 1928, again in 1949, again in 1960, and again in 1962.

Overwhelming support of the resolution memorializing Congress to enact a constitutional amendment was received in the California Legislature. In the California 40-man Senate, 39 out of 39 voted for the resolution. In fact, all 39 of the senators co-sponsored the resolution. We did not have to vote, because at the moment there was a vacancy in the California Senate. Obviously, Mr. President, senators from the populous areas as well as senators from the rural areas wholeheartedly endorsed the Dirksen amendment.

In the assembly, the resolution passed easily by a vote of 58 to 10. Thus, Mr. President, there can be no question on how the citizens of the great State of California feel on this issue.

I believe that the opponents of the Dirksen amendment are aware of the voters' sentiments in this issue. Knowing the people's feelings, they object to
submitting this question to the people. They feel that the people's verdict will not coincide with their views as to what is fair representation.

Mr. President, I reject and resent this argument. It is very unfair to suggest or imply that the Senator from Illinois [Mr. Dirksen] is responsible for the civil rights acts, would now attempt to enact legislation that would harm the civil rights cause. This argument is specious to say the least.

An examination of the Dirksen amendment reveals that its purpose is a defense of the bicameral legislature on a true population basis. Some adjust-

ments are unquestionably called for, but I do not believe that we should scrap the entire workable system because repairs are needed.

Mr. President, ask the teachers across the country and their pupils. They will tell us that an analogy exists between the Federal and the State legislatures. A majority of a special committee of the Senate of the State of Illinois, which concluded that an analogy exists. The academic theory that no such analogy exists flies in the face of what actually has been so in practice and the common sense and good judgment of the American people.


Mr. President, I ask unanimous consent that excerpts from Judge Campbell's opinion be inserted in the Record at this point.

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

> ... In adopting this political and practical compromise, Illinois has done no more and no less in my opinion than to follow the example of the Founding Fathers in the Constitution of the United States. Recognizing the necessity for protecting minority voting rights and local sovereignty of the States, the system then in use provided for the election of our unicameral Congress. As in Illinois, election to the upper House is based on geographical area, or if you will, a weighted voting system. Election to the lower House is based on population similar to Illinois. If a district is deemed improper when observed in the presence of the Federal Government be suddenly deemed improper when associated with a sovereign State? Must the subject be more royal than the king? Must the State be more democratic than the United States?


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protected interests as freedom of speech or racial equality. But that is not the kind of issue that we should be canvassing in Senator Rattigan's testimony. The issue can be phrased also as one of political equity. To put it more clearly, we are dealing with the intra- 

distinctive and executive branches, at various intervals, since the 1870s. 

state problem of setting up a legislature, a substitute for a direct democracy of the town meetings. One of the reasons why Fair Representation is based to a large degree on the proposition that the people served by a given apportion-ment-representation system are appropriate judges of the system, and that their judgment through the direct democracy device of recurring statewide one-man, one-vote referendums. The National Committee for Fair Repr e sentation, which has done good work in the past, would oppose looking at the matter this way, but in opposing it I think the Na tional Committee for Fair Representation is in danger of becoming a National Committee for fair representation in its title. It is in danger of missing the point that there is a man, one-vote plan that has been made to upset the balance of the laws—both houses. While this certainly is not intended to mean that one man, one vote gives rise to corrupt politics, the context suggests that there is, indeed, much to be said for retaining one house on a different districting basis than the other. Seldom does a political machine acquire domination on the basis of both houses. We naturally want that arrangement in which the pattern of our National Government. There leagues the United States was completely dominated by boss rule, although any weakening of the law might well be that designedly or other wise.
about six all-year highways. Many of our trans-Sierra highways are closed all winter because of the snow. About six of them, most of those in the south, are open all year. But one district for one man, because of one small mountain peak, would be 2,000 miles by road. There is no good bus transportation and no regular air transportation the length of that area. But by State highway, it would be 200 miles from one end of his district to the other.

It would be extremely difficult to reapportion that long district on a lateral method so that it would be equal across the State because of the paucity and the inadequacy of our all-year highway system as it is now.

In conclusion I reiterate that the Federal plan of apportionment is the clear preference of the people of California. It is an arrangement which has served us well through our most trying years.

California’s balanced legislature has blended remarkably well the diverse interests of its people. This system, by achieving a consensus among the many groups of people, has produced effective and fair representation in the proper interests of all.

Many foresee inevitable conflict between rural and urban America. I do not share their fears, for Americans historic character is built upon sympathy to their fellow citizens’ problems. Americans realize that the rural and urban interests complement and are interdependent of each other.

States should be permitted to organize their government in the manner desired by the people. Senate Joint Resolution 2 would establish broad guidelines which would require that one house be truly based on population and at the same time permit the upper house, if the people desired, to be based on factors other than population.

Frequently, opponents of Senate Joint Resolution 2 also rely on the catchy euphonic one-man, one-vote slogan. Yet, as my colleague has pointed out, any decision by their very opposition seem to fear the result of allowing citizens such a vote, for one man, one vote is exactly what this resolution commends. Everyone and everyone should be allowed to express through the ballot box, whether he wished to be represented in one house of a bicameral legislature on factors other than population. It allows people to determine whether the State’s unique characteristics require that representation in the upper house be based on factors such as geography, economies, area and local political subdivisions.

I wish to make it clear that this is no effort to change the Supreme Court-Decisions of the Supreme Court, like the operations of the other great branches of our Government, properly remain accountable to the people, the ultimate source of political power in our free society. I believe this will have the final word in constitutional law.

Our Founding Fathers wisely established an amending procedure giving the people the final verdict. I, for one, believe that the people have the right and they should be given the opportunity to express their decision by means of a broad decision of representation in the State legislature. I urge passage of the resolution.

Mr. President, I ask unanimous consent that various editorials in support of the Dirksen amendment be printed in the Record.

The following no objection, the editorials were ordered to be printed in the Record, as follows:

[Times editorials, Feb. 21, 1965]

REAPPORPTION: NO TIME TO GIVE UP

Finally overcoming its reluctance, the assembly has joined the State senate in petitioning Congress to act on modifying the Court decision. The House has already voted in favor of the Supreme Court’s harsh legislative reapportionment decision.

A great deal of precious time was lost by assembling on the floor of the House on support of a proposed constitutional amendment restoring the right of States to elect one legislative branch on a population basis.

Approval by Congress and the States of such an amendment is the surest way out of the reapportionment dilemma. California’s upper house has been ordered to reapportion itself by July 1 according to the Court’s one-man, one-vote decree. Thus far, however, there has been no more argument than action in Sacramento.

But now that the assembly has voted its approval of the reapportionment amendment, the Governor and Senator John G. Mc＼�nould should be informed that the House of Representatives will act on the matter on a broad basis.

No reapportionment plan thus could be adopted unless the right to vote was protected and enforced for all citizens. The absence of such protection was a valid basis for the Supreme Court’s earlier decisions on legislative reapportionment.

In California, however, the present system was endorsed by the people in several subsequent elections. In spite of some disparity in urban representation, the system is basically sound and fair. As then Governor Earl Warren said so forcefully when he was Governor.

Preservation of that system is worth the fight, worth the efforts of California’s Governor, State legislators, and Members of Congress. And the time for an all-out campaign is now.

[From the San Francisco Examiner, Feb. 4, 1965]

IT JUSTN’T SO

Justice Arthur Goldberg of the U.S. Supreme Court defended in Washington the other day the California Court, compelling the reapportionment of State senate on a population basis. He said, “For the first time in the country’s history, every man’s vote is going to have as much weight as the next man’s.”

This is not true. It was never true. It was never meant to be true. California has 2 U.S. Senators and 18 million population. Nevada has 2 U.S. Senators and 300,000 population. The vote of a single Nevada citizen weighs as much in the U.S. Senate as the votes of 60 Californians.

That is the federal system, prescribed for a nation of 49 States. It was also, in a modified and very successful way, the system followed in California’s State senate until the Court Interfered.

[From the Bakersfield Californian, Feb. 23, 1965]

SENATE PUSHES REAPPORPTION FIGHT

A nationwide effort to enlist public support for a proposed constitutional amendment affirming the right of States to determine their own legislative organization and apportionment has been undertaken by the California Legislature. It is a project that earns the commendation of all Californians and indeed all Americans. It is also, in a modified and very successful way, the system followed in California’s State senate until the Court Interfered.

[From the San Diego Union, Feb. 23, 1965]

PUBLIC MUST RAISE VOICE: REAPPORPTION STILL THREAT

The people of California cannot let the legislature fail to reapportion by the passage of one resolution.

A resolution passed by both houses in conference asks Congress to nullify a U.S. Supreme Court decision requiring the State senate as well as the assembly to be based on population.

The resolution is good as far as it goes, but raises a mere whisper to Congress instead of the groundswell needed to avert the drastic Supreme Court decision.

Congress and the Court, I doubt, have both ignored previous pleas of States to reconsider the so-called one-man, one-vote ruling. Congress will continue to ignore the pleas unless there is a great new push to reach its politically sensitive nerves.

California’s stake in continuing the present system is much greater. If the other branch is allowed to stand, a few populous southern counties will control the State senate as well as the assembly.

Representation in the large and economically important northern counties that are sparsely populated would depend on the grace and favor of the urban legislators. State government would be far removed from people of the north.

The people of California have clearly indicated in past years they do not wish the State senate elected on a population basis. It is written into the constitution. Six proposals to reapportion the legislature were defeated by the legislatures of the States of the century. The last was as recently as 1962.

As then Gov. Earl Warren pointed out in 1944, “Large counties are far more important in determining the character of our population than the vote of the urban areas bears to the entire population of the State. It is for this reason that I have never been in favor of redistricting representation in our senate on a strictly population basis.”

Yet as Chief Justice of the United States he favored the one-man, one-vote ruling that will leave years of bitterness and divisiveness in California. Some says even in the proposals to divide California into two States.

The resolution passed by the legislature to seek relief from the Supreme Court decision is a good initial step. Now the campaign must include requests in earnest and maintained incessantly.

[From the San Francisco Examiner, Feb. 4, 1965]
Since there is a time limit on the Court's designation for preparation for arranging State affairs to comply with its ruling, the need for Congress to act on it to bring about a constitutional amendment is all the more pressing. It is certainly the "sense" of the States that defense of their fundamental right to representation as that enjoyed by the citizens of the States should make their wish clear to the Congress and to the legislative bodies of the States that apportionment be given an assurance to the States of their right to apportion their legislature as they wish, a right that had been assumed for more than a century and a half until the Court's recent decision.

Rapid and sustained action is necessary and the California senate is to be commended upon it.

[From the Sacramento Bee, Feb. 8, 1965]

APPORTIONMENT DECISION CALLS FOR AMENDMENT

It is noteworthy that U.S. Senator Thomas H. Kuchel, of California, a staunch supporter of the U.S. Supreme Court and close friend of Chief Justice Earl Warren, has given his support to the amendment which would give States the right to apportion one legislative house on a basis other than population.

If this amendment is adopted and the voters then give their approval to a plan for election of State senators representing geographical areas, California could have the power of the Federal courts to rule that no income tax could be imposed there was a proposal for an act which would have stripped Federal courts of jurisdiction over any right that ever pertained to the Constitution to rule that no income tax could be imposed because of the recent remarks of Justice Earl Warren; has given his support to the amendment which would give States the right to apportion one legislative house on a basis other than population.

California, with its exceptional diversity of economy and geography, could be unusually well served by the apportionment proposal. This has a concentration of population along its coastline with vast geographical areas inland that are vitally important to the overall economy but thinly populated. Similar conditions exist in some foreign countries where government representation is based on population alone. What has happened? Political power is concentrated along the coastline. Tremendous inland resources go undeveloped. Highway and other development opportunities are concentrated in the population centers while other areas are ignored. The full potential of the nation will never be realized until geographic considerations are recognized in government.

Representative William McCulloch, Republican, of Ohio, has introduced a resolution in the House of Representatives to amend the Constitution to further guarantee the right of any State to apportion one house of its legislature on "factors other than population."

It reads: "Nothing in the Constitution of the United States shall prohibit a State, having a bicameral legislature, from apportioning the membership of one house of its legislature on factors other than population. If the citizens of the State shall have the opportunity to vote upon the apportionment."

Such an amendment would eliminate any legal quibbling about a State's sovereign authority to maintain its legislative framework on an equitable basis.

Representative McCulloch's resolution, however, appears doomed unless there is a move to amend the Constitution to give States the right to apportion one legislative house on a basis other than population.

In some states it is safer to have two senators, and many of these are counties that are relatively sparsely populated. In others, one senator in a large county is often the only vehicle for representation of a rural area.

We have also seen the apportionment problem, as it is called by the Court, in the case of reapportionment of the State legislature in California. The magnitude of the political change that is to come over California is reflected in the tentative plan for reapportionment of the San Diego area.

Four counties—Los Angeles, Orange, San Diego, and Imperial—would have among them 20 senators. With the help of one additional county, this power group would dominate the affairs of California and its 18 million people.

Reapportionment was a flat of the U.S. Supreme Court, brought about in a ruling on a Tennessee case which enunciated the one-man, one-vote theory.

Subsequently, a panel of Federal judges in Los Angeles set July 1 as a deadline for compliance. Californians themselves were not consulted.

We have read with a great deal of interest the recent remarks of Senator Musgrave of Arizona concerning the reapportionment in California. He insists that the United States is a republic and a truly representative government. For the protection of minority population States."

The U.S. Senate, she says, is striking proof that our Government is not a democracy but a republic.

"New York, with a population of several million people has no more representation in the Senate than my State of Maine, which has a population of less than a million people," she says.

"Both States have two Senators each. This is an attack on the sanctity of the Constitution itself says, "The United States shall guarantee to every State in this Union a republican form of government."

The U.S. Supreme Court in 1964 got around the situation with neatness. It was argued that the States entered the Union as sovereign States and their Senators were delegates of the States and not the people to the Congress.

Counties, it was contended, are not sovereign States and the Supreme Court may therefore any legislative body apportioned by area and not population is unconstitutional unless consistent with the 1944 views of Justice Warren.

A large proportion of California voters will in fact be disenfranchised politically, with the voting of power of the Senate in the representatives of a few large counties. It will be in effect, "one man, no vote."

[From the Oakland Tribune, Jan. 24, 1965]

RETURNING POWER TO CALIFORNIA'S CITIZENS

Apportionment based partially on geographic factors helps provide balance and flexibility in government. Specifically, it prevents urban areas from acquiring such power of the Senate as it has a concentration of population along its coastline with vast geographical areas inland that are vitally important to the overall economy but thinly populated. Similar conditions exist in some foreign countries where government representation is based on population alone. What has happened? Political power is concentrated along the coastline. Tremendous inland resources go undeveloped. Highway and other development opportunities are concentrated in the population centers while other areas are ignored. The full potential of the nation will never be realized until geographic considerations are recognized in government.

These leaders should include legislators, political figures, business, and civic groups, and other organizations which are acutely aware of the benefits of the check and balance system. Once organized in California, they should carry their campaign throughout the Nation.

Otherwise, California and other States will be confronted with a real disfranchised "minority" people who have not migrated to metropolitan centers.

This development could prove disastrous to this country's entire concept of free and equitable government to its full economic development.

California, the most populous State in the Union, must now assume its responsibilities of leadership.

[From the Culver City Star News, Feb. 16]

A REPUBLIC OR A DEMOCRACY? NEW RULES ON APPORTIONMENT

A historic June 15 ruling by the U.S. Supreme Court could reshape this country's basic philosophy of government, unless the public moves vigorously to block the proposed change.

The Court on that date decreed the equivalent of a constitutional amendment, requiring the States to compose both houses of their legislatures solely on the basis of population. In its usual interpretation, the Court held that a constitutional amendment was not intended to prevent a State from setting up the legislative structure it believed to be fair. If the amendment was debated years ago in the House, it was stated the measure "takes from no State any right that ever pertained to it."

Since rapid and sustained action is necessary and the California senate is to be commended upon it.
A controversial and far-reaching decision was ordered by the U.S. Supreme Court. The decision is followed by a rash of countermeasures, usually in the form of constitutional amendments, which have been adopted in every state in congressional committee pigeonholes.

In the heat of controversy, proposals sometimes mentioned strictly on a population basis and the other apportioned along lines dictated by geographic and other factors.

The state senate and house of representatives and the U.S. Senate are organized in accordance with such a formula. So is the California Legislature.

This is not a demote the Court's insistence that cities be fairly represented in State legislatures. That principle is a sound one.

What the Gubser amendment would do is enable a State to follow the Federal Government's example of having one house apportioned strictly on a population basis and the other apportioned along lines dictated by geography and other factors.

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the levy of both sales and use tax by cities and towns in California. This proposal was made in 1955 by the Bradley-Burns Act. This latter proposal was opposed by farmers and agricultural interests now produces in the neighborhood of $500 million a year for local government. It is the major reason the metropolitan areas of California have been able to meet some but not all of their growth problems.

1953
S.B. 900 (ch. 529) 1941 revenue bond law: To include financing for street drainage, parking, swimming pools, and terminal facilities within revenue bond financing authority of cities.

S.B. 1368 (ch. 1440) OASIS coverage for public employees: Made basic social security coverage available for first time to many city and county employees.

S.B. 1156 (did not pass) County and city affairs commission: Showed recognition of metropolitan area problems. Measure would have approved a forum to consider local intergovernmental relations problems.

1956
S.B. 278 (ch. 703) Reimbursement agreements in subdivisions for drainage: Extended seven-year agreement to fund storm drainage costs.

S.B. 1268 (ch. 1440) OASIS coverage for public employees: Made basic social security coverage available for first time to many city and county employees.

S.B. 1971 (ch. 1860) Engineering and administration allocation of gas tax: Engineering and administration allocation of gas tax to cities based on population.

S.B. 1234 (ch. 1666) Urban renewal authority: Very important legislation for metropolitan areas. Allocation of gas tax: Engineer­ ing and administration allocation of gas tax to cities based on population.

1957
S.B. 2308 (ch. 3901) Grade separation: Five million dollars allocated annually to cities for gas tax for grade separation. Construction costs to reduce accident toll from railroad crossing accidents by speeding up construction.

S.B. 993 (ch. 1651) Aircraft operation—zone of operation: Helpful to airport-owning cities in metropolitan areas.

S.B. 244 (ch. 1985) Community mental health act (Short-Doyle Act): A precedent-setting step forward in establishing programs for outpatient care of the mentally disturbed.

S.B. 2170 (ch. 2376) State participation in Federal loan program projects: Helpful to southern beach areas.

S.B. 2110 (ch. 2375) Loans for small craft harbors.

S.B. 3107 (ch. 2362) Small craft harbors division.

1959
S.B. 1461 (ch. 1638) Authorization for acquisition by counties and cities of open spaces: Open space is most needed in and around congested metropolitan areas.

S.B. 703 (ch. 1152) Revision and streamlining of Community Redevelopment Act: The most important urban renewal legislation in California since the act was adopted in 1945.

S.B. 342 et seq. (ch. 1611 et seq.) Small craft harbors: Allocation of profits on small craft harbor revolving fund: Most municipal small craft harbors are now financed with this fund.


S.B. 169 (ch. 2187) Distribution of rentals from State freeway acquisitions to taxing agencies.

S.B. 30 (ch. 6) Extension of ½-cent gas tax (imposed in 1953 and due to expire in 1963) enabling local governments to use with State funds for freeway construction program in urban areas.

1961
S.B. 1081 (ch. 1404) Municipal tort liability: Postponed for 2 years the effect of a California Supreme Court decision making cities liable in all cases where an individual would be liable for negligent acts. Permitted the legislature to consider governmental problems which would arise if liability made government unable to govern. The act was vetoed by the governor. There is no question but that bills beneficial to urban interests were initiated in a house called rural senate and its committees unquestionably was one of the most important factors in the passage of the legislation. This is no question but that bills beneficial to urban centers were initiated in a house called rural senate and its committees.

In the 1963 session, as well as others, there is no question but that bills benefiting urban interests were initiated in a house (assembly) districted largely on the basis of urban interests. This was true of the Small Craft Harbors Program and the Rumford Fair Housing Act.

In his Legislative Review, dated July 18, 1961, the executive director of the League of California Cities commented:

"Both offensively and defensively the so-called rural senate and its committees sympathize toward bills of interest to cities than did the urban assembly. Contrary to popular belief this is not unusual. This year, more than ever before, the assembly showed an alarming disregard for the principles of home rule and the needs of cities. This is not true of the Senate when asked to consider local intergovernmental relations. It would have been impossible to continue to operate without any local government. It would have been impossible to continue to operate municipal jails, police departments, fire departments, and so forth, without such legislation. In the 1963 session, as well as others, there is no question but that bills benefiting urban interests were initiated in a house (assembly) districted largely on the basis of urban population but in every case these measures had to be approved by the Senate. This was true of the Small Craft Harbors Program and the Rumford Fair Housing Act."

During the period we are covering, it is so ordered.

PRESIDING OFFICER. The question is on agreeing to the amendment. The PRESIDING OFFICER. The Senate will be voting on Senate Joint Resolution 66 as amended by the Dirksen substitute, as modified.

Mr. HOLLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senate will be voting on Senate Joint Resolution 66 as amended by the Dirksen substitute, as modified.

The PRESIDING OFFICER. The Senate will be voting on Senate Joint Resolution 66 as amended by the Dirksen substitute, as modified.

Mr. MANSFIELD. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

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

Mr. MANSFIELD. What are we voting on?

The PRESIDING OFFICER. The Senate will be voting on Senate Joint Resolution 66 as amended by the Dirksen substitute, as modified.

Mr. SYMINGTON (when his name was called). On this vote I have a pair with the Senator from Minnesota [Mr. MacCarraney]. If the Senator is not voting, he would vote "nay." If I were-
mitten to vote. I would vote "yea." I therefore withhold my vote.

Mr. LONG of Louisiana (when his name was called). In view of the fact that this is a vote on a question which requires at least a two-thirds vote, I am paired, together with the Senator from Missouri (Mr. McNICHOLAS) and the Senator from Minnesota (Mr. McCarthy). If the Senator from Minnesota were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

The roll call was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Arizona (Mr. HAYDEN) is absent on official business.

I further announce that the Senator from Minnesota (Mr. McCARTHY) is necessarily absent and his pair was previously announced.

The yeas and nays resulted—yeas 57, nays 39, as follows:

[Miscellaneous listings of senators]

VIETNAM—THE IMPEACHMENT OF THE PRESIDENT

Mr. MORSE. Mr. President, yesterday I said in a speech on the floor of the Senate:

Mr. President, in my trip across the country and back since I spoke on the floor of the Senate, many thousands of people have been gathered together by the rising denunciation of the President and his administration for their Vietnam policy. One of the things we have heard most often in the last week is that I have heard it since President Truman sacked General MacArthur. I have been asked by more people than I would have thought possible if there is not grounds for impeachment of the President, and how the process can be set in motion. I have been advised about petitions that have been circulated and hundreds of people are signing asking for the President's impeachment.

The VICE PRESIDENT. The Vice President says that he is out of the professional life of our Nation.

I have no intention of joining them in such a program. Nevertheless, I believe it is a significant fact that there is growing discussion in this country of the danger to this country from his illegal war in southeast Asia, even to the extent of circulating impeachment petitions.

Mr. LAUSCHE. I believe it is indefensible and criminal for any person to talk about impeaching the President of the United States with respect to our part in South Vietnam.

It has just been stated that professors are urging and circulating petitions for the impeachment of the President. What does that mean?

Does that mean that professors of our universities are gifted with infallibility?

The President has tried with all his might to bring about an understanding that would end the shooting and the carnage in South Vietnam. Eleven important measures have been proposed by him, any one of which, if it had been adopted, would have brought to an end that course.

With respect to impeaching the President, I have had letters in the last 8 years asking for the impeachment of President Eisenhower and the impeachment of President Johnson, as an individual. It would cause many people who are concerned with his foreign policy to rally behind him, because they would consider such a movement to be an ad hominem approach. Attacking Johnson personally will not win the votes of action, and it will not win supporters for a change of foreign policy in Asia, but to the contrary, it will support him away.

In my opinion, there is no question about Johnson's sincerity or his patriotism or his desire for peace. It is Johnson's bad judgment and mistakes which are involved in respect to the war in Asia that constitute the basis of the crucial problems that confront us in trying to get a change in Johnson's policies in Asia. To attack him, personally, by proposing impeachment would be the worst possible personal attack that could be made upon him. It would rally the Nation behind him and result in his policies being escalated into a major war at a much faster rate.

Those of us who oppose Johnson's foreign policies must meet our views on their merits. We should never attack him, personally.

I wish the record to show that this letter represents the position the senior Senator from Oregon has taken in all correspondence on the subject. Also it represents the views of the majority leader also for the yeas on that week.

Senator Mondale Yarborough from Minnesota, with whom I disagreed very sharply on the question before the Senate, but who was not only courteous, but also extremely fair in the allocation of time and in the conduct of the debate.

I think my leader also for his courtesy in the matter.

In short, I believe this has been a good day for the American people.

August 4, 1965

CONGRESSIONAL RECORD—SENATE

19373
In my judgment, the President of the United States is bogged down by a weight so great that it has made him unequal to the task imposed upon him of making peace in a republic or in a monarchy in the history of the world.

The President of the United States is attempting to carry that burden courageously. He is doing the best that he can in the circumstances he faces. The proposal of negotiations to the enemy, the proposals of the United States to the enemy, is not a line that is drawn by the armed forces of the United States. It is drawn by the proposal of negotiations to the enemy. People who think the President is following too far a course are following an unconscionable and illegal course of action in South Vietnam to turn to the Constitution and look for what constitutional protection they have. They have a perfect right to turn to the impeachment procedure. I believe that they are making a great mistake in judgment. I, of course, would defend them in their right to exercise their constitutional rights. But, in one sense, I should like to say that I received a letter from Ohio that until the President follows his constitutional obligation by coming before this body and ask for a declaration of war, the President is engaged in an illegal war. It is a war now conducted by the Executive, in South Vietnam without a scintilla of constitutional right. This Congress is likewise guilty of violating its duties under the Constitution by seeking to delegate to the President a power that it cannot constitutionally delegate. It is the duty of the Congress under article I, section 8, either to declare war or to stop the President from slaughtering American boys in southeast Asia. I have no doubt that impeachment talk will increase if the President continues to conduct an unconstitutional war.

Mr. LAUSCHE. I have had no letters asking for the impeachment of President Johnson. I have had a thousand letters asking for the impeachment of Chief Justice Warren. I have disregarded the latter. I think we ought not to be talking about impeaching the President of the United States.

On the face of the President's effort to achieve peace and the preservation of our country and his courageous handling of a most difficult challenge to our security, we should not speak of impeaching but rather helping the President in the performance of his constitutional duties that no individual ought to carry.

The President needs and is entitled to help, but not to the cruel and shameful threat of impeachment.

NATIONAL OCEANOGRAPHIC COUNCIL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to consider the bill, which had been reported from the Committee on Commerce with an amendment.

VOTING RIGHTS ACT OF 1965—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment to the House to the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States, and for other purposes. I ask unanimous consent for the present consideration of the report.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The legislative clerk read the report.

For conference report, see House proceedings of August 3, 1965, pp. 19187-19191 (Congressional Record.)

The VICE PRESIDENT. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MANSFIELD. Mr. President, I urge Senators to remain in the Chamber so that we may expedite action on the pending question if it is at all possible.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HART. Mr. President, the conference reports on the voting rights bill have, following some six meetings, reported what I believe can be described as a strong bill.

There would be 100 versions of this bill, I assume, if each of us were a czar, but I believe the conference recommendation is an effective one which will bear the test of time well.

There were really two significant disagreements and attention-gathering features of the bill. I believe it fair to say, on both of these, that the Senate position is reflected in the conference report.

The section on American-flag schools, the so-called treatment of Puerto Ricans, is as the Senate adopted it.

The treatment of the poll tax, I believe, fairly could be said to be substantially as the Senate adopted the provision. The conference has the part of the House sought very strongly to retain.

The VICE PRESIDENT. Will the Senator withhold?

The Senator is entitled to the consideration of the Senate in all phases of a very important matter. The Chair asks those in the rear of the Chamber to please refrain from conversation and find themselves comfortable chairs. If they cannot, please exit.

The Senator from Michigan may proceed.

Mr. HART. It will be recalled that the House of Representatives treated the poll tax by outlawing it.

We made a finding that both the 14th and 15th amendments appeared to be pending before the Court of Appeals, and we have been told that the Attorney General promptly file suit in such cases. This is the approach agreed on in conference.

Additionally, provision was made for the payment of pensions to those during the pendulum of the judicial decisions. In the event decision had not been reached within 45 days of any election.

Perhaps the third most significant item of disagreement is what we in this Conference have described as an effective device.

Here provision is made for a county which enrolls at least 50 percent of the nonwhite eligible to come to the U.S. District Court in the District of Columbia, make a presentation satisfactory to the court that more than 50 percent are enrolled, and that no discriminatory practices are being engaged in. On that showing and finding by the court, the examiners, if any have been appointed, are released.

The conference report additionally requires, as the Senate bill did, that if a court finds that a test or device has been abused in any jurisdiction under section 5, it shall suspend all tests and devices in that jurisdiction.

Additionally, the so-called triggering provision of the legislation reflects the House approach.

We provided that if less than 50 percent of those eligible in a State or political subdivision voted last November, and at least 20 percent of the population was not white, a suspension of the tests and devices would apply.

The 20 percent limitation was dropped in the conference, and tests and devices are suspended upon a showing of less than 50 percent voting.

The sanctions of the bill, the protections of the bill, are extended to those who did not assist or seek to assist others in seeking to register and vote, thus protecting any registration drive that might occur.

The provision that was added by the Senate seeking to make automatic the introduction of examiners in an area where less than 25 percent of the nonwhites have registered—and I regret to say this—was eliminated by the conference.

Section 18 of the Senate bill was dropped since it was related specifically to the State of Arkansas, where particular problems arose as a result of the 25 percent trigger provision of the Senate bill and a complete new registration movement under the Arkansas constitution.

The Senate, in passing the bill, permitted the Attorney General to require, in his discretion, that anyone seeking to register with a Federal examiner first go to a local examiner and allege that he had been denied. This provision was dropped.

Further, we suggested as desirable, though did not direct or require, that examiners be selected from persons resident in the political unit in which they would serve. This is not embodied in the conference report.

The reach of the bill is extended to the selection of party officers, as the House version provided.
The voting title of the 1964 Civil Rights Act is amended to extend to State and local elections.

As is always the case, there were disappointments, I am sure, on the part of both groups of conferees. I repeat, however, that it is our feeling that the bill as developed by the committee of conferees represents an adequate, effective response to a problem which, if left unresolved much longer, could bring disaster on us all.

Mr. HOLLAND. Mr. President, will the Senate vote?

Mr. HART. I yield.

Mr. HOLLAND. I voice my appreciation of the action of the conference in standing, as they apparently did, rigidly back of the verdict of the Senate, although by a close vote, against any approach to a repeal of local and State poll taxes by way of Federal statute. I realize that the conferences were of varying conviction on that subject. But the record of the Senate was quite clear on that subject, and I congratulate the conferences upon having stood their ground on this matter.

Also—and I am not saying this entire section— I believe the distinguished conferees have saved themselves and the Senate a good bit of time by taking that very correct and loyal position. I thank the Senator from Michigan for having in that respect stood studiously by the expression of the Senate, which he was standing for and representing in conference.

Mr. HART. I thank the Senator from Florida, who recognizes that in this particular provision, the position that we as conferees took did not happen to represent the position I took when the subject was before the Senate.

Mr. GRUENING. Mr. President, will the Senate yield?

Mr. HART. I yield.

Mr. GRUENING. I should like to ask whether the conference report omits the provision that the military would be counted in Alaska.

Mr. HART. It is my impression that there is no disagreement.

Mr. GRUENING. How does that leave us? We Alaskans thought it unfair to discriminate against us in that respect.

Mr. HART. The bill remains as the Senate passed it. It is my impression that this provision was not in disagreement and therefore this rules out a matter before the conferences.

Mr. GRUENING. I thank the Senator from Michigan.

Mr. MILLER. Mr. President, will the Senate yield?

Mr. HART. I yield.

Mr. MILLER. First, I commend the Senator from Michigan for his able work in the conference, and particularly for preserving the provision of respect to false registration. I refer the Senator to section 11(e), on page 7 of the conference report, the so-called clean elections amendment which the Senator from Delaware [Mr. WILLIAMS] and I sponsored. I notice that a slight change has been made in conference in the wording of the language as passed by the Senate. I refer the Senator from Michigan to the proviso:

Provided, however, That this provision shall be applicable only to general, special, or primary elections held solely or in part in the territory or possession where the individual seeking any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegates or Commissioners from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico shall be applicable only for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioners from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico.

Mr. WILLIAMS, a Federal legislator from Delaware [Mr. WILLIAMS].

Mr. HART. The impression or interpretation voiced by the Senator from Iowa is the understanding of the conference. This is what we knew as the Williams of Delaware amendment. It was added as an amendment offered by Representative CRAMER to the House bill. The conference has consolidated this language as a fair summary of the two versions. Except for technical variations, I believe it represents the amendment of the Senator from Delaware [Mr. WILLIAMS].

Mr. WILLIAMS of Delaware. Mr. President, will the Senate yield?

Mr. HART. I yield.

Mr. WILLIAMS of Delaware. I thank the Senator from Michigan. He is correct. The conferences retained the Williams amendment which was co-sponsored by Senator MILLER, Senator MURPHY, and Senator SIMPSON. With the possible exception of a grammatical change, it is the amendment exactly as adopted unanimously by the Senate. I am delighted that it was included in both the House bill and the Senate bill. This was the so-called clean elections amendment.

Mr. HART. In the first time, we shall now have spelled out in the Federal law that penalties are applicable to anyone who willfully gives false information to a registration for the purpose of establishing his eligibility to vote. This is a highly important section of the bill. While we subscribe to the right of every person to vote, we want to make certain that when he votes he casts a legal ballot and that his vote is properly counted.

Mr. HART. My objections that makes it a Federal crime for anyone to pay or offer to pay any individual either to register or to cast a vote and the same penalty applies to anyone who accepts such payment for registering.

This penalty is applicable in any election where the name of a candidate for a Federal office is on the ballot. This is an important part of the bill. I am delighted that it has been retained by the conference. I hope it will help us to promote cleaner elections.

Mr. HART. It was certainly our intention to preserve it as the Senator from Delaware intended.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that section 11(e), which was the so-called Williams amendment, be printed at this point in the Record. This amendment was cosponsored by the Senator from Iowa [Mr. MILLER] and the Senators from California and Wyoming [Mr. MURPHY and Mr. SIMPSON].

Mr. HART. Without objection, it is so ordered.

The section ordered to be printed in the Record is as follows:

Sec. 11. (c) Whoever knowingly or willfully gives false information as to his name, age, place of residence or any other information as required by law on its statute books providing that if person is not qualified to read, write, understand, or interpret any matter in the English language, he is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand or interpret any matter in the English language.

That language, of course, has particular reference to the situation in New York. Since 1930, that State has had a law on its statute books providing that if a person is not qualified to read, write, understand, or interpret any matter in the English language, he would not be qualified to vote. That law, as we know, has particular reference to the large segment of Puerto Rican population in New York City and New York State.

The reasons why I was opposed to this provision are, first, that it is a matter for the State itself to deal with; it is of doubtful constitutionality for Congress to override this law. It is very important that the predominant minority in the voting language be possessed by a voter.

Supporting evidence of this fact was found in the record. In the next general election in that State, there will be approximately 35% of the ballot for the purpose of amending the New York State constitution. Without a
knowledge of the English language, it would be virtually impossible for voters, even those who could read, let alone to scan them for the purpose of determining their substance and merit. For that reason, and for others, this Senator certainly disagreed with that provision.

One of the further arguments is that the national policy is that there be common access to the facts and that the knowledge of English is necessary to discharge the responsibilities of citizens. There are other reasons. However, I shall not go into them in any detail. Considering the compromise nature of any conference bill and any major piece of legislation, I was somewhat influenced by the size of the vote on the so-called Puerto Rican amendment. The vote was 49 for and 19 against, with 33 not voting. The presumption is that, had all Senators been present and voting, there would have been an overwhelming vote in favor of section 4(e) and the related parts thereof.

For that reason, I felt constrained in my capacity as a conference to uphold the sentiment of the Senate as it had been expressed in that vote. I take advantage of this opportunity to commend the chairman of our conference committee for his patience and persistence, not only during the hearings, but also during the sessions of the conference committee as well.

Mr. JAVITS. Mr. President, I thank the Senator from Nebraska.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. JAVITS of New York. I would like to ask the Senator a question concerning the meaning of the word "demonstrates" in section 4(e) of the bill. The Senator from Michigan was one of the conferees, and would therefore be aware of the intent of the conference committee in agreeing to include section 4(e), which was not contained in the House version of the bill. Would it be correct to say that the demonstration which one must give of one's educational attainment in order to invoke the provisions of section 4(e) is not limited to production of a diploma or certificate, but can also be satisfied by an oath or affirmation of the requisite educational attainment, made at the time and place of registration?

Mr. HART. The Senator is correct. Section 4(e) contemplates that a potential voter may demonstrate his educational attainment by oath or affirmation of the requisite educational attainment, made at the time and place of registration.

Mr. JAVITS. Mr. President, I should like to ask a question of the Senator from Michigan.

Mr. JAVITS. Mr. President, it can be truthfully said that the Long amendment represents a bonus for substantial additional effort and does not represent a windfall to counties which should not have a windfall because they have not done the job that needs to be done in allowing Negroes to vote.

Mr. HART. The Senator from New York puts it very effectively. It is a device to persuade and to encourage the application of nondiscriminatory practices. It represents a bonus in that sense, as the Senator described it.

Mr. JAVITS. I wish to say a word about the so-called Puerto Rican amendment. That is the amendment which would affect New York, particularly with respect to the vote of those who took their instruction, within the grades specified, in American-flag schools in which the predominant language was other than English.

Some have construed what I did with respect to that amendment as being very unwise politically on the ground that thousands of Puerto Ricans will be allowed to vote in New York, and that they may not vote in the manner in which they would have voted in the past. That would be my problem if I could persuade them and if my friends and political colleagues cannot persuade them. However, I believe it is right that American citizenship should be available to these people, as Puerto Rico is part of the United States.

Many citizens may feel that they want to participate actively in the political process. They were educated in schools in the American framework, and under the American flag. Yet, as I see it, they are not permitted to participate in the political process.

However, I express the hope that everybody understands that the provision is imbedded in the New York State constitution and that, therefore, this is a very serious change so far as New York is concerned.

Second, the matter has already had rather sympathetic attention from the Governor and the State legislature of New York.

Governor Rockefeller signed a bill the other day to reduce the literacy requirement to a presumption of literacy after a sixth grade education for all, rather than an eighth grade education, which was the previous requirement. The bill would also create a presumption that those are qualified in literacy who were educated through the sixth grade in Puerto Rican schools, but who took the predominant part of their instruction in English.

So measurable progress was made in that regard. Also, I had hoped, as I have little doubt my colleague from New York, Mr. KENNEDY of New York, had hoped, the legislature might have taken this matter in hand and dealt with it. But it dealt with it, as I pointed out, partially, but not sufficiently.

I feel that there is a great obligation on the part of those who have received the benefit of this provision. Knowing them as I do—and I know many who may be qualified to vote under this provision—I think they are diligently anxious to write and speak English, as they do Spanish, as well as anyone in New York.
I believe they will justify our confidence in them by being equally literate before they enter the English language. This provision represents, to my mind, but an acceleration of what time would have taken care of. It is something which time would have corrected, but it would not be prudent to let these people the right to vote, notwithstanding that they are American citizens, for a period of perhaps 5 or 10 years.

I saw this process at work in my own person. I learned to read and write English when she was 55 years of age, in an adult education school. This is the very same spirit which animates those who will be covered by the amendment.

I express the expectation that the confidence of the Congress will be fulfilled by these fine, patriotic Americans; in that they will become sufficiently literate, not only in the Spanish language, of which they now have capability, but the English language as well.

Finally, I state to the Senator from Michigan that, as a member of the Judiciary Committee and as a Member of the Senate, though I am disappointed over the loss of the 25-percent trigger provision, I applaud the legislation as a signal measure for this country. I refer to the need to correct conditions which in some parts of our country are shameful, outrageous, and shocking. The bill will deal with the great bulk of those conditions. I hope the Department of Justice will be bold enough, as it must be, to ask for any funds that may be necessary to enable them to implement this statute.

Mr. HART. I thank the Senator from New York for his comments.

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

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

Mr. HOLLAND. I want to say I have another reason now to congratulate again for action by the conferees; namely, we now have not only a Senator, but also a Member of the Senate from New York. Of all the punitive provisions in the bill, at least from my point of view, the most punitive one was the 25-percent triggering provision, aimed, as the Senator from New York has suggested, at the State of Florida, among other States.

I want the Record to show how completely this area has been affected by the legislation. There has not been anything in any report of the Civil Rights Commission remotely indicating any fraud, suspension, or intimidation of Negro registrants in those two counties.

I am grateful to the Senator and the other conferees for having yielded on this provision. I never heard of anything which was more clearly punitive, and, in the case of any State, which leveled an accusing finger at the people of my State, which has for a long time given voting rights to all adult Negro citizens who availed themselves of the right, as a result of surrender of franchise, or literacy, or poll tax, or other tax. All they have to do is to register and vote if they so desire. Over 300,000 of them do so.

Mr. HART. I congratulate the Senator and the members of the conference for having yielded on that point in this bill.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. HART. I yield to the Senator from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. President, it has been less than 4 months since the Voting Rights Act of 1965 was introduced into the Congress. Since then the House of Representatives have worked diligently to see to it that this legislation moved through the Congress not only with speed but that it was strengthened in the process. I think it is fair to say that the House and the Senate, that what will be perhaps one of the most important pieces of civil rights legislation was so treated, and I am sure that the behavior of the Congress is an indication of the acceptance of the Congress of the very same spirit that has been moved through the bill.

Too many people have waited too long for this country to meet the responsibilities implicit in the 15th Amendment. I urge the Senate to come forth with a favorable vote--!

Mr. HART. Mr. President, I thank the Senator from Massachusetts.

Mr. DURKSEN. Mr. President, it may be unusual to compliment the House conferees at the same time we congratulate the dedicated Senator from Michigan, when there have been various objections to the conference report. But the chairman of the House conferees had a difficult task. He was always ready to listen, to register and vote--!

Mr. HART. Mr. President, I am proud that I had an opportunity to be involved with this legislation, and I am pleased to support the conference report. I am convinced that this bill will rank foremost in the attaining of the goals of the House and the Senate. I believe it was a historic vote--!

Mr. HART. Mr. President, I yield to the Senator from Massachusetts.
Mr. HART. Mr. President, people across the country may wonder if all the things they have been told about Senator from Illinois [Mr. DIRKSEN] abilities are true. If anyone had sat in the conference, he would recognize the great services the Senator has rendered in this field.

Mr. MANSFIELD. Mr. President, I could not let this historic occasion go by without noting the important bipartisan nature of the work on this measure. I want to give full credit to the distinguished Minority Senator from Illinois, the minority leader [Mr. DIRKSEN], to the distinguished ranking Republican Representative on the House committee, Mr. McColloch, and to the distinguished Senator from Nebraska [Mr. HANUKA].

I believe that this was a bipartisan effort of tremendous significance and, that both parties are entitled to a great deal of credit for their willingness to work hand in hand on an important national problem and for making reasonable sacrifices. Indeed, there is enough credit to go all the way around.

Let me emphasize the fact that if it were not for the distinguished minority leader and that fine Representative Mr. McColloch of Ohio, and the Senator from Nebraska, it would have been far more difficult to achieve the kind of report which is now before the Senate—if I may say so, it would have been impossible. They have served the Nation, this Congress, and their party well and I commend them for their efforts.

I congratulate all the conferees and the entire Senate for what they have done.

The PRESIDING OFFICER (Mr. McGOVAN in the chair). The question is on agreeing to the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Arizona [Mr. HAYNSWORTH] has appeared and will be recognized.

I further announce that the Senator from Minnesota [Mr. MCCARTHY] is necessarily absent.

I further announce that, if present and voting, the Senator from Arizona [Mr. HAYNSWORTH] and Mr. MCCARTHY would vote "aye."

Mr. KUCHEL. I announce that the Senator from Texas [Mr. TOWERS] is detained on official business and, if present and voting, would vote "nay."

The result was announced—yeas 79, nays 18, as follows:

Mr. DICKSEN. If I may pursue the matter a little further, the Department of Housing bill, of course, is quite a controversial matter. There are some Senators who are committed to be out of the city on that day, Mr. President, the majority leader, if he does set the bill down for Friday, will agree that there will be no votes on it on Friday, so as not to foreshorten the plans of Senators who have made plans to be away.

Mr. MANSFIELD. Would it be more agreeable if we took up this bill next week, and consider other matters in between?

Mr. DICKSEN. Yes; I believe it would be much more satisfactory to many members of committees.

Mr. MANSFIELD. If I may have the attention of the distinguished Senator from Delaware [Mr. WILLIAMS], it is possible that the Senate will consider S. 2069 and H.R. 4346, reported by the Committee on Commerce. These may be brought up on Friday, instead.

That is about it.

There will be no more votes tonight.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1008) for the relief of Ottillia Bruegmann James.

The message also announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 618. An act for the relief of Nora Isabel Samuell; and

S. 1394. An act for the relief of Mrs. Harley Brewer.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4759) to authorize certain construction at military installations, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1221. An act for the relief of Betty H. Going;

H.R. 1274. An act for the relief of Mrs. Michiko Miyasaka Williams;

H.R. 1871. An act for the relief of Anna Del Baghito;

H.R. 2351. An act for the relief of Ralph S. Decker, Jr.;

H.R. 3770. An act for the relief of certain individuals employed by the Department of Defense at the Pacific Missile Range, Point Mugu, Calif.;

H.R. 4078. An act for the relief of William L. Minton;

H.R. 4347. An act for the relief of E. F. Fort, Cora Lee Fort Corbett, and W. R. Fort;

H.R. 6945. An act to correct inequities with respect to the building of the program.

D. H.R. 7002. An act relating to the income tax treatment of certain casualty losses attributable to major disasters;

H.R. 7129. An act for the relief of Kent A. Herath;

H.R. 8330. An act for the relief of the successors in interest of Cooper Blyth and Grace Johnston Blyth otherwise Grace McCoy Blyth;

H.R. 8381. An act for the relief of Clarence L. Aul and others;

H.R. 8534. An act for the relief of certain employees of the Foreign Service of the United States;


H.R. 8642. An act for the relief of Col. Eugene F. Tyree, U.S. Air Force (retired); and

H.R. 10182. An act to authorize the Honor.

Joseph W. Martin, Jr., of Massachusetts,
former Speaker of the House of Representatives, to accept the award of the Military Order of Christ with the rank of grand officer.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the joint resolution (H.J. Res. 454) to provide for the development of Ellis Island as a part of the Statue of Liberty National Monument, and for other purposes, and it was signed by the Vice President.

HOUSE BILLS REFERRED

The following bills were several read twice by their titles and referred, as indicated:

H.R. 1221. An act for the relief of Betty H. Gogling.
H.R. 1274. An act for the relief of Mrs. Mildred Kiyazaki Williams.
H.R. 1871. An act for the relief of Anna Del Baglivo.
H.R. 3770. An act for the relief of certain individuals employed by the Department of the Navy at the Pacific Missile Range, Point Mugu, Calif.
H.R. 8351. An act for the relief of Clarence L. Atwood.
H.R. 8852. An act for the relief of certain employees of the Foreign Service of the United States.
H.R. 8861. An act for the relief of Maj. Delrell deG. Trenholm, Jr., U.S. Air Force; and
H.R. 8865. An act to correct inequities with respect to the basic compensation of teachers and teaching positions under the Defense Education Act, the Teachers Pay and Personnel Practices Act; to the Committee on Post Office and Civil Service.
H.R. 7912. An act relating to the income tax treatment of certain casualty losses attributable to major disasters; to the Committee on Finance.
H.R. 8912. An act to authorize the Honorable Joseph W. Martin, Jr., of Massachusetts, former Speaker of the House of Representatives, to accept the award of the Military Order of Christ with the rank of grand officer; to the Committee on Foreign Relations.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1966, FOR THE DEPARTMENT OF DEFENSE—MILITARY (S. DOC. No. 45)

A communication from the President of the United States, transmitting an amendment to the budget for the fiscal year 1966, in the amount of $1,700 million, for the Department of Defense—military (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

AMENDMENT OF TITLE 10, UNITED STATES CODE, TO PERMIT PERSONS TO BE ADMITTED INTO THE ARMED FORCES OF THE UNITED STATES

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation immediately transmitted by the President to the Secretary of the Navy, the U.S. Naval Academy, and the U.S. Air Force Academy, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

RESOLUTION OF ILLINOIS STATE SENATE

The ACTING PRESIDENT pro tempore laid before the Senate a resolution of the Senate of the State of Illinois, which was referred to the Committee on the Judiciary, as follows:

STATE OF ILLINOIS SENATE RESOLUTION No. 52

Resolved by the Senate of the State of Illinois, That this body respectfully petitions the Congress of the United States to call a convention for the purposes of proposing the following article as an amendment to the Constitution of the United States.

ARTICLE

Sec. 1. Nothing in this Constitution shall prohibit any State from having a bicameral legislature from apportioning the membership of one house of such legislature among its counties, provided that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of that State.

Sec. 2. Nothing in this Constitution shall restrict or limit a State in its determination of how membership of governing bodies of its subordinate units shall be apportioned.

Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution of three-fourths of the several States within 7 years from the date of its submission to the States by the Congress: Be it further Resolved, That the Congress shall be proposed an amendment to the Constitution identical with that contained in this resolution and application for a convention shall no longer be of any force or effect; be it further Resolved, That a copy of this resolution be transmitted by the Secretary of State of Illinois to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each Member of the Congress from this State. Adopted by the Senate, June 22, 1965.

S. 2356. An act for the relief of Hilda Shen Tsang, to the Committee on the Judiciary.

S. 2351. A bill to authorize the Administrator of Veterans' Affairs to convey certain lands situated in the State of Minnesota to the city of St. Cloud, Minn.; to the Committee on Finance.

S. 2364. A bill to provide a statute of limitations with respect to the deportation of aliens lawfully admitted to the United States for permanent residence, and to remove certain distinctions made in the Immigration and Nationality Act between native-born and naturalized citizens; to the Committee on the Judiciary.

S. J. Res. 101. Joint resolution to authorize the President to issue a proclamation designating the calendar year 1966 as "The Year of the Bible"; to the Committee on the Judiciary.

LABOR STANDARDS FOR EMPLOYEES OF FEDERAL SERVICE CONTRACTORS

Mr. McNAMARA. Mr. President, I introduce a bill, and ask that it be appropriately referred.

The purpose of the bill, which has been proposed by the administration, is to provide labor standards for employees of Federal service contractors.

I ask unanimous consent that an explanation of the bill be printed in the Record at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and referred as secondarily referred; and, without objection, the explanation will be printed in the Record.

The bill (S. 2359) to provide labor standards for certain persons employed...
by Federal contractors to furnish services to Federal agencies, and for other purposes, introduced by Mr. McNamara, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The explanation presented by Mr. McNamara is as follows:

EXPLANATION OF BILL TO PROVIDE LABOR STANDARDS FOR EMPLOYEES OF FEDERAL SERVICE CONTRACTORS

This bill is proposed to provide much needed labor standards protection for employees of contractors and subcontractors furnishing personal and maintenance service for Federal agencies. The service contract is now the only remaining category of Federal contracts in which labor standards protections apply. Construction contracts, including many which are partially financed with Federal funds but to which the Federal Government is not a party, require compliance with minimum labor standards under the Davis-Bacon Act and related statutes. Supply contracts of the Federal Government also provide labor standards protection pursuant to the Walsh-Healey Act.

NEEDED FOR THE LEGISLATION

Many of the employees performing work on Federal service contracts are poorly paid. The work is generally manual work and in addition to their basic pay are required to pay for uniforms, tools, personal protective equipment, meals, and transportation. The service contracts, for example, in some areas less than $1.05 an hour was paid. Elevator operators earned an average of $2.25 an hour. Service contract employees are often not members of unions. They are one of the most disadvantaged groups of our working force. They have only the faintest hope of improvement of their position without some positive action to raise their wage levels.

The Federal Government has added responsibility in this area because of the legal requirement that contracts be awarded to the lowest responsible bidder. Since labor costs are the predominant factor in most service contracts, the odds on making a successful low bid for a contract are heavily stacked in favor of the contractor paying the lowest wage. Contractors who wish to maintain an enlightened wage policy may find it almost impossible to compete for Government service contracts with those who pay wages to their employees at or below the subsistence level. When a Government contract is awarded to a contractor paying the lowest wage, the Government is in effect subsidizing subminimum wages.

PROVISIONS OF BILL

The bill is applicable to advertised or negotiated contracts of $10,000, the principal purpose of which is for the furnishing of services through the use of service employees. This includes, for example, contracts made by the District of Columbia government with local hospitals for the care of indigent patients would not be covered, since “service employees” defined in the bill would be performing only incidental functions. Similarly, contracts entered into by the Atomic Energy Commission for purchase of Government-owned plants would not be service contracts within the meaning of the bill.

Provisions regarding wages and working conditions must be included in these contracts and bid specifications. Service employees must be paid not less than the rate determined by the Secretary of Labor to be prevailing in the locality.

The bill also recognizes the growing importance of fringe benefits as an element of wages in today’s society. It therefore requires inclusion in the contract of an agreement to notify employees of the benefits required by the contract and those actually paid. The Government may also bring suit against the contractor or subcontractor to require employers of the benefits due them under contract.

In the event of violation, the bill authorizes the withholding of the contract and the contract may not be renewed until the violations are cured by giving employees the benefits due them under contract.

The bill also provides for a procedure for blacklisting contractors paid up to 3 years, those who violate the act, with authority in the Secretary to recommend removal from the blacklist upon assurance of compliance. The Secretary is given authority to make rules, regulations, issue orders, hold hearings, and take other appropriate action to ensure compliance with the Walsh-Healey Act. The Secretary’s authority to prescribe regulations includes authority to establish similarity tolerances, variations and exclusions of the provisions of the act where they are deemed necessary and proper in the public interest or to avoid serious impairment of Government business.

Section 7 provides a number of specific exemptions from coverage under the act, including contracts for public utility services. This exemption would, for example, include contracts between Federal electric power marketing agencies and investor-owned electric companies, for the purchase of energy from Federal administration cooperatives, municipalities and State agencies engaged in the transmission and sale of electric power and energy.

RELIEF FOR THE VICTIMS OF THE DEPARTMENT OF LABOR’S TEAM EXPERIMENT

Mr. SIMPSON. Mr. President, I introduce, for appropriate referral, a bill which will provide relief for the victims of the Department of Labor’s recent A-team experiment.

On the 29th of July I brought to the attention of my colleagues here in the Senate the sad results of the Secretary of Labor’s attempts to send youths to work in the agricultural fields of the United States. The case of the A-team sent from Wyoming to California was one example of the failures of the activities of the Department of Labor’s program and its policies. The Wyoming team arrived in Salinas, Calif., to find that living conditions were unsatisfactory and that no adequate settlement could be reached as to wages. Following 3 days of confusion and frustrations arising from the continuing misrepresentations made to them, the Wyoming team decided to return to Wyoming. The boys on the team borrowed over $2,000 in order to charter a bus for 38 members of the team. In my earlier speech to the Senate, I pointed out that the so-called A-team scheme was a hastily conceived and poorly executed attempt by the Secretary of Labor to control and manipulate our Nation’s farm labor force. Since the publication of my remarks, other Congressmen have come forward to say that the Department of Labor was attempting to blackmail certain growers by forcing them to replace their bracero labor with inexperienced youths under the guise of the A-team experiment.

Immediately following my statement in the Senate, I made an official request of the Secretary of Labor that he provide some remedy to the parents who had paid for the unnecessarily return of the Wyoming team. I got no response from the Department of Labor.

Then on July 22 I requested the courtesy of a reply from the Secretary of Labor. It was promptly to make this second request when it was brought to my attention that the people of Wyoming were waiting to hear of the disposition of their case and that interest charges were mounting as they waited.

All of this has been made clear to the Secretary of Labor, and yet, his Department has persisted in keeping silent. I have had no reply to any of my correspondence. I was prompted to make this second request when it was brought to my attention that the people of Wyoming were waiting to hear of the disposition of their case and that interest charges were mounting as they waited.

Mr. President, I cannot tolerate inaction any longer and, therefore, introduce this bill. It is my hope that the Senate will take speedy action in direct response to the call of the Secretary of Labor to repay the claims for transportation money that is rightfully owing to the Wyoming A-team.

The PRESIDENT PRO Tempore. The bill will be received and appropriately referred.

The bill (S. 2361) to reimburse certain persons recruited in the State of Wyoming in connection with the athletes in temporary employment as agricultural manpower programs for the travel and other expenses incurred by them while participating in such program, introduced by Mr. Simpson, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

ELIMINATION OF CERTAIN INEQUITIES IN THE IMMIGRATION AND NATIONALITY ACT

Mr. PELL. Mr. President, aside from the glaring inequities in our Immigration Act with respect to the quota system
The bill I am introducing on behalf of Senator Pell of New York, and Senator Hart of Michigan, will eliminate several sections and amend another, to bring the Immigration Act into harmony with our traditional American concept of fair play and justice for all under the law.

My bill proposes to establish a statute of limitation on deportation proceedings brought against aliens lawfully admitted for permanent residence, if such action could be effected if the alien has been living continuously in this country for 10 years or more, nor could an action be brought against an alien if the conduct for which he could be deported occurred more than 10 years before the proceeding is brought.

Although the Supreme Court in the case of Schneider versus Rusk has ruled that a naturalized citizen who returns to his country of birth and remains for more than 3 years cannot be stripped of his U.S. citizenship, the sections of the act which contain these odious provisions should be repealed to make our immigration laws consistent with the Court's ruling.

I ask unanimous consent that the bill be printed in full at this point in the Record.

The PRESIDING OFFICER: The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 394) to provide a statute of limitations with respect to the deportation of aliens lawfully admitted to the United States for permanent residence, and to remove certain distinctions made in the Immigration and Nationality Act between native-born and naturalized citizens, introduced by Mr. Pell, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

SEC. 203. Notwithstanding any other provision of this Act, no alien lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act of 1952, or by willful misrepresentation, shall be held to constitute a ground for revocation of such person's naturalization under this subsection as having been procured by fraud, deceit, or misrepresentation of material fact or by willful misrepresentation.

(c) Subsections (c) and (d) of section 340 of such Act are hereby repealed.

(d) Sections 352, 353, and 354 of such Act are hereby repealed.

(e) Section 355 of such Act is amended by striking out "or 352".

SEC. 4. Paragraph (2) of section 350 of the Immigration and Nationality Act is amended by inserting the following immediately after the semicolon: "as such paragraphs existed immediately prior to the date of the enactment of the Immigration and Nationality Amendments Act of 1965".

Designation of the Calendar Year 1966 as "The Year of the Bible"

Mr. PELL. Mr. President, I rise today to ask this body to pay tribute to one of our Nation's most worthy societies and to one of our most worthy traditions. That is the American Bible Society, an nonprofit, nondenominational organization, for the 150 years since its founding.

Following the American Revolution, the New World had been cut off to America for 2 years. The few Bibles available were far too expensive for the majority of Americans to purchase. People were divided on whether to settle the new land in areas without a church and without access to a Bible. Also, this was the age of the missionary. Those who had gone overseas were pleading with their home offices to provide Bibles in the native tongues of the areas where they worked. Missionary transations lay unpublished for lack of funds and facilities to produce inexpensive editions. There was a great need for cooperation in meeting these problems, and the cooperative effort was begun with the founding of the American Bible Society in 1816 under the direction of Dr. Elias Boudinot, then president of the New Jersey Bible Society, and a past President of this body, upon which I speak with due respect for and knowledge of the Bible. The Bible has been a vital force in the lives of Americans for more than three centuries, and the tradition of Bible reading and support is an essential part of the American Bible Society, a nonprofit, nondenominational organization, for the 150 years since its founding.

The joint resolution which I introduce today would serve as a tribute to the notable past achievements of the society, and an expression of confidence in the future of this distinguished organization. It would authorize and request the President to designate 1966 as "The Year of the Bible" and encourage the people of the United States to acquire a better knowledge and appreciation of the Scriptures. I hope all Senators will join me in supporting this resolution.

At this point I ask unanimous consent that the joint resolution be printed in the Record.
CONGRESSIONAL RECORD  SATURDAY, AUGUST 4, 1965

Sr. President, I ask unanimous consent that I, together with any other member of the Foreign Relations Committee who might decide to join me, be permitted to file minority views to Executive Report No. 4 dealing with a consular convention of the United States with the Soviet Union. I have spoken to the chairman of the committee, the Senator from Arkansas [Mr. Fulbright], and he has approved of the request.

MINORITY VIEWS ON EXECUTIVE REPORT NO. 4, RELATING TO CONSULAR CONVENTION WITH SOVIET RUSSIA

Mr. LAUSCHE. Mr. President, I ask unanimous consent that I, together with any other member of the Foreign Relations Committee who might decide to join me, be permitted to file minority views to Executive Report No. 4 dealing with a consular convention of the United States with the Soviet Union. I have spoken to the chairman of the committee, the Senator from Arkansas [Mr. Fulbright], and he has approved of the request.
The PRESIDING OFFICER. Without objection, the request is granted, as in executive session.

Mr. LAUSCHE. Mr. President, I ask unanimous consent that the minority views be authorized to be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS

Mr. SIMPSON. Mr. President, on June 30 I introduced S. 2230, which was a companion bill to that of Representative Rivers' military pay raise bill. Last week I testified before the Armed Services Committee in support of that bill. I am hopeful that the committee will report it out as it passed the House of Representatives.

I ask unanimous consent to have added as cosponsors at the next printing the names of the Senator from Utah (Mr. BENNETT) and the Senator from California (Mr. MURPHY).

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair announces the appointment of Senators Pastore and Hickenlooper to the International Atomic Energy Agency Conference to be held in Tokyo for 3 weeks, beginning September 21, 1965.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The VICE PRESIDENT announced that on today, August 4, 1965, he signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 579. An act for the relief of the State of New Hampshire:

S. 767. Joint resolution authorizing the President to proclaim the occasion of the bicentennial celebration of the birth of James Smithson:
H.R. 8469. Joint resolution to provide for the reappointment of Robert V. Fleming as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

H.J. Res. 681. Joint resolution to amend the joint resolution of March 25, 1953, to expand the types of equipment furnished Members of the House of Representatives.

ADDITIONAL COSPONSORS OF BILL AND CONCURRENT RESOLUTION

Under authority of the orders of the Senate of July 22, 1965, the following names have been added as cosponsors for the following bill and concurrent resolution:

S. 2318. A bill to amend chapter 13 of title 39, United States Code, in order to increase the compensation and retirement allowances and insurance and hospitalization and medical care and other benefits to which certain cost-of-living allowances and retirement benefits are payable under such chapter to widows and children of veterans: Mr. ALLOTT, Mr. BARTLETT, Mr. BAYS, Mr. BAY, Mr. BREWER, Mr. GREENING, Mr. HAY, Mr. HARRELL, Mr. INOuye, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY of Massachusetts, Mr. KUCHEL, Mr. NMCIHTYRE, Mr. MCCARTHY, Mr. MONTGOMERY, Mr. MONTOYA, Mr. MOTTA, Mr. MUSKIE, Mr. MCINTYRE, Mr. MONTOYA, Mr. NEUBERGER, Mr. RANDOLPH, Mr. THURMOND, Mr. TYNGS, Mr. WILLIAMS of New Jersey, and Mr. YARBOURGH.

S. Con. Res. 45. Concurrent resolution authorizing the printing of a Senate document as a study of remarks by Members of Congress in tribute to the late Adlai E. Stevenson: Mr. DODD, Mr. KENNEDY, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New Hampshire, Mr. LONG of Missouri, Mr. McGEE, Mr. METCALF, Mr. McCONAGHY, Mr. MCCARTHY, Mr. CHURCH, Mr. CLARK, Mr. COOPER, Mr. DUKAS, Mr. DODD, Mr. DOUGLAS, Mr. ERVIN, Mr. FANNIN, Mr. FULBRIGHT, Mr. HARRIS, Mr. HART, Mr. HOLLAND, Mr. INOuye, Mr. JOHNSEN, Mr. KULICK, Mr. LONG of Michigan, Mr. MANSFIELD, Mr. MONTEITH, Mr. MUSKIE, Mr. MYERS, Mr. MUSKIE, Mr. PASTORE, Mr. PHILLIPS, Mr. PEARSON, Mr. PELL, Mr. POINDEXTER, Mr. RANDOLPH, Mr. RICHOFF, Mr. SALTONSTALL, Mr. SPARKMAN, Mr. SYMINGTON, Mr. TOWNES, Mr. TYNGS, Mr. WILLIAMS of New Jersey, and Mr. YARBOURGH.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1742) to authorize the U.S. Governor to agree to amendments to the articles of agreements of the International Bank for Reconstruction and Development, and the International Finance Corporation, and for other purposes.

The message also announced that the House had passed a bill (H.R. 8469) to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes, in which it requested the concurrence of the Senate.

H.J. Res. 481. Joint resolution to amend the joint resolution of March 25, 1953, to expand the types of equipment furnished Members of the House of Representatives.

HOUSE BILL REFERRED

The bill (H.R. 8469) to provide certain increases in annuities payable from the civil service retirement and disability fund, and for other purposes, was read twice by its title and referred to the Committee on Post Office and Civil Service.

SEA IS THE MOTHER OF LIFE ON LITTLE DIOMEDE

Mr. MANSFIELD. Mr. President, now and again, mid the hustle and bustle, the stresses and strains of modern-day bovine life, we are reminded that there are some people who live simply and happily and find fulfillment in places that most of us would call uninhabitable. Little Diomede Island is just such a place. Located in the Bering Strait off the coast of Alaska, Little Diomede is perhaps the only place on earth where it is possible to see at one time, two continents, two oceans, two days, and the world's two most powerful nations. From the summit of Little Diomede one can see the rugged shore of Siberia while looking across the international date line and the snowcapped mountains of Alaska; the Pacific Ocean to the south and the icy waters of the Arctic to the north.

The people of Little Diomede are Eskimos, hardened to a life without luxury, yet satisfied with their lot, working and hunting, tirelessly struggling against the challenges of nature. They are people who fight the elements to live, but who live at peace with each other, sharing whatever meager larges the earth and the sea give up.

The 15 families of Little Diomede are not, however, free from all the terrors of the big world with which their contacts are so few and sparse. Some years ago a family visit to neighboring Soviet Big Diomede resulted in 52 days internment; such visits have since taken place to Big Diomede from Little Diomede.

Mr. President, I ask unanimous consent that an article by Jim Kimball which appeared in the Great Falls Tribune on August 1, 1965, be printed at this point in the Record:

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

SEA IS THE MOTHER OF LIFE ON LITTLE DIOMEDE

(Editor's Note.—This is the third in a series about Arctic Alaska by Jim Kimball, Minneapolis Tribune staff writer. Kimball and Dr. Walter J. (Breck) Breckenridge, director of the University of Minnesota Museum of Natural History, made their Arctic journey in June.)

(Letters from Jim Kimball)

LITTLE DIOMED ISLAND, ALASKA.—That Little Diomede Island could be inhabited by anything other than cliff-nesting birds seems incredible. It is an island of rock less than 7 miles in circumference. Much of the shoreline rises out of the water as a precipitous cliff. The village of Diomede
the home of 15 families totaling 78 people, clinging to the side of the mountain or in homes dug into the side of the island. It seemed unbelievable that human life could be sustained on this tiny island of barren rock until I realized that for Eskimos it was a way of life. And it is there, it is the sea which provides the resources.

A few leaves, herbs, and berries are collected by Eskimos high on the mountain, the hawk, wolf, or fox. Like other predators for Eskimos, as for the birds that nest here, the island of barren rock until I realized that this is the home of the finest type of citizens. Frequently the new white ivory is combined with jet black balene from whales' throats and rich brown antique ivory dug from the ground where it may have aged hundreds of thousands of years. The carvers of seals, polar bears, and walrus are excellent.

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By the time I got back down to the village, the sky was taking on a blue-gray hue, I photographed the sun at its lowest point. Nearly half of it was visible above the horizon.

In 19384 collected by Eskimos there was enough bird meat and caribou meat to feed everyone, but almost everything they eat, wear, use or build boats comes from the sea. When the sea fails to yield its bounty, food is scarce. Starvation is within the memory of the islanders.

I have been trying to understand the Eskimo's attitude toward wild animals and birds which keep him alive. I have not completely succeeded. It may not be possible for one raised in the traditions of conservation, to completely understand the natives.

Conservation and sportsmanship are recent attitudes accepted by our civilization. Should we expect to find them in Eskimos who lived for 75 years ago? Should we expect to find them in Eskimos who lived for 75 years ago?

The Eskimo is a hunter—a predator akin to the hawk, wolf, or fox. Like other predators, he kills so he may survive. At various seasons he hunts seals, walrus, polar bears, and whale. There he hangs by its bill, dragging collects its eggs. He doesn't worry too much about tomorrow—to say nothing of next year or of succeeding generations.

As the birds went out again, without sleeping. They waited, they watched, they listened. They were left to rot in the sea.

The homes are functional and practical in a country where fuel is scarce and expensive and temperatures are always low. The people, while struggling to keep up in the general improvement of their society, have decreed essential to a high standard of living. They lead a life of great warmth and hunting and working at all times and working not at all other times, and none is richer or poorer than his neighbor.

It makes one wonder. What are we struggling for?

Superstition strongly influenced the Eskimo's lives in the past. Most of the superstitions, and the fears they generated, are now gone, but they do have one great fear.

RUSSIAN INCIDENT

This great fear, of inadvertently landing on a Russian-owned island, is within the memory of the islanders who are a credit to their Nation, their communities, their families, and their colleagues. The Russians have ruled against further visits. The Russians have ruled against further visits.

The men ate, took their carvings, and went out again, without sleeping. They waited, they watched, they listened. They were in bad shape when finally released.

"Do you still have relatives in Siberia, Albert?" I asked.

"Did have, but no more—no more," Albert answered, and then laughed. Albert always laughs at a tragic situation.

He sat silently for a moment. Then he said, "I thought we not going back here no more." He laughed again.

Since that time no one has known whether the still living Eskimos living on Big Diomede Island, and there is no contact with those in Siberia.

I wish to bring to the notice of my colleagues the return to the United States today of the Bakersfield College Choir, a mixed chorus organization, from a European trip marked by the winning of the International Eisteddfod choral competition held at Llan-

"You want to try?" he asked me. I couldn't resist. Then I thoroughly disfraced myself. I swung the net at every bird that came and never even touched one.

I kept on climbing to the top of Little Diomede. From the summit I looked to the east and saw the snowcapped mountains of mainland Russia, and then to the west, the International dateline, the rugged coast of Siberia loomed over Russian-owned Big Diomede Island. The Pacific Ocean lay to the south and the Arctic Ocean to the north.

2 TOWNS

I was standing on the only spot on earth from which you might see two continents, two oceans, 2 days, and the two major world powers.

ECONOMIC

He felt not the slightest twinge of conscience. His economies were direct and perfectly logical. "That is good hunting," he said. "We need ivory to carve and sell. That cow walrus for food."

Lakers come to the beach to get what they need for food and shelter.

How does one go about teaching that the white man's efforts to outdo and outpossess his neighbor are thoroughly out-dated? The inhabitants of Big Diomede would be considered a slum by our standards, but it is not. It is in keeping with the Eskimo culture and the standards of living of their ancestors.

The homes are functional and practical in a country where fuel is scarce and expensive and temperatures are always low. The people, while struggling to keep up in the general improvement of their society, have decreed essential to a high standard of living. They lead a life of great warmth and hunting and working at all times and working not at all other times, and none is richer or poorer than his neighbor.

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SALUTING BAKERSFIELD COLLEGE INTERNATIONAL EISTEDDFOD CHOIR

Mr. KUCHEL. Mr. President, in times when difficulties and problems involving American youth are the subject of wide and continuous discussion and study, we often are inclined to overlook commendable achievements of young people. Too often, insufficient attention is given the great numbers of them who devote time, talent and efforts to worthwhile purposes.

Accordingly, it is a pleasure today to note the return to their homeland of a group of 46 students of both sexes who took part in a musical tour of Europe. The young men and women, representing all the colleges of the United States, are to be congratulated on the success of the tour and the efficiency with which they carried out their mission.

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Mr. RIBICOFF. Mr. President, throughout the vast establishment of the Federal Government are thousands and thousands of competent, devoted, outspoken individuals who spend their lives helping to make our Nation and world a better place to live in. Such an individual is Murray Stein of the Department of Health, Education, and Welfare who has had 16 years of experience in the Public Health Service responsible for enforcing the Federal Water Pollution Control Act.

As a former Governor and Secretary of that Department I know the delicate government versus business battle not seen before. Shrewd Mr. Stein must tread—with its many pitfalls and frustrations. Yet for almost 10 years he has handled his responsibilities in a most outstanding manner, achieving real pollution control in the process. Men like Murray Stein seldom receive the recognition due them. That is why I was so pleased this morning to read an article about him in the New York Times which I ask unanimous consent to have printed in the Record.

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

WATER POLLUTION FOR: MURRAY STEIN

CLEVELAND, Aug. 8.—Murray Stein, a husky, bespectacled, gimlet-eyed man with a flashing grin and a hardy Brooklyn accent, is leader of the Federal Government's campaign against contamination of the Nation's waterways. It is also one of the opening salvoes of President Johnson's assault on pollution, a touch of the Administration's consensus-style Washington, Secretary of Agriculture B. F. Johnson told The New York Times yesterday, in cigarette form on his lapel with this legend: "I will not bow down to the bread trust.

Actually, Freeman tried an L.B.J.-style consensus. Early this year, when bread industry spokesmen warned that the wheats bills would increase bread prices from 75 cents to $1.25. The bakers would have to absorb the cost or, more likely, pass it on to the consumers. Hence, foes call this "the bread tax." Freeman implied that the bread men might accept some of it for the National Biscuit Co., but the Baker's Association rejected the proposal. As time went on, Freeman's interests were remunerated and the Administration's campaign against contamination, he said, was "smoke-screening.

The Administration then established a National Biscuit Co. bread trust, with a 10-cent per loaf tax, but that was cleared up in a settlement with the Federal Trade Commission. The bread trust has been declared unconstitutional by the Supreme Court, and the Administration has backed down. As for the Freeman people, they have been as effective as guns on the battlefield, or as the Labour Party have been in Britain. They have been able to influence the outcome of elections, and they are by far the most powerful factor in the political life of the country.

Mr. President, among those sponsoring and financing this campaign against the wheat certificate plan is a lobbying organization known as the Wheat Growers Committee. This is financed by the millers and bakers, and the people who reap huge profits from declining wheat prices over the past 30 years.

During this 20-year period bakers have virtually doubled the price of bread and the price of wheat to the consumers today is lower than it was 20 years ago. Practically all of the big milling and baking companies have been making high profits. Their profits for the past year during which the wheat certificate program was in operation, with but one or two exceptions, are higher than they were last year.

Mr. President, it is refreshing to read a column appearing in today's daily newspapers by two reputable journalists, Rowland Evans and Robert Novak entitled, "The Bread Battle."

I hope that every Member of Congress will take the time to read this enlightening and accurate analysis of what this whole issue is about.

Mr. President, I ask unanimous consent to have this column by Rowland Evans and Robert Novak printed in the body of the Record.
The greatness of Adlai Stevenson (By Max Freedman)

By the grace of his spirit and the splendor of his mind Adlai Stevenson turned the sting of defeat into a crown of glory. He became the man who knew how to win without winning. That splendid garland can never wither, nor can time stain the radiance of his enduring renown.

In 1952, without his choosing, he took charge of a party divided by many quarrels and uncertain of its future. He gave it a fighting faith once more by making it certain of its purpose and destiny. That was his first great achievement.

Then he fought a campaign with the shining weapons of wit and eloquence and scholarly wit against the dullards and the bludgeon or falling below the level of his own high theme. There had been nothing like it since the campaign of Woodrow Wilson in 1912; and Wilson ranked with Jefferson and Lincoln among his three supreme heroes.

The world numbed and Americans were impressed; but an epigram can never defeat a legend; and Stevenson twice knew defeat on a humiliating scale.

What was the greatness of Stevenson? Even in death his complex spirit commands no unanimity. But on certain guiding principles, with the wisdom of the after years, all may agree.

Words were sacred to him because he refused to trifle with the truth. That is why he polished his speeches to the last reluctant minute, to the despair of his friends and the torment of reporters. He wished to say exactly what he meant. He was not seeking merely the sheen of eloquence, though eloquence often came in the cradle of a vivid phrase and often saddened the sudden felicity of an inevitable phrase, or the exaltation of a moral appeal.

He had a higher aim in view than his place as a candidate for President. He wanted words on the political platform to be used as counters of truth and never as weapons of deception. He refused to stoop in shame those who fall below his standards.

Was Stevenson, the master of noble words, also the servant of noble causes?

He was the first prophetic voice in a national campaign that dared to denounce Negro wrongs as an outrage on American rights. There would never have been a Suez war if his advice had been followed in good time and if an international police force had been placed in the Gaza strip.

Mr. Kraft has written an excellent review of Mr. Lacouture's book which contains a comprehensive account of events in Vietnam. Mr. Kraft concludes his review, entitled, "Understanding the Vietcong," by saying:

"Official apologists for our present policy, whether of the left or right, insist that there is no alternative * * * there remains an alternative well known to all people of alert Vietnamese. * * * It is the alternative of negotiations between the Saigon government and the Vietcong. Such talks are an absolute precondition to any real political solution of the present conflict."

As one who has advocated discussions between the warring factions in Vietnam, including the Vietcong, I ask unanimous consent to have this review printed at this point in the Record.

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

* * *


(By Joseph Kraft)

High strategic themes, bureaucratic interest, intellectual baggage and many other kinds of junk have been piled onto the war in Vietnam. It has been called a fatal test of will between communism and freedom. It has been described as the critical battle in the struggle between China and the

TRIBUTE TO ADLAI STEVENSON

Mr. McGOVERN. Mr. President, Mr. Max Freedman, a recognized master of English prose, provided what I think may very well be the most beautiful tribute to the late Mr. Stevenson himself that would have provided the crowning proof of his greatness. It is more than an act of faith, under the shadow of death, to believe that this last felicity would have been reserved for the man of our time, Adlai Stevenson.

Almost from the first it has been common talk among his friends that Stevenson's work as Ambassador to the United Nations was uncongenial to him. No one in that position can ever share fully in the shaping of policy. He must often speak from a brief prepared in Washington, often crying aloud the mandates of his conscience.

But he served two presidents in this campaign for peace, though with a chafed spirit, as he settled trifles in terms of America's cause that were unique and invulnerable. And two Presidents honored him during his lifetime.

When his vagrant melancholy lifted, as it always did at the touch of wit or the challenge of a fresh idea, he could be a companion so beguiling that for the last decade he crept away into a corner, until the cascade of talk at last came to an end.

He has left us all by refusing to stoop in order to conform. Now we are left with a huddle of grief-stricken memories when only yesterday we had a valiant friend and a radiantly sure one.

Tread lightly, for here is name certain to blossom in the dust.

ON TALKING WITH THE VIETCONG

Mr. CHURCH. Mr. President, Joseph Kraft is one of the most perceptive American commentators on Vietnam. In the August 5 issue of the New York Review of Books, Mr. Kraft reviews the recent book by Jean Lacouture, a leading French expert on Vietnam. Mr. Kraft has studied that country for the last 2 decades. Mr. Kraft has written an excellent review of Mr. Lacouture's book which contains a comprehensive account of events in Vietnam. Mr. Kraft concludes his review, entitled, "Understanding the Vietcong," by saying:

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August 4, 1965

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United States. It has also been described as the critical battle in the struggle between China and the Soviet Union. On its outcome there is supposed to rest the future of a new political world. The Warsaw Pact, sometimes described as the critical battle between China and India. At a minimum the fact remains that the Eisenhower-Dulles regime broke with the policy of moving in concert on domestic politics, the Eisenhower-Dulles regime.

Confronting a diversity of political factions, however, single-minded dogmatism can prevail only in a climate of strife—real or conjured. In the Dien regime had to fight against the sects and the remnants of French influence. In the course of this struggle, President Diem evicted the former Emperor, Bao Dai, and became President "in a plebiscite as honest as could be expected," but having taken the sects and the crown, the Dien regime did not know how to use its victory to develop harmony. Having won a battle, it preferred war to peace.

In 1954, any opponent was described as a force of feudal rebels supported by colonialism. Beginning in 1956, any opponent is called a "Communist," and the National Assembly initiated in 1956 a campaign against the Viet Cong—a name manufactured by the regime and supposed to mean Vietnamese Communist. This is not the case in this article.

In the same spirit the Saigon regime, against the advice of the American Ambassador, publicly abrogated the clause calling for reunification of Vietnam through free elections—a clause that Hanoi could not have anticipated at the time. But in the process of fighting the Viet Cong, the regime called forth the two forces that were to prove its undoing.

One of these was the army of the Republic of Vietnam, or Arvin as it came to be called. In connection with Arvin, it is worth noting one of the intellectual sleights-of-hand common to Americans who believe it is good for this country to support reactionary gov­ernments abroad. During the Montesquieu manner, democracy cannot be exported; the conditions that promote free elections in the United States do not exist elsewhere, and one cannot expect Amer­ican mores uncritically. The group that most uncritically projects American ways, however, is Hanoi. It rides around in jeeps and limousines, and has been organized in corps, divisions, and companies and has special forces and ranger battalions. It has most of the weaponry available to American forces. It is full of keen young officers, trained at staff schools in the United States, bursting with energy and with clear answers to cloudy questions. What it does not have, of course, is the cultural base of the American army. It does not, to be specu­lates, have a strong sense of discipline, nor does it have a sense of the importance of meddles in political affairs. The contrary, Arvin was called into being by polit­i­cally, and not by profession. Lacouture points out, military plotting against the regime had gone underground as soon as the army was organ­ized. In 1950 and again in 1962 attempted military coups with the help of foreign forces. In the more ardently political they tend to be. How could anyone imagine that a force so modern in its outlook, so uninhibited and untrammeled, could possibly do for long yield pride of place to a regime as old­fashioned and backward-looking as the Dien government? As Lacouture points out, mili­tary plotting against the regime had gone underground as soon as the army was organ­ized. In 1950 and again in 1962 attempted military coups with the help of foreign forces. In the case of the Saigon regime, the last thing Hanoi had to do was to give the government an excuse for intervention. For that reason, Hanoi's intervention is not a matter of acting in a moral way when the clause providing for reunification through free elections was unilater­ally abrogated by Saigon. For the same rea­son, Hanoi's intervention is not a matter of (sense­fully) to make deals with the Saigon regime, offering to trade its manufactures for food­stuffs. And for exactly the same reason, Hanoi kept the Communists in the South.
under wraps. As one Communist quoted by Lacouture said later: "Between 1954 and 1958 we were pacifist opportunists. We hesitated to draw conclusions from the Dienbienphu defeat." But, as Lacouture shows, other victims of the Dienm regime were under no such discipline. The Vietcong, which was largely made up of independent peasants and small holders, not to mention intellectuals and professional men in Saigon, found themselves threatened by the Saigon regime. Some were put in prison—for example, the present chief of state, Phan Khac Suu, and one of the more notable of those who fled. Others resisted, and inevitably they looked to the Communists for support. Thus local pressure on the Communists to start things began to build up. So, Lacouture concludes: "The Vietcong revolt was not set off by some master planner working from the outside. It was initiated at a meeting held in the U Minh Forest of southeast Vietnam in March 1958. According to Lacouture, the chief document of the meeting was a letter urging those present to resist, and it was printed in the town of Littlefield, Tex."

Saigon, the capital, is now head of the front, Nguyen Huu Tho. While at least two of those at the March meeting seem to have been Communists, most of those on the spot were not. The Communists' comparatively clear demands then put out were purely local grievances. And it was only after the front was already in motion, in September 1960, that Hanoi gave it explicit support. As Lacouture puts it: "The leaders in Hanoi did not take this turn [toward backing revolt in the south] except under the express demand and the moral pressure of the local militiamen."

Once Hanoi had formally supported the Vietcong leaders well believe that they chief problem remains what it always was: how to find a political means of reconciling the great diversity of interest and opinion in South. Resistance is nominal. From the start, there was a 93 percent approval by business firms in the area to be revitalized. Since the start of the idea, the percentage of approval has risen.

What exactly will be done? First, the streets will be paved with new 10-foot wide sidewalks in front of store will be relaid in white concrete. Then 4-foot wide sidewalks of color ranging from coral to peach to blue will line the streets. Composition of these sidewalks will be of crushed aggregate in multiple and harmonizing colors.

LITTLEFIELD, TEX., RESIDENTS REVITALIZE THEIR CITY

Mr. YARBOROUGH Mr. President, a fine example of cooperative effort by responsible citizenship is now being exhibited in Littlefield, Tex. Without assistance from the Federal Government or the Vietcong community before the meeting was a letter urging residents of this small Texas town have joined together to undertake a massive beautification project for their downtown project.

I ask unanimous consent that an accounting of this beautification project from the Lubbock Avalanche Journal be printed in the Record to illustrate the cooperation of the residents of Littlefield, Tex., and to encourage residents for the progress of their city in undertaking this progressive project.

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

BEAUTIFICATION—DOWNTOWN PROJECT SET AT LITTLEFIELD

(By Tanner Laine)

LITTLEFIELD—While a lot of towns and cities were planning and talking about re-beautifying their business districts, Littlefield, Texas, was doing something about it.

At a public meeting scheduled at 7 p.m. today in the county courtroom here, details of a beautification project of the downtown business area were outlined.

Littlefield, a progressive town of 8,000, will undertake the first district beautification project of its type in the State.

This is no chamber of commerce pipe dream or municipal project. This is for real because it was instigated, and will be carried out, by property owners themselves.

EIGHTH BLOCKS INCLUDED

Here in a nutshell package is what will be done: The Littlefield business district will be improved to the tune of $317,000 beautification money, according to a 16-block plan.

The heart of the town's business district will take on the appearance of a neat and beautiful mall, complete to planter boxes, canopied rest stations and sidewalks of harmonizing colors.

The plan calls for free parking and one way traffic flows.

The whole area will be lighted with mercury vapor, 6,000 light bulbs. Alteration of utilities will be voluntary on the parts of Southwestern Public Service Co., Central Gas Co., Natural Gas Co., and General Telephone Co.

SWPS has agreed to spend $27,000 of its own funds in relocating primary feeder circuit wires, providing underground conductors. Pioneer has agreed to enlarge its mains underground and install new gas meters. General Electric will install attractive pay telephone stations and install underground conduit for future use.

ASSESSMENTS LISTED

The 100 or more property owners who will pay the $27,000 cost of the beautification project are assessed $80.81 per front foot on Phelps; $13.27 on XIT and LFD Streets; and $7.58 per front foot on side streets.

Contract for the $224,137 worth of improvements to 18 blocks of the business community already has been awarded.

Official name of the project is: "Downtown Park 'N Shop." The name is a giveaway to the whole objective—an attractive downtown business area with parking facilities. Until the project gets underway, it will be premature to say when the project gets underway.

Both angle and parallel parking on the streets are provided in the project plan. Beautification of the Littlefield downtown area will be centered primarily on Phelps Avenue, XIT and LFD (named for ranches) (named for ranches) Drive (north to U.S. highway 84) and the accompanying side streets—2d, 3d, 4th and 5th Streets.

No Federal, State Funds

Backers of the project, the business folks of Littlefield, want it emphasized that not 1 cent of Federal or State money is involved. Littlefield residents are paying out of their own pockets.

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SENATOR TYDINGS FIGHTS TO SAVE SUBURBS

Mr. DOUGLAS. Mr. President, whatever the outcome of the debate today, the people of the United States will commend and congratulate the Senator from Maryland [Mr. TYDINGS] for his magnificent fight to protect the equality of citizenship of all persons regardless of where they may live. In particular, Senator Tydings, who represents the suburbs, has maintained for a period of the equal citizenship of the now underrepresented people of the suburbs.

A very useful article on this matter by an able reporter from Illinois now working in the Paddock Publications in Illinois which serves mainly a suburban audience.

I ask unanimous consent that this article be printed in the Record.

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

[From the Paddock Publications, July 15, 1965]

DEMONCRATIC SENATOR FIGHTING TO SAVE SUBURBS IN REMPAX

(By Bruce Ladd)

WASHINGTON, D.C.—A tall, handsome Lindsay-type Democrat has spoken out sharply in the Senate.

He is freshman Senator JOSEPH D. TYDINGS, of Maryland. 37-year-old son of the late Senator Millard Tydings, who represented the Free State in the U.S. Senate for 4 terms.

Young Tydings took to the floor of the Senate last week to stress:

"If, as the Supreme Court ruled, the geography of a state does not provide for proper apportionment of the legislature, the Senate Committee on Capitol Hill, has been promoting his amendment in an unobtrusive, low-key manner so as not to stir too much opposition."

But TYDINGS has been stirred. He ably stood up to Dirksen when a Senate Judiciary subcommittee recently considered the amendment, and he is now standing up in public.

"Proponents of the 'rotten borough amendment' often contend that a fairly apportioned legislature would be dominated by a cohesive bloc of urban legislators controlling both houses of the machine," Tydings told the Senate last week.

"They claim that minority interests outside the metropolitan areas will be ignored and their needs submerged to the demands of city dwellers. Such fears are not justified either by fact or by experience.

"It is simply not true that cities would dominate fairly apportioned State legislatures. There is no State in which the residents of a single city could elect a majority of the legislature.

"To illustrate this last point, Tydings pointed out that New York City contains only 26.4 per cent of the population, but that Chicago has only 35.2 per cent of Illinois' population.

"What is more, there are only five States in which the population of the three largest cities constitutes more than 40 per cent of the population of the State.

"Equally significant, as Tydings has observed, is the fact that for 30 years the Nation's major cities have been losing population. Chicago declined from 43.3 per cent of the State's population in 1950 to 36.9 per cent in 1960.

"The major increase in population has been and will continue to be in the suburbs," Tydings said.

"Of our 23 largest cities, only 3—Houston, Dallas, and Atlanta—grew faster than their suburbs in the years from 1950 to 1960. For example, Chicago's population dropped by 1.9 per cent from 1950 to 1960, while its suburbs grew by 7.15 per cent.

"In any clash between the cities and the rural areas, the suburbs would hold the balance of power."

Tydings intends to make a speech every week on this subject. The Senator feels strongly that the suburbs and cities must not be stripped of their new-found political equality.

He cited a study of the Illinois Legislature's urban-rural conflict which showed that, since 1955 when Chicago and Cook County took a numerical advantage in the house, in only 4 of the 329 rollcall votes was there a cohabitation of more than 67 percent among the Chicago and Cook County representatives.

Two-thirds of the urban-oriented group of legislators managed to vote together only one percent of the time.

The Dirksen amendment has been reported favorably by a majority of the members of the appropriate Senate Judiciary subcommittee, but there is considerable doubt that it can pass the full Judiciary Committee, much less the Senate.

If Tydings is to carry the day and if suburban interests are to prevail, the amendment will die in committee.

THE GARDNER APPOINTMENT

Mr. MCGOVERN. Mr. President, I would like to join with the educational world in congratulating the President, and the Nation, on the appointment of Dr. John W. Gardner, of the Carnegie Corp. and the Carnegie Foundation for the Advancement of Teaching, as a member of the Cabinet.

President Johnson could not have found a man better able to head the vital Department of Health, Education, and Welfare.

The Washington Post praised the appointment in its lead editorial July 28, commenting that Mr. Gardner is "a man of great reputation as an authority on education and a courageous innovator."

The President could not have underlined his own personal commitment to the advancement of education than he has done by disregarding partisan-ship and selecting the best.
debate revolved essentially around the political and legal questions of racial discrimination and the relationship of public and parochial schools. Both of these issues will require tactful and firm administration. But beyond them lies the much greater question of the Federal grants as a lever to introduce education reforms.

President Johnson's choice of John W. Gardner to be the next Secretary after the close of the White House Conference on Education that he chaired last week. That Conference ended with a statement deploring the lack of imagination in the organization of American schools and their unwillingness to explore publicly the uses of parochial education. White House Conference had ever received quite so immediate and emphatic a Presidential endorsement of its conclusion.

A passion for education, for all of its children, has for a century been among the most creditable characteristics of American society. For but some time it has been clear that the last generation's curriculums are in profound need of revision. In Mr. Gardner, President Johnson has chosen a Secretary who came to his notice as a committed and influential leader in his educational field. The fact that he happens to be a Republican is wholly incidental to the enormous task that he has assumed.

A VACATION FOR CONGRESS

Mr. McGEE. Mr. President, the Casper Star-Tribune from my State has joined its voice to those proposing that Congress might well consider giving itself a summer vacation. As one who has spoken many times over the past few years in favor of recognizing that the work of U.S. Senators and Congressmen is a full-time, year-round job, I welcome the support of one of Wyoming's leading newspapers.

As the Star-Tribune points out in an editorial published July 29, there is much legislative work remaining for Congress, while the situation in Vietnam continues to require our full attention. For those of us with growing families, the summer months present the only time we can get together for a vacation.

Mr. President, I view the summer vacation as only a part of the picture, however. The prospects are growing for binding ourselves about early adjournment and accept the fact that legislating for the United States of the present day is, indeed, a year-round function and a job that requires that we in the legislative branch plan our duties accordingly. I ask unanimous consent that the Star-Tribune editorial, "A Rest Would Help," be printed in the Record.

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

A REST WOULD HELP

President Johnson's insistence on action on his entire legislative program at this session justifies the Labor Day type of adjournment. He hinted as much, when he agreed to it, "on condition" that the major bills are acted upon. The growth of the war in Vietnam has taken away from Congress many of the jobs that used to be needed for providing for work and material alone could delay adjournment.

For example, where it is clear that Congress is now a year-round job and a fixed vacation is necessary should be seriously considered. The Supreme Court takes a 3-month vacation each year, but the Senator gets away to his Texas ranch or to Camp David in Maryland as often as he can manage. Congress, the third coequal branch of Government, has no fixed time for relaxation and for renewal of those home ties without which it would be difficult for Members to get reelected.

An added reason for a summer vacation for Congress is that many Members have children in school and the family can only vacation on short holidays. That makes the summer months just about the only time they can get together.

INNOCENT VICTIMS OF CRIMINAL VIOLENCE SHOULD BE AIDED

Mr. YARBOROUGH. Mr. President, an excellent article was written by John F. MacKenzie in the Washington Post, August 1. Mr. MacKenzie points out that the forgotten person in American society today is the victim of a criminal. A person injured in an industrial accident is compensated for his losses even though his negligence in part contributed to the accident. A person receiving the same injuries in a criminal attack must bear all the costs even though he be completely innocent. I have been impressed by Mr. MacKenzie's suggestion that the Congress of the U.S. might consider the establishment of a compensation plan for those injured in criminal acts. It is time that we in Congress address ourselves to this most inequitable situation.

I ask unanimous consent to have Mr. MacKenzie's article printed in the Record.

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

[From the Washington Post, Aug. 1, 1965]

A BELATED NOD TO THE VICTIMS OF CRIME

By John F. MacKenzie

In the debate over the rights of an accused criminal versus the rights of the public, is there anything that people can agree upon? There seems to be one thing: the forgotten victim of criminal violence should be helped.

Growing numbers of lawyers and judges are asking whether financial compensation for injuries might be the most practical aid to the "forgotten victim." California is trying experiments with publicly run compensation plans and a bill to establish an American system has been introduced in the Senate.

Support for the idea has come from both those who criticize and those who defend current legal trends toward broadened rights of the accused in criminal cases.

On June 17, in introducing his bill to create a national Violent Crimes Compensation Commission, Senator Ralph W. Yarborough, Democrat, of Texas, said:

"Many persons stand ready to assist the offender in protecting his constitutional rights at the expense of the law-abiding citizen. While society is weeping over the criminal, it is showing no such concern, indeed no concern, for the victim of the crime. Society is brutal toward the victims of crime, not against criminals."

A week later, Arthur J. Goldberg, then a Judge and author of recent Supreme Court decisions expanding defendants' rights, said in a speech:

"I believe that we should give serious consideration to the question of the responsibilities of the victim of crime because, in a real sense, the law has failed in protecting them."

BROAD PHILOSOPHY

The broad philosophy of most compensation proposals is based partly on realization that there will always be some criminal violence, no matter what.

If people swarm into cities, and by their mere presence en masse help create a climate for violence, they should share the bitter consequences of it, the philosophy runs. Criminals are protected to the hilt, but the victim suffers only scratches and bruises or is seriously injured and nearly always bears the responsibility for hospital expenses. Society has a responsibility.

Compensation proposals also are based on the generous instincts of Americans. When an American comes up against the hand of fate, the Blue Cross, the public responds with thousands of volunteered dollars. Criminal victims deserve to have their suffering and loss recognized as a gesture by the State showing that society has not neglected them totally.

For example, a man wounded by gunfire during a holdup might receive an enormous civil judgment if he sued his assailant—provided that the culprit was caught and had the resources to pay the judgment. Under most compensation programs, such a shooting victim would be given medical expenses and lost wages.

Some plans are not geared to the victim's economic status, in keeping with the theory that compensation is not charity. California's plan is based on need and is administered by welfare officials.

All plans are drafted so that the State cannot make an absolute liability for injuries to citizens. To keep the plans within budgeted costs, the victim at best has limited recourse to the courts if he is dissatisfied by a compensation board's award.

Costs vary. California has budgeted $100,-000 for the first year of its program. Britain paid out $1,000 during the first 6 months of its program.

Although the compensation concept can be traced back 400 years to the Code of Hammurabi, it is only in the last decade that its influence has been felt in modern law enforcement.

Principal credit has gone to the late Murphy Fry, a British legal reformer whose articles and speeches led to creation of the Criminal Injuries Compensation Board which has operated for a year in Britain.

Miss Fry contended, among other things, that a society like Britain's, which has firm control over violent crime within the scope of its citizens, must assume more responsibility for crime.

The British board requires victims to have reported their injuries promptly to the police or to have established their validity in court proceedings.

Property damage is not compensated because the system is geared to the impact of major disaster on earning power and the expenses of medical care.

New Zealand has a similar compensation program which covers a list of specified violent crimes. Official cost figures and evaluations not in yet, but national inquiries showed fewer claims and less expense than had been anticipated.

To Mr. Yarborough, a well-paid, experienced lawyers would serve staggered 6-year terms on the Washington-based Commission. They would have broad powers to establish policies, but they could be a model for State governments.

The Yarborough bill would provide a Compensation Commission for a crime of violence covered by Federal law, such as robbery of a locally insured bank. The Federal Commission would be limited to the District of Columbia and other Federal territory, but it could be a model for State governments.

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This problem is not considered insoluble, but the bill’s backers foresee months—maybe years—of study and discussion before Congress could act effectively.

Another problem—a political one—is that the debate might get bogged down in disputes over “points” or complaints against courts for “being soft on criminals,” or against police for alleged laxity.

VIETNAM: STUCK TO THE TAR BABY

Mr. CHURCH. Mr. President, Arthur Krock, one of the Nation’s most distinguished public relations experts, has published a telling column entitled “Trying To Get Loose From The Tar Baby,” in the July 25 issue of the New York Times. Mr. Krock retells the fable, relating it to Vietnam, and comments:

Thus once more a fable serves as an excellent means to make a complex situation clear—in this instance one which could not even now be stated in language and as clearly as the telling as a situation in which the United States would ever find itself. Certainly it is stuck hard in a tar baby. Certainly its own errors of foresight have stuck it deeper than was intended. Certainly one of the responsible factors is the concept of the mission of the United States as morally and militarily obligated to oppose the spread of communism anywhere in the world, single-handed if necessary, and whether or not beyond our reasonable sphere of national security and interest.

I ask unanimous consent to have this article printed in the Record.

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

IN THE NATION: TRYING TO GET LOOSE FROM THE TAR BABY

(By Arthur Krock)

WASHINGTON, July 24.—The means employed by President Johnson and his principal advisers on the conduct of the war in Vietnam to call public attention to the urgency of their deliberations is justified by the gravity of the problem and the need to protect the United States from being tricked into war. The present article is a condensation of parts of two chapters in A Fable Clarifies the Desperate Problem, an important new volume by Arthur Krock, one of the Nation’s most distinguished public relations historians and as analogies to the courses of men and nations, and in the instance of Vietnam, contemporary writings and oratory have dealt with them in millions of words. But often the serious character of these plights has been made more comprehensible to humanity by humorous fable than by solemn exposition. Such a fable, as is pointed out in this article, was used by President Johnson as a justification for his actions in the Vietnam situation.

The decisions which have been in the making, or have been made, may be public property, or subject to publication, for whatever new sacrifices may be required of them. This atmosphere has been intensified for the purpose of creating a public opinion by means to make the public believe in its own secrecy by which the President has bound the participants to reveal no detail of the conference.

This elaborate public relations technique would lose its justification only if it should develop that the decisions of the conference are not for the deeper improvement of the United States in the war, with the much graver portent the expansion would create. But the general impression among qualified observers is that the resulting strategy, for now, is not unlikely outcome of the White House meetings.

WOMAN SUFFRAGE IN WYOMING

McGEE. Mr. President, my State, Wyoming, is known far and wide as the Equality State. It is a name we like. Under the act, it could not find its place in the Equality State.

Mr. President, Dr. T. A. Larson, a distinguished western historian, who is head of the department of history and director of the School of American Studies at the University of Wyoming, as well as a valued colleague of mine, has traced in definitive terms the history of this landmark legislation. It appeared in the Pacific Northwest Quarter and is slated for somewhat fuller treatment in Dr. Larson’s “History of Wyoming,” scheduled for publication in the fall of 1965. From that large mass of material that Dr. Larson’s article “Woman Suffrage in Wyoming,” be printed in the Record.

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

WOMAN SUFFRAGE IN WYOMING

(By T. A. Larson)

(56) Our earlier efforts to bring Wyoming to the status of a State were defeated by lack of the necessary number of votes necessary to ratify the 14th and 15th Amendments. Wyoming was the first jurisdiction in the United States to accord women an equal right to vote. The right to vote and to hold office. The Wyoming Story. The Wyoming Story.

In the preface to “Ways of Wyoming.” Wyoming, is known far and wide as the Equality State.

Territorial Secretary Edward M. Lee signed one law for special attention: “Among other acts, a law was passed for the free suffrage of women. women: thus, by a single step, placing the youngest territory on earth in the vanguard of civilization and progress.” Lee was, of course, right in focusing attention on this act. For Wyoming was the first United States territory, and later would be the first State (1890), to give women full rights to vote and hold office.

The legislation was small, 9 in the upper house, which was known as the council, and 19 in the house of representatives. All legislators were Democrats. On final passage they voted 6-2 and 7-4. The Republican Governor, John A. Campbell, after 4 days of independent study of the legislation, which he reads as follows: “Female Suffrage chapter 31, An Act to Grant to the Women of Wyoming the Right of Suffrage and To Hold Office. Be it enacted by the Council and House of Representatives of the Territory of Wyoming.

“Section 1. That every woman of the age of 21 years, residing in this territory, may at every election to be held under the laws thereof, case her choice. And her
No other action of the 1869 legislature, or of any other Wyoming Legislature, has received so much attention.

The question is often asked, Why did woman suffrage come first in Wyoming? As might be expected, the cause was complex, and the answer, if it is to be worth much, cannot be reduced to a few numbers. It was certainly not a bolt from the blue. Limited suffrage rights, for example in school elections, had been given to women from time to time in various parts of the country ever since 1778 when a few women had voted in New Jersey. Since the 1840's suffragettes had been more active, but in Wyoming voting was vigorous in the East. A woman suffrage weekly, the Revolution, began publication in New York City in 1868. The Revolution was published in October 1869.

"There are few of our weekly exchanges that we peruse with more interest than we do the Revolution. * * * The Revolution is bound to win."

Woman suffrage amendments were proposed in both houses of Congress in 1868, and the same year as many women suffrage organizations were organized in 1869. Woman suffrage bills had been introduced in several State and territorial legislatures. One house of the New Jersey legislature broke the suffrage deadlock when it passed a suffrage bill in 1866, and the Dakota Territory Legislature had failed by just one vote to pass a woman suffrage amendment to its constitution in 1868. Conditions were ripe for a legislative victory somewhere. The Wyoming legislator had the option of jumping in at the head of the parade in Denver or Salt Lake. But they failed to act as they did in December 1869, the honors would have gone to Utah Territory, whose legislators were right at their heels; Utah adopted woman suffrage in February 1870.

Apart from the national pressures which promised a breakthrough somewhere very soon, certain conditions made it probable that victory would come first in a western territory. One factor was the scarcity of women. With only one woman in Wyoming over 21 for every six men over 21 (1870 census), adoption of women suffrage was less revolutionary than it would have been where there were as many women as men, or even more. Western territories were desperately eager for publicity which would attract population.

Free advertising was a common explanation of the political interest in newspaper women, and as that interest was often discussed in the Cheyenne newspapers during the months preceding the legislature's action. Much of the newspaper comment concerned the activities of Anna Dickinson, a nationally known suffragette. After reading about her in an October 1869 article in the Leader, one editor of the Cheyenne Leader, Nathan A. Baker, proposed in June 1869: "Let's try to get Anna Dickinson to Wyoming. She would introduce a woman suffrage bill". The Editor added: "The Dickinson passed through Cheyenne on her way to fulfill speaking engagements in California. The Leader reported that when the "celebrated lady" stepped out on the platform for a breath of air, she was "surrounded by a crowd of staring mortals. She sought refuge in the passenger coach. She was then subjected to an enfolding fire from the eyes of those who succeeded in flattening their noses against the car windows. * * * Anna is good looking, and her use its hall, which she did. The Leader refrained from ridiculing her use it's hall, which she did. The Leader's comment was noncommittal: "All honor to them, let them come here and make her home. We'll even give her more than the right to vote—she can run for Congress!"

Unlike the Leader, the Tribune needed no conversion. It greeted passage of the bill with accurate judgment that it is "likely to be the measure of the moment". We are glad our legislature has taken the initiative in this movement, which is destined to become universal. Better appear to lead than hinder when a movement is inevitable. The Tribune a week later hailed the Governor's signature with the headlines, "Wyoming Suffrage—Wyoming the Van, All Honor to the Youngest Territorial Sister."

Although it is manifest that Baker, who was one of the most influential Wyoming men of the period, was attracted to Miss Dickinson (26) and Miss Bates (age unknown but young), he was repelled by Susan B. Anthony (49), whom he described in February 1870 who "the old maid whom celibacy has dried, and blasted, and mildewed, until nothing is left but a half crazy virago". One must conclude that it was fortunate that Miss Dickinson and Miss Bates, rather than Miss Anthony, came to Wyoming to promote woman suffrage in the autumn of 1869.

Among those who joined the woman suffrage parade in Wyoming, William H. Bright was the neglected central figure. A Virginian, he had served in the Union Army (not Con....

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8 Miss Dickinson was a prominent figure in the national woman suffrage movement. She was a key figure in the formation of the National Woman Suffrage Association in 1869, and later founded the American Woman Suffrage Association in 1869.
federate Army, as is usually said); he was attached as a major in the office of Chief Quartermaster in Washington, D.C., in 1864. He was brevetted major and given half pay in 1867 and served in Salt Lake City, and then in 1888 he took his family to South Pass City, Wyoming. In his spare time he worked as a miner. In 1889 he was known as colonel, although his promotion beyond the rank of major cannot be verified. After his marriage, he was elected to the territorial council (upper house) of the territorial legislature, his colleagues elected him president of the council in 1885. He was also a member of theENUM 583...congressional record...senate...19393...the satisfaction of most people, Miss Hebard was able to complete the transfer of credit from Colonel Bright to the Mother of Woman Suffrage in Wyoming. The transfer itself was a triumph of the suffrage movement, and it is interesting to note that it was not without its difficulties. The transfer was accepted by Mrs. Morris, and the suffrage movement was given a new lease of life. The move was a great step forward, and it was a step that was long overdue.

In 1879, a pamphlet entitled "Woman Suffrage in Wyoming" was published. In this pamphlet, the author, an unidentified author, quoted from several sources to support his argument for woman suffrage. The pamphlet was widely read, and it helped to spread the message of the suffrage movement.

In 1885, Bright was reported in 1912. The author of the pamphlet was J. H. Hayford, editor of the Laramie Pioneers, a newspaper in Laramie, Wyoming. Hayford was a strong supporter of woman suffrage, and he was one of the earliest advocates for the cause.

In 1876, Bright, who was then living in Denver, had denied Hayford's claim to the credit for introducing the bill. In a letter to the Denver Tribune, Bright said he thought Esther Morris was a firm believer in woman suffrage and that the colonel adored her. cycling experiment. Nevertheless, woman suffrage affect politics, government, and public morality?

Two months after the suffrage measure was adopted, Mrs. Esther Morris, the housewife from South Pass City, was appointed justice of the peace by county commissioners. She was appointed justice of the peace by county commissioners, district judge of the Territory, and with the approval of Acting Gov. Edward M. Lee. The appointment gave her considerable satisfaction, said he thought Esther Morris was a firm believer in woman suffrage and that the colonel adored her.

In Wyoming, his devotion to women's rights was expressed in his newspaper columns. Swiftly he wrote Bright's bill, as his relatives later insisted, since Bright was poorly educated and lacked experience in writing bills. Curiously the archaic word "holden," was used by the legislature to establish the woman suffrage act. In all other places where it might have been used in the Wyoming suffrage laws of 1869, and 1871, the plural and singular "holden," was used in the Wyoming suffrage act.

In Wyoming, despite the death of Morris in Washington, D.C., in 1912, the author of the pamphlet was J. H. Hayford, editor of the Laramie Pioneers, a newspaper in Laramie, Wyoming. Hayford was a strong supporter of woman suffrage, and he was one of the earliest advocates for the cause.

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The women of Wyoming had their first opportunity to vote in September 1867. Doubts as to whether many of the eligible women voted Republican than Democratic.

The women of Wyoming had their first experiment in woman suffrage. There was no petition from Sweetwater County, Wyoming, interviewed 84 leading male citizens. The men had not been interested in having women engage in political activity beyond exercise of the franchise. After she had completed the partial term for which she had been appointed, Esther Morris was not nominated for election to a regular term. Only Edward M. Lee, a member of Congress, writing in his Wyoming Tribune that he was sorry "that the people of Sweetwater County (new name for Carter County) had not the good sense and judgment to nominate and elect her for the ensuing term.

After 1871 there was never any serious threat to woman suffrage in Wyoming, as the law about equal pay adopted in 1869, getting the right to vote did not mean immediate economic equality. In March 1874, Herman Gläfcke, the new editor of the Cheyenne Leader, complained that, despite the law the women were not paid to men. Furthermore, Gov. John M. Thayer in 1875 told the legislature that the 1869 statute which permitted the wife to acquire and hold real estate did not permit her to convey property without her husband's concurrence. Yet not until 1882 did the legislature establish a wife to convey her separate property without her husband's approval.

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As a senator, she would be "governed by the underlying principles by which he and I, side by side, have sought to give our lives during our 22 years together." Mrs. Nellie Tayloe Ross, a Casper attorney who had been mayor of Basin and speaker of the house of representatives. The Democrats nominated Dr. Samuel B. Sullivan, a Casper attorney who had been mayor of Basin and speaker of the house of representatives. The Democrats nominated Dr. Samuel B. Sullivan, a Casper attorney who had been mayor of Basin and speaker of the house of representatives.
Although she was elected on the same day as Mrs. Ferguson, Governor of Texas, Mrs. Ross was acclaimed first woman Governor because she assumed office 20 days before Mrs. Ferguson. Party because the Republicans cast a much more favorable outside the State during the next 2 years.

Mrs. Ross, her husband, had to deal with a legislature that was predominantly Republican (16 to 11 in the senate, 45 to 17 in the house), and also like her husband she was not helped by the legislation enacted by the victorious and many Republtcan women who had tried to accomplish, but without election officials. Predictably she did not dominate the many State boards on which she sat with the four Republicans, and predictably, too, she did not control the Republican legislature.

In her brief opening message to the legislature, Mrs. Ross, an intellectual, tactful, and gracious woman, who had delivered an oration at the statehood celebration in 1890, asked in an open letter during the 1926 campaign: “Is it not peculiarly the duty of a woman to particularly desire the votes of women? Has she ever, since coming to Wyoming taken any interest in woman’s suffrage?” A promise made was a debt of honor, and Mrs. Ross declared in a public address: “I am not against a woman for Governor, but I am for any man who will work for a better office and who was elected through appeals and prejudices that have no place in politics. * * * Mrs. Ross’ critics charged that she had not tried to demonstrate her capacity for public office, that she had appointed 174 men and only 5 women, and that she had not named any women to offices formerly held by men.

Republicans alleged that Mrs. Ross was merely a figurehead and that four men were really running her administration: Chyenne Lawyer Joseph C. O’Mahoney, State Examiner Byron S. Wise, Attorney General David J. Howell, and Interstate Streams Commissioner S. O. Hopkins.36

Frank Emerson presented as a business men were not helping Wyoming to develop to the State. A typical advertisement asserted: “Wyoming has returned the bar of women” and pressed. What’s wrong with Wyoming? Wyoming needs leadership. Frank Emerson can meet it.”

Among that year’s Democratic candidates, Mrs. Ross easily ran the best race, but she lost by 1,385 votes. She lost not because she was a woman, but because she was a Democrat and because she could not avoid being blamed for the State’s economic aches and pains. She again sought public office in 1928, with increasing success by increasing the share paid by corporations, and had upheld the State’s water rights.

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favorable, as the Government's open­
attract large amounts of private capital.

But more important for the future, even though economic progress is the human development, which the Liberian Government has given top priority. The U.S. aid program is fully supporting the Government's efforts to create the edu­
cational, training, and health facilities that are being required. The Peace Corps program places heavy emphasis on teaching. And, additional support is provided by social business, mission­
ary, and educational organizations.

And so today, our sincerest congratulations go to Liberia, the oldest Republic in Africa, our long-time friend and ally, and to its people and its President, William Tubman.

R. H. SHACKFORD ON COMMUNIST

CHINA

Mr. CHURCH. Mr. President, R. H.
Shackford, of the Scripps-Howard news­
papers, has written skillfully on foreign policy for many years. Recently, Mr. Shackford has been performing a valuable service for the American public by devoting a part of his time to an analysis of the foreign policy of Com­
munist China. It is a necessary task that we try to accurately assessRed
China's intentions. Mr. Shackford's stories are especially important, there­
fore, in helping to fill the information gaps about Communist China in this coun­
country.

Earlier this year, Mr. Shackford made an extensive trip to Asia to assess the effect of Red China's foreign policy. In an excellent series of articles entitled "Around Red China's Rim," Mr. Shackford summarized his findings.

I ask unanimous consent to have the first of these articles, captioned "Part I: Neighbors Look at the Wave of the Future," printed in the Record, as follows:

[From the Indianapolis Times, May 3, 1965]
AROUND RED CHINA'S RIM—PART I: NEIGHBORS
LOOK AT WAVE OF THE FUTURE

(Exton's Note.—R. H. Shackford, whose specialized reports on Red China have long been published in the Scripps-Howard newspapers, has visited 12 countries around the rim of Red China in the past 4 months. Following is the first of three articles on his overall impressions of these Asian lands, particularly long-range political trends. On concluding this particular series, his reg­
sualr feature, "Report on Red China" will be resumed, taking in, with more detail, the attitudes and opinions about Red China, as found among our neighbors.)

(By R. H. Shackford)

Most Asians who think about the future assume that in the long run—10 or 35 years from now—Communist China, not the United States, will be the dominant power and influ­
ence in Asia.

They accept as inevitable, almost fatalisti­
cally, the idea that within the next generation it will be the 750 million Chinese on the scene in Asia, rather than some 260 million Americans, 15,000 miles away, with whom they will have to reckon and make their peace.

This is my one outstanding impression left from months' travel 'around the rim' of China.

Communist China already dominates the thoughts of Asians—not only those who are actively anti-Red China or want the United States to go home. Nor are they prepared to throw in the sponge today as Cambodia's Prince Sihanouk appears to have done.

However certain they may be that Com­
munist forces will win the 'battles of the future,' they want that wave held back as long as possible. They want the United States to continue a holding operation, not only in Vietnam but elsewhere. They hope that the longer the day of Chinese dominance is put off the better the chances are of China's moderation.

A popular Chinese saying is that after the Mao Tse-tung era—if not immediately, then ultimately—a less militant China will emerge. Just as the Stalin era made Russia easier to live with.

In short, Asians appear converted to the thought that they can, somehow, at the last hope, delay and temper China's upward swing. But they are equally convinced that in the long run America cannot prevent it.

A basic orientation, such as this about Asia, with its vastness, rivalries, feuds, ambitions, divisions, and complexities, is nervous and subject to violent and rapid change.

There are few common bonds among China's Asiatic neighbors, except that they fear Red China. Within every country, almost every country there are dozens of divisive forces at work. Nationalism of many varieties and extremes is rampant. Memories of the white man's colonial role fade slowly. Communists play on these cleavages with the result that communism is not always considered the ultimate in evil as it frequently is in the United States.

The day of enlisting Asians in a militant anti-Communist crusade is gone, if it ever existed. The Asian nationalism, even when fomented by Communists, has the great appeal. More than negative concepts of 'the West' and nationalistic fervor is to be useful. The status quo (even when good in our eyes) is not good enough. Asians do not like, nor are they promised by Peking even though the sophis­
ticated realize the promises are only that.

Volumes could be written to explain why Asians feel that China's role as 'big brother' is inevitable. With our present efforts in Vietnam, this mood may seem ridiculous to Americans. But it is such a vitally important element of the future that it would be folly to ignore it.

It would be disastrous for the United States to throw in the sponge now and give up the long, difficult task of trying to hold the line.

It would be even more disastrous not to recognize what the Asians themselves think the outcome will be.

One of the most important reasons behind Asian attitudes about Red China is the fear that the continent in the distant future is the theory strongly held by even our best Asian friends, and I must say the only influence there is near an end. Thus, the appeal of Peking's propaganda slogan, "Asia for Asians," is still an active one.

The American stand in Vietnam and the British stand in Maysia are—barring a major world war—probably the last of these kinds of operations by the West in Asia. Most countries worry about events which would precipitate a 'Vietnam' with white soldiers and black civilians.

A veteran diplomat in Pakistan, for ex­
ample, is convinced that if the Pakistanis were faced today with a choice between tak­
ing their chances with Communists, China, or facing American intervention as in Viet­
nam, they would prefer to take their chances with anti-Communist Pakistan, Chinese.

Vast changes in Asian thinking are taking place. Compared with 10 years ago, the vast crecent of land that encircles half of the Red Chinese mainland is a dif­
f erent world—physically and in thought. The 20th century is creeping even into the middle ages of Nepal.

Forces, for both good and evil, are at work which the Asians themselves, as well as the Americans, find difficult to understand. When there are unprecedented violent enmities and fears, the future at best can be seen but dimly.

BIG BROTHER—ORGANIZED CRIMINALS

Mr. LONG of Missouri. Mr. Presi­
dent, it is a constant cry that Internal Revenue Service's harassment tactics are used only against organized crimi­

nals and that plain taxpayers, espe­
cially small taxpayers, have nothing to worry about.

As a result of the recent hearings on IRS tactics, I have received much mail from citizens writing to me, for example, Las Anclas, Colo., and an editorial of March 4, 1965, from the Bent County Democrat, Colorado.

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

LAS ANCLAS, COLO.,
July 26, 1965.

Senator EDWARD V. LONG,
Washington, D.C.

DEAR SENATOR LONG: We are two taxpayers who have been "dealt with" by the Internal Revenue Service since September 1963 here in Colorado over an irrigation water assessment. We have read with great interest of your investigations of the Internal Revenue Service agents in the East, as described in the attached newspaper clipping from the Pueblo Chieftain, Pueblo, Colo.

Our Colorado Congressmen, Senator Gordon Allott of Lamo, Colo., and Representa­tive Frank Evans of Pueblo, Colo., are familiar with our case. If you wish to verify our statements, you could talk to them.

We are also enclosing an editorial from our local newspaper which explains our sit­
uation—we have been strafed to send this article to anyone before, for fear of what the Internal Revenue Service would do to this man. As far as we know, all the farmers in the Basin have been deducting their entire water assessment as business expense and this procedure was never questioned.

In the case the Internal Revenue agent had audited other returns on our own ditch and on similar ditches and allowed these people to deduct their full water assessment, but when he came to ours, he disallowed the water assessment as expense. When asked why, we were told 'he just smartened up when he came to ours.' After we refused to pay, this man began telephoning us long
distance from his office at Lamar at various intervals and advised us that we should pay the amounts owed to him, only $135; and several times he stated that we as taxpayers had no rights. Our statement of this conversation was received the other day by the people who manage the telephone company. We failed to see why all these telephone calls were necessary. He would let enough time lapse between. We would owe more or less put the matter out of our minds and then would be our mind and then would call again and repeat his warning about our paying. We had the other part of the taxes we owed but refused to pay the part concerning the water assessment.

It is our opinion that these calls only serve to intimidate the taxpayers. That treatment by the Internal Revenue Service appears to be. We are small farmers, whose income is not large and during the years for which our returns were audited (1960, 1961, and 1962), we prepared our own income tax returns. Our ditch, the Highland Irrigation Co. is a very small ditch. The latest development in our case is a request from the Internal Revenue Service that we make a 400-mile roundtrip to Den­ ver for an interview with them, though the trial date for our case is set up in Tax Court for about November 15. It is very common for farmers to be summoned during the busy summer season, what with irrigating, haying, and other farmwork, for a conference at which no pretrial settlement would be discussed. It is not at all unusual that Internal Revenue Service requests of a taxpayer.

I also particularly wish to emphasize that only ourselves and one other farmer around here are the only people to whom the Internal Revenue Service has disallowed the water assessment as expense, contrary to its allegations otherwise. This fact, along with the agent's treatment of us, makes us hope and pray that your investigating committee can bring to light the treatment that Internal Revenue Service seemingly gives to small people.

Should you be interested in any other facts on this case, we would be more than glad to send them to you and sincerely hope that your committee can aid in improving Internal Revenue Service policies.

Very truly yours,

ROBERT L. and MAR V. HUNTER.

[From the Pueblo (Colo.) Chiefian, July 22, 1965]

U.S. TAX AGENTS DENY INTIMIDATION CHARGES

WASHINGTON.—Internal Revenue Service officials from Boston denied at a Senate hearing Wednesday that they intimidate or harass individuals.

The agents testified before a judiciary subcommittee which has heard that IRS agents used electronic eavesdropping devices and questionable investigatory methods. They repeatedly referred to claims by a Treasury Department "snooker school."

COMPLETE 3-DAY INQUIRY

The subcommittee completed a 3-day inquiry into the Boston Internal Revenue Service office, at the invitation of Pittsburgh, Pa., and Chairman Edward V. Long, Democrat, of Missouri, said "any wiretapping or other use of electronic devices, if that's the case," of Washington Internal Revenue Service headquarters and not the agents.

The "snooker school" and the furnishing of documents for examination for any reason, was the center of the investigation, Mr. Long said, adding "he expects IRS headquarters to take note of this."

Alvin M. Kelley, IRS director in Boston, said he was surprised by some of the testimony. He told the subcommittee they were harassed or intimidated. "But by and large," he said, "taxpayers cooperate with us and we with them."

"HARASSMENT NOT TOLERATED"

"I can understand, of course," he said, "why individuals who have been subjected to fraud investigations should subjectively feel that they are in a situation where our policy and general practice does not tolerate harassment. Kelley and George L. Wilson, group supervisor of IRS intelligence in Boston, said wiretaps are used only in isolated cases in cooperation with other Federal agencies, and principally in security cases.

[From the Bent County (Colo.) Democrat, August 19, 1965]

ROBERT HUNTER HAS BEEN VICTIM OF HARASSMENT AT INTERNAL REVENUE

(BY EARL E. ASHBY)

The Internal Revenue Service's case against Robert Hunter has dragged on for more than a year after our hearing. Mr. Hunter has been the victim of persecution, harassment, and injustice.

This is all the more unusual because we are used to seeing IRS operate in a coldly businesslike way, making its moves with sureness, accuracy, and justice.

Robert L. and Mae V. Hunter testified before a judiciary committee on our case.

But the hearings were put off a year ago when IRS Agent Virgil Richmond, in checking over Mr. Hunter's tax returns for the years 1954 through 1956, proposed the dis­ cussion. Mr. Hunter had taken for that part of his Highland Ditch assessment that went toward paying for the Highland Dam that was installed after the old one washed out in the flood of 1955 on the Picketwire River 12 miles south of Las Animas.

We do not think that he was given the opportunity to stand up and say that he was wrong and that the dam was not a capital improvement. As is, Mr. Hunter has been assessed $130 in back taxes (which he still refuses to pay).

He has had a conference with the chief of the Denver IRS office in La Junta, another conference with the IRS appellate division in Denver, and now has a hearing scheduled for this fall before a tax judge in Denver.

Most people like to stay as far away from the income tax agents as they can. IRS agents are the only ones who stay in the middle don't undertake. To have to spend some 2 years in the shadow of IRS as Mr. Hunter has had to do is unnecessary harassment. Especially since no other farmers in the area have had to face the same problem.

In brief, Mr. Hunter considered his whole investigation assessment as a farming expense. But IRS contends the Highland Dam which was built 9 years ago was a capital improve­ ment, owned jointly by all the farmers who share in the Highland Canal Co.

Ordinarily, if you have a capital improvement, you can depreciate it. And if it is destroyed by accident or an act of nature, you can claim the income tax return by claiming a capital loss.

But IRS seems to feel the dam is so solid and permanent that it tolerates it. And IRS points out the limit of years has passed so that farmers under the Highland Ditch can't go back now and claim a capital loss on the old dam when the flood washed it out.

Most local farmers feel building the dam wasn't a capital improvement anyway, but was merely a necessary means of irrigation for them as you would a roof on your barn.

The issue has dragged on too long without being resolved. If Mr. Hunter's expense deduction should be allowed, it would allow and get off his back. If not, every other farmer under an irrigation ditch in the west should take note. So Mr. Hunter and should have the portion of his ditch assessment that goes toward payment of his irrigation dam be disallowed as an expense. Only one other farmer in Bent County besides Mr. Hunter reported a similar disallowance.

It looks to me as if IRS is just looking for trouble, and that it will pay almost exactly the same amount of taxes either route it takes. If paying for the dam can continue to be considered an expense deduction, then the whole ditch assessment as an expense deduction as they have been doing.

The Internal Revenue Service has disallowed the dam as a capital improvement, farmers should be permitted to take deductions for depreciation and capital losses when the dams wash out, so that their tax will balance out about the same either way in the long run.

Senator GORDON ALLORTE has introduced a bill in Congress to permit farmers to count the payments toward the dams as expenses if they choose to. It would probably help break the impasse if this bill would be approved.

THE REBEKAH HARKNESS FOUN­ DATION AND ITS CONTRIBUTION TO THE DANCE

Mr. McGEE. Mr. President, a society cannot ignore the arts, nor its artists. One that does is inevitably poorer and in danger of losing much more, indeed. Hence it is, Mr. President, that we should give honor to those who enrich our art forms. It is with this in mind that I refer to an article from the July 28 issue of the New York Herald Tribune regarding Mrs. Rebekah Harkness' contributions in time and in money to the dance.

Mr. President, I ask unanimous consent that this report from the Herald Tribune be printed in the Record.

The Clerk, without objection, said the article was ordered to be printed in the Record, as follows:

THE HARKNESS CREDIT: TALENT MUST BE SERVED

(BY WALTER TERRY)

"The people who stay in the middle don't interest me," said Rebekah Harkness, composer, sculptor, and patroness of the arts. "The best that is care and support, and if you can do it, so much the better. The other two extremes: on the one hand, to give the artist opportunities to release his talent: and, on the other hand, to help the delinquent and capital losses when the dam was ordered to be printed in the

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To this end, Mrs. Harkness, through her own Rebekah Harkness Foundation and the foundation established by her late husband, William Hale Harkness, has provided desperately needed funds (totaling millions of dollars) to the arts, and to dance in particular. Harkness sponsorship aided Jerome Robbins' Ballets U.S.A. in a European tour, promoted the Robert Joffrey Ballet; from a canonal point of view, the foundation is one of two groups to put on the annual Pique assinat show, and made possible free dance events, in collaboration with the New York State Theater Festival, in Central Park's Delacorte Theater.

A year ago, the Harkness dance enterprises embarked on new and expanded programs. The Harkness Ballet, whose new numbers approximately 30 dancers, was founded with George Skibine and Donald Saddler as its principal dance director, respectively. The initial tour, which began in 1965, was booked in Europe and provided the new company with a sort of glorified New York run, which enabled it to discover its incipient strengths and possibilities.

At the same time, Mrs. Harkness purchased the old Thomas Watson townhouse and launched the long and expensive process of
having it converted into the Harkness House for the young dancers, where they stay while it opens in the fall, as the home of the Harkness Ballet and as a center for ballet seminars, workshops, lecture-demonstrations, art and dance classes. Here and in its own studios will foster not only ballet but music, design, and literature as they relate to ballet. Mrs. Harkness has already established the Harkness ballet house, "the airs and graces of a palazzo. Maybe I'll be criticized for its elegance but I do think that beautiful surroundings are imperative with those individuals who stay in the middle? Well, this means I'm interested in the adequate and the inspirational. It's the extra that is a simple and that is to give release to talent that is already there. Maybe it's a minor talent—although we pray it is major—but it is too deservant of a space to keep it hidden. Nobody can put talent into another being. It doesn't always work out. But it is common sense that the right of the potential holder of talent.

The summer, at Mrs. Harkness' arts center in Rhode Island—a firehouse converted into two large studios, other studios in her own house, a complete inn for the many married couples in her troupe—the creative opportunities for a wide range of artists are being given the time and the release that Mrs. Harkness recognizes are the right of the potential holder of talent.

Donald McKayle (represented choreographically by the Harkness Ballet) is working on a new ballet with an Israeli theme; Sophie Maslow is restaging her successful "The Dybbuk"; Alvin Alley, who has already created two melts of work for the Harkness Ballet, is at work on "Macumba," with a score by Mrs. Harkness herself; and the Henry Street Playhouse's Alvin Nikolais is moving out of his own distinguished home for the rare occasion to create a new work for the Harkness Ballet.

Other choreographic highlights of the summer workshop at Watch Hill include a new version, by John Butler, of Gian-Carlo Menotti's "The Dybbuk," with a score by Mrs. Harkness herself; and, later, at our headquarters in New York, the plan is to give choreographers, composers, and designers the time to work out their ideas and, if they have that mysterious thing, this is the opportunity for them to create with it. It doesn't always work out. But it might. And the 'might' is worth all the expense and the effort."

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A GI'S LAST LETTERS FROM VIETNAM

Mr. SIMPSON, Mr. President, in view of our reaffirmed commitments in Vietnam and in light of the great need for a national dedication to our cause on that battlefield, I ask that an article titled "A GI's Last Letters From Vietnam" be printed in the Record. It was brought to my attention last night that we were once inadequately equipped and poorly trained and that professional soldiers came from afar to aid the fledging American Army. We need to win them over at that simple, humble, willing, and warm—they are wonderful people. If the press judges them harshly at times, it would be tragic for us. They have had their independence only 9 years, and they never have had the opportunity to develop leadership, civic and otherwise. It was brought to my attention last night that we were once inadequately equipped and poorly trained and that professional soldiers came from afar to aid the fledging American Army. We need to win them over at that simple, humble, willing, and warm—they are wonderful people. If the press judges them harshly at times, it would be tragic for us. They have had their independence only 9 years, and they never have had the opportunity to develop leadership, civic and otherwise. It was brought to my attention last night that we were once inadequately equipped and poorly trained and that professional soldiers came from afar to aid the fledging American Army. We need to win them over at that simple, humble, willing, and warm—they are wonderful people. If the press judges them harshly at times, it would be tragic for us. They have had their independence only 9 years, and they never have had the opportunity to develop leadership, civic and otherwise. It was brought to my attention last night that we were once inadequately equipped and poorly trained and that professional soldiers came from afar to aid the fledging American Army. We need to win them over at that simple, humble, willing, and warm—they are wonderful people. If the press judges them harshly at times, it would be tragic for us. They have had their independence only 9 years, and they never have had the opportunity to develop leadership, civic and otherwise. It was brought to my attention last night that we were once inadequately equipped and poorly trained and that professional soldiers came from afar to aid the fledging American Army. We need to win them over at that simple, humble, willing, and warm—they are wonderful people.
CONGRESSIONAL RECORD - SENATE

On Friday, July 23, 1965, and Thursday, July 29, Mr. McCaffrey broadcast two fine editorials on the cold war GI bill over channel I in Washington. Although neither editorial was made available for publication, Mr. McCaffrey presents the need for this bill in a perspective which is seldom reported on in the area he covered, that of our national goals and military involvement.

To illustrate the excellence of Mr. McCaffrey's editorials and to emphasize the need for the cold war GI bill, I ask unanimous consent that the texts of the two editorials be printed at this point in the Record.

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

(3044)

One of the strangest things in Washington has been the news blackout on the cold war GI bill.

Little or nothing had been written about this bill before the Senate on Monday, finally approved the bill which Texas Senator RALPH YARBOROUGH has been pushing for so long. Since it was first introduced, it had been written about it. Actually, there is no conspiracy to put the blanket over the cold war GI bill. The thunder of silence that greets it is probably due to the general neglect of the peacetime draftee, yet he goes into the shooting war in Vietnam, or may be shot at in the Dominican Republic or, perhaps, be shot at in some part of the world where at this very moment there is no shooting, but soon may be. The Yarbrough bill, would fill the gap left by the expiration of the Korean war GI bill. The next step is up to the House of Representatives. Although there is no inclination on the part of editors and commentators to push the cold war GI bill, there is a huge lobby forming to support it: the thousands and thousands of veterans who would benefit from it, but most important it has something else behind it: public conscience, which recognizes that we must provide for the men who are now being sent into combat.

It is this, in the end which will force action on the Yarbrough bill in the House of Representatives.

(3044)

Now that we frankly talk of the situation in Vietnam as a war, and we double the draft bill, it becomes the possible that they may be tripped within a short time, it is time to get a small beam of light focused on Senator Ralph Yarbrough's cold war GI bill. The House has given no indication that it is interested. Yet we are moving to a wartime footing.

We are stepping up the draft call, as we did when we started the long haul in Korea, but the men who went into Korea knew that if they could come out alive, they would have the same GI bill benefits which veterans of World War II received.

The draftee going into the war in Vietnam doesn't have this going for him, nor will he be able to carry over into civilian life a GI insurance program, because there is no longer a GI bill.

The draft has been called, by those who have studied it, basically unfair. There have been, and there probably will continue to be some loopholes through which thousands will escape.

But what about those who are caught up in the draft?

If the House of Representatives intend to do about them?

What action does the House and its Veterans' Committee intend to take on the Yarbrough GI bill?

It can no longer be called a cold war GI bill because the draftees going into Vietnam are taking part in a hot war.

If there is a window of opportunity, the only way we will be able to escape from the Vietnam war is if we can show the world that this is a war of mind and spirit, and that the key to the solution is found in the fact that America is a country where at this very moment there is a huge lobby forming to support it.

I am bringing to the attention of the Senate this fine speech for it tells so well the great success story of American agriculture in the 1960's. As Secretary Freeman points out, the Missouri Farmers Association operates "from the premise that what is good for the farm families of Missouri and the Nation is good for the Missouri Farmers Association."

Certainly, MFA deserves our high praise for benefiting both the farmer and the consumer alike.

Mr. President, I ask unanimous consent that this speech be printed in full at this point in the Record.

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

ADDRESS BY SECRETARY OJ’LONG OF MISSOURI FARMERS ASSOCIATION, STEPHENS COLLEGE AUDITORIUM, COLUMBIA, MO., AUGUST 2, 1965

Mr. President, I ask unanimous consent that this speech be printed in full at this point in the Record.

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

ADDRESS BY SECRETARY OF AGRICULTURE OJ’LONG OF MISSOURI FARMERS ASSOCIATION, STEPHENS COLLEGE AUDITORIUM, COLUMBIA, MO., AUGUST 2, 1965

There are some experiences which—no matter how often repeated—are ever new, and revive a man's zest for life and his joy in it. Like feeling the trusting touch of the hand of a little child;

Recognizing the voice of an old friend by the warmth of it;

Seeing the haze of loveliness that wraps itself around a mother, a wife, a daughter;

Seeking to match the intense concentration of an inquisitive boy.

Another of these always refreshing experiences is looking out over the versatile and vibrant farmlands of the Midwest in the midst of a growing season. There is always invention, accompanied by a deep sense of gratitude, in seeing firsthand the combination of farmer skills with nature's gifts that results in the miracle we know as food abundance.

So I find it good—good indeed—to be with you in this place, at this time. Thank you for inviting me.

Four years have gone by since we were last together at an annual meeting of the Missouri Farmers Association. Since 1961 I have come to know the membership of this organization better than I did then—many of the more than 150,000 of you personally—of all you through the quality of your organization.

What action does the House and its Veterans' Committee intend to take on the Yarbrough GI bill?
These associations and observations have led me to two conclusions about the Missouri Farmers Association.

One is that you consistently operate from the premise that what's good for the farm families of Missouri and the Nation is good for the Missouri Farmers Association. I've seen you apply this principle internally, and I've seen it in helping create and implement national farm and food policies and programs.

For establishing and following these commendable standards, you have my admiration and respect.

This organization's spirit and its concept of proper priority—as well as the personal philosophy and abilities you have recognized for a quarter of a century—have contributed to making you an internationally acknowledged agricultural leader.

Fred Heinkel holds the dual role of an architect, and a builder, in the food and agriculture policies and programs of the 1960's.

Few commodity programs, now or in the past, have records of performance and popularity as impressive as the feed grain program. It was the first big step in bringing farm production policy into harmony with the era of abundance. The chairman of the advisory committee which played a major part in the creation of the feed grains program, and in perfecting it through the years since 1961, was Fred Heinkel.

Fred, I want MFA members to know that no one has done more for American agriculture through this period of almost 5 years than you. And if you will accept a personal tribute, I want to express my own high regard and warm affection.

Earlier I recalled it has been 4 years since I attended an annual MFA meeting. At that time we discussed what needed doing in the decade of the 1960's to correct inequities that were denying parity of income opportunity to our farm families and threatening the destruction of the free enterprise farm family system.

Since then, working together, we have corrected those inequities. We have broadened the avenues of economic, educational and social opportunity for the people of rural America—farm and nonfarm.

By combining the abilities, the knowledge, the resources and the purposes of people and government, we have moved steadily upward on a number of fronts from the low levels of 1960.

As Dr. Smith once said: "Let's look at the record."

Farm earnings today are substantially better than they were. Realized net farm income in the United States, currently a total $13.5 billion—the highest since 1953 and $600 million more than it was just 5 years ago. It is nearly 300 percent over the farm debt total of 1960.

It is a matter of deep, personal concern to the farm families who owe it. It also should be a matter of both humanitarian and economic concern to nonfarmers, because if the farm families are in trouble, the entire Nation, to what extent a blow to the farm economy would mean to the whole of the country's economic well-being.

At the farm credit situation is most revealing:

On January 1, 1965, the total farm debt among the Nation's farmers is at its highest level. It was $6.1 billion more than it was just 5 years ago. It is nearly 300 percent over the farm debt total of 1960.

It is a matter of deep, personal concern to the farm families who owe it. It should also be a matter of both humanitarian and economic concern to nonfarmers, because if the farm families are in trouble, the entire Nation is in trouble, too.

The debt situation in agriculture is not entirely a financial situation, but it is a socioeconomic problem. Failure to act will be catastrophic to both. It would mean wholesale foreclosure and its impact upon the individual family directly affected. But let me turn to the Nation, and to what extent a blow to the farm economy would mean to the whole of the country's economic well-being.

The supply-demand relationship is better than it was. Surpluses are down. Carry-over stocks of grain by the end of the year will be at the lowest level since the middle 1950's, which means greater farm income stability and a cut in storage and handling costs for taxpayers.

We can take pride and satisfaction in these achievements.

What we have done in the past 4 years is proof it is possible to base a reasonable, progressive, serviceable food and agricultural policy on a concept of abundance rather than scarcity, benefiting producers and consumer alike.

That doesn't mean we have achieved full parity of income opportunity for the operators of the growing numbers of adequate farms, for the debt problem is not likely to cause serious difficulties for most farmers, for the communities which provide facilities and the skills of our cooperatives, and the interest "demonstrated" by MFA is most welcome.

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The times of truly great tragedy in rural America have been the times of mass foreclosures and the homesteaders, and in other parts of the land, scars still remain as a reminder of the last time an accelerated downgrading of the value of a man, his family, and his farm was undertaken. It is obligatory for the family farmer to make the payments on his mortgage.

This year is big, this month as the Congress prepares to act on the Great Society farm program. If it is enacted into law, we can look forward to steady progress, and it would be a sad day if we were to fail. The United States Department of Agriculture has estimated that in the next 4 years a repeat of the thousand-dollar gain in real income per farm of the last 4 years.

But--if we fail to build upon the experience and the programs and the progress of the 1961-65 period, the outlook will be grim indeed. If failure to adopt reasonable, purposeful legislation brings a drop in net farm income from the current level down to just $6 billion a year, every American will suffer. In that event the efficient family farm structure that now ranks among the wonders of the modern world would be wiped out. No one can know what that reports would mean to the food abundance and fair prices consumers now accept as casually as the air they breathe.

If we fail to respond to both the responsibility and the opportunity contained in the food and agriculture bill now before our Congress, we would risk the continuation of the book of history painted thoughtless and indifferent—perhaps even ruthless.

I believe in the positive approach—and so do you, or you couldn't face up to the year after year, season after season hazards of farming.

I believe a growing realization among all the people of our country that they have a good thing going for them in the policies and programs that give rural America stability is now beginning to look more like a version of Asian communism, a generation older than Chinese, was contained in Europe by 20 years of Western force and firmness and is now beginning to look more like a version of Russian national interest than the unappeasable firebrand it once was.

The implication there is clear, but it is spelled out nonetheless. Life points out in an editorial, 'Johnson Means Business in Vietnam,' which clearly outlines the nature of America's goal:

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Johnson Means Business in Vietnam

This is really war," said President Johnson. But not a "national emergency"; that he refused to declare. A similar ambivalence and repugnance marks his much publicized full-dress review of our Vietnam policy last week.

Vietnam is a real war so that he has doubled the draft call to 35,000 a month and is now sending another 50,000 troops to support the deteriorating Viet Cong. On the other hand, he rejected the immediate call up of reservists and his much publicized full-dress review of our Vietnam policy last week.

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I believe a growing realization among all the people of our country that they have a good thing going for them in the policies and programs that give rural America stability is now beginning to look more like a version of Asian communism, a generation older than Chinese, was contained in Europe by 20 years of Western force and firmness and is now beginning to look more like a version of Russian national interest than the unappeasable firebrand it once was.

The implication there is clear, but it is spelled out nonetheless. Life points out in an editorial, 'Johnson Means Business in Vietnam,' which clearly outlines the nature of America's goal:

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Johnson Means Business in Vietnam

This is really war," said President Johnson. But not a "national emergency"; that he refused to declare. A similar ambivalence and repugnance marks his much publicized full-dress review of our Vietnam policy last week.

Vietnam is a real war so that he has doubled the draft call to 35,000 a month and is now sending another 50,000 troops to support the deteriorating Viet Cong. However, he has doubled the draft call to 35,000 a month and is now sending another 50,000 troops to support the deteriorating Viet Cong. However, he has doubled the draft call to 35,000 a month and is now sending another 50,000 troops to support the deteriorating Viet Cong.

Since the Korean war, the outlook will be grim indeed. If failure to adopt reasonable, purposeful legislation brings a drop in net farm income from the current level down to just $6 billion a year, every American will suffer. In that event the efficient family farm structure that now ranks among the wonders of the modern world would be wiped out. No one can know what that reports would mean to the food abundance and fair prices consumers now accept as casually as the air they breathe.

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the Vietnam war will last for "months—or years—or decades," and such speculation is indeed fruitless until our new commitment there is clearly defined. If it is dogmas we need, America has some good ones: the belief that America has a purpose as well as interests in the world, that the purposes and the interests are not restricted but global, and that American freedom cannot be protected at the cost of those whose freedom we are not committed to defend. Vietnam is the place where these beliefs once more are put to the test.

THE 175TH ANNIVERSARY OF THE COAST GUARD

Mr. PELL. Mr. President, I am proud to endorse the resolution introduced by my distinguished colleague, Senator Muskie, of Washington, establishing August 4 as U.S. Coast Guard Day in commemoration of the 175th birthday of this great armed force and humanitarian service.

The Coast Guard has always been of great personal interest to me. Four months prior to the attack on Pearl Harbor I enlisted in the Coast Guard, my first duty being that of ship's cook. At the end of the war I held the rank of lieutenant and have now the honor of being a rear admiral in the Coast Guard Reserve.

In the State of Rhode Island, we have long been aware of the beneficent presence of the Coast Guard. We know of its unceasing efforts to provide a greater measure of safety to all who travel on or over the sea. Its extensive lifesaving network has saved many thousands of lives and billions of dollars in property. Thousands of Rhode Island citizens have been the beneficiaries of the Coast Guard's work. In the past year alone, the Coast Guard was responsible for saving or rescuing from peril more than 130,000 persons and the value of ships and cargo saved was nearly $1 billion or approximately two and one-half times that of the Coast Guard's annual budget. That is a very good return, indeed, for the American taxpayer's dollar.

Every group of people has a noble cause of safety at sea, the Coast Guard is hard at work expanding our knowledge of the sea upon which our future survival may depend. Its highly trained port security organization stands ready to protect our waterfronts and harbors from hostile action in the event of emergency, and its approximately 32,000 officers and enlisted personnel maintain themselves in a state of constant military readiness to serve with the Navy should the need arise.

Several weeks ago, the Coast Guard demonstrated its readiness to respond to emergencies by dispatching, at the Navy's request, 17 of its 62-foot patrol boats to help counter North Vietnamese efforts to supply Communist Vietcong units in the Mekong Delta.

Along with my fellow Americans I say: Congratulations Coast Guard on your 175th birthday. The prayers and best wishes of the American people go with you for many additional years of rewarding service to country and humanity.

NATIONAL TEACHER CORPS WILL USE YOUTHFUL COMMITMENT AND SERVICE

Mr. NELSON. Mr. President, a few days ago Vice President Humphrey delivered a moving address to young Government interns at the annual meeting of the White House seminar. He praised this new generation for restoring the excitement of dialog and questioning to America's college campuses.

Large numbers of young people now are active in campus intellectual ferment. They are capable of accepting responsibility, justice, and willing to devote productive years to service. These youthful qualities, the Vice President concludes, create the climate for such national efforts as the Peace Corps, VISTA—and now the National Teacher Corps.

In view of the timeliness of this excellent assessment of the state of America's young people, I feel all Members of the Senate will want to hear the Vice President's address. It is available at the annual meeting of the White House seminar. It is a must to read it. I ask unanimous consent that it be printed at this point in the Record.

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

I am honored to be with you this morning at the annual meeting of the White House seminar. I have had the privilege of meeting with this group for each of the past 8 years. First, let me say that we are pleased to have your services, if only for one summer. Even in so short a time you can make significant contributions here in Washington. And I know you will gain, too—if only from seeing our great country and from the opportunity to put this experience to good use. At the risk of sounding like a commencement speaker, I will say that your generation faces an exciting challenge, a great task, and that you will need all the experience and knowledge you can get.

We are surrounded today by a technology which is still in its infancy. Information is ready running ahead of our ability to use it.

International political crises can develop and inexplicably change the world in the time it used to take for an ambassador to a small country to draft his longhand report on a local uprising.

Two-thirds of the world is poor and seeking to break through, by whatever means, to something better. We have wealth and power to do great work—or to destroy ourselves.

The point I want to make today is that this Nation and world will survive and prosper only if individual man can control the great forces moving about us.

It is precisely in such a complex society that the individual's needs are greatest. And it is such a society that we need men and women able to exercise individual judgment and to take individual initiative.

That is why this administration is committed to giving every young American the opportunity to serve in an equal, and free opportunity for personal fulfillment, while at the same time providing for the general welfare.

We seek to create an environment where each American can contribute to and share in the betterment of the human condition. We seek to create an environment in which each man may and will be able to do something for all men. This is the goal of the Great Society.

But we will not reach that goal by government initiative alone. It will only be reached, finally, by the commitment, involvement, and action of individual Americans, each working where he is.

Is our American society today a society of individual involvement? Or is it, as some have charged, a society of individual alienation?

The test is what is happening around us—by the signs and symptoms. I think the signs and symptoms are positive. I think they give us reason for hope and confidence concerning the future of the individual man as well as our society.

There is no question, in fact, in my mind that your generation is indeed a generation of opportunity.

The best example of this is seen in activity and ferment on campuses across our country. This should not be cause for worry. What is happening indicates that the excitement of dialog and questioning has returned to the campus.

It was not so long ago that we had a college generation of apathy and complacency—a generation of people who simply didn't care about much except their own comfort and security, preserved by the herd instinct. But apathy and complacency are not the mark of your generation.

The fact is that more and more young Americans are devoting their productive years to service.

Some people call this "do-goodism." But let me say that I pray the day never comes in our country when a man's best efforts to aid his fellows—to "do good"—are rejected.

Our young people are not selfish. The young people of America know that life is too short for them than it was for their parents. They know for certain that it is much better than it was for their grandparents. But they are not saying to themselves and others, "Let's just keep it for ourselves. This generation, the President has said, may well become known as the volunteer generation.

More than 10,000 young volunteers are now serving in the Peace Corps. More than 3,000 have already returned. And more than 100,000 inquiries were received from young people on VISTA-the national opportunity that bears repeating.

When VISTA—the volunteers in service to America—was launched, more than 3,000 individuals were recruited from young people on the first day of business.

These were volunteers for jobs without guarantees, for no other reward, for hard and often thankless service.
Nothing sums up this life better than a letter written by Robert Rupley, a Peace Corps volunteer killed earlier this year.

"As I write this letter, I am thinking ahead to the end of my time in this place, the end of my project. I am also thinking ahead to your involvement in the future of your country and the world. It will be your responsibility sooner than you think."

**DRURY BROWN ON AERIAL BOMBING IN SOUTH VIETNAM**

Mr. CHURCH. Mr. President, Drury Brown, editor and publisher of the Blackfoot, Idaho, News, always writes with keen insight on the subject of Vietnam. I ask unanimous consent to have his editorial of July 20, 1965, printed at this point in the Record.

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

From the Blackfoot News, July 20, 1965
- It's for Their Own Good

One of the most disturbing stories to come out of Vietnam was the one written by Associated Press Writer John T. Wheeler and carried on the front page of the Blackfoot News, July 19.

It told of how the noncombatants have become the victims of the battle that our Air Force is compelled to wage in that tortured land. Ba Gia is a village close to the capital of South Vietnam. Theoretically, the people of the village are on the side of the government in Saigon.

But the entire populace of the area is in a state of constant fear. The Vietnamese troops frequently raid the area. The people are threatened with the possibility of a massacre, and they know the noncombatants are a sitting target."

**SENATOR DODD’S HEARINGS**

Senator Thomas J. Dodd has performed a distinctive service in the lengthy hearings on his bill to limit the mail-order sale of firearms. The bill was passed in the Senate and those opponents had ample opportunity to expound their views. As a result some modifications have been made, but the bill remains intact and should be promptly passed when it comes before the Senate.

The Senator's bill is not a cure-all to the dreadful situation in this country which makes possible nearly 8,000 homicides and 8,000 suicides with guns each year. It is, however, a sensible step that is rightly in the national interest. If every man, a step one could not imagine being blocked in the grief-filled days when the Nation discovered its President had been murdered by a weapon which was unlicensed and uncontrolled.

We hope Federal legislation will encourage local legislation throughout the Nation to achieve registration of all firearms and to limit the ownership of these weapons to persons over 21 who have not been convicted of crimes of violence.

Third Amendment of U.S. Army Material Command

Mr. KENNEDY of Massachusetts. Mr. President, August 1 marked the third anniversary of the establishment of the U.S. Army Materiel Command. The function of this Command is to perform the Army's logistical mission, including research, development, procurement, production, supply and maintenance. This is a large job and it has been done well. I ask unanimous consent to include in the Record a more thorough description of the Command's activities to date.
Accelerated response to the Army's need for better weapons, equipment and supplies has become the hallmark of the Army Materiel Command (AMC). New levels of effectiveness and economy have been reached from research and development through procurement and distribution, and streamlining and improving both in-house operations and relationships with American science and industry.

In terms of the Department of Defense cost reduction program, AMC's dollar savings have far exceeded its established goal for a third year of effort. Although final figures have not been compiled, Gen. Frank S. Besson, Jr., commanding general of AMC, estimates that AMC will show a savings of more than $500 million during fiscal year 1965 against a goal of $433,300,000.

During fiscal year 1965 AMC total military and civilian manpower decreased 5 percent from 172,500 to 163,000. From an original of 278 local and regional facilities taken over from the Army's Technical Services in 1962, AMC has reduced its nationwide network of installations and activities to 191.

Approximately 800 individual organizations were accomplished during fiscal year 1965 to reduce installation support costs. These actions ranged from unifying of maintenance operations on a single installation to the phasing of two or more installations under a single management.

AMC's ability to react quickly and effectively was put to a test, when U.S. troops were dispatched to the Dominican Republic. A new administrative support for U.S. troops was accomplished through AMC's automatic supply support machinery, based upon predetermined requirements for type and size of the force involved. This automatic support machinery is in all respects.

Experience in Vietnam and the recent approval of the Army's first Airlorable Division have given a new sense of urgency to AMC's development of new Army weapon systems and equipment. Thus, in addition to a continuous program to adapt and improve existing aircraft and equipment to meet requirements in Vietnam, AMC has stepped up its research development and procurement activities over the past 12 months to meet the Army's overall air support needs.

Among major aircraft actions during fiscal year 1965 was the initiation of multinational procurement of a new light observation helicopter. New achievements in this field have included: two XV-5A vertical short takeoff and landing lift fan research aircraft evaluation; first flight test of the XV-9A experimental hot cycle helicopter, and other aircraft with increased weapon loads to serve as escorts for transport helicopters. Other action was taken on both land and sea to increase our advantage militarily in Vietnam.

In addition to supplying U.S. forces at home and abroad, AMC furnished support to 80 national and international organizations under the international logistics programs. The AMC has helped with coproduction in both Italy and Germany. They have sent to these countries both tanks and armored personal carriers, resulting in aid abroad and industrial production at home.

The AMC this year established the Army Industrial Material Information liaison office program—AMILIO—to increase competition for the Army's procurement dollar through providing industry with long-range advance planning procurement information, APPI, on future Army military needs.

AMC's continuing drive to improve the quality and reliability of Army weapons and equipment was highlighted over the past 12 months, with the emphasis associated with the zero defects concept, a program designed to motivate all personnel, from executive to shop workers, to be more quality conscious.

One significant action during AMC's third year as the Army's consolidated source of supplies and equipment include:

- Development of a lightweight—44 pounds—atomic clock which measures time to one part per billion; second, it is used for setting frequencies on radios, tracking of missiles and satellites, and synchronization of radars.
- Development of a Morse code reader, the size of a cigarette pack, that plugs into an Army radio and makes Morse code as easy to read as an electric signboard.
- Completion of scheduled overseas deployment of FM radios, four general purpose vehicles, and the Sergeant, Pershing, and Hawk missiles.
- In an anniversary message to AMC personnel, General Besson, who has headed AMC since its inception in 1963, cogently summed up the aims and accomplishments of the Army Materiel Command:

Our support for the soldier in the field—from Korea to Berlin, from the Dominican Republic to Arab states—has provided a significant building block to support the forces engaged in the Vietnam conflict. As the pace quickens, the need for quality and reliability is heightened. We are committed to meeting the challenge.

THROWING AWAY EXPORT MARKETS

Mr. McGovern. Mr. President, the commercial news service Comtel, a subsidiary of Reuters, the English news service with a bureau here in Washington, reported August 3, that a Russian trade delegation has arrived in Canada to study two-way trade with the Canadians.

Significantly, the eight-man delegation headed by the Deputy Minister for Foreign Trade, includes top Russian weapons, equipment, and supplies we are providing are all men who use them; therefore, we must do the same, to rest upon our laurels. As the pace quickens, the mounting demands upon our skills and experience must be met by each of us with determination and conviction, and with a real sense of urgency.

The United States did not get any of this business for the same reason that we have not been able to benefit from the administration ruling in 1963, that 50 percent of any wheat sold to Soviet bloc countries, even though sold for cash on normal commercial terms, must be moved in American bottoms.

U.S. shipping charges are considerably above world shipping rates because our higher standard of living calls for higher wages for our maritime workers.

Shipping rates on wheat from the Gulf of Mexico to Black Sea ports is $18 per ton on American vessels and $9.25 per ton of foreign vessels. This amount of $8.75 per ton in U.S. flag vessels and 25 cents per bushel on foreign ships—costs has meant a difference of 25 cents per bushel.

This means that on a large cargo, shipped 50 percent in American bottoms, U.S. wheat producers have a large advantage over Eastern European importers 11½ to 12 cents per bushel more than Canadian or other competitors' wheat. This is in a market on which fractions of a cent per bushel determines the amount of wheat per bushel on the Eastern bloc's purchases last year would have amounted to $1.5 million. An 11 cent differential would have meant a difference of $18.5 million.

The Export Control Act to which this 50 percent American shipping ruling has been administratively attached actually provides that no restrictions can be put on the ordinary commercial sale of American agricultural commodities exported to foreign countries, including Russia. Yet, a determination was made in 1963 that it was in our national interest to make wheat sales to Russia.

The fact is that the shipping restriction was concocted for domestic political reasons and is one of the most irrational, self-defeating regulations ever devised. It results in our farmers losing an export market for at least $100 million worth of wheat annually, and a loss of that amount in our balance of payments effort. At the same time, it does nothing to strengthen our maritime workers since it gives them 50 percent of no business.

Until November 1963, all commercial U.S. wheat exports—wheat exports outside of food for peace under Public Law
August 4, 1965

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480—were exempt from the 50-percent provisions of the Cargo Preference Act. In other words, American wheat could be shipped in western ships where available at the lowest possible cost without regard to the flag of the vessels. When the Soviet Union came to the United States market in 1963, in fulfillment of a U.S. promise in the 1953 Peace Treaty, the Administration in authorizing such exports, applied 50 percent U.S.-flag shipping requirements under authority of the Export Control Act. This was done even though the business was entirely. This was done even though the business was entirely commercially and were in no way related to Public Law 480 or involved any unusual credit or credit guarantees. The obvious reason for the move was to make the wheat sales more acceptable to the maritime workers and leaders. Thus, for the first time, the provisions of the Cargo Preference Act intended to apply for food-for-peace Public Law 480 shipments, were applied to the U.S.-flag tramp shipping. There is no such requirement imposed on any other commodity sold to Russia or Eastern Europe. We can sell them steel, autos, trucks, industrial machinery, or anything else except strategic wheat—a foodstuff that cannot be shot at. The obvious reason for the dramatically higher ocean freight rates associated with U.S.-flag "tramp" ships compared with open market rates, which are 50 to 100 percent higher than comparable foreign rates. The unfortunate effects of 50-percent shipping in connection with the licensing requirement have been:

First. Lost opportunities in making wheat export sales for dollars to strengthen our economy and improve our balance of payments.

Second. Increased pressure of unsold wheat on the U.S. Government credit producers and Government agencies.

Third. The result that the requirement has yielded our merchant marine 50 percent of no business.

Expanded trade with the Soviet bloc has been declared to be in our national interest. Yet we have defeated this decision by an unworkable shipping restriction.

It is essential that the United States develop means of supporting the U.S. nonliner merchant fleet without requiring U.S.-flag shipping to be an impediment to any agricultural exports financed under U.S. Government credit guarantees. Such a subsidy proposal might be patterned after the principles involved in the direct subsidy system in effect for the U.S. liner fleet. The proposal might include the provisions that the 50-percent rule of the Cargo Preference Act could still continue on Public Law 480 shipments, but should not be applied to commercial transactions. A direct subsidy should enable the U.S. nonliner shipping companies to capture a fair share of U.S. commercial export transportation without preferential guarantees.

The U.S. merchant fleet now carries only 8 or 9 percent of the total U.S. exports. In the early 1960's it was carrying 38 percent of all U.S. wheat exports. The American wheat economy is already providing substantial business to U.S.-flag shipping under Public Law 480. Commercial wheat exports should not be subject to competitive U.S.-flag shipping requirements.

The effect of the 50-percent U.S.-flag shipping requirement implemented in 1963 on validated licenses to export wheat to Russia and other Eastern European countries, has been highly costly to the American economy this year. Since July 1, 1964, Russia has purchased from our competitors in other countries for cash payment more than 1.4 million metric tons of wheat in addition to what she imported the previous year. These purchases included 1.4 million tons from Argentina, 28,000 tons from Canada, 750,000 tons from Australia, and 325,000 tons from Argentina. Large purchases have been made by the Russians from the United States.

In addition, the other East European countries of Czechoslovakia, Hungary, and East Germany have purchased more than 2,840,000 tons of wheat since July 1, 1964, from these same countries and Mexico. The United States again has not shared at all in these sales.

U.S. grain exporters and market development officers have testified that U.S. wheat sales could have been made, and indeed may still be made, to Soviet bloc buyers if our delivered prices could be negotiated to reflect the cost of the shipping requirements under authority of the Export Control Act. This was done even though the business was entirely commercially and were in no way related to Public Law 480 or involved any unusual credit or credit guarantees. The obvious reason for the move was to make the wheat sales more acceptable to the maritime workers and leaders. Thus, for the first time, the provisions of the Cargo Preference Act intended to apply for food-for-peace Public Law 480 shipments, were applied to the U.S.-flag tramp shipping. There is no such requirement imposed on any other commodity sold to Russia or Eastern Europe. We can sell them steel, autos, trucks, industrial machinery, or anything else except strategic wheat—a foodstuff that cannot be shot at. The obvious reason for the dramatically higher ocean freight rates associated with U.S.-flag "tramp" ships compared with open market rates, which are 50 to 100 percent higher than comparable foreign rates. The unfortunate effects of 50-percent shipping in connection with the licensing requirement have been:

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The regulation, therefore, is not in existence for security or to further our foreign policy. Even though there is no basis in law for it, if this regulation was a matter of life or death to the farmer, our balance of payments to provide 1965-66 wheat supplies of these countries; it furnished 395 million bushels in 1961-64. Needs of these countries increase, of course, when bad weather hits the Soviet Union.

SOVIET YIELDS FLUCTUATE

A review of Russia's wheat harvests since World War II shows an average yield of 11.5 bushels per acre in 1960 against 21.2 in the United States. In that year, Russia had one extremely good year, 1958, when the yield hit 13.9 bushels, and one very poor season, 1963, which brought a yield of only 9.4 bushels. This yield series, based on U.S. Department of Agriculture estimates rather than official Soviet yield figures, shows a cyclic pattern. The pattern of the cycle was reached in the late 1950's. The trend at present appears to be downward.

The country that the Soviet Union's huge wheat acreage—160 million in recent years—provides powerful production leverage. For example, the difference between postwar high and low wheat yields of 4.5 bushels means, on 160 million acres, a production difference of 720 million bushels, or over 2% times as much wheat as the Soviet Union purchased from the West in 1959-64.

With two or three good crops in a row, Russia is not in jeopardy of not meeting its needs and commitments to other Communist countries, and even have some wheat to export to the West, as has been the case some years. If crop conditions are average for 2 or 3 years, and exports are large, reserves dwindle.

Russia's 1964 crop was good, but did not permit full repayment of国内 savings. The 1965 crop is expected to be poorer than the 1964 outturn, though nowhere nearly as bad as the 1963 debacle. Much of the grain Russia currently is purchasing is going into reserves or is being purchased for shipment to other Communist countries, and Cuba. The Soviet authorities have been increasing. Its population increased from 215 million in 1950-61 to about 220 million today. The cultivated area of Russia's wheat land is high risk, climatically. Most of the country's farming area is in the Ukraine, Arctic, and other hazards. Russia also must worry about weather in other eastern European countries, particularly Czechoslovakia and eastern Germany, which controls wheat acreage.

The 1965 outturn is expected to be fuller than the 1964 outturn, though nowhere nearly as bad as the 1963 debacle. Much of the grain Russia currently is purchasing is going into reserves or is being purchased for shipment to other Communist countries, and Cuba. The Soviet authorities have been increasing. Its population increased from 215 million in 1950-61 to about 220 million today. The cultivated area of Russia's wheat land is high risk, climatically. Most of the country's farming area is in the Ukraine, Arctic, and other hazards. Russia also must worry about weather in other eastern European countries, particularly Czechoslovakia and eastern Germany, which controls wheat acreage.
of farm operations; and, most importantly, increase the total investment in agriculture by 71 billion rubles ($78.9 billion) over the next five years. China started a foodstuff export drive on a grand scale in early 1964; the same year Red China recorded a surplus of 120,000 metric tons of rice to Japan. (China also has bartered some rice with Ceylon, Indonesia, and Cuba.) Selling rice and buying wheat makes sense. The Chinese have about 50% more protein in their diet than the Russians. China's rice contains $120 a metric ton and buys wheat for about 870 a ton. The calorie values are close—380 calories in 100 grams of rice against 330 calories for whole-grain wheat.

Future West-East movement of wheat probably will be greater than it was between 1953-56. Some of it will be Chinese grain started by Khrushchev has been largely introduced. Introduction of new, superior wheat varieties is apparently proceeding at a good pace.

It can be seen that the wheat outlook for Eastern Europe is made up of pluses and minus factors. The West-East exchange has been a factor favoring the Communist side of the equation. At the same time, population is putting ever-increasing pressure on supplies; reserves are relatively lower; the weather of Eastern Europe is always capricious. The possibility is strong that Eastern Europe— as a whole—will continue to import free world wheat.

WEATHER HAZARDOUS IN CHINA

Communist China's wheat problems are somewhat like those of the Soviet Union. Although China's production is winter wheat. It is produced in a high-risk, wetter region that takes in much of north China, extending southward to central China, from the Yangtze River basin southward to central Szechwan Province and the western boundary of Shensi Province. Dairy production is also, comparatively, more vulnerable to periods of unusually wet weather, followed by floods. Insect damage and loss of grain from rust occur frequently.

Much of the wheat is grown in Manchuria and Inner Mongolia. The soil is fertile; but the growing season is short, freezes are common, and rainfall is scant. The most important factor, even more than Russia's, has suffered from underinvestment and overregulation, but the situation is improving. Some funds are being channeled into agriculture; the production team of 20 to 30 families is replacing the huge communes; and peasants are being given private plots and encouraged to raise poultry, hogs, and vegetables. The government also has begun to step up fertilizer production and imports.

Food output in 1964, aided by more favorable weather, was the best in several years. But the 1965 winter wheat crop was planted under worse weather conditions than last year. Some years, as in 1963-64, it might be quite large. Or, conceivably, it might be rather small. But barring serious deterioration in East-West relations, I believe the total of Red China's wheat production and imports.

APPOINTMENTS

Mr. Pell. Mr. President, I rise to congratulate the President on his three Presidential appointments. Abe Fortas, John Gardner, and John Chancellor. I know and admire each one of these men and cannot imagine finer appointments. It is with particular pride and pleasure that I shall support and vote for each one of them.

At this time I ask unanimous consent to insert an editorial which appeared in the Providence Journal, Friday, July 30, 1965, to the effect:

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

Trafic Fines Increase

TRAFFIC FINES INCREASE $463,490 SINCE MOSSE'S ANTI-FIXING CAMPAIGN

BY HELEN DEWAR

Mr. President, the Anti-Fixing Campaign was a project of Mr. Wayne Morse, Democrat of Oregon. Since Senator Morse's anti-fixing campaign against ticket fixing, according to court of general sessions records, the traffic violations bureau dropped drastically from 58,410 in fiscal 1964 to 9,119 in fiscal 1965.

I ask unanimous consent that the entire record be printed in the Record, as follows:

TRAFFIC FINES INCREASE $463,490 SINCE MOSSE'S ANTI-FIXING CAMPAIGN

BY HELEN DEWAR

Annual revenues from traffic fines in Washington have increased by nearly half a million dollars since Senator Wayne Morse, Democrat of Oregon, launched his campaign against ticket fixing, according to court of general sessions records.

The records also show that the number of traffic tickets adjusted by the Corporation Counsel's Office dropped drastically from 38,410 in fiscal 1964 to 9,119 in fiscal 1965.

The report also notes that the number of tickets adjusted by police and the Corporation Counsel's office dropped drastically from 58,410 in fiscal 1964 to 5,119 in fiscal 1965. After revenue increased by 43 cents, the General Violations Bureau amounted to $3,005,000 in the fiscal year ending June 30, 1964, and $3,292,710 for fiscal 1965. This was an increase of $463,490—or 14.2 percent.

A court official indicated the increase in revenues stemmed both from Morse's campaign and from stepped-up police controls, more parking meters, and larger traffic volume in the District.

In late April 1964 that Morse lashed out against ticket fixing in a Senate speech, and the actual crackdown began that December when he asked the District commissioners to send him a weekly report on all adjusted tickets.

The records show that, during fiscal 1964, 28,648 tickets were "withdrawn" by the police after issuance and 4,765 were adjusted by the Corporation Counsel's Office. For fiscal 1965 the traffic figure dropped to 4,504 and the Corporation Counsel's total to 4,416.

Putting a damper on pretrial adjustment of tickets apparently has not resulted in an increase in traffic cases taken to court, as some suggested it would. Between fiscal 1964 and 1965, the number of traffic case defendants requesting trial dwindled from 4,900 to 1,600.

Among 30 tickets adjusted from July 12 to July 16 was one involving a parking citation
against Christine R. Davis, staff director of the House Government Operations Committee.

Her ticket was adjusted after receipt of a letter from Committee Chairman William L. Dawson, D-N.C., who said he was assured that the charge be dropped because Mrs. Davis was on official business, was displaying an official parking permit card and was unaware she had to move her car from the official Government zone by 4 p.m.

Mr. MORSIE. Mr. President, 9,119 fixed traffic tickets are still entirely too many. An analysis of the traffic tickets—and I have given some time to an analysis of the laws—that many traffic tickets are quite unjustified.

I wish to discuss one shocking case.

There was delivered to my office this morning a copy of the weekly traffic-ticket-fixing report from the Chief of the Metropolitan Police Department and the Office of the Assistant Corporation Council for the District of Columbia, for the period of July 19 through July 23, 1965. This report was delivered to my office by Mr. Tobriner, my assistant, who observed on Commissioner Tobriner of December 17, 1964, requesting such reports on a weekly basis. Mr. Tobriner has complied with that request.

The report which I received this morning contained a total of 44 traffic tickets which had been fixed by the Office of the Assistant Corporation Counsel. Of the 44 traffic tickets which were fixed by the Corporation Counsel's office, 12, or more than one-third, were fixed for employees of the Federal and District of Columbia Governments.

Of the 12 traffic tickets fixed by Mr. Clark King, were 2 traffic tickets fixed for Mr. David C. Acheson, the U.S. attorney for the District of Columbia. These tickets were fixed at the request of the U.S. attorney.

According to the information furnished me this morning by Commissioner Walter Tobriner, Mr. Acheson received a traffic ticket at approximately 1:55 p.m. on June 22, 1965, and another traffic ticket at 1:55 p.m. on June 22, 1965, for parking his personal automobile—a Volkswagen, bearing tag number 1E326 in a restricted zone.

Mr. Acheson states in a memorandum to his assistant, Mr. Tim Murphy, that:

On two successive occasions, I have parked by a sign reading "Reserved for Government Officials" while attending to Government business at the Bureau of the Budget and the Treasury Department. Since I am a Government official, it would seem to me that the place I have selected was one which I was entitled to use.

Notwithstanding compliance with directions, I was ticketed both times. One space was just west of the Bureau of the Budget building and one space was just south of the Treasury Department on the square containing Sherman's statue.

It would seem to me that the two tickets should be canceled and that I should be given some kind of identification on my car so that I may use these spaces without irritation.

Would you take this up with the Corporation Counsel?

Officials of the District of Columbia Department of Highways and Traffic have advised me this afternoon that the signs to which the U.S. attorney refers, as read as follows: "Reserved"—then in the space that follows, the time is listed. For example: 7 a.m. to 4 p.m. Follow the time restriction there appears in the space: "Government Officials Displaying Parking Permits." The U.S. Attorney advises his assistant that he "should be given some kind of identification on my car so that I may be assured that I will be permitted to park there from time to time episodes like this." All Mr. Acheson has to do is request an official parking permit from the District of Columbia Department of Motor Vehicles and I am sure they would gladly issue him one. As an added protection he did not request such permit from the Department of Motor Vehicles though he violated the law five or six weeks ago.

I say for the benefit of the U.S. attorney in Washington, D.C., that his negligence, in my judgment, and his inexcusable violation of the District traffic laws, has cost the District of Columbia some money to ticket his car. It also is true that ticket is processed. Certainly the U.S. attorney for the District of Columbia should be counted upon to place law enforcement first in his own conduct.

How does Mr. Acheson, the chief law enforcement official for the District of Columbia, believe policemen should know whether the Volkswagen belongs to him or some poacher on this reserved parking area?

Traffic Division Aid Mr. A. L. Clay deserves great credit for ticketing Mr. Acheson's car. Unless traffic aids strictly enforce the law in these areas, poachers park in spaces so that officials of the Government cannot enforce governmental parking laws. These Government employees should be one of the first to complain if he had the right to park illegally. Most of them probably could benefit from some foot exercise, anyway. In paper process serving there is no reason why a law enforcement officer or a Government employee cannot walk a half block, a block, or two or three blocks, rather than to take the law into his own hands and park illegally.

I do not have much confidence in a Government employee who is willing to violate the law in that respect and then give the argument that it is a de minimis matter. Our Government employees should be particularly circumspect in regard to the law that they live within the letter of the law.

I have in my hand another ticket issued to a Government employee who parked in a bus stop zone. He gave an alibi. He said he was in an inspection on premises at 3103 M Street, NW., Permit V-130570, at approximately 12 p.m.

I say to him: "Why didn't you not walk? Why didn't you find a parking place and walk back to where you were making the inspection?"

There is no justification for parking illegally, I say most respectfully that there is a tendency on the part of some Government officials to lie falsely to use the status of their position.

I say to the Corporation Counsel that the fixing of these two tickets cannot be justified. I say to him, "You cannot justify fixing a single one of the tickets that I am about to outline tonight." These Government employees should be told that it was their duty to live within the law and to use their feet to take their spaces.

I have in my hand another traffic ticket issued to an official of the U.S. Marshal's office. I shall have more to suggest to the Attorney General of the United States after that District of Columbia Committee meeting tomorrow when I shall discuss some of his offerings in regard to the question of criminal law legislation. I say tonight only that I think Judge Bazelon, in the exchange of correspondence between himself and the Attorney General of the United States, put the Attorney General of the United States in a position that District of Columbia employees claim they are entitled to use their feet to take their spaces. I have been sitting on the court a great judge such as Judge Bazelon, who made the arguments that he made in opposition to the position that the Attorney General has taken against District of Columbia employees.

Another ticket shows that a member of the staff of the U.S. Marshal's office parked on private property in violation of our laws. His alibi is "On official
business for U.S. Marshal's office," serving process at 3117 14th Street, NW.

"I say to Mr. King, of the corporation counsel's office, "You cannot justify the fix."

Mr. President, I hold in my hand another traffic ticket given to a U.S. Government employee. He was in the process of performing Government business. He parked in a space reserved for official Government vehicles. He had no permit. He is in the same class, as far as I am concerned, with Mr. David Acheson. He ought to obtain a permit or park legally.

Here is another case, involving one of our women Government employees. If it is a case of high heels making it difficult for her to walk, she ought to carry some mocassins in her car and walk rather than violate the law.

The ticket states, "On official business for Department of Welfare. No parking available." Of course, she parked. She did not have a space where she should have parked legally, so she parked illegally.

I say to the corporation counsel. "You cannot justify fixing her ticket."

Here is another traffic ticket. This ticket involves a Government employee in the Internal Revenue Service. Was it so important for a member of the Internal Revenue Service to go out to ask some questions in regard to a tax violation, that he should park in a zone which, the ticket states, was labeled "No Parking"?

He should walk whatever distance it is necessary from a place where he could legally park his car to the spot of business where he had to transact business.

Mr. President, here is another one: "Parked in bus zone." This person is another member of the Internal Revenue Service.

I say to the Corporation Counsel: "You cannot justify the fix. The people of the District of Columbia should have had the fine collected. If these people are to violate the law, there should be a uniform application of the collection of fines."

Here is another one. It was a traffic ticket given to a woman; I do not know whether she is young or old. She was parked in a "no parking" zone. Apparently she works for the court of general sessions. She claims that she was delivering some law books in behalf of the court. I know what the judge should say to her. The judge should tell her to obey the law or get a new job.

I hope it will not be necessary for me from time to time to speak about the failure of Government employees in the District of Columbia to obey the traffic laws with respect to time and other restrictions. I hope it will not be necessary for me to point out from time to time to the assistant corporation counsel that, in my judgment, these "fixes" are shockingly unjustifiable.

LEGISLATIVE APPOINTMENT

Mr. PELL. Mr. President, I found the Dirksen amendment a difficult one, particularly for me as a Senator from a small State.

The logic of the arguments made against the Dirksen amendment could be challenged. I thought what is right for the States is right for the Federal Government, what is food for the goose is food for the gander. And under this thought, should my vote be counted any less than that of my colleague for doing this?

Moreover, I am a State where the community bonds and histories are far stronger than the State ones. My State of Rhode Island started out when four independent communities—Providence, Newport, Portsmouth, and Warwick—gathered themselves together. It was only 27 years later that they secured what today is called Aquidneck Island, and the rest of the State constituted the Providence Plantations.

As a matter of our minority rights, the right of the parity of my State's vote in the Senate is guaranteed by article 5 of the Constitution, which provides that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." In addition, while some of our own records and histories predate our State's records and history, we have always striven to secure in a State consciousness that prevails over that of any of our individual communities.

An argument is made against the Dirksen amendment on the grounds that it is designed to get around the Supreme Court. Of course it is—and there is nothing wrong with amending the Constitution if the general will of our people disagrees with the Supreme Court. Prov­ision for doing this is a part of our very system of government. It is a recognition that while recognizing the three coordinate branches of Government, we also recognize that the legislative branch, representing the people, is primus inter pares.

On balance, however, and in the light of all the arguments that have been advanced in this Chamber, in my view the harm resulting from uneven or disproportionate representation outweighs the strength of the counter arguments. Because of this and because of the protection given to the small States by article 5 of the Constitution preventing erosion of the voting powers of Senators from small States, I opposed the Dirksen amendment as offered.

Finally, speaking of what is food for the goose is food for the gander, I have always believed that clout is a perfectly proper weapon to bring us to vote—and not to procrastinate, filibuster, or delay. For this reason, I found myself surprised at the way those who have inveigled against the filibuster in the past have now threatened its use. My own view is that the right of unlimited debate is to alert the people throughout our country to what we consider a menace, but not to prevent a vote being taken. For this reason, I opposed the cloture although voting against the issue involved—and would hope other Senators might feel the same way.

ADJOURNMENT

Mr. PELL. Mr. President, in accordance with the previous order, I move that the Senate adjourn until noon tomorrow.

The motion was agreed to; and (at 7 o'clock and 15 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Thursday, August 5, 1965, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, AUGUST 4, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., prefixed a prayer with these words of Scripture:

Ephesians 3:20: "Now unto Him who is able to do exceeding abundantly above all that we ask or think, according to the power that worketh in us."

God of grace and goodness, at this noonday, we raise our voices unto Thee in the adoration of praise and gladness. May we now come to Thee in the fellowship of prayer seeking together those blessings which none can ever find and enjoy alone and beseeching Thee to beget in us some new unveiling of Thy eternal truth.

Grant that we may find Thee and grasp Thy heart and hand in confidence and joy, and rise above all doubt and misgiving into a trustful faith in our Lord and Saviour who walked this human way and ascended in victory.

Evoke in us a greater faith, hope, and love and may we be His partners in ministering to the poor and needy in their singleness.

In Christ's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill that a Joint resolution of the House of the following title:

H.R. 8111. An act to establish the Herbert Hoover National Historical Site in the State of Iowa; and

H.J. Res. 454. Joint resolution to provide for the development of Ellis Island as a part