of the House of the disproportionately large share of the premium charges imposed upon employees and retirees for participation under the Federal employees' health benefits program.

When the enabling legislation was implemented in 1966 to provide the important fringe benefit of health insurance for Federal workers, the funding formula assessed approximately 62 percent of the past premium costs to employees and 38 percent to the Government. Over the period of the past 8½ years, however, medical care costs have soared, coverage has been liberalized, and, due to a greater awareness of health care, utilization of benefits has grown. These are but a few of the factors which have played a part in the alarming increase in the dollar output to provide health benefits, and which result in employees paying an average of 72 percent of current costs.

The Subcommitte on Retirement, Insurance, and Health Benefits' public hearings held last year most assuredly demonstrates the urgency for the adoption of a new funding formula to require the Government to match the participation of private industry in the vital area, and to relieve employees and annuitants of the unfair burden of continuing to assume the lion's share of constantly spiraling costs.

Therefore, Mr. Speaker, I have today introduced a bill which would require the Government to eventually assume the full costs of the program. My bill proposes that the Government's contributions to subscription charges be increased to 50 percent in July 1969; to 75 percent in July 1970; and that it eventually assume the responsibility for payment of total costs in July 1971.

I believe, Mr. Speaker, that this legislation will put meaning into the costing formula by updating it in a manner to assure that the Government is striving today to do what the industry has demonstrated industrywide in providing cost-free health insurance to its workers. Action should not be delayed on this important matter since the cost situation, serious as it now is, will inevitably grow worse with the passing of time.

HOUSE OF REPRESENTATIVES—Monday, January 6, 1969

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord give thee wisdom and understanding...that thou mayest keep the law of the Lord, thy God. —1 Chronicles 22:12.

O Lord of love and God of all goodness, in this sacred moment we bow at the altar of prayer thanking Thee for this glorious land in which we live. May we now and always prove ourselves a nation of representatives, and particularly our beloved Speaker. Direct their efforts as they seek to promote the welfare of our country and the good of all its citizens.

Endue with Thy wisdom all Members of Congress, especially this House of Representatives, and particularly our beloved Speaker. Direct their decisions, prosper their planning, and expedite their efforts as they seek to promote the welfare of our country and the good of all its citizens.

As a result of our endeavors may peace come to our world, justice rise to new life in our Nation, and happiness live in every human heart.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, January 3, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Ar­lington, one of its clerks, announced that the Vice President, pursuant to Senate Concurrent Resolution 1, appointed Mr. Jordan of North Carolina and Mr. Cur­ris as tellers on the part of the Senate to certify the electoral votes for President and Vice President of the United States on January 6, 1969.

SWEARING IN OF MEMBER-ELECT

The Speaker. Will any Member-elect who has not been sworn come to the well of the House and take the oath of office.

Mr. Moshier appeared at the bar of the House and took the oath of office.

VIOLATION BY SOME OF THE NEWS MEDIA OF RESTRICTIONS ON PICTURE TAKING

The Speaker. The Chair is troubled over the flagrant violation by some of the news media of the restrictions on the taking of pictures during the organization of the House on last Friday.

All segments of the news media were thoroughly familiar with the rules that taking any pictures—still, moving, TV, or tape—are prohibited except during the period when the klieg lights are turned on.

Some members of the news media who were granted the privilege of attending the opening session of the 91st Congress and permitted to bring their cameras into the galleries ignored the restrictions in complete violation of the agreement upon which they were admitted.

The Chair is calling this matter to the attention of the news media galleries and will expect a report from each on the action taken by them with respect to the violations of the regulations as well as to what provisions they are making to prevent such violations in the future.

RECESS

The Speaker. The Chair wishes to make a statement.

The Chair desires deferment of unanimous-consent requests and also 1-minute speeches until after the formal ceremony of the day, which is the counting of the electoral votes for President and Vice President. Therefore, pursuant to the order adopted on Friday last, the Chair declares the House in recess until approximately 12:45 p.m.

Accordingly (at 12 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 55 minutes p.m.

COUNTING ELECTORAL VOTES—JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF SENATE CONCURRENT RESOLUTION 1

At 12 o'clock and 55 minutes p.m., the Decker, Mr. William M. Miller, announced the President pro tem to the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The joint session was called to order by the President pro tempore.

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived, the joint session will now be in order.

Mr. Speaker and Members of the Congress, the Senate and the House of Represent­atives, pursuant to the require­ments of the Constitution and laws of the United States, have met in joint session for the purpose of opening the certificates and ascertaining and counting the votes of the electors of the several States for President and Vice President.

Under long-established precedents, unless a motion shall be made in any case, the reading of the formal portions of the certificates will be dispensed with. After ascertainment has been made that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The tellers on the part of the two Houses will take their respective places at the Clerk's desk.

The tellers, Mr. Curtis and Mr. Jordan of North Carolina on the part of the Senate, and Mr. Finket and Mr. Lipscomb on the part of the House, took their places at the desk.

The PRESIDENT pro tempore. The Chair hands to the tellers the certificates of the electors for President and Vice President of the State of Alabama, and
they will count and make a list of the votes cast by that State. 

Senator JORDAN of North Carolina (one of the tellers), Mr. President, the certificate of the electoral vote of the State of North Carolina seems to be regular, formal and authentic and it appears therefrom that George C. Wallace of the State of Alabama, received 10 votes for President and Curtis E. LeMay of the State of California, received 10 votes for Vice President.

The PRESIDENT pro tempore, There being no objection, the Clerk will count and announce, as was done in the case of Alabama, the electoral votes of the several States in alphabetical order. During the proceedings of the count of the electoral vote of North Carolina, the Clerk arrested the vote of the faithless elector for Vice President of the people of North Carolina were cast for George E. Wallace for President and for Curtis E. LeMay for Vice President.

The Chair hears no objection. There was no objection.

The tellers then proceeded to read, count and announce, as was done in the case of Alabama, the electoral votes of the several States in alphabetical order. During the proceedings of the count of the electoral vote of North Carolina, the Clerk arrested the vote of the faithless elector for Vice President of the people of North Carolina were cast for George E. Wallace for President and for Curtis E. LeMay for Vice President.

Mr. O'HARA, Mr. President- The PRESIDENT pro tempore. For what purpose does the gentleman from Michigan rise?

Mr. O'HARA. For the purpose of objecting to the counting of the vote of North Carolina as read.

The PRESIDENT pro tempore. Has objection been reduced to writing?

Mr. O'HARA. It has, Mr. President, and I send to the Clerk's desk a written objection signed by Senator Muskie and myself, in which 57 Members of the House and six Members of the Senate have joined.

The PRESIDENT pro tempore. The Clerk will read the objection.

The Clerk of the House read as follows:

We object to the votes from the State of North Carolina for George C. Wallace for President and for Curtis E. LeMay for Vice President on the ground that they were not regularly given in that the plurality of votes of the people of North Carolina were cast for Richard M. Nixon for President and for Spiro T. Agnew for Vice President and the State therefore was entitled to vote for Richard M. Nixon for President and for Spiro T. Agnew for Vice President and are appointed by the State to vote for any other electors. Therefore, no electoral vote of North Carolina should be counted for George C. Wallace for President or for Curtis E. LeMay for Vice President.

JAMES G. O'HARA, M.C.
EDWIN S. MUSKIE, U.S.S.
RECORD—HOUSE

that the faithless elector dilutes their "effective" usage have so modified that intent that the Supreme Court rejected such a claim the 12th amendment, and more than a plated by the Constitutional Convention, power, and indeed the duty, to prevent the outcome of the contest today. If the electoral college will not be affected regardless of the people in other words, that he would never have been an elector. His election as an elector was made possible by the votes of the people in other districts rather than his own. Therefore, he was not representing the people of the Second Congressional District but the people of North Carolina as a whole. The SPEAKER. The gentleman from Carolina. One of the reasons given by Dr. Bailey for his defection to Wallace was that the lateness of the vote of the electors of the Second Congressional District, but in my judgment that is beside the point. If Dr. Bailey's election had hinged on the votes of his district, he would never have been an elector. His election as an elector was made possible by the votes of the people in other districts rather than his own. Therefore, he was not representing the people of the Second Congressional District but the people of North Carolina as a whole. The SPEAKER. The gentleman from Carolina. One of the reasons given by Dr. Bailey for his defection to Wallace was that the lateness of the vote of the electors of the Second Congressional District, but in my judgment that is beside the point. If Dr. Bailey's election had hinged on the votes of his district, he would never have been an elector. His election as an elector was made possible by the votes of the people in other districts rather than his own. Therefore, he was not representing the people of the Second Congressional District but the people of North Carolina as a whole. The SPEAKER. The gentleman from Carolina. One of the reasons given by Dr. Bailey for his defection to Wallace was that the lateness of the vote of the electors of the Second Congressional District, but in my judgment that is beside the point. If Dr. Bailey's election had hinged on the votes of his district, he would never have been an elector. His election as an elector was made possible by the votes of the people in other districts rather than his own. Therefore, he was not representing the people of the Second Congressional District but the people of North Carolina as a whole. The SPEAKER. The gentleman from Carolina. One of the reasons given by Dr. Bailey for his defection to Wallace was that the lateness of the vote of the electors of the Second Congressional District, but in my judgment that is beside the point. If Dr. Bailey's election had hinged on the votes of his district, he would never have been an elector. His election as an elector was made possible by the votes of the people in other districts rather than his own. Therefore, he was not representing the people of the Second Congressional District but the people of North Carolina as a whole. The SPEAKER. The gentleman from Carolina. One of the reasons given by Dr. Bailey for his defection to Wallace was that the lateness of the vote of the electors of the Second Congressional District, but in my judgment that is beside the point. If Dr. Bailey's election had hinged on the votes of his district, he would never have been an elector. His election as an elector was made possible by the votes of the people in other districts rather than his own. Therefore, he was not representing the people of the Second Congressional District but the people of North Carolina as a whole.
The SPEAKER pro tempore (Mr. AL­
azar). The time of the gentleman from Mr. EDDMONDSON. Mr. Speaker, I can
ably quote a statement by the Honorable Chief recognizes the gentleman
from Oklahoma (Mr. ENSMONDSON).
Mr. Speaker, I am about to rely on the Maxwell, who has just preceded me, to explain, without Maritime vote.
Mr. EDMONDSON. Mr. Speaker, I can
supplement a statement made by that the constitutionality of the procedures which the Congress is to be guided by the Constitution, as it is, or the Congress in its powers to count the electoral votes is giving effect to and protecting the constitutionality of the States in their functions with respect to the electoral
process.
To me it is significant that the names of the electors that appeared on the November ballot in the State of North Carolina. The voters had nothing before them except the names of the presidential and vice-presidential candidates for each party.
Those voters were entitled to assume that when they voted for the presidential can­didate and vice-presidential candidate of their choice, that vote for the President and Vice-President Agnew. We can take congres­sional notice of the fact that the North Carolina vote was for them and was intended to be cast for them.
The Congress has not been blind to the potential dangers to the electoral process with respect to protecting the rights of citizens of the States casting their bal­lots for electors in that phase of the elec­toral process, and the courts have sus­tained the validity of congressional en­actments in this area—Ex parte Yar­borough 110 U.S. 451.
Surely the Congress will not be blind to a flagrant and audacious violation of the North Carolina electoral law in the case of Dr. Bailey, who has decided to substitute his own judgment for that of the voters of North Carolina and has thereby violated his trust.
Mr. Speaker, Congress has the ulti­mate power to alter or modify the electoral process, and the objection of Mr. O’Hara and Senator Muskie should be and must be sustained.
The SPEAKER pro tempore (Mr. Al­azar). The gentleman from Virginia (Mr. McCULLOCH) for 5 minutes.
Mr. McCULLOCH. Mr. Speaker, I rise in opposition to the objection. I sincerely wish that I could support the objections because I believe that the elector from North Carolina should have voted as the people of North Carolina instructed him. However, I think the reading of history of the Constitution requires me to oppose the objection. Both article II and the 12th amendment which super­ceded it stand.
The elections shall . . . vote by ballot for President and Vice President.
I understand that language to mean that the electors are constitutionally free and independent in choosing the President and Vice President. Several State courts have said so—Opinion of the Jus­tices, No. 87, 250 Ala. 399, 34 So. 2d 598 (1948); Breidenthal v. Edwards, 57 Kans. 574, 49 Pac. 2d 339 (1951); 6th Cir., Beck v. Hummel 150 Ohio St. 127, 146, 80 N.E. 2d 899, 909 (1948). Contra, Thomas v. Cohen, 146 Misc. 836, 941-42, 262 N.Y.S. 320, 326 (Sup. Ct. 1933)—al­though the U.S. Supreme Court has never passed on the question—Cf. Roy v. Blair, 343 U.S. 214 (1952).
It should be especially clear to the Members of the House that the concept of the vote by ballot by ballot for electors who have a free choice. This was the original understanding, as the debates of the Constitutional Convention—two records of the Federalist Convention of 1787 at 501 (M. Farrand ed. 1937)—and No. 68 of the Federalist, demonstrate be­yond doubt. Even the objectors admit this in the materials they have circulated to the Members of this body.
But what has happened since those early days to alter the constitutional freedom of the elector? Nothing. Electors have been “faithless” as early as 1796 and as late as 1960. And each time the Con­gress counted the vote as actually cast by the elector—Congressional and Consti­tution, Congress, and Presidential Elec­tions 67 Mich. L Rev. 25, n. 97 (1968). Moreover, hundreds of Congressmen have reacted to such perfidy by introducing proposals to amend the Constitution abolishing the office of elector. And why? Because only a constitutional amend­ment can change the constitutional in­dependence of the elector.
Today, the objectors ask us to circum­vent the amending process. They ask us to do what we have criticized so often to read into the Constitution what we wish the law to be. They ask us to transform independent electors into rubber stamps. They ask us to adopt a view which not only differs from but which is diametrically opposed to the way the Constitution was written.
But the Congress has previously indi­cated that the elector must be free to vote his own mind. In the election of 1873, the Democratic presidential can­didate, Horace Greeley, won the popular vote of six States. Shortly after the election, some of the electors voted in the electoral college, they scattered their votes among several per­sons. Three votes were cast for the de­ceased Greeley. Congress refused to count the votes, three votes because they were not cast for a “person,” as the 12th amendment required. See “E lecting the President,” 33 American Bar Asso­ciation 1967.
Thus the present system which sep­arates the appointment of electors from the election of a President by over a million necessities that the electors are main free and independent because the people’s choice may have died.
In 1912, it was the defeated Republi­can presidential candidate who died before the electoral college met. Lest their votes be not counted, the Republi­can electors voted for someone else, and this was counted the votes. See “E lecting the President,” 33 American Bar Asso­ciation 1967.
We cannot have it both ways—electors who are independent of the candidates live and electors who are Independent if the can­didates die.
The history of this issue in the Con­gress shows the consistent application of the rule of law: that electors are in­dependent.

CONGRESSIONAL RECORD—HOUSE
January 6, 1969

Each State shall appoint, in such manner as the legislature thereof may direct, a num­ber of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.
Mr. Speaker, each State under the Constitution may appoint a body of electors to cast the electoral votes of certain States that voted by an overwhelm­ing majority for President-elect Nixon, in the 1960 canvassing of the electoral college voted for Senator Byrne of Vir­ginia instead of following the State’s decision for Mr. Nixon. There was some consider­ation given at that time to some type of contest in connection with the canvassing of his ballot. I think it is rather unfortunate that this debate did not take place at that time, because I think we had at that time a very clear instance—and we have had six of them in history—of an elector who did not fol­low the decision of his State in connec­tion with the presidential election.

Mr. Speaker, this is an absolute power possessed by the House and the Senate and the power which we seek to invoke today.
Mr. Speaker, in the exercise of this power the Congress is to be guided by the Constitution which requires with respect to the electoral process.
In this regard the Constitution in article II, section 1, provides:
Section 15 of title III which is being invoked today was enacted in 1887 in order to establish a procedure for determining how election of the elector set was real. That was the question. Section 15 is the procedure for answering that question.

In the original set was determined, the votes must be counted. Nothing in title III empowers Congress to change or disregard votes because an elector has been unfaithful.

Note that title III allows the State of North Carolina to object. However, North Carolina does not object—and rightly so. Mr. Bailey is an elector and his vote was regularly given. The laws of North Carolina and the United States were complied with.

Of course, Mr. Bailey violated an agreement with the Republican Party in North Carolina. But what law—State or Federal—did he violate?

That phrase. So how can we tamper with the vote?

The objection, however, serves to underscore the need for immediate affirmative action by the Congress in fashioning a resolution for a constitutional amendment to reform the electoral college. I wholeheartedly call for such reform and urgent prompt action in this body.

If that effort is not achieved honestly—by the amendment process. It should not be achieved by ignoring the Constitution and the steady precedents of the Congress. I urge that the objection be defeated.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. Celler) for 5 minutes.

Mr. Celler. Mr. Speaker, at the time of the framing of the Constitution, our Founding Fathers, led particularly by Hamilton and Jefferson, felt that the hoi polloi, the unwashed masses, and the rustics, they called them, were not educated enough or did not have intelligence enough to select the President and Vice President; that there was to be a barrier between them and the Presidency. Therefore they set up an elite class to be voted on by the general voters, which we call the electorate college.

That process did not over the course of history seem to work too well. It was not long before changes were effectuated. So that during most of the 19th century and all of the past 20th century this system went into limbo, as it were, that is, the idea of the Founding Fathers, and the tradition of voting and counting and usage that the electorate expects that its votes will be cast for the candidate of its choice without the intervention of another judgment and in a manner contrary to their expressed wishes.

Whether or not electors are pledged, whether or not they are named on the ballot, or not their names appear on the ballot, whether or not the law provides sanctions if they should fail to vote in accordance with their wishes, and I say “wishes”—and I say “universal”—understanding in the United States today and in the 20th century particularly is that the electoral college exercises a ministerial, an agency function and effectuates the expressed wishes of the people.

Indeed, one who considers himself irrevocably committed to support the presidential candidate on whose ticket they were elected or on which they were elected.

This traditional ministerial function of the electors has become sacred. Any departure from that tradition must be challenged as it is today. It must be successfully challenged.

James Russell Lowell, a Republican elector in Massachusetts, in the famous Hayes-Tilden election of 1876, was urged to switch his vote from Hayes to Tilden, which would have made Tilden the victor, since only one vote divided the men in the national count. Lowell refused to do so and stated significantly:

In my own judgment I have no choice, and am bound in honor to vote for Hayes, as the people who chose me expected me to do. They did not choose me because they have confidence in my judgment but because they thought they knew what the President would be. If I had told them that I should vote for Tilden, they would never have nominated me. It is a plain question of trust.

So, my good friends, what this man Dr. Bailey did was contrary to that tradition which is sacred in this Nation of ours—a tradition that we must respect. While we have the electoral college we must protect the integrity of the electoral college.

And so the issue here is joined. Mr. Speaker, Members of this House undoubtedly are aware that it is my plan to hold hearings on electoral college reform early in the present Congress. But no one can predict what the outcome of our deliberations will be.

Meanwhile, I intend to support the proposed challenge to the vote cast by the elector from North Carolina. I do so recognizing that the disposition of this challenge and the resolution of the presidential election. However, I believe it most appropriate and essential that the Congress give effect to the view now held by the overwhelming majority of the members of Congress that the vote of an electorate is cast for President, it shall not be nullified or abrogated by any elector.

Mr. Abernethy. Mr. Speaker, will the gentleman yield?

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

Mr. Abernethy. The gentleman stated that when the Founding Fathers set up this system that they provided that the actual election of the President should be by popular vote. Now, that was constitutional, was it not?

Mr. Celler. That was in the Constitution.

Mr. Abernethy. All right; now, would the gentleman tell us when and where it was changed?

Mr. Celler. Where they changed it?

Mr. Lennon. In the 12th amendment.

Mr. Celler. The change came by tradition and practice. Also, there is not a necessary violation of the Constitution in what was done. It was an attempt to do it because the Constitution says, for example, that the House has the right to count the vote and the right to count the vote implies a right to say there shall be no vote and, therefore, we have a right to say “No.”

Mr. Abernethy. Mr. Speaker, if the gentleman will yield further, there is a difference between counting votes and casting votes.

Mr. Celler. Yes, there is a difference in counting votes and casting votes.

Mr. Abernethy. This House has no right to cast a vote. The only right the House has is to count the votes.

Mr. Celler. I admit the line of difference is slender, but one which I believe can be understood that we can cast the vote for Mr. Nixon. Remember, Dr. Bailey, the elector, was nominated and elected and voted for that purpose; namely, to elect Mr. Nixon. He had a trust to vote for Nixon. He cannot disavow that trust. We, therefore, correct his breach of trust or, in other words, cause the ministerial act of voting for Mr. Nixon to be consummated.

The Speaker pro tempore. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from North Carolina (Mr. Lennon).

Mr. Lennon. Mr. Speaker, I would like to mention it crystal clear in the beginning, that as an individual I do not agree with the elector from the Second Congressional District of North Carolina. I think he had a moral obligation to vote for Nixon. He cannot disavow that trust.

The Speaker pro tempore. One gets that impression. The gentleman from Michigan and the Senator from Maine.

Mr. Speaker, I was quite interested in finding in the Library of Congress on Saturday afternoon a very comprehensive article on this subject matter, which appeared in the State of Michigan Law Review published in November 1968 subsequent to the election. If one gets that document, a fine article written by one of the most eminent professors of law in the Nation, Mr. Albert J. Rosenthal, you will find on page 17 a very significant statement. If you will bear with me as I listen to me, please, I shall read.

If one argues that the right of electors to override the expectations of their constituents must be eliminated, there is at least one way that this may be accomplished: by the courts under existing law, by statute, or by constitutional amendment.

No. 1, “by the courts under existing law.” Under existing law, the right to cast a vote for Tilden was not spoken to this subject matter—“by statute”—in 23 States of our Nation they
have by statute mandated the electors to cast their vote.

After passing of the 21st amendment which gave the District of Columbia to participate in the presidential election, the Congress immediately implemented the 21st amendment in its constitutional structure for the District of Columbia and mandated and required the electors to take a written pledge and oath to support the nominees at the highest level, the electors of the party at the national level who received a majority or plurality in the District of Columbia.

So, then, it becomes crystal clear that until such time as the Congress, as the legislative representatives of the District, had the power to determine the election results and ratification by three-fourths of the legislatures of the 50 States, we are powerless to do anything.

If we could do what is suggested here today, then we can void, if you please, the votes for Richard M. Nixon, all of his votes, and give them to Mr. Humphrey, or vice versa, we could void the votes of Mr. Humphrey and give them to Mr. Nixon.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield to the gentleman from Mississippi.

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

Mr. ABERNETHY. Mr. Speaker, I think the gentleman is making a fine point, and I believe there is only the power we have here today is to count the votes.

Mr. LENNON. Mr. ABERNETHY. And not to cast or void votes. Is that not right?

Mr. LENNON. That is correct.

Now, I want to tell the Members of the Congress that not right. The gentleman has made a fine point, and that is that the only power we have here today is to count the votes.

Mr. LENNON. Mr. ABERNETHY. And that is not right?

Mr. LENNON. That is correct.

It is simply beyond reasonable comprehension that a State's allotment of voices in the electoral system is determined by the actions of one or a few men no longer have by statute mandated the electors to cast their vote.

The SPEAKER pro tempore. The Chair will state that it has no discretion in this matter, inasmuch as the time is set by law.

Mr. LENNON. I thank the Chair for its ruling.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from New York (Mr. Horton).

Mr. HORTON. Mr. Speaker, as each of us in this Chamber has come here by vote, in virtue of our national machinery for direct representation elections, I feel we owe the American people a duty to support the objection raised by one of our Congressmen from New York (Mr. Horton).

Our democratic republic has limped along for nearly two centuries with a system for presidential election which is inherently undemocratic and wholly unsuited to the needs of a well-informed electorate in the 1960's and 1970's. But despite its serious weaknesses, the system has somehow survived by yielding up only infrequently the inequitable results and the potential electoral disasters that are a central reason for the belief that our electoral system has muddled through for so long is that there has grown up a general expectation that presidential elections would and must follow the will of their constituencies in casting their ballots for President and Vice President. This expectation is based on continuing democratic belief and, I believe, the statute law that has grown up around the electoral system.

Today, in one of the most troubled hours of the history of this Nation, we are seeing, for the sixth time in our Nation's history, the betrayal of this essential trust between the people of the State and one of their chosen representatives who would and must follow the will of their constituencies in casting their ballots for Richard M. Nixon, to the vast portion of that State's voters.

Mr. Speaker, the false argument has been raised by Dr. Bailey that he was casting his vote in accordance with the wishes of a plurality of Americans or to throw the vote into the House. Our good fortune should not cause us to overlook the meaning of this phrase to include only for the people of the State and the Congress that we are discussing.

Our trust has been ably presented here this afternoon. Dr. Bailey was both faceless and nameless to the vast portion of that State's voters. They were aware of only one fact about him—that he was part of a slate of electors who would cast all of their ballots for Richard M. Nixon should he win a plurality of North Carolina's popular votes.

Mr. Speaker, the false argument has been raised by Dr. Bailey that he was casting his vote in accordance with the wishes of the people of his congressional district whom he was selected to represent. This is an outrageous contention.

Dr. Bailey was indeed nominated by a district caucus at his party's State convention, but he was elected on a statewide basis. A vote cast for Mr. Nixon was a vote for all of the party's candidates as a group, and their election turned upon the statewide results—not the vote of the congressional districts. In fact, were the selection by the congressional district, Dr. Bailey, as a Republican, would not have been chosen.

Great many years ago it was not unusual for an elector to be chosen by the voters of each congressional district, with two electors elected at large. But as political parties grew in strength this system fell out of favor. By 1832, it remained in only four States. The principal objection to this method was that it more often than not divided a State's vote. With specific reference to North Carolina, it is interesting to note a contemporary comment on the statutory change of 1933 which removed the names of electors from the ballot. The commentator remarked that change was intended, in part, to "preclude the bare possibility that the State's electoral count would be split.

We might ask Dr. Bailey if he advocates Republican electors casting their votes for Governor H. Horace Hunton where he carried their congressional districts.

There are 13 presidential electors from North Carolina. They hold among them all of the voting power of the 5,000,000 people that State saved the winning candidate in his State will receive all 13 electoral votes.

By breaking the faith of his "agency" for the people of the State, Dr. Bailey, we claim to have cast his vote for George C. Wallace through personal "moral obligation," in effect nullifying the "effective votes" of one-thirteenth of North Carolina's 300,000 voters.

Thus, by this reasoning, Dr. Bailey's failure to vote for the President-elect effectively disenfranchised nearly 400,000 people who cast their ballots for Mr. Wallace.

Mr. ABERNETHY. Mr. Speaker, I want to tell the Members of the Congress that not right. The gentleman has made a fine point, and that is that the only power we have here today is to count the votes.

Mr. LENNON. Mr. ABERNETHY. And that is not right?

Mr. LENNON. That is correct.

Now, I want to tell the Members of the Congress that not right. The gentleman has made a fine point, and that is that the only power we have here today is to count the votes.

Mr. LENNON. Mr. ABERNETHY. And that is not right?

Mr. LENNON. That is correct.

It is simply beyond reasonable comprehension that a State's allotment of voices in the electoral system is determined by the actions of one or a few men no longer have by statute mandated the electors to cast their vote.
The certificate of the State of—

And I quote— seems to be in regular form and authentic.

Is the certificate in regular form and authentic? It seems to me, whether we like it or not, we have to concede that is so with respect to the certificate from the State of North Carolina.

I would suggest that the proper action might have been for an action of mandamus to be commenced in the proper court having jurisdiction in the State of North Carolina—to there challenge the certification of the vote of this faithless elector by the State officer charged with that responsibility.

But I would submit that under the Constitution and under the plain language of the statute of 1887 we cannot take the position of the gentleman from Michigan (Mr. O'HarA) that we would be doing violence to the Constitution, article II and the 12th amendment.

There are those who fear that in supporting the objection submitted by the junior Senator from Maine, Senator Muskie, and the distinguished gentleman from Michigan (Mr. O'Hara) that we would be doing violence to the Constitution, article II and the 12th amendment.

There are those who fear that unless we do take that step and unless we do vote affirmatively on this resolution that we are in the position of the proliferation of faithless electors in elections to come.

I was interested when the distinguished gentleman from Texas (Mr. WRIGHT), when he answered the objection of the State of Oklahoma to there challenge the certification of the vote of this faithless elector by the State officer charged with the responsibility, that he suggested that we keep the pressure on for the reform of the present electoral college system. I, for one, favor the direct election of the President, but that is not the position of the gentleman from Colorado. I think it is perhaps that we ought to abolish the electoral college rather than to try to put some kind of plaster, some kind of a Band-Aid on the situation. When the President and Congress have the power, on an ad hoc basis, every 4 years, to deal with the kind of situation that confronts us today.

Mr. Speaker, will the gentleman yield?

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

Mr. PEPPER. I just inquired of two able gentlemen on both sides of the aisle from North Carolina, and I find that, as has already been stated, that there were no electors voted for in the North Carolina election, but that the names of the presidential and vice-presidential candidates appeared on the ballots. If we wish to be technical, there were no electors elected in the North Carolina election. I learned from those gentlemen that the names of the electors were submitted by the Democratic Party, the Republican Party, and the Minor Parties to the Secretary of state pursuant to the statute law of North Carolina.

Mr. ANDERSON of Illinois. If the gentleman from Florida should like to point out that the Library of Congress Legislative Reference Service has documented the proposals for the reform of the electoral college, it is our understanding that presently about 35 States authorize the use of the so-called presidential short ballot on which the names of the presidential and the vice-presidential candidates are printed in lieu of presidential electors. That action carries with it the implication, perhaps, that they will then vote for the candidate of their respective parties, but it is an implication only and is not supported by the law or by the Constitution.

The SPEAKER pro tempore (Mr. ALBERT). The Chair recognizes the gentleman from Louisiana.

Mr. BOOGS. Mr. Speaker, in support of the protest submitted by the gentleman from Texas (Mr. WRIGHT) and Senator Muskie. I was very much interested in the colloquy which occurred here a moment ago with respect to counting and casting all the votes. The counting of votes in the question of the legality of the votes being counted is always in order. As I understand it, we are not casting votes; we are affirming or disaffirming the vote of faithless electors.

As I further understand it, if the vote of the faithless elector from North Carolina is repudiated by this body, it will not be counted for President-elect Nixon. It will simply not be counted for the 38th President of the United States, who did not carry his State.

Mr. Speaker, I submit that this is a very serious matter. I am glad that we can debate it dispassionately.

I wonder, however, what would be the case if there had been enough faithless electors to put this matter into the House of Representatives, or if they could be faithless, then 335, the total number of electors, could also be faithless. The net effect, of course, would be the complete refusal to allow the electorate throughout our country.

I realize, of course, that there is a serious constitutional question here. I have voted for former Senator Byrd, or what the gentleman from North Carolina did last month. They were going to ask the State legislature to instruct the electors to name as the President-elect the candidate of your party. What this really points up, Mr. Speaker, is the crying need to amend the Constitution and once and for all get rid of the present condition of uncertainty in order to prevent the possibility that the former Governor of Alabama, who did not carry his State, may be an unfortunate result because I have known people who have deliberately tampered with this system in its present condition in order to make a point to force the electoral college to reconsider who the candidates are. By putting faithless electors on the ballot, they did suggest that the electorate throughout the country.

But even in those cases I have not known of these groups advocating faithless electors. They have invariably put them on the ballot, and I am aware of the fact that there is a saying, of course, that the best way to do a thing is to like it or not, we have to concede that it is so with respect to the certificate from the State of North Carolina.

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I believe in the federal system. I have proposed an amendment which would make the Presidency a contest between the two leading candidates in each State, the same number of votes as that State now has under the electoral college system. But the electoral college would be abolished, and no election would ever again be determined by the House of Representatives.

I would use the same formula that the American Bar Association adopts in the Boggs proposal, unless a State's electoral vote goes over 40% of the total vote. The House procedure, to say the least, is an integral part of our form of government.

The author notes the first faithless elector picked as one of the two Federalist electors in Pennsylvania in 1796. He was expected to vote for Adams, but instead voted for Jefferson. A Federalist mentioned him in the United States Gazette:

"What, do I chuse Samuel Miles to determine for me whether John Adams or Thomas Jefferson shall be President. No! I chuse him to act, not to think."

And again as recently as 1960, an elector from Oklahoma, which had cast its electoral votes for John F. Kennedy, felt free to vote for Senator Harry Byrd who had not been a candidate.

"The People's President" is very timely. With the withdrawal of President Johnson as a candidate, the Democratic Convention was wide open. Gov. George Wallace has indicated his intention of running for the Presidency as an independent. And the 1972 election, in which this writing could very well end up, is the House of Representatives if any of the candidates fails to receive a majority of the electoral college.

Since 1824, when the House of Representatives had to decide between Andrew Jackson who had received 152,933 popular votes and 98 electoral votes, and Martin Van Buren who had received 115,696 popular votes and 84 electoral votes, conditions have changed immensely. In 1824, there was no hope of an electoral college system but removing any discretion in the trustees.

There are countless other amendments introduced seeking a whole variety of changes, the most frequent ones being: removing discretionary power; determining by popular vote the basis of results in congressional districts; and a nationwide popular vote.

Mr. Boggs, a measure which would abolish the Electoral College in its present form, while retaining a modified electoral system. Boggs was joined by Congressmen Lester L. Wolff (D., N.Y.), Robert L. F. Sikes (D., Fla.), and Spark M. Matsunaga (D., Hawaii).

The House procedure, to say the least, is an integral part of our form of government. Many of these, of course, were identical with those that had been proposed, which had been drafted by the American Bar Association. This one was: the Federalist who had cast its electoral vote, would be an elector picked as one of the two Federalist candidates who had carried the State.

The author has done a commendable job in tracing the growth of universal suffrage in the United States, starting with the initial property requirements for voting. He cites acts of Congress, State legislatures, Supreme Court decisions, which have now made suffrage almost universal, and he has argued that this makes the popular election of the President the only answer to the electoral college problem. The President, under the proposed amendment, could be elected by a plurality of 40 percent.
As thorough and complete as the book is, however, it leaves a number of questions unanswered. The main problem is that the system is still basic in the nomination of presidential candidates. Whether or not this system could be maintained with a direct popular vote is problematic.

But the greater evil undoubtedly is the fear of resolution by the House of Representatives to the electoral votes. In the case of each State and the District, the presidential candidate receiving the greatest number of electoral votes shall be entitled to the whole number of the electoral votes of such State or District. If a presidential candidate receives a plurality of at least 40 percent of the electoral votes, the persons comprising such candidacy shall be the President-elect and the Vice President-elect. If no such candidate receives a plurality of at least 40 percent of the electoral votes, a run-off election shall be conducted and the candidates shall be law by prescript, between the two presidential candidates which received the greatest number of electoral votes in such election, for the office of President-elect and the Vice President-elect.

"Sec. 3. The Congress shall by law provide procedures for the effectuation of the death or withdrawal of a candidate on or before the date of an election, or in the case of a tie vote may be cast only as a joint vote for the election of the President and Vice President, which day the Congress shall by law prescribe. The Congress may provide for the death or withdrawal of a candidate on or before the date of an election, or in the case of a tie vote may be cast only as a joint vote for the election of the President and Vice President, which day the Congress shall by law prescribe. The Congress may provide for the death or withdrawal of a candidate on or before the date of an election, or in the case of a tie vote may be cast only as a joint vote for the election of the President and Vice President, which day the Congress shall by law prescribe."

"Sec. 4. The twelfth article of amendment to the Constitution, the twenty-third article of amendment to the Constitution, the first four paragraphs of section 1, article II of the Constitution, and section 4 of the twentieth article of amendment to the Constitution are repealed.

"Sec. 5. This article shall not apply to any election of the President or Vice President held for a term of less than one year after the date of ratification of this article."

The general summary of the differences and similarities between American bar associations and the American bar association is the joint resolution of the House of Representatives, which shall be entitled to a number of electoral votes for each such office equivalent to the whole number of Senators and Representatives in Congress of each State to which the District would be entitled if it were a State, but in no event more than the electoral votes of such State or District.

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"The President and Vice President shall be elected by the people of each State in such manner as the legislature thereof may direct, and by the people of the District constituting the seat of the Government of the United States (hereafter in this article referred to as 'the District') in such manner as the Congress shall by law prescribe. The Congress may determine the time of the election of the President and Vice President, which day shall be the same throughout the United States. In such an election, a vote may be cast only as a joint vote for the election of two persons (referred to in this article as 'presidential candidates') of which at least one has consented that his name appear as candidate for President on the ballot with the name of the other presidential candidate, and the other of whom has consented that his name appear as candidate for Vice President on the ballot with the name of the other presidential candidate. No person may consent to have his name appear on the ballot with the name of another person if such person, constitutionally ineligible to the office of President shall be eligible to that of Vice President or to be President. The winning presidential candidates shall be eligible to be elected to the office of President. The winning presidential candidates shall be eligible to be elected to the office of President."

The resolution requires a runoff election if the requirements for election are not met in the general election. Such a runoff election shall be held in such manner as the Congress shall by law prescribe. In both cases, the procedures to be followed in the case of a tie vote in any general or runoff election shall be prescribed by law.

"5. Runoffs and Ties. The House of Representatives shall make the joint resolution of the House of Representatives, which shall be entitled to a number of electoral votes for each such office equivalent to the whole number of Senators and Representatives in Congress of each State to which the District would be entitled if it were a State, but in no event more than the electoral votes of such State or District.

"6. Death or Withdrawal of a Candidate. The House of Representatives shall make the joint resolution of the House of Representatives, which shall be entitled to a number of electoral votes for each such office equivalent to the whole number of Senators and Representatives in Congress of each State to which the District would be entitled if it were a State, but in no event more than the electoral votes of such State or District.

"7. Effective Date. The joint resolution of the House of Representatives shall be declared to take effect and be in full force on the date of the resolution of the House of Representatives, which shall be entitled to a number of electoral votes for each such office equivalent to the whole number of Senators and Representatives in Congress of each State to which the District would be entitled if it were a State, but in no event more than the electoral votes of such State or District.

"As the case may be, the executive power shall be vested in a President of the United States of America, who shall hold his office during the term of years. No person shall be elected President or Vice President for a term of less than one year after the date of the resolution of the House of Representatives, which shall be entitled to a number of electoral votes for each such office equivalent to the whole number of Senators and Representatives in Congress of each State to which the District would be entitled if it were a State, but in no event more than the electoral votes of such State or District.

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election of the president in the House if no candidate receives a majority of the electoral votes. In this case, each state would have one vote, with Delaware weighing exactly as much as New York or Texas. A state could then make an even split delegation not counted at all.

The validity of an election carried out on this basis would be doubtful, to say the least. And the possibility that no candidate could win a clear majority is a danger which in this nuclear age is simply not tolerable. The Boggs amendment is the simplest possible remedy for this state of affairs. Under his plan, the electoral college system would be abolished once and for all. So would the power of the House to choose a president from minority candidates. But the same proportional distribution of votes among the states, based on the numbers of senators and representatives, would be retained. If no one candidate won more than 40 percent of the whole electoral vote, a runoff election would be held between the two leading candidates.

There are many people who would prefer to see the election of presidents by direct popular vote. But Boggs, as a practical politician, understands the enormous difficulty of this kind of radical reform of a system that has served us so well for two centuries. In his view, there is little chance—and also little justification—for doing away with the entire system at this stage. The bogeyman that haunts the presidency, the convention system, with all its obvious imperfections, is likely to continue under the Boggs amendment. While the candidates of the two major parties will continue to be nominated by delegates representing the states in Congress, the Boggs amendment would bring an end to the electoral college system. The Boggs amendment also should follow the principle of federalism, Boggs contends.

Apart from retaining the present distribution of electoral votes, the new amendment is similar in many respects to the proposals drawn up by the American Bar Association and submitted to the last Congress by Rep. Emanuel Celler, D-N.Y. Under that proposal, the president would be elected by direct popular vote, with a runoff election held if no candidate received more than 40 percent of the whole vote.

The virtue of the Boggs amendment is that it is perhaps more likely to win the required majority of two-thirds in the House and Senate and, ultimately, ratification by three-quarters of the states.

In conclusion, there is undoubtedly very strong support in the country for electoral reform. But there is also an enormous majority of voters who simply do not see that the present system is so deficient. And the dangers of the present system, so clearly revealed in November, may seem less questionable as time goes by.

[From the Associated Press, Dec. 17, 1968]

NIXON'S OFFICIALLY IN WITH 501 ELECTORAL VOTES

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Ballooning by the college went pretty much according to script as members met in the 50 state capitals and District of Columbia to fulfill the tasks voters chose them for Nov. 5.

An exception in North Carolina left Nixon with 501 votes instead of 502—giving George C. Wallace of the American Independent Party the 41 electoral vote. Wallace said he would retain the Electoral College but divide a state's electoral votes for each presidential candidate according to his percentage of the state's popular vote.

(Special to the New York Times)

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Use of the Electoral College to choose a President is "archaic, undemocratic, complex, and expensive," according to the American Bar Association. The association has written to the Senate Commerce Committee, urging it to consider a constitutional amendment to abolish the Electoral College.

A simple majority of 270 electoral votes was needed to elect.

In North Carolina, Mr. Lloyd W. Bailey of Raleigh said that his ballot for Wallace while the other 12 followed elected the state's 13th vote at market price for all.

"The Electoral College is one part of the system of checks and balances which guarantees that the minority voice can be heard," Bailey said.

In Michigan, former Democratic State Chairman William H. Dole, who symbolized something of the political malarky, refused to cast his ballot for Humphrey. The other electors picked a replacement, Henry A. Shafer, of the delegation's 21 Humphrey votes intact.

The U.S. Constitution allows the electors to vote for any candidate, whether he or she is a candidate of the two major parties will continue to be nominated by delegates representing the states in Congress, the Boggs amendment also should follow the principle of federalism, Boggs contends.

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January 6, 1969

CONGRESSIONAL WEEKLY -- HOUSE

state's congressmen and U.S. senators, on a winner-take-all basis to the candidate who receives the greatest number of electoral votes in this change in the Constitution, could almost inevitably force candidates to concentrate on the larger states and leads to all the lesser considerations. The American Bar Association Commission on Electoral College Reform, The public itself is reasonably aware of the

difficulty, a Gallup poll last month showed 68 per cent in favor of direct election of the President to 20 per cent opposed.

A constitutional amendment takes years to pass, nothing can be done about this perilous condition in time to deal with the next presidential election. But this does justify further delay. Of various amendments introduced in Congress on this subject, four have serious influences of President Cleveland: howler and illness of President Johnson were required to prod the country into doing something. The president and his political friends. This plan would not correct the present over-representation of sparsely populated states in the House of Representatives always have been frequent in modern times: the disregarding of the popular vote by one or more voters determined to express their personal preference for President.

The district plan, providing that voters in each state, would be elected according to their states. Thus, a district plan, providing that electors would be chosen directly by the total electoral votes in proportion to that state's population, would have the virtue of simplicity, but is a waterway fraught with dangerous shoals. Had we moved away from the Electoral College to direct popular election of the President in 1960, the votes might still be in the counting process in New Mexico, Alabama, Texas, and such urban centers as Chicago and Los Angeles, where charges of fraud were legion.

The indirect, two-step election process in use today was devised in 1877 by men who thought the choice of a President was too important to trust to ordinary voters. Instead of picking a President, voters choose a group of "electors" from each state, the numerical strength of which is determined to that state's Congressional delegation.

These electors were supposed to be the best and wisest men available but today are mainly small-time politicians given the pro-forma positions as a reward for party service. They vote for President following the general election, with a simple majority in the Electoral College being sufficient for election. Their vote takes place on the first Monday after the second Wednesday in December, this year on Dec. 16.

Unlike what was envisioned by the Founders, however, the vote is not an independent choice but merely ratify the popular-vote decisions in their states. Thus, in national elections the annual Electoral College has been a pointless, but fairly harmless, exercise that doesn't have any bearing on the Presidential outcome.

What engendered all the fear of chaos this year was the possibility, made strong by the third-party candidacy of George Wallace, that neither Mr. Nixon nor Vice President Humphrey would receive in Tuesday's balloting a majority of the 538 electoral votes.

WALLACE'S HOPE

That would have plunged the nation into a confused period of maneuvering aimed at 16 Electoral College votes. The two other candidates—especially the one placing third—would have been pressured to yield their electoral votes to Nixon, giving him an electoral majority. Mr. Wallace always hoped that during this period he could cling to the presidency. In the event that none of the candidates swung his electoral support to another, the choice of a President would have been dumped into the House, whose membership are a lively group of politicians capable of a rousing fight even over something as mundane as whether to waive the reading of the Federalist Papers. Twice, in 1801 and again in 1913, the House failed to elect a President, voting instead for Aaron Burr, the House having almost unanimously rejected as whether to waive the reading of yesterday's Day's Journal of Proceedings. Twice, in 1801 and 1913, the House failed to elect a President, voting instead for Aaron Burr, the House having almost unanimously rejected John Quincy Adams.

The best plan we have yet come across for reforming the Electoral College is still some form of the Lodge-Gossett Amendment, which would have divided each state's electoral votes in proportion to that state's popular vote. If, for example, a state had fifteen votes in the Electoral College and the popular vote was very close, the winning popular vote would put the eight electoral votes and the loser seven. This use of the exact ratio to the popular vote (plus an amendment that the electoral vote be cast precisely as the voters voted) has never been given a fair hearing, in our view, though the House voted 233 to 168 in 1960 after the Senate had approved it. With the Presidential nominating conventions

only a little over a year away, to be followed by the hectic fall campaign of 1968, reconsideration of the Lodge-Gossett Amendment and, perhaps the ABA Commission on Electoral College reform bills, plus President Johnson's proposal, seems very much in order and not a moment too soon for the nation's welfare.

[From the Wall Street Journal, Nov. 7, 1968]


electoral vote. The two-thirds required to override a Senate veto is 67 votes. The Lodge-Gossett Amendment, which would have divided each state's electoral votes in proportion to that state's popular vote. The President and Vice President of the United States are chosen by the Electoral College. This plan has the virtue of simplicity, but is too inflexible to prevent a repetition of what has happened three times in our history. The first occurrence was in 1800, when Thomas Jefferson, in the Electoral College, an antique American institution, has which has since 1877 survived more than a hundred Congressional attempts to abolish, or modify it. Members of the House of Representatives always have been known as the "electors," the only ones not chosen by direct vote of the American people. 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Intensifying the confusion in an election by the House is the fact that each state would have 26 votes; the House would elect the President. This would make the lineup between Republicans and Democrats in state delegations a matter of chance.

Although Mr. Humphrey osteosibly would have had the advantage, because Democratic control of the various allegations would be difficult, it was by no means certain that Southern Democratic Representatives would have the bills they need to win—pre-exertion—who ran third in many of their districts. Beyond that, some state delegations would be evenly divided (there is the possibility of the Maryland and Virginia party lineup in the House) and that would have increased the difficulty of winning a majority of 26 states' votes.

Few Defenders
Not surprisingly, hardly anyone defends the Electoral College system. But although reform proposals have kicked around Capitol Hill for years, the inertia that is endemic to the legislative process always has held them otherwise. If Mr. Nixon's thin margin would have given him the edge in some of his districts, beyond that, some (were to be evenly divided, the electoral votes would be put those states in the Humphrey column and thus denied President-elect Nixon the Electoral College margin and would certainly have. In such a deadlock, the power of picking a President might well have been shifted from the House to the Senate, which means that the polls to one man—George C. Wallace. The third-party candidate had exacted from all his party followers that they vote for him if they could vote for no other, but if the Democrats and Republicans cannot settle on a candidate.
January 6, 1969

CONGRESSIONAL RECORD — HOUSE

It is a good sign that conservatives as well as liberals are in favor of a change. Senator Thurmond, for example, wants to abolish the electoral college. He says that the States' electoral votes should be determined among the candidates on the basis of the popular vote cast. He seems to think this would be a step toward a two-party system in case the two major parties fail to offer a meaningful choice. But this, with nothing more than straight-out winner-take-all races, when no one had a clear majority, to be decided by possibly a small fractional vote or be thrown into the House of Representatives, will no doubt have with all the evils that the process might entail. The first step toward a new system should be additional hearings that would explore the relative merits and defects of each proposal, to be followed by the drafting of an appropriate constitutional amendment. Fortunately, Mr. Bayh's Subcommittee on Constitutional Amendments will not be writing on a blank page. It will have before it the extensive hearings of 1968 and 1967, a wide assortment of resolutions on the subject, several books, many articles and the highly useful report of the American Bar Association's Constitutional Commission. The Senate heard it in 1967. No doubt many members of Congress will be seeking additional information. But the Senate, in Mr. Bayh's own words, is bound to support by two thirds of the Senate and House and win ratification by the States. In our view the new system should provide:

1. Abolition of the electoral college and with it the process of choosing the President away from the people.

2. Abolition of the contingent election of a President under the 12th Amendment and of the Vice President in the Senate.

3. Machinery for election of the President and of a Vice President in the Senate.

4. A two-way race the candidate with a majority of the votes would be the winner. If three or more candidates were running, a plurality vote of at least 40 per cent would be necessary to win. If no one had such a plurality, a runoff election would be held.

5. Authority of Congress to fix uniform age and residence requirements and other qualifications for voting in national elections.

6. Authority for Congress to fix uniform age and residence requirements and other qualifications for voting in national elections.

7. Authority for Congress to require the use of voting machines in all presidential elections, probably with Congress providing funds for the same, and to require bipartisan or civil service watchers in every polling place to avoid fraud.

8. Authority for Congress to determine what presidential candidates should be entitled to a place on the ballot. This is essential to prevent Alabama and possibly other States from keeping the names of major candidates off the ballot, as to deny people in the State an opportunity of voting for them.

9. Provision should also be made for the possible election of a presidential candidate before the election.

Any such shift in the mode of electing the President will, of course, set in a set of new problems and undertaking. The importance and complexity of the job are no argument against undertaking it. We have already done undertaking similar to the need for a prompt beginning so that the new system can be approved and the necessary legal procedures passed before the 1972 political pacts begin to boil.

The SPEAKER. The gentleman from Virginia (Mr. Poff) is recognized for 5 minutes.

Mr. Poff. Mr. Speaker, I will vote against the objection. This does not mean that I approve Mr. Bailey's conduct. I disapprove. The system should be changed. The change should make such a system conceivable. It can be made, however, not by mere legislative pronouncement but by constitutional amendment only.

Thus the proposal is based upon the Constitution and the law as it now exists. But it is also based upon a deep concern for the national consequences which a vote for such a proposal might have.

Frankly, I fear that if the House were to sustain this challenge, it might defeat or defer chances for electoral reform. The impression would soon get abroad that Congress, without benefit of constitutional amendment, has solved the problem of the defecting elector. I would not want to be the instrument of such a gross misimpression.

Worse than this, I foresee another potential mishap in sustaining this challenge. If the Congress can look behind the facade of Mr. Bailey, Executive of a State, reject that certificate and by a simple majority vote decide what electoral votes were "regularly given," then the Congress can expropriate from the people their power to elect their President. Ordinarily, such a danger is too remote to be credible. But who is bold enough to say that in some future election, the results will not be so close, the personalities so controversial, and the temptation to expropriate so strong that political fervor, malice or sheer caprice will not dominate respect for the will of the people?

According to the prevailing viewpoint, the present state of the law is such that:

First. The Federal Constitution does not bind electors to vote for the nominee of their party;

Second. The States cannot bind electors;

Third. The law of the State of North Carolina does not attempt to bind electors; and

Fourth. The Federal statute requires the Congress to count all electoral votes which "have been regularly given by electoral votes which are lawfully certified by the Governor of the State, of a loyalty pledge before the elector is appointed, having publicly given his pledge before appointment, violated his pledge in the electoral college, and the Congress could not bind the elector to honor his pledge when he votes in the electoral college. Indeed, in the 1956 election, 4 years after the decision and in the same State, one appointed elector, having publicly given his pledge before appointment, violated his pledge in the electoral college, and the Congress could not bind the elector to honor his pledge when he votes in the electoral college.

While there is, then, a minority viewpoint reflected in the legislative opinions of 13 State legislatures and the District of Columbia, the majority viewpoint of the courts holds that even State legislatures have no constitutional power to disent an appointed elector of his unfettered discretion in the electoral college.

Whether one embraces the minority viewpoint or the majority viewpoint, the controlling fact remains that North Carolinians have not sent to the Senate North Carolina presidential electors. Under the circumstances and the law governing the circumstances, that is a state's legal fact. It remains only to inquire whether the electoral vote cast by elector Bailey, having been lawfully certified by the Governor of his State, must be rejected by the Congress because of the past history. The language of title 3, United States Code, section 15, answers in the affirmative.

After defining procedures to be followed when an electoral vote is challenged in the Congress the language reads as follows:

No electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to... from which but one return has been received shall be rejected.

It is argued that Bailey's vote was not "regularly given" because it was not the vote that those who "appointed" him thought he would give. What the words "regularly given" were intended to prevent is not clear. Certainly, in this statute, Congress intended to prevent those who "appointed" electors whose appointment has been lawfully certified to from being required to cast their votes on the electoral college ballot for candidates other than the one they had designated them to appoint.

On February 14, 1969, a Jutvaan, Senior Vice President, and the en­...
tal were intended to signify that the elec­
tors had been appointed in the “manner”
directed by the legislature and that the
voters would be “regularly given” under
the law of the State.
If the action of this House is to uphold
the literal language of the Constitution,
its decisions of the courts, and is to abide
by the pronouncements of the scholars and the decisions of the courts,
then the House must reject the objection
to the Bailey vote.
Mr. EDMONDSON. Mr. Speaker, will the
gentleman yield?
Mr. POFF. I yield to my distinguished
friend from Oklahoma.
Mr. EDMONDSON. I thank the gentle­
man for yielding.
I believe the gentleman’s first point
has some validity, but I question the
second point with regard to the claim of
expropriation of power by the Congress
from the people.
Are we not confronted here with a similar
situation as is found in the case of the
independence of Congress? Congress is
expropriating for himself, for a candidate of
his choice, the power of the people of the
State of North Carolina.
Mr. POFF. The gentleman will recall
that Mr. Bailey did have a rule that Mr. Bailey
should have expressed the will of the
people in the vote he cast in the college
electoral vote of the North Carolina electorate as well as the
people of North Carolina.
Mr. ABERNETHY. With the Constitu­tion
provision of Congress the authority
and also the direction to count these
votes, if we did other than count them,
then would it not be possible for this Congress to
void enough votes so as to elect a man
other than Richard Nixon?
Mr. RODINO. The gentleman expressed
in more eloquent terms than I the same
proposition that I suggested earlier.
Mr. RODINO. Speaker, the Chair
recognizes the gentleman from California (Mr. CORMAN) for 5 minutes.
Mr. RODINO. Mr. Speaker, will the
gentleman yield?
Mr. CORMAN. I yield to the gentle­
man from New Jersey.
Mr. RODINO. Mr. Speaker, I support the
objection to the count of the elec­
toral vote of the electors from North
Carolina, Dr. Lloyd W. Bailey. I do so
with a full realization of the constitu­tion
thicket, because of the overriding
principle—also imbedded in the Constitu­tion
and recently elaborated upon by the
Supreme Court—that one man must
be fully equal to another man in exercis­ing
his franchise.
The independent elector, as the Con­stitution foresees, has run counter to the
responsibilities of universal suffrage
which this country has been perfecting
since the inception of the Constitution itself.
The real question before us is whether
we shall be bound by a practice that has
never been accepted by the people, or
whether we shall now move to assure the
people of North Carolina, and indeed
ingress of the United States, that
their vote cannot be faithlessly neglected
by an elected official.
Since the early 1800’s electors have been
understood to be “agents” of the people—
to act on their behalf, and not to decide
dependent decisions by electors.
I have considered often how Members
of Congress would react if they were ob­
ligated to be elected under the provisions of the electoral college. Think for a
moment how you would feel if the people of
North Carolina had to choose your choice of office staff cast his vote for
your opponent.
Under the system, by 1968, we would find
more than enough outraged “elect­
ed” non-Congressmen to perhaps over­
throw the Government. Does the Presi­den­cy, the highest office in the land, de­serve less?
Mr. Speaker, a vote to sustain the ob­
jection is a vote for basic honesty, for
honor, for responsibility and reliability,
and, most of all, it upholds the most
fundamental principle of our sys­tem
of government—that this Govern­ment is of, by, and for the people.
Mr. RODINO. Mr. Speaker, I rise to
support the challenge to the vote cast by the North Carolina elector. I do so
to effectuate the express wishes of the
North Carolina electorate as well as the
universal understanding of electorates
throughout the Nation. In the latter half
of the 20th century we cannot afford the
fiction of an independent elector exer­cising his own judgment in derogation of
the will of the people.
I would like to commend the gentle­
man from Illinois (Mr. Amodei) for
your choice of office staff cast his vote for
your opponent.
Mr. Speaker, the objection has run the need to
move expeditiously on reform in this area,
but do not think that we can hide
behind a fiction today to frustrate one of
the most basic tenets of the American
people, that is, to vote and to have their
given efficacy in the election of the person to hold highest office in the
land.
Mr. Speaker, the issues are clear.
They contemplate that a presidential
elector will cast his ballot for the party
candidate designated on the ballot. The
electoral vote is for the President and Vice President (11 N.C.
Law Review 229).
This was the clear intent of the North
Carolina Legislature by the enactment
of this law, and it is our duty to us to do so.
Mr. EDMONDSON. Mr. Speaker, will the
gentleman yield?
Mr. CORMAN. I yield to the gentle­
man from Oklahoma.
Mr. EDMONDSON. I thank the gentle­
man for yielding.
I recognize that there is no prece­
dent in the Congress for challenging an
elector who has been faithful to his
electorate. Indeed, the challenge of this
elector may have limited effect, but
precedent since the vote challenged will
not be determinative of the final result.
However, we must also comprehend how
the Congress, squarely confronting the issue
of an unfaithful elector, rejects the chal­
enge now raised to the vote cast by a
North Carolina elector. A refusal by
Congress to reject an electoral vote cast
in defiance and derogation of the will of
the electorate may encourage increasing numbers of electors to disregard the will
of the voters in the future.
Mr. Speaker, in 1840 years—1820 to
1964—out of 15,245 electoral votes cast
there have only been four “unfaithful”
electors. Adherence to the will of the people
has been the norm. Manifestly, the
people believe they are voting for the
President and Vice President. The almost
incontrovertibly unbroken chain of all
electors to the will of the people should
not be rejected by the Congress.
The Constitution is an evolving instru­ment.
It is interesting that the
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the gentleman from California (Mr. CORMAN) for 5 minutes.
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Carolina Legislature by the enactment
of this law, and it is our duty to us to do so.
Mr. CORMAN. I thank the gentleman.

For those who support reform in this matter I would hope that you would not so strain the facts today and make a wrong decision to dramatize the need for electoral reform.

I urge that we support the resolution, and I yield the balance of my time.

Mr. PUCINSKI. Mr. Speaker, there is no question that the distinguished gentleman from Michigan (Mr. O'HARA) and the distinguished Senator from Maine (Mr. GLEASON) and Mr. Celler have performed a valuable public service by bringing this action and challenging the vote for George Wallace. It helps to focus upon yet another dilemma of our democracy. They have placed this issue into the spotlight of public debate, and I hope such debate will hasten the day when we will be able to effectuate electoral reforms in this country in a constitutional manner.

Mr. Speaker, the distinguished gentleman from New York (Mr. Celler) has placed his finger on the issue here when he said that a President in the electoral college is not an individual, but a two-House entity, and that the `Federalist Papers' of 1788 were written on the understanding that the President would be appointed by both Houses of Congress.

There is no question that the Constitution provides that the President is to be elected by the electors, and that the electors are appointed by the people through the mechanism of the electoral college. It is clear that the purpose of the electoral college is to give the people control over the selection of their President; and to make any change in the electoral college process without the approval of the people through the Congress would be an affront to the Constitution.

There is no question that the states have the power to establish the manner of appointing electors. However, the Constitution provides that the Congress shall determine the time of choosing the electors and the place of meeting of the electors. It is clear that the Constitution provides for a presidential election every four years, and that the Congress shall meet on the first Monday after the second Wednesday in December.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Texas.

Mr. WRIGHT. I think my distinguished colleague from Illinois for yielding to me.

I am sure that the gentleman from Illinois agrees with us that this action under question represented a derogation of the elector's rights and the State's will that its electoral votes be counted according to the choice of the voters, and for all get this problem settled so that we can adjudge by popular vote.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. There is no question about it.

Mr. WRIGHT. And so the gentleman would agree, also, that the vote the faithless elector cast was an irregular procedure to our basic system?

Mr. PUCINSKI. I agree with the gentleman on that. But the fact of the matter is I do not believe we can adjudge his actions through this resolution.

Mr. WRIGHT. The gentleman is familiar, I am sure, with the statute of 1867 which Congress passed to give the two Houses of Congress the responsibility of canvassing the votes and of determining whether they were regularly given?

Mr. PUCINSKI. I have heard the gentleman has heard in the previous debate there is a serious question as to just exactly where and when that statute begins and ends. I believe the statement was made here earlier that the statute provides for the Congress merely to confirm. I do not believe the Congress, within the framework of the Constitution, has the right to change any of the votes.

Mr. WRIGHT. Would the gentleman conclude that this vote by this elector who failed to cast all of his electorate and abused the obligation which he was assumed was "regularly given?" Would the gentleman characterize this as a regular action or an acceptable action to which the people do not deserve remedy?

Mr. PUCINSKI. I would say to the gentleman that we have come to this high pinnacle of man's achievement in this country simply because we have resisted changing our Constitution with the shifting sands of public opinion which ebb and flow like the tide. We really should have attacked this problem through the resolution method, but through a proper constitutional amendment, so that once and for all we can have order out of chaos in the election of our Presidents.

The SPEAKER. The time of the gentlemen from Illinois has expired.

The Chair now recognizes the gentleman from Illinois (Mr. DERWINski).

Mr. DERWINski. Mr. Speaker, some Members argue that it would be unconstitutional to sustain this objection: I say that the truly unconstitutional action would be to count the North Carolina elector's vote for Wallace. I shall not repeat the detailed legal analysis which other Members have made on this subject. My position is fundamental. The major function of the Constitution is to distribute the powers of government, and its great unifying principle is to affirm the ultimate power of the people as voters.

The framers of the Constitution may have believed that the electors would make independent judgments, and would be chosen for their individual wisdom, but this never became practice. In the first election in which there was an active contest for the Presidency, a Pennsylvania voter criticized the first faith­less electoral vote for John Adams in 1796. Do I chuse Samuel Miles to determine for me whether John Adams or Thomas Jefferson shall be President? No! I chuse him to act, not to think.

And that has been the expectation of voters ever since. The Nixon voters, who by their plurality enabled Dr. Bailey to become an elector from North Carolina, chused him to act, not to think, and to cast his vote for Nixon on December 16. After all, the voters in North Carolina who wanted Wallace to receive the State's electoral votes marked their ballots for Wallace. Thus Dr. Bailey exercised an authority to think for himself which the voters did not intend to give him.

The State of North Carolina has legislation on this subject, to override its constitutional power of determining how electors are to be appointed, the State adopted a ballot in which the names of all the traditional or presidential candidates would appear, not those of the electors. This is a clear expression of the States' will that its electoral votes be counted according to the choice of the voting public. To count a North Carolina elector's vote for Wallace would make a mockery of this law, an instrument to deceive voters into thinking they were helping elect the man whose name they marked on the ballot, whereas they were actually casting their vote for an unknown person who in turn could choose a President a person against whom they had voted.

Now what are the facts:

On December 16, 1968, Dr. Lloyd W. Bailey, a duly elected Republican elector from North Carolina cast his vote for George C. Wallace stating that he considered it "my moral obligation to do so." Bailey was selected as a Republican elector by the Congressional District Republican Convention prior to the Republican National Convention.

A person who cast his vote for Nixon of course was conscious that he was actually voting for an intermediary or expected that that intermediary would vote for Wallace and not for
Nixon. If he wanted the elector to vote for Wallace, he would so mark his ballot, or pull his lever. Putting it in another way, unless the Nixon electors are bound to vote for Nixon in the electoral college, there is no way in which the citizens who wish to choose Nixon for President can effect it.

To reemphasis, North Carolina statutes do provide that the names of electors shall not appear on the election ballot. Only, unless the Nixon electors are bound to vote for Nixon in the electoral college, there is no way in which the citizens who wish to choose Nixon for President can effect it. The law provides that a vote for the candidate of his party. Not to do so is certainly this in turn implies an obligation on the part of the elector to cast his vote for the candidate of his party. Not to do so destroys the effectiveness of the citizen's choice.

Mr. CHAMBERLAIN. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. CHAMBERLAIN. Mr. Speaker, I thank the gentleman for yielding.

I would further like to say to the Speaker, I am in sympathy with the objective of the gentleman from Michigan (Mr. O'Hara) and associate myself with his position. If we find one that is irregular on its face— or fraudulent in this case may be a better word—we do not count it. I cannot imagine a ballot being more irregular, or more fraudulent, than the one having an issue that does not give me any trouble, as apparently it is giving some Members here today.

One way in which we count ballots, if we find one that is irregular on its face—or fraudulent in this case may be a better word—we do not count it. I cannot imagine a ballot being more irregular, or more fraudulent, than the one before us today. This is a fraud that has been perpetrated before all the people of this whole United States. It is not right to count this ballot and we should not do so.

Mr. DERWINSKI. The gentleman from Michigan is certainly one of the most prominent Members of this House and he has just proved it by that statement. The SPEAKER. The Chair recognizes the gentleman from California (Mr. BURTON). Is the gentleman opposed to this question?

Mr. BURTON of California. Yes, Mr. Speaker.

Mr. BURTON of California. Mr. Speaker, I rise in opposition to the resolution. As one of the coequal branches of the Government, we have the continuing responsibility to measure our actions by the power granted to us under the Constitution as well as the limitations on our power as spelled out by the Constitution. It is essential that we recognize that this body cannot amend the Constitution of the United States by either statute or resolution. The Constitution is the ultimate expression of our power as spelled out by the Constitution. It is essential that we recognize that this body cannot amend the Constitution of the United States by either statute or resolution. The Constitution is the ultimate expression of our power as spelled out by the Constitution. It is essential that we recognize that this body cannot amend the Constitution of the United States by either statute or resolution. The Constitution is the ultimate expression of our power as spelled out by the Constitution.

For these reasons, I urge my colleagues to vote with me in opposition to the pending motion.

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. BURTON of California. I yield to the gentleman.
law. Today's action is a first only in that we do not know what it is; it is only a description that describes the method for objecting to an elector's vote. Regardless of the outcome of this debate, I believe our action today is correct and obligatory. The phrase 'as in some States' is vague; therefore, it is incumbent upon us to discuss, at least in this instance, what may or may not be considered regular. There is a distinction between a person who acts as an individual and not as an agent of the people of his State. The other view is that electors are agents of the people of their States, the formal means by which the people's vote is recorded. They have no independent existence and are asked neither to decide or even to think; they merely transmit the vote of their State.

Although there is ample evidence that many of the authors of the Constitution favored the former view, practice among those men who have been privileged to be elected, from the beginning, has conformed to the latter view. By now, we all know that this is a constitutional custom.

I support the objection of the gentleman from Michigan. I believe the intent of the people of North Carolina to cast their electoral vote for Richard Nixon has been thwarted, and that the elector, Dr. Bailey acted as an individual and not as an agent of the people of his State. There are two views of the role or power of the elector. The first is that electors are appointed by the parties in the States to exercise their own judgment, as in some States, is vague; therefore, it is incumbent upon us to discuss, at least in this instance, what may or may not be considered regular.

If we accept his vote, we are denying the voice of the people of North Carolina. This is not a question whether we did not vote for Dr. Bailey—his name was not even on the ballot. Other nations have electoral systems wherein people vote for parties and not people. However, since we are using that provision of the law, we are using that provision of the law, we are using that provision, it is legal in the State of North Carolina to vote blindly. Obviously, if this is the case, they did not vote for Richard Nixon; neither did they vote for Dr. Bailey. In either event, it is impossible for the State party could not guarantee that their vote would be cast for the candidate of their choice.

I believe the 1933 North Carolina law meant to bring the people's vote closer to a direct vote for President, and not remove it one more step from an effective vote. More than 20 States do not print the names of electors on the ballot. In other words, a vote for a candidate is deemed to be a vote for the person who is assumed to support that candidate. If we sustain Dr. Bailey's vote, we are saying to the people that it is legal to imply an electoral college vote, by associating him with a candidate's party—without putting any obligation on that elector to concur with the wishes of the people. Intimation becomes fact; appearance becomes reality.

We are making the voting process a game, as things are not what they seem. We are asking people to make vital decisions on what the choices are, nor are we allowing them to really decide.

I do not think our action here today is any substitute for electoral reform. There looms the possibility that such decisions as this one could be made every 4 years, with each State's laws making an entirely new case. But separate from the great need for changing our electoral process, for making clear the provisions of the law, for translating votes into electoral college votes, for the people to understand the dictates and the intent of the Constitution and the North Carolina electoral law of 1933. The people of the State of North Carolina voted for Richard Nixon. That vote placed Dr. Bailey in a position to transmit their vote to the electoral college. Dr. Bailey has no standing and no identity as an elector apart from the people's vote for Richard Nixon. He is the people's agent; he is obligated to represent the people and the State of North Carolina in electoral college votes. If we allow his vote to stand today, we have allowed the votes of the people of North Carolina to disappear, to become void. We have an obligation to guarantee that the people's vote is meaningful, that it exists. Therefore, I support the objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. Burlison).

Mr. BURLISON of Mississippi. Mr. Speaker, I rise in opposition to the objection. I believe that it existed in the people of his State, is meaningful, that it exists. Therefore, I support the objection. The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. Burlison).

Mr. BURLISON of Mississippi. Mr. Speaker, I rise in opposition to the objection. The objection was not a question whether we did not vote for Dr. Bailey's name was not even on the ballot. Other nations have electoral systems wherein people vote for parties and not people. However, since we are using that provision of the law, we are using that provision of the law, it is legal in the State of North Carolina to vote blindly. Obviously, if this is the case, they did not vote for Richard Nixon; neither did they vote for Dr. Bailey. In either event, it is impossible for the State party could not guarantee that their vote would be cast for the candidate of their choice.

I believe the 1933 North Carolina law meant to bring the people's vote closer to a direct vote for President, and not remove it one more step from an effective vote. More than 20 States do not print the names of electors on the ballot. In one way or another, a vote for a candidate is deemed to be a vote for the person who is assumed to support that candidate. If we sustain Dr. Bailey's vote, we are saying to the people that it is legal to imply an electoral college vote, by associating him with a candidate's party—without putting any obligation on that elector to concur with the wishes of the people. Intimation becomes fact; appearance becomes reality.

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The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. Edmondson).

Mr. EDMONDSON of Michigan. Mr. Speaker, will the gentleman yield?
congressional record — house

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from North Carolina for a splendid speech. I ask unanimous consent to insert in the Record at this point a statement with regard to the 12th amendment and the manner in which it does direct that the person be set aside for the people. The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The statement is as follows:

THE 12TH AMENDMENT

In 1800, the electorate met and cast their votes, each voting for two candidates, without distinction as to a Presidential and Vice-Presidential choice, as then prescribed by the Constitution. The result was a tie for first place between Jefferson and Burr, the two Democratic-Republican candidates, each of whom received 73 votes. John Adams received 65 votes, his "official" Federalist running mate, Pinckney, received 64, and one Federalist, elector voted for John Jay. This left Jefferson and Burr tied for President, and after considerable cliff-hanging, the House elected Jefferson over Burr. Subsequently, in order to prevent the possibility that the election be close in the House—of the election as President, of an unintended candidate through whatever means, the 12th Amendment—which the Congress submitted to the States, the twelfth amendment, was ratified in time to affect the electoral votes for President and Vice-Presidential, and makes other changes in the electoral college process, a language which now governs the choice and operation of electors. In the debates preceding its adoption by the Congress, there was much rhetoric evidence that it was the intent of the framers of the amendments to provide for as direct a Presidential election as they deemed possible, and that they viewed the electors as mere agents of the voters. Their speeches, from which I quote below, are favorable to our cause. But the environment in which they were delivered poses some questions since most electors immediately prior to the adoption of the Amendment were not chosen by direct election at all, but by the State Legislatures.

I. THE AMENDMENT

A. In the Senate. Senator Jackson of Georgia. "You must keep the election out of the House of Representatives if you wish to keep the people at large, and the danger of having a man not voted for by the people proposed to be placed over your head, as I am pleased to call it, is very real. We are but the servants of the people, and it is our duty to study their wishes. Senator Nicholas, of Virginia: "By taking the number three instead of five, you place the choice with more certainty in the people at large, and render the choice more consistent with their wishes. ... The people hold the sovereignty, and it was intended by the Constitution that they should have the election of the Chief Magistrate." Senator Samuel Smith, of Maryland: ... the Constitution: "... the right, intended that the election of the Executive should be in the people, or as nearly as possible in the people, and secure and the right of suffrage. ... Our object in the amendment is or should be to make the election more certain by the people." Senator Breckinridge of Kentucky: "If any principle is more essential to the existence of free government it is that elections should be as direct as possible; in proportion as you remove from direct election you approach danger. And if it were practicable to act without any agents in the choice, that would be practicable to do without any such constitution or agent."
the ideas suggested by him, would be more likely to insure the ultimate election of Presi­dents according to the will of the people, as the electoral votes are to be considered as their expression of the public will.

Rep. G. W. Campbell of Tennessee: "I consider to be the duty of this House, in introducing an amendment to the Constitu­tion on this point, to secure to the people the benefits of choosing the President, so as to conform to the public will.

Mr. Speaker: I view the language of the Constitution and read some of the court decisions with a contrary view.

Rep. Clopton (further): "The Electors are the organs, who, acting from a certain and unquestioned knowledge of the choice of the people, by whom they themselves are appointed and under immediate responsibility to them, select and announce those particular citizens, and affix to them their votes and evidence of the degree of public confidence which is bestowed upon them. The adoption of this medium through which the election should be made, in preference to the mode of immediate election by the people, was no abandonment of that principle in regard to the Vice-President. The adoption of this medium in the first instance, and the adoption of this alternative of a method of selecting them by the people not being intended as disarrangements to the energy of that principle—were not intended to operate any diminution of its force. The spirit of liberty is the genius of the Government, and the same. The same principle was intended to influence the Constitution of the United States from different forms and after a different manner. It is a great char­acteristic feature of the Government. It is a principle of the Constitution and a part of the Constitution, which in my view is the will of the people should be done; and that the elections shall be conducted by the people.

Rep. Holland of North Carolina: "Sir, I am one of those who have been early taught to respect the will of the people, and notwithstanding what has been said, I still retain an opinion that the public will is of binding obligation and I hope I shall continue to regard it. The Constitution itself is predicated upon the will of the people, and in order to ascertain that will the people, at all times, the framers were obliged to resort to elections and delega­tions of power by which agents were to be appointed to express and execute their will, whether acting in a Legislative or Executive capacity. But the delegation of power ought to be such as will be heard by the people; the people cannot be otherwise known. Under these impressions, I have not admired the plan of delegating the expression of the will of the people to those high officers by Electors. I should have preferred an immediate suffrage to this in­direct mode of selecting the Electors; but as the framers of the Constitution have thought proper to ascertain the public will through the medium of Electors, I am unwilling that they also should be under any unnecessary trammels whereby the will of their constituent­ships should be impeded.

The SPEAKER. The gentleman from Minnesota (Mr. FRAZER) is recognized for 5 minutes.

Mr. FRAZER. Mr. Speaker, I regret that I have not been able to consider the question which led to a limited challenge today; one which, if sustained, will only disqualify the vote of the defecting elector. I would have required the elector's vote to be counted in accordance with the pledge that he carried. At a future time that further result should be un­supported.

Does the Constitution confer upon an elector the unrestricted right to exercise his discretion regardless of the system used to elect him, and without reference to firm, public pledges to vote for a par­ticular candidate which were the sole basis of his election? I think not, although I regret to tell you I have reviewed the language of the Constitution and read some of the court decisions I had a contrary view.

Mr. Speaker: I am of the view that the drafters of the Constitution contemplated that presidential electors would use their own judgment and discretion in voting for a President. When the appointment was expressed by calling for the elector to "vote by ballot." But the same article of the Constitution contains a further pro­vision which in my view is the will of the people should be done; and that the elections shall be carried forward under an implied pledge in the interest of their voters.

The critical language is found in article II, section 1 of the Constitution, which provides that each State shall appoint presidential and vice-presidential electors by an implied pledge. The adoption of this medium in the first instance, and the adoption of this alternative of a system of selecting electors, including the unrestricted right to vote, and by district votes. Moreover, the courts have sustained the validity of the procedure used in North Carolina and in at least 34 other States. In these States only the names of the presidential and vice-presidential candidates appear on the ballot, and not the names of the electors. It is beyond dispute that the latter system contemplates that the electors will vote for the candidates on whose behalf they were filed. The electors are under an implied pledge to vote for those candidates. The creation of the implied pledge has been expressly referred to by the U.S. Supreme Court.

Thus, for over a century and a half, both practice and the courts have sanctioned and emphasized the right of the elective to carry either an explicit or an im­plied pledge to vote for a particular candidate, or to vote for a particular candidate. This right is not only consistent with the desire and with the judgment of the electors, but it is also consistent with the will of the voters. The U.S. Supreme Court has upheld a variety of procedures for the grant of power afforded each State to appoint electors; we have the lesser of the two challenges pending before us, I think we ought to take a look at some of the problems that face us in trying to resolve in our minds now that is a change in the legislation which must be examined.

In December 1967 I raised the question before a Republican Governors' conference in Florida of the possibility of the courts sustaining the challenge of the Vice-President to decide who might be the next Pres­i­dent. Quite frankly I was disappointed with the response that I received from seven Members of the body. I was dis­appointed with the interest on the part of the press. The news media discounted the possibility of this constitutional crisis. However, I do not believe that sufficient people were disturbed with this previ­ous problem as the election night wore on, believe me.

And, perhaps, the more fact that we have this issue pending before us today is yet another incentive for the Congress to initiate some affirmative action to avoid the possibility of a constitutional crisis in November 1972.

I am all for a change in the method by which we select the President. I have some views favoring one method over another, but I am willing to moderate my personal views to arrive at a solution. Therefore, I urge immediate action in the Committee on the Judiciary and on the floor, and the sooner we get together the better. But we have a concrete problem before us today as to what we should do about this specific issue raised by the gentleman from Michigan (Mr. O'HARA) and Senator Muskie.

Constitutionally, the gentleman from Ohio is right, the gentleman from Virginia is right, and the gentleman from North Carolina is right. I cannot argue with the freedom of choice of the elector or the constitutional process. But that does not mean that I am not for a change. And it is my opinion that we have to weave into our decisionmaking the question of the moral issue.

Our function today is to decide what vote to count. Do we count the vote of the faithless elector from the State of North Carolina or do we count the votes of the people of North Carolina who voted for the plurality for the President-elect? And, when I weigh on the scales under these circumstances whose vote or votes I am going to count today, I am
going to vote for the vote of the people of North Carolina who voted for Dick Nixon. Now, some will say that is a bad precedent. Well, I hope it is a precedent in a moot case, because, in the next 4 years, I hope we have found a better way to select a President of the United States than the one we have done it today. Therefore, whether it is a precedent under this procedure or not, I am not concerned about it.

I have decided about affirmative action on our method of electing a President. I hope that whatever the precedent is today that it certainly will be moot, and that we will soon have a new method and a new means of choosing a President so as to be effective in November of 1972.

Therefore, Mr. Speaker, may I conclude with this final observation—for obviously I am going to vote for the resolution if we get to that question, and I hope we do not—and in order to obviate a precedent which I believe would be bad, even though I would hope it would not be applicable in 1972. I am going to move, or seek to move to table the resolution. As soon as we conclude the debate, I am going to make the resolution, and I hope it is in order.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. Speaker, I would like to inquire if there are any other Members who are going to speak in opposition to the resolution. At present the Chair has one Member on the list who goes in opposition to the resolution, and three or four Members who will speak in behalf of the resolution. The Chair is making the inquiry in order that the Chair may protect the Members on the question of equality in the debate.

The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman from Texas yield?

Mr. ECKHARDT. Mr. Speaker, I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman for yielding.

I would like to insert into the Record at this point—and I would also like to read this telegram received by me today, which is as follows:

RALEIGH, N.C.

Hon. Walter B. Jones, Representative of North Carolina, House Office Building, Washington, D.C.:

Pursuant to your request you are advised that under the North Carolina statutes a presidential elector is not required to cast his vote for any particular candidate. James F. Bullock, Deputy Attorney General.

I thank the gentleman from Texas for yielding to me.

Mr. ECKHARDT. Mr. Speaker, I would be reluctant to appear here to oppose a resolution with such honorable intent against the gentleman from Texas who disavows the conduct if I did not consider it incumbent on me to do so under my oath of office.

Last Friday I voted "present" upon that question. And today I shall vote "no" upon the same basis.

There are twin derelictions that I consider to be the highest crimes of a representative official. The first is lack of fidelity to the people, and the second is lack of fidelity to the Constitution of the United States.

On so thorny a constitutional question as the one before this House today to determine whether I would vote on the next day one would be bold, indeed, if he were so sure of his correctness as to say the opposite conclusion defied the Constitution. Upon this, and upon the constitutional objection that I shall raise here, I feel that Congress' authority is clearly and expressly limited short of judging a hypothetical case. Therefore, whether it is a precedent un

The SPEAKER. The Chair recognizes the gentleman from Wisconsin (Mr. Rauss).

Mr. REUSS. Mr. Speaker, the question is whether the Congress may prevent a presidential elector chosen on the assumption that he would vote for Mr. Nixon from in fact casting his vote for Mr. Wallace.

Originally, there was no doubt that an elector was free to exercise his own judgment. But customary law has long since dictated an obligation to keep faith. As long ago as 1803, James A. Woodburn said in The American Public that—

The gentleman from North Carolina or was

Mr. Speaker, I ask the gentleman from North Carolina or was

Mr. Speaker, I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

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

Mr. PEPPER. Mr. Speaker, I ask the gentleman from Florida to explain what he meant by the phrase 'language of the Constitution, which some of our distinguished colleagues feel we are bound to do, could we have anything like an effective election tallied here today?'
Article II of the Constitution provides:
Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress.

In the case of the State of North Carolina, that would have been 13. The State of North Carolina did not do that. They authorized the Democratic Party to do the same thing. So the Legislature of North Carolina authorized three sets of electors, but only one set voted for President and Vice President. That would be one-third of the total number authorized to vote by the Legislature of the State of North Carolina if we ignore the vote of the people of the State.

Therefore, is it not apparent that by command of the law of several States that we have to come to treat the electoral college as an institution about as functional as is the appendix in the human body?

I ask one further question: Suppose the State of North Carolina had not named any electors, but suppose the Secretary of State had certified to the Congress that the State of North Carolina, let us say, voted for the President-elect. Suppose that today there were no certificate from the electors but that there was a certificate by the Secretary of State in the effect that they had voted for Nixon. Would it be counted here today?

MR. REUSS. I am confident it would be.

MR. PRYOR of Arkansas. Mr. Speaker, will the gentleman yield?

MR. REUSS. I yield to the gentleman.

MR. PRYOR of Arkansas. Mr. Speaker, the case of Dr. Lloyd W. Bailey is certainly not a case against the splendid State of North Carolina, any political party, either of the three presidential aspirants who presented themselves to the American electorate on November 5, or actually against Bailey himself. Rather, in its broadest sense the Bailey case presents a challenge to the very possibility, or principle, or philosophy, that the American voters could, if Dr. Baileys exist everywhere, find themselves completely disenfranchised and the popular will of the people annihilated.

Had Dr. Bailey, a Republican Party elector, pledged to support Richard Nixon, decided to cast his vote for Hubert Humphrey, instead of George Wallace on December 16 in the electoral college, his vote would have been flouted—the peoples’ wishes flagrantly violated. A Dr. Bailey in Arkansas, New York, or any of our States would of course have presented the same issue as arises at this historical moment today.

We talk about rights a great deal today. Civil rights, Indian rights, and water rights. But, Mr. Speaker, the Bailey case is the peoples’ right of the right of the people to speak effectively with their ballot—the will of the electorate of any given State not to be abandoned or mocked because of the personal whims or desires of electors who violate their agency relationship with their people.

The case of Dr. Bailey in its broad sense presents a challenge to the patchwork of cloudy and nebulous statutes and court decisions on both the Federal and State level in the area of the elector’s relationship to those who chose him to represent them in the electoral college. It is our hope that the deliberations of today will result in a resolution by the great constitutional issue encompassed in the Bailey situation will serve to clarify the position of those who make up the electoral college.

But on a broader front the case of Dr. Bailey comes to the basic roots of an antiquated, clumsy, and unfair method of electing our President. The question of what we now describe as an "unfaithful elector" is only one of many flaws, discrepancies, and dilemmas in our electoral college jungle.

Hopefully, the Bailey situation added to other related facets attached to the electoral college system, will demonstrate the necessity of the 91st Congress giving the highest priority to seeking wholesale reform in our method of electing our President.

The SPEAKER. The gentleman from California (Mr. Hosmer) is recognized for 5 minutes.

Mr. HOSMER. Mr. Speaker, I rise in favor of the resolution and recall to your mind that conspicuous omission of our Constitution, set forth in its preamble, is to establish justice. That is quite relevant to our decision today whether we should count or not to count the electoral vote from North Carolina. For here, too, we are seeking justice.

And what is justice?

It is a fair result which comes from an application of both law and equity. Law, as this Republic knows it, comprises the written provisions of our Constitution and our statutes, and the unwritten policies of the common law. Equity, on the other hand, is the conscience of justice. It is an obligation upon those seeking justice not to be blind to the situation in which application of law will promote injustice. It is an obligation to seek out the conscientable where otherwise the unconscientable would prevail.

True, equity is principally a tool of the courts, the judicial branch of our Government. But it is nowhere a tool denied the Congress, the legislative branch, in the conduct of its business.

In fact, the Congress, if we seek justice, are as bound to apply its principles in the conduct of our business as are the courts.

Today our business is to decide the election of a President and a Vice President. In this process we have been called upon to determine the validity of one vote cast by an elector from North Carolina.

In essence, we are called upon under the resolution before us to decide whether counting that particular vote will serve a conscientable or an unconscientable end. We are obliged to use all the tools of equity available to us at this decision. Equity is one of those tools, for this House cannot act without conscience in rendering justice.

The central issue before us, then, is whether counting this vote will conscientably forward justice or unconscientably thwart it.

What are the facts?

Simply that the elector in question in some manner held out to someone, including the electoral college, that he would become an elector he would vote for his party’s candidate for President and Vice President. For that reason, and realizing that he was an elector of North Carolina, he made an elector. But to the contrary notwithstanding, when it came to balloting, he cast his ballot for two other candidates. All this is a open and notorious knowledge of which we have taken legislative notice by entertaining the resolution before us.

In this sense he has defrauded those of us who were bound out a contrary intention in order to qualify to cast his ballot.

This elector’s fraudulent conduct is unconscientable.

If we obey the legalisms some have cited and blindly permit his unconscientable act to be effected by counting his ballot, thus forwarding his unconscientable purpose, we will have a breach of justice as I have explained them. We certainly will not be forwarding them.

As I have also explained, we have the power of the employer in determining this business before us. No one has denied that we have this power. Therefore we possess the capability to thwart this unconscientable fraud by this elector upon those who made him such.

I strongly recommend we exercise that power. It is our duty to do so and thereby achieve the conscientable ends of justice.

We can do so only by supporting the resolution. It will be a good precedent because it will bring a fair result.

The SPEAKER. The time of the gentleman from California has expired.

The Chair recognizes the gentleman from Massachusetts (Mr. Boland).

Mr. BOLAND. Mr. Speaker, in 1836, Senator Thomas Hart Benton said in regard to the office of presidential elector:

The agent must be useless if he is faithful, and dangerous if he is not.

These words apply with full force and vigor to the case of Lloyd Bailey, the faithless and, hence dangerous, elector of North Carolina.

Some 16,000 Americans have been chosen as presidential electors under the laws of the several States, in the 180 years since the American people first embarked upon the exciting, courageous and eminently successful experiment of selecting the powerful Chief Executive of a great nation to be chosen by the people over whose government he presides. Sixteen-thousand people—men and women of every race, every religion, every walk of life. Sixteen thousand people—some of them eminent public figures, more of them obscure private citizens—have been given the ministerial but solemn function of listening to what the people say at the polls and jotting it down on their ballots. Of this group of arm of Americans only six throughout the history of the country have sought to impose their own private judgment, their own will, over the free choice of the people to whom they are
accountable. This is a record of amazing fidelity to a system which has had few sanctions, and in which even those few sanctions have not been hitherto applied.

There have only been six of them, and in no case, have their disregard for their duty, changed the result of a presidential election. The lawyer's maxim, "De Minimis Non Curat Lex," might be thought to apply here, and we may be inclined to disregard the tiny and ineffectual mischief done by Elector Bailey on the grounds that the Nation, the President, and the people of North Carolina have suffered no lasting harm from his irresponsibility.

I see it differently, Mr. Speaker. As I see it, these six faithless electors have gone largely unremarked in our history because we have been fortunate enough not to have several of them emerge at the wrong time. Let us suppose, Mr. Speaker, that 85,500 popular votes, in the States of Illinois, Alaska, and New Mexico, had been cast differently. Let us suppose that by this combination of malice and muddle, in the voting returns of 1868, the election had been thrown into the House of Representatives by the margin of one electoral vote. In a situation like this a singlefaithless elector, motivated either by ideological considerations, as Bailey apparently was, or by some even less defensible motive, which Bailey literally held the Republic in his own hands, and subjected it to his own will. This, I submit, is not the kind of power the American people are willing to entrust to an electoral college, in which even those few sanctions have not been hitherto applied.

Mr. Speaker, I would now like to address myself briefly to the historical questions involved in this objection.

It is true, Mr. Speaker, that the presidential electors are free agents. Like a lot of other things that "everyone knows," this assertion simply has no basis in history. I do not question those learned observers who contend that the Founding Fathers intended the electors to be men of independent judgment, who would exercise their own wisdom in selecting among their fellow citizens for the Presidency. This assumption among the Founding Fathers is too well documented to question.

But there are two other facts to take into consideration in judging the duty of an elector, besides the original concept of the office. First, it is an axiom that a moral obligation and a legal requirement, more than the ideas suggested by him, would be more likely to insure the ultimate election of President and Vice President, according to the will of the people, as the electoral votes are to be considered as their expression of the public will. Representative of the 1st District, Tennessee: He considered to be the duty of this House, in introducing an amendment to the Constitution on this point, to declare by law the qualifications of choosing the President, so as to prevent a contravention of their will as expressed by electors chosen by them.

It is the clear duty of the Congress, not to interpose in its will between the people and their choice of a President, but to offer the shield of its authority as a protection of the sovereign right of a free people to see conferred the highest office in their gift upon the man they have chosen.

Mr. BENNETT. Mr. Speaker, it seems to me that a negative vote on this objection is required because of the specific wording of the Constitution and I expect to so vote. I take this opportunity to express my agreement with the issue thus raised may again point out the need for an amendment to the Constitution to eliminate the electoral college, and I hope the provisions which provide for the nomination of the President and Vice President each 4 years.

Like many others I have been for years interested in the legislation of this nature and I hope it can receive prompt attention this year.

Mr. FOUNTAIN. Mr. Speaker, I want to join those who have expressed their opposition to the amendment flown by the gentleman from Michigan and the Senator from Maine.

I, too, feel that Dr. Bailey had a moral obligation to his constituents. As Mr. Nixon because Dr. Bailey was an elector for the State of North Carolina and not just of the Second District, which still clung to their election.

A moral obligation and a legal requirement, however, in this instance, are two very different things. Enforcement of the Constitution of the United States, the constitution of North Carolina, the United States Code, or the statutes of North Carolina that binds a presidential elector to any one candidate. Nor to my knowledge has a decision binding our electors been issued by any competent court.

Therefore, regardless of whether we agree or disagree with Dr. Bailey's decision, Congress is powerless to act as proposed. It is powerless to vacate Dr. Bailey's vote and powerless to assign it to Mr. Nixon or any other candidate.

I am aware that one of the stated reasons for the objection of the gentleman from Michigan and the Senator from Maine is to dramatize the weaknesses in our present form of electing a President. But this thing has been dramatized and I hope the Congress will address itself at an early date to effective and appropriate reform.
It is important to point out that as a direct result of the electoral college system, we have had three presidential elections in which the candidate who led in popular vote was defeated. These elections were a result of the system in operation before the 12th Amendment remedied this and electors could no longer be compelled to vote for the man to whom they were committed.

The electoral college has outlived its usefulness. Today, with a third party in the field and other threats of vote splitting, it could deny the office of President to the man chosen by the largest segment of the voters.

An election thrown into the House could lead to the sort of backstairs bargaining that disgraced the Nation in 1824, when Andrew Jackson led in the popular vote but was defeated as the result of a deal between Henry Clay and the supporters of John Quincy Adams.

It is time to get rid of this political monstrosity before it does the sort of damage never envisioned by its creators.

Mr. Chairman, we have trouble with the argument of the petitioners in this matter is simply that as things stood in the 1868 election, the electors are not legally bound, no matter how distasteful the result. This court may have foreseen that we should not be considering this question at all, the resolution should be tabled as moot, in order that we might get on with the regular order of business.

Mr. WILKINS. Mr. Speaker, article II, section 1, of the U.S. Constitution provides in part as follows:

"The President shall, at stated times, be paid..." etc.

President shall receive, such Manner as the Legislature thereof may direct, a Number of Electors equal to the whole Number of Members in each House, to which the State may be entitled in the Congress.

The selection or appointment of each State's electors has been accomplished in many ways during the history of our country. It was a longstanding practice in many States, for example, for the legislature itself to appoint by name those persons designated to serve as that State's electors. The function of the Federal Congress is to derive their power not from the Congress but from their respective States. It should not, therefore, fall to the Congress to question the vote cast by a duly appointed elector of an individual State, and the identity of the person for whom that elector voted should not have any bearing on the question. Whatever the Congress has the power to tabulate or count the votes cast by all of the electors of all of the States and the District of Columbia. This power is found in article II, section 1, of the Constitution, as amended, and superseded by amendment No. 12 thereto. Said amendment No. 12 reads in part as follows:
The President of the Senate shall, in the presence of the Senate and House of Representatives, open the sealed certificates and the votes shall then be counted.

If a challenge to the appointment of an elector is to be made, it should be made in the Senate within 20 days after the return for the appropriate channels provided by each individual State.

This Congress must, and I believe it will, impose a constitutional test of the United States, and this dictates that the vote cast by Dr. Lloyd Bailey of North Carolina, a duly appointed elector of the State of North Carolina, be counted by this Congress just as it was cast by Dr. Bailey for George C. Wallace for President of the United States and Curtis E. LeMay for Vice President of the United States. Dr. Bailey is answerable to the people of the State of North Carolina. He is not answerable to the Congress of the United States.

Mr. BATES. Mr. Speaker, once again there is placed before us, in full view of the American people, a glaring and dangerous constitutional test in our Congress—a test that has cried out for a remedy for too long a period of time; a deficiency in an electoral system that, as Justice Jackson once observed, "had worked out a danger almost undistinguishable from rigor mortis." Nonetheless, we should not, indeed, we cannot overlook the constitutional fact that the elector, once seated, is free to cast his vote in the electoral college as he may choose. This has long been the constitutional law as I understand it. We are not here to resolve the moral issue concerning Mr. Bailey's vote as a North Carolina elector, or a custom or tradition that finds no constitutional support.

The significant question before the people of America today is not to redefine the past, but to provide a remedy for the future so we can avoid a perilous situation which has almost found ourselves due to the close vote in the last election. There are various acceptable ways to rectify the present situation, but failure to find a remedy is imperative that the actual vote of the people be reflected. I, therefore, urge, Mr. Speaker, that the Judiciary Committee be im­mediately and recommend to the House its judgment as to the constitutional changes that would seem best to cope with this very important problem.

Mr. VANIK. Mr. Speaker, I rise to support the O'Hara motion. In my concept of the constitutional process, a presidential election has no discretion with respect to the candidate for whom he is instructed to cast a ballot.

Today's voting displays a more serious defect in our present election process which must be corrected immediately.

The entire electoral college method of choosing the President of the United States is archaic and undemocratic.

The electoral college process, which has always been a cumbersome one, has also been a dangerous one. Under the present system, if the majority of electoral votes, the election is thrown into the House of Representatives. History has shown that in the past, there has been a lack of backbone and compromises were worked out behind closed doors, which angered great portions of the Nation and led to distrust in the constitutional system of the Federal Government. In the world's oldest democracy, there can be little support of an administration which has not received the largest plurality in a given election.

Even when the election is not thrown into the House of Representatives or the Senate, the electoral college is still a liability. Failure of the electoral college again revealed, electors can vote any way they want to. On their personal whim or purposeful defection, these people's wills and their own national self-study—the will and studied choice of hundreds of thousands of voters.

Mr. Speaker, it is imperative for us to continue to use the electoral college system in present-day democratic elections.

Therefore, I am introducing today a joint resolution to amend the Constitution to provide for the direct popular election of the President and Vice President of the United States. The resolution also provides that if no candidate receives a plurality of at least 40 percent of the total national vote, the House of Representatives will provide for a runoff election between the two candidates having the most popular votes. This proposal is patterned after the Cellier-Bayh bill of the 90th Congress.

Mr. FISH. Mr. Speaker, the "unfaithful elector" challenge by the gentleman from Michigan (Mr. Hara) presents the question whether the Congress has the power to alter a vote by a lawfully certified elector because he disregarded the people's will. National attention will again be focused on a serious weakness of our electoral system, and this is good.

I have long advocated basic reform in the electoral system. Change, however, should come about through a constitutional amendment and not piecemeal by legislation.

The Congress is asked to vacate the vote cast for Wallace by an elector from North Carolina chosen by a Republican Party convention for President and Vice President of the United States.

There is no question that the elector was properly elected. There is no question but that he was chosen on the assumption that he would cast his vote for Nixon, the winner of the popular vote in North Carolina. There is no question the elector voted for Wallace in defiance of a moral obligation imposed on him. But neither is there a requirement in the law of North Carolina binding an elector to vote for the winner of the popular vote, nor was any challenge to the elector's action made in North Carolina.

The gentleman from Michigan relies on an 1887 law, passed by Congress in response to the Hayes-Tilden scandal of 1876 when the President cast the tie-breaking votes for Hayes. The intent of the 1887 law was to keep future disputes out of Congress and within the respective States. The 1887 law provides for Congress with respect to counting electoral votes to decide whether a vote has been "regularly given by electors whose appointment has been so certified." The challenge relies on the ground that the vote of the North Carolina elector was not "regularly given."

Advocates of the objection to counting the vote admit that the Constitution, article 11, section 1, visualizes an independent office of presidential elector. But it is argued that the law has involved the principle of the pledged elector.

Granted custom and usage, quite a different question is presented over the power of Congress to act in this case.

It was pointed out in debate that only a constitutional amendment can change the constitutional independence of an elector. Furthermore, nothing in the 1887 law suggests Congress intended to take upon itself the power to change an elector's vote because he disregarded the people's will. Quite the contrary is evident from the history of the law.

The need for definitive electoral reform cries out. All Members of Congress believe the people are sovereign. Had Congress the power to overturn the unfaithful elector, I would be counted with the objectors. I conclude, however, that Congress has no such power.

If we conclude we cannot alter the system which might have resulted had no presidential candidate received a majority of electoral votes in 1968, the need for electoral reform is potentially urgent.

The system needs change. The correct way is by constitutional amendment, and the time for such amendment is now.

Mr. RARICK. Mr. Speaker, the House this afternoon is concerned with a challenge against one of the 13 electoral votes cast from the State of North Carolina. Under the Constitution and our oath of office, we, as Congressmen, are not election supervisors nor given discretion to recompute the vote received from a sovereign state. The Constitution clearly places that duty on our district or electoral vote, the ministerial function of a central collecting agency and a tabulating point.

The President pro tempore of this session announced that the joint session was called under the Constitution for the purpose of opening the certificates, as Congress is now doing, and counting the electoral votes of the several States for President and Vice President.

Senator JORDAN of North Carolina in the capacity of one of the tellers announced:

The certificate of the electoral vote of the State of North Carolina seems to be regular in form and authentic.

And thereafter announced the respective votes. The challenge was then made to one vote in the return.

North Carolina elector, Dr. Bailey, chose not to cast his vote for the Republican candidate. Rather, as a Republican elector, he cast his ballot—and it was counted and included in the return—for the former Governor of Alabama, George C. Wallace.

The defection is the basis for the challenge—which can in no way affect the election. I find it hard to understand how an elector, chosen by the people of his State, can be used to dramatize a so-called weakness of the electoral system.

When we contemplate that in over 180 years there have been only six instances of like defection under the sys-
tem, it would appear to the contrary that Dr. Bailey’s revolt should prove that the electoral system is not to be trusted, and any defects or weaknesses are not from the Constitution but rather those of human frailty.

As a voter, the North Carolina electoral revolt does not present any crisis or even a contest. The State of North Carolina undertook no remedial action, but rather ratified the vote by certifying it. Consequently, the entire election is over and Mr. Nixon has won, the incident—at most—is being utilized as a vehicle to promote change in the constitutional system.

It is interesting to note that some who repudiate the event do so to indicate the need for a change to give the people a more direct voice in the selection of their President. The paradox is that such is Dr. Bailey’s explanation of his action. He said he voted for Mr. Wallace because Mr. Wallace was the candidate who lived in his district in which he voted, indicating that Dr. Bailey felt he, too, was trying to give the people their voice for the presidency.

There have been many accusations and protestations against the electoral system based on the premise that once the election is over, the elector can change his mind and vote contrary to his people.

Have we not experienced other situations where politicians are elected but forget their promises and people once the votes are counted. This being so, no one would say that because of the inherent frailty in our elected leaders using their discretion we have dramatized a breakdown in our representative government. Or, would they have us change this, too?

Discounting the emotion of the hour and conjecture as to what might have happened or could have happened—one elector bolted his party, nothing more, and married. There was no constitutional crisis. Through supposition and fear everything has been blown out of reasonable perspective.

The fact is the election might have been thrown into the House was whose fear? The people’s or political factions? Had it been, there still was no crisis—the Constitution itself provides for such contingencies. But the Constitution does not provide for political parties or partisan controls.

The election is in the House today. And there is the inherent fear of the system of electors into our people by moving to recast the votes could be in reality attempting to perform precisely what the Constitution intends, to that is, electing a President in the House of Representatives.

Since the constitutional provision assigning our role in the presidential election is not a constitutional crisis, otherwise valid and authenticated on the face. We, like Dr. Bailey, are constitutionalists. If the House is given the power to act under our oath to preserve and defend the Constitution as it now exists, we would be as wrong as he should we vote down the objection previously made.

Mr. SCHWENGEL, Mr. Speaker, the question raised by Senator MUSKIE and gentleman from Michigan (Mr. O’HARA) relative to the electoral vote of North Carolina, brought before this body once again, the crucial problem of urgently needed election reforms. As so correctly noted by the distinguished gentleman from Michigan (Mr. GERALD R. FORD), we should be thankful that an even more crucial decision relative to the election was not before us, to-wit selection of the President of the United States. Our constitutional system would have been severely tested were that question presented to us. The closeness of the election coupled with the question presented here, make it imperative that the Congress act during this session to update our election procedures, including the electoral college procedures.

It was my pleasure to join Senator MUSKIE and my colleague, Mr. O’HARA, in their protestation. It is startling Dr. Bailey’s vote as an elector for the State of North Carolina. Title 3, sections 15 to 18, of the United States Code implements the provisions of article II, section 1 of the U.S. Constitution relative to the procedure for counting of electoral votes by the Congress. Specifically title 3, section 18 provides in part:

And no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully made, and of which the returns have been presented to the Congress, shall be rejected; but no electoral vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. [Emphasis added]

Debate on this issue placed a number of the attorney-Members of this body in direct conflict as to the meaning of the word “regularly.” If one “strict constructionist” would argue, that the electors are permitted to vote for anyone, regardless of the outcome of the election, unless the State’s laws require them to the contrary. In this case, North Carolina’s laws do not specifically bind the electors to the outcome of the popular vote. The “broad constructionist” would argue on the other hand that “regularly given” should be read in light of the electors moral obligation to vote in accordance with the outcome of the popular vote.

Without belaboring the niceties of the legal arguments it seems to me the view which takes into consideration the moral obligation of the most important act we perform that of the vote. As so well put by my colleague, the gentleman from Illinois (Mr. DERWINSK:)

Out our way when we count ballots, if we find one that is irregular on its face, fraudulant in this case may be a better word—we do not count it. I cannot imagine a ballot being more fraudulent, than the one that we have before us today.

Among the various definitions accorded to the word “regular” by Webster is the following:

5. Undeviating in accordance to a standard of conformity, a standard of excellence.

And so forth. The clear standard set by the “convention” of nearly 190 years of precedent is that electors will vote in accordance with the outcome of the popular vote, regardless of whether or not they are required by law to do so. Dr. Bailey, the so-called faithless elector, has violated his clear moral obligation to the people of North Carolina who voted for Dick Nixon, and who, in reliance on many years of precedence, thought he would cast his vote in accord with the outcome of the popular vote. A more clear case of an irregular vote would be difficult to find.

The SPEAKER. The Chair recognizes, for the purpose of concluding debate, the gentleman from Michigan (Mr. O’HARA) for 5 minutes.

Mr. O’HARA. Mr. Speaker, needless to say, I did not take the oath of office on Monday with the intention of standing here on Monday and proceeding to violate the Constitution of the United States. I have filed this objection because I believe that doing so would be contrary to the Constitution, it supports it.

It has been said that the Constitutional Convention created a scheme of constitutionally independent electors. I concede that it was the creation of the members of the Constitutional Convention that electors be independent. And if one stopped reading there one could read no further conclusion.

But a lot of water has gone over the dam in the past 180 years. Most notably, the 12th amendment was adopted.

Now, the 12th amendment is a replacement for most of the electoral scheme adopted by the Constitutional Convention. If Members will look in their House manuals they will find that the original provisions of article II, section 1 which were replaced by the 12th amendment do not even appear there. Instead, a footnote under the 12th amendment indicates that the 12th amendment replaced them.

Now, why did we have the 12th amendment? We had it precisely because by 1800, it was well understood that these electors were not independent, that they were voting at their party’s call.

The 12th amendment was produced by the tie between Jefferson and Burr that resulted from the fact that every Democratic elector voted for Jefferson and for Burr. Now, that was not considered a bad result. If it had been the 12th amendment would not have been needed. But everyone agreed that unless the 12th amendment were adopted every election after that would result in a similar tie.

The understanding of the framers of the 12th amendment was that electors would vote for the nominees of their party. And that is the important legislative history involved.

Indeed, in an Alabama case that went to the Supreme Court in 1952—Ray against Blair—Blair, who wanted to be a Democratic elector but did not want to be bound to vote for the Democratic nominee, made the claim that the Con-
situation made him a free agent, and the support that he received from Dr. Bailey makes it.

We ought to reject that claim today when Dr. Bailey makes it.

It has been said that the situation which we face today would be different and somehow more favorable to the objection if the State had a specific requirement that the elector take an oath to support the nominee of his party. We do not believe that the North Carolina Legislature would have had the desire to be bound by such a requirement. Never in the history of North Carolina had an election been so threatened. There had not been a faithless elector in the United States of America for more than 100 years before North Carolina adopted its statutory scheme, which clearly contemplated that electors would vote for the nominee of their party.

But what if they had an oath?

What good would it have done them? How could they enforce it? They could not. The Constitution requires a vote by ballot. How would the State know who had cast the errant ballot? Much less are they able after the event to require him to cast it as his oath required. Only the Congress can see to it that the elector respects his obligations, and the only way we can do it is by sustaining the objection that the junior Senator from Maine, Senator Muskie, and I have filed.

The SPEAKER. The time of the gentleman from Maine has expired. All time has expired.

The question is, Shall the objection submitted by the gentleman from Michigan (Mr. O'HARA) and the Senator from Maine (Senator Muskie) be agreed to?

The question was taken; and the House divided, and there were—aye 170, nay 228, not voting 32, as follows:

[Roll No. 9]
CONGRESSIONAL RECORD—HOUSE

January 6, 1969

Okonkoi
Olsen
O'Neill, Mass.
Ottenger
Padgett
Patten
Perry
Perkins
Phibbin
Pinnel
Pivello
Powers
Price, Ill.
Pryor, Ark.
Rae
Reese

Olsen
O'Konskl
Patman
Pollock
Ottinger
PoweU
Rees
Abernethy
Anderson,
Alexander
Betts
Belcher
Ashbrook
Battin
Blanton
Berry
Bates
Broyhill, Broyhill, N.C.
Burleson, Tex.
Buchanan
Brock
Brinkley
Bray
Bow
Chappell
Camp
Caffery
Cabell
Collier
Clawson, Del.
Daniel, Va.
Collins
Davis,
Conable
Cowger
Denney
Davis,
Dempsey
Dickinson
Dorn
Downey
Dowling
Edwards, Ala.
Edwards, La.
Edgar
Eshelman
Evans, Tenn.
Finley
Fisher
Flowers
Foley
Ford
Fountain

Thompson, N.J.
Tieren
Tung
Van Deelen
Van Orden
Wilkerson
Wheat
Wyatt
Van Orden
Yeton
Young
Zahniser
Pike
Froge
Preyer, N.C.
Spencers
Quay
Quillen
Randall
Rial
Reinecke
Ragin
Haley
Kocher
Kidd
Hanna
Hoffman
Hoffman
Hood
Horn
Sanderfer
Hut
Rut
Springer
Stafford
Starcher
Steed
Steiger, Ariz.
Steiger, Wis.
Stevenson
Stebbinsfield
Suckey
Symington
Talcott
Taylor
Temple
Thompson, Ga.
Thompson, Ws.
Utah
Utman
Vagts
Van Gorder
Wagner
Wampler
Watts
Whalen
White
Whitehurst
White
Whiteman
Wiggins
Wilson
Wolfe
Wyler
Wyman
Zahniser
Zwach

Brooks
Burke, Vla.
Burton, Utah
Cochran, Miss.
Coddaro
Dwyer

Everett
Pulley, Tenn.
Kutzyszycki
McDonald.
Dwyer

Hanna
Beld, N.Y.
Taft

So the objection was rejected.
Mr. YATES changed his vote from "nay" to "yea."
Mr. MORTON changed his vote from "yea" to "nay."
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will notify the Senate of the action of the House, and will inform that body that the House has rejected the objection submitted by the Representative from Michigan (Mr. O'HARA), and the Senator from Maine (Mr. MUSKIE) and is now ready to further proceed with the counting of the electoral vote for the President and Vice President.

RECESS

The SPEAKER. The Chair declares a brief recess, subject to the call of the Chair.

Accordingly at 4 o'clock and 35 minutes p.m., the House stood in recess, subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 4 o'clock and 45 minutes p.m.

CONTENDING THE ELECTORAL VOTES; JOINT SESSION OF THE HOUSE AND SENATE HELD PERSUANT TO THE PROVISIONS OF SENATE CONCURRENT RESOLUTION 1

At 4 o'clock and 45 minutes p.m., the Doorman for the States, who was Mr. M. Miller, announced the President pro tempore and the Senate of the United States.
The Senate entered the Hall of the House of Representatives, headed by the President pro tempore and the Secretary of the Senate, the Members and officers of the House of Representatives present.
The President pro tempore took his seat as the Presiding Officer of the joint convention of the two houses, the Speaker of the House occupying the chair on his left.
The joint session was called to order by the President pro tempore.
The President pro tempore.
The joint session of Congress for counting the electoral votes resumes its session.
The two houses retired to consider separately and decide upon the vote of the State of North Carolina, to which objection has been filed. The Senate has been duly notified—and appreciates the graciousness of the House in so doing—of the action of the House of Representatives. The Secretary of the Senate will now report the action of the Senate.
The Secretary of the Senate read as follows:

In the Senate of the United States:

Ordered, That the Senate by a vote of 32 ayes to 35 nays, reject the objection of the electoral votes cast in the State of North Carolina for George C. Wallace for President and for Curtis R. LeMay for Vice President.

The PRESIDENT pro tempore. The Clerk of the House will now report the action of the House.
The Clerk of the House read as follows:

In the House of Representatives of the United States:

Ordered, That the House of Representatives rejects the objection to the electoral vote of the State of North Carolina submitted by the Representative from Michigan, Mr. O'HARA, and the Senator from Maine, Mr. MUSKIE.

The President pro tempore. Under the statute in this case made and provided, the two Houses having rejected the objection that was duly filed, the original certificate submitted by the State of North Carolina will be counted as provided therein.

Tellers will now record and announce the vote of the State of North Carolina for President and for Vice President, and the two Houses referred to and pursuant to the law.

Mr. JORDAN of North Carolina. Mr. President, I think first I should apologize for one of my constituents having forced a call of the two Houses in joint session and for all the work we have had to do today.

Mr. President, in accordance with the vote of the two Houses, Richard M. Nixon, of the State of New York, received 12 votes for President, George C. Wallace, of the State of Alabama, received one vote for President, Spiro T. Agnew, of the State of Maryland, received 12 votes for Vice President, and Curtis E. LeMay, of the State of California, received one vote for Vice President.

Mr. FRIEDEL (one of the tellers). Mr. President, the certificate of the electoral vote of the State of North Dakota seems to be regular in form and authentic, and it appears therewith that Richard M. Nixon, of the State of New York, received four votes for President and Spiro T. Agnew, of the State of Maryland, received four votes for Vice President.
The tellers then proceeded to read, count, and announce, as was done in the case of North Dakota, the electoral votes of the several States in alphabetical order.

The President pro tempore.

The particulars of the Congress, the certificates of all of the States have now been opened and read, and the tellers will make the final ascertainment of the results and deliver the same to the President pro tempore.
The tellers delivered to the President pro tempore the following statement of the results:
The undersigned, Samuel N. Farnen, and Glenn W. Lipecomb, of the House of Representatives, B. Everett Jordan and Carl T. Curtis, tellers on the part of the Senate, report the following as the result of the ascertainment of the Secretary of the House of Representatives, B. Everett Jordan and Carl T. Curtis, tellers on the part of the Senate, report the following as the result of the ascertainment of the Secretary of the Senate, of the votes cast for President and Vice President of the United States for the term beginning on the 20th day of January, 1969:
Mr. ALBERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10) to increase the per annum rate of compensation of the President of the United States.

The Clerk read as follows:

H.R. 10

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of title 3, United States Code, is amended by striking out "$100,000" and inserting in lieu thereof "$200,000."

S. 2. The amendment made by this Act shall take effect at noon on January 20, 1969.

The SPEAKER. Is a second demanded? Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as Members all know, this is the first suspension bill of the 91st Congress. Normally the Speaker would not recognize Members to call up bills under suspension of the rules this early in the term and without committee consideration. The only reason that this method has been used on this occasion is that it presents an opportunity to consider this legislation before the new President takes office. Members know that under article II, section 1, of the Constitution of the United States of America the President of the United States cannot be increased during his term of office. Therefore, if the matter is to be handled at all, it must be passed by both Houses of Congress and signed by the President before noon on January 20. Members further know, Mr. Speaker, that committee assignments have not been made and will not be made in time for normal hearings and proceedings to be had in order to consider this bill by the deadline.

In view of these circumstances, the distinguished minority leader and the distinguished chairman and ranking member of the Committee on Post Office and Civil Service that I have jointly offered this resolution for the consideration of the Members of the House.

Mr. Speaker, all Americans are aware that a dollar sign cannot be put on the President’s office. This is the most important position on earth today. It is well known that the salaries of many officials in private business far exceed...
that recommended here. Moreover, Mr. Speaker, it is interesting to note that of all salaries of officers and employees of the Government of the United States, action on the salary of the President has been the most laggard. The original salary was set in 1789 at $25,000 per year and there have been only three increases since that time. The last increase was made effective January 20, 1949, 20 years ago. This was an increase from $75,000 to $100,000.

Increases have been made for all officers and employees of the Government since the last Presidential pay increase. Let us take a few examples. The salary of Members of Congress in 1949 was $15,000 annually. By two increases salaries are now $32,000 per year. The salary of the Vice President and the Speaker of the House was raised from $30,000 in 1949 to $43,000 in 1968.

Salaries of Cabinet officers were raised from $10,000 in 1949 to $55,000, a 450-percent increase.

The salary of the Chief Justice of the United States was increased from $25,500 to $84,000, a 230-percent increase. Salaries of Associate Justices were $25,000 in 1949; today they are $39,500, an increase of 58 percent.

The highest salary provided by law for top career civil service employees in 1949 was $14,000, and was finally increased to $26,000 in 1968, an aggregate increase of 110.8 percent.

These figures do not tell the whole story. The salary of the President now $100,000, is only 400 percent above the salary received by George Washington. The salary of the Vice President in 1789 was $5,000; today the salary of the Vice President is $43,000, an increase of 860 percent. Even if one of the Vice Presidents were to die, the salary would more than twice the increase Congress has seen fit to give the President of the United States. The last increase given to the President of the United States during the tenure of Mr. Hoover was to $75,000 in 1969. Numerous increases were made between that date and 1949 for all other officers and employees of the Government.

It seems to me, Mr. Speaker, that the importance of the office of the President of the United States, the esteem in which the American people hold the office, regardless of politics or personalities, and the fact that so much time has elapsed between presidential salary increases, all argue strongly for the bill now being considered under suspension of the rules. I therefore urge my colleagues to vote to suspend the rules and pass this legislation in this House today.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, since there has been no hearing whatever of this proposed legislation, I want to take time to ask some questions of the sponsors of the bill, who I assume are prepared to provide an answer. I have been provided with a 100-percent increase in salary for the next President, I would like to ask what will be the percentage increase recommended for other officials in the executive branch, the legislative branch, and the judicial branch of the Government? Since we are being called upon here today to approve by law a 100-percent increase for the President, I would like to know what the proposed salary increase for officials in the three branches of the Government will be per centagewise.

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

Mr. GROSS. I am glad to yield to the gentleman from Oklahoma.

Mr. ALBERT. I am not able to answer that question. The report of the President has not come up to the Congress, and his report can be acted upon by the Congress only when it does come up.

Mr. GROSS. Does the gentleman not think that this proposed action will be setting a precedent—a bill to provide a 100-percent increase for the President, without any knowledge of what is to be done with respect to other officers of the Government? And what about the Vice President?

Mr. ALBERT. If the gentleman will yield further, I believe an increase for the President of the United States is overdue, and overdue for any other officer of the Government. The President has had only three increases since George Washington’s time.

Mr. GROSS. Beyond salary what other emoluments go to the office of the President of the United States?

Mr. ALBERT. Will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Oklahoma.

Mr. ALBERT. There is, of course, a $50,000 expense allowance which was authorized by law in 1949.

Mr. GROSS. If the gentleman will pardon me for interrupting, that is tax­free and spent upon the accounting of the President alone; it is correct?

Mr. ALBERT. The gentleman is incor­rect. It is subject to taxation. If it is not spent, then it reverts, as I understand, to the Treasury. But the President has only three increases since George Washington’s time.

Mr. GROSS. Beyond salary what other emoluments go to the office of the Vice President of the United States?

Mr. ALBERT. Will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Oklahoma.

Mr. ALBERT. There is, of course, a $50,000 expense allowance which was authorized by law in 1949.

Mr. GROSS. If the gentleman will pardon me for interrupting, that is tax­free and spent upon the accounting of the President alone; it is correct?

Mr. ALBERT. The gentleman is incor­rect. It is subject to taxation. If it is not spent, then it reverts, as I understand, to the Treasury. But the President has only three increases since George Washington’s time.

Mr. GROSS. Beyond salary what other emoluments go to the office of the Vice President of the United States?

Mr. ALBERT. Will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Oklahoma.

Mr. ALBERT. There is, of course, a $50,000 expense allowance which was authorized by law in 1949.

Mr. GROSS. If the gentleman will pardon me for interrupting, that is tax­free and spent upon the accounting of the President alone; it is correct?

Mr. ALBERT. The gentleman is incor­rect. It is subject to taxation. If it is not spent, then it reverts, as I understand, to the Treasury. But the President has only three increases since George Washington’s time.

Mr. GROSS. Beyond salary what other emoluments go to the office of the Vice President of the United States?

Mr. ALBERT. Will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Oklahoma.

Mr. ALBERT. There is, of course, a $50,000 expense allowance which was authorized by law in 1949.
austerity and frugality, especially when we know that a huge pay bill is in the making and will be offered to Congress in the near future.

I do not understand the reasoning back of this move today, and especially when no one, so far as I know, who could possibly benefit, has asked for this increase.

Mr. UDALL. Mr. Speaker, will the gentleman yield further?

Mr. UDALL. I yield to the gentleman from Arizona.

Mr. UDALL. Let me say a couple of things.

It pains me to see my beloved friend attacking the President of his own party, not even in office yet. He said during the campaign he was going to accelerate the pay increases for the Federal employees, that there was a lag and he deplored this and he was going to take action to help us speed it up.

Out of this $100,000,000,000 increase between $65,000 and $70,000 will be turned right back around, to come back to the Treasury as taxes on the President’s salary, so we are talking here about $30,000 to $35,000 in all in this bill.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

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

Mr. HAYS. In line with what the gentleman said about nobody asking for the increase, the last time congressional salaries were raised I remember very distinctly a number of Members made speeches against it, and some of them very vehemently. Does the gentleman know of any instance of their not taking the increase after it was passed?

Mr. GROSS. No, no more than I would know of any reason why, if they put a bridge across the Ohio River leading from Ohio to another State, I should not drive across that bridge even though I might have opposed the building of it.

Mr. HAYS. Mr. Speaker, will the gentleman yield further?

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

Mr. HAYS. I would not use the bridge if I had made a speech saying I would rather not.

Mr. UDALL. Of course, the gentleman from Iowa made no such statement, and the gentleman from Ohio well knows it.

Mr. UDALL. Mr. Speaker, will the gentleman yield to me on that point?

Mr. GROSS. I yield to the gentleman from Arizona.

Mr. UDALL. I prepared a form 4 years ago when we had the congressional pay bill up, under which a Member of this House could irrefutably refuse to take any increase. I just want to tell the Membership—and I thank the gentleman for yielding—I will have those forms available.

Mr. GROSS. I believe the gentleman announced that the last time a pay increase bill was before the House; did he not?

Mr. UDALL. I did not hear the gentleman.

Mr. GROSS. I believe you announced that the last time you did, did you not?

Mr. UDALL. I did. I try to be helpful.

Mr. GROSS. There is nothing new or novel about the suggestion of the gentleman from Arizona (Mr. Usall).

Mr. UDALL. I will have these forms available, if the Members feel strongly they might not accept this increased pay bill, or are not worth it. I will have these forms available.

Mr. GROSS. That is fine, but we happen to be dealing today with a 10 percent increase for the next President of the United States, not for Members of the Congress. We will cross that bridge when we come to it.

Mr. Speaker, I urge the defeat of this bill, and reserve the remainder of my time.

Mr. ALBERT, Mr. Speaker, I yield 5 minutes to the gentleman from Michigan, the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the yield of the time by the distinguished majority leader.

I compliment him for taking the initiative in advocating this legislation for a President not of his own party. I think this is indicative of the fine character and forthrightness of the gentleman from Oklahoma.

I think we all recognize that the President is the point man and the toughest job in this country and perhaps in the world. The President of the United States in the next 4 years will be dealing with budget problems from $180 billion to $200 billion a year. Today when the new President takes over he will become Commander in Chief of a military force of approximately 3 million men and women on active duty. At the same time he will be the ranking civilian in the executive branch where the total civilian employment is approximately 2.7 million.

Now, several years ago, rightly or wrongly, the Congress adopted the principle of comparability with industry in fixing the salaries of Federal Government officials and employees.

I feel very strongly that the President stands immeasurably taller and carries far, far heavier responsibilities than the head of any corporation in the United States. Yet by almost any standard his salary is smaller.

Mr. WAGGONNER. Mr. Speaker, will the gentleman tell the Members at that point? Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman for yielding.

Mr. Speaker, I think it would be an absolute impossibility for us to legislate comparability in pay for the President of the United States with any other job which exists on the face of this earth today. As far as I am concerned, the President of the United States, no matter who he is, is the most important man in the United States. It is very little as far as I am concerned in taking care of the needs of the President of the United States. I am prepared to support this bill and any other bill which we can bring on today which will give the President of the United States at least a fraction of what he deserves. It makes no difference to me who the President is or what his party is in making this decision.

Mr. GERALD R. FORD. Mr. Speaker, I am very grateful for the observations...
and comments of the gentleman from Louisiana.

Let me continue with one or two additional observations.

While the salaries of Federal Government officials, employees, and other elected officeholders have been adjusted in recent years, the President's salary has not been adjusted upward since 1949. I wonder how many other Americans today, those who serve in this body, those who work in this body, or those who are otherwise employed in the United States, would feel that they had been done right by if their salaries should have been held at the 1949 level, particularly since the cost of living from 1949 to date has advanced approximately 90 percent from then to the present time. Whether we like it or not, undoubtedly the cost of living will increase anywhere from 2 to 3 percent in each of the years for the next 4 years.

Perhaps some may argue, Mr. Speaker, that the President's salary should not be increased at all, and that we have already had a certain salary that maybe others feel that way. The quarrel, if there is one, might be over the size of the increase. I personally feel the President's salary has not been increased or adjusted upward since 1949. And, it is absolutely certain that if the Federal taxes on this increase would amount to around $35,000; is that correct? Mr. UDALL. No, no.

Mr. ALBERT. I do not have the figures here, but for a person with no dependents the take-home pay would be only $98,818. With one dependent it would be $99,246.

Mr. ALBERT. We hear a lot these days about take-home pay. I think it is very important that we have the facts directly set forth in the Record.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. I do not have the figures here, but for a person with no dependents the take-home pay would be only $98,818. With one dependent it would be $99,246.

Mr. JONAS. We hear a lot these days about take-home pay. I think it is very important that we have the facts directly set forth in the Record.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Arkansas.

Mr. MILLS. I am sure that my friend has been talking about and that is what is left after Federal taxes. I can assure the gentleman that his figures are correct, based upon the salary for the top-ranking position that we are talking about is $98,818 or $99,246 for the President after Federal taxes out of a $200,000 salary.

Mr. JONAS. And, that does not take into consideration New York State or New York City income taxes, both of which have to be paid out of the 50 percent that is left?

Mr. MILLS. That is correct.

Mr. ALBERT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Mexico.

Mr. DULSKI. Mr. Speaker, I have co-sponsored H.R. 10, together with our distinguished majority and minority leaders, the Honorable Carl Albert and the Honorable Gerald R. Ford, and the ranking minority member of the Post Office and Civil Service Committee, the Honorable Robert Corbet.

We took this action in order that the House may have an opportunity to consider an increase in compensation for the President before President-elect Nixon takes the oath of office on January 20, 1969.

The bill has been referred to the Committee on Post Office and Civil Service. But, as everyone knows, the committee has not yet been organized and there will be no opportunity for committee consideration of the proposal before January 20.

II, section 1, clause 6, of the Constitution, provides that the President shall receive a compensation for his services "which shall neither be in exceeding nor diminished during the period for which he shall have been elected."

A 4-year term of office for the President is fixed by title 3, United States Code, section 101, and the term "in all cases, commences on the 20th day of January next succeeding the day on which the votes of the electors have been given."

Section 102 of title 3, United States Code, now fixes the compensation of a President in the amount of $100,000 a year. This rate was last adjusted by the act of January 19, 1949, and became effective at noon on January 20, 1949, when President Truman took office.

On January 20 of this year, a new presidential term will begin. The prohibition of the Constitution against changing a President's compensation during his term of office can be nullified by Congress only if the utmost importance that this legislation be considered under the unusual procedure which we are following here today.

Unless the compensation of the President is adjusted before January 20, the Constitution would prevent this act from becoming operative for the duration of Mr. Nixon's term of office.

In any sensibly operated organization—whether public or private—the rate of pay for the top-ranking position should reflect its responsibility.

It is impossible, of course, to provide a salary for the President of the United States to fully compensate him for the heavy responsibility he bears. He is one of the most difficult, demanding, and important offices the world has ever known. There is no comparable position anywhere else. On the other hand, it is the responsibility of the Congress to provide a rate of compensation for our President that is in at least some degree commensurate with the responsibilities for the position he holds.

Mr. Speaker, favorable consideration of H.R. 10 will result in only the fifth increase in compensation for the President of the United States since the beginning of our country.

The President's compensation was fixed at $25,000 in 1789, at $50,000 in 1873; at $75,000 in 1909, and at $100,000 in 1949.

These five increases compare with nine increases for the Vice President, 10 increases for members of the Cabinet, and 11 increases for the top judges of our judiciary system during the same period of time.

Mr. Speaker, as I indicated at the outset, this legislation has the non-partisan support of the leaders of the House of Representatives. I urge your favorable consideration of the proposal here today.
that the House suspend the rules and pass H.R. 10.

The question was taken.

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

The SPEAKER. The Chair will count. Two hundred and twenty-one Members are present, a quorum.

Mr. Speaker, on that question I demand the yeas and nays.

The yeas and nays were refused.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECEPTION FOR PRESIDENT

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute. Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time to ask the distinguished majority leader, are we having the reception for the President at the present time?

Mr. ALBERT. I appreciate the gentleman making the inquiry. We are having the reception and we hope to get over the list within the next 5 minutes.

Mr. GERALD R. FORD. I thank my colleague very much and I hope that everybody comes to greet the President and say goodbye and wish him the very best.

CHAIRMAN DULSKI PROPOSES BROAD POSTAL REFORM

(Mr. DULSKI asked and was given permission to extend his remarks in the body of the Record and to include extraneous matter.

Mr. DULSKI. Mr. Speaker, one of the most critical issues—and probably the most urgent—facing us as we begin this 91st Congress, is what we should do about the U.S. Post Office Department.

The postal service has a more direct, personal, and day-to-day effect on more Americans than does any other function of our Government.

And, more and more, Americans are demonstrating every day to each of us that they are deeply and seriously concerned with the condition of our postal communications system, and the grave problems confronting it.

Additionally, at this time there is unprecedented agreement of opinion among postal officials, as well as independent authorities, on the urgent need for sweeping reforms in postal policies and operations.

In my judgment—a judgment shared, I believe by most Members of this House—there is urgent need for prompt, legislative action to preserve and strengthen our vast, sprawling, and heavily overburdened postal complex.

Currently, all presently available information indicates that the U.S. Post Office is in serious trouble, and these troubles cannot necessarily be blamed entirely upon the postal system itself.

As now constituted, the Post Office Department does not have the means to do the job it is now assigned. Indeed, it cannot be expected to continue—let alone to exceed—the present level of postal operations in the tremendously increased mail volume.

DEPARTMENT IS HANDICAPPED

The Department is handicapped by numerous legislative, budgetary, financial, and personnel policy restrictions which have accumulated over the years and are virtually self-defeating.

These restrictions foreclose to any Postmaster General most of the modern management and business practices which should be available to him if he is to carry out his responsibilities to provide efficient and economical service.

Another damaging handicap under which the Department is forced to operate is its extreme vulnerability to constant, yet unwise, interference from all types of political and personal pressures which adversely affect both postal employment and operating policies.

Mr. Speaker, a great number of solutions for our difficulties have been proposed over the years. Most have been offered in good faith and have been the result of very careful study. Many have been piecemeal, others more sweeping.

Probably the foremost recommendation—at least the one now being given widespread publicity—is that recently made by the President's Commission on Postal Organization, usually known as the Kappel Commission. This recommendation is to turn the postal service over to an independent nonprofit corporation.

For the past several weeks I have devoted a great amount of time and attention to the Kappel Commission's report, as well as to the wealth of valuable information and evidence which the supporting documents in my possession highlight the many postal problems and their causes.

The report is certainly a most thorough, comprehensive, and analytical document. It is a credit to the outstanding citizens who prepared and presented it.

I strongly concur with the Commission's findings that postal reform is an immediate necessity in the public interest. I also agree that no private organization or firm would be willing to take over what is described as essentially a bankrupt postal system.

THREE BASIC CHANGES NEEDED

My own studies, and my close association with postal problems over the past decade, convince me that there are really three basic changes required in the present Post Office Department to permit it to do the job that needs to be done.

First, we must give to top management the authority it needs to operate consistently with its responsibilities. The weakness of the present administrative setup is that management is severely and unjustly hampered in its effort to administer the Department under the law in a businesslike manner.

Second, we must modernize employee-management relations to fit today's operations, and

Third, we must provide the Department with updated business-type financing.

In the area of financing—probably the most critical problem needing attention—there are two areas which require immediate action.

One would have a system of financing that allows the Department reasonable flexibility in the use of the revenues which it generates. Under the present system, monies must be funneled to the U.S. Treasury, and then the Department is subject to all kinds of crippling appropriation restrictions on the use of these revenues for its own operations.

In addition, it is essential for efficient management that the Department be allowed to finance both construction of its own buildings and the acquisition of necessary operating equipment. It is also essential that the Department be able to support in full the all-important research needed to permit the Department to meet the needs of the ever-changing, but always-increasing, flow of mail.

Mr. Speaker, based on the record at this time, and on my own careful analysis of the problem, I am not yet prepared to conclude that the only remedy for theills of the postal service is to replace the Post Office Department with a nonprofit, Government-backed corporation as the Kappel Commission has proposed.

MAJOR REFORMS ESSENTIAL

I am certainly willing to agree that major changes—perhaps even radical changes—are needed in our historic postal policies and practices.

But there must be great care taken that the cure is not worse than the illness. I think a real possibility exists that this could occur were such a drastic changeover to be made, that is, a conversion from an executive department to a nonprofit corporation.

As I indicated, I have spent the major part of my time since the close of the 90th Congress examining the Postal System. I have carefully reviewed the Kappel Commission's report and its detailed supporting documents, along with the history of the Postal System of a number of Federal corporations.

It appears abundantly clear to me that there are both advantages and disadvantages in the use of the corporate device to carry out a governmental mission.

The creation of a corporation generally is warranted only, first, when a program or activity is necessary in the public interest; second, when no one else in the Government can or should undertake it; and third, when the customary and normal organizational structure of the Government is not suited to its accomplishment.

Of those three tests, only the first—necessity in the public interest—applies to the Postal System.

The Post Office Department and its 700,000 employees have been doing—and are doing—a remarkably effective job under the burdens imposed on them. They stand ready, willing, and able to do an even better job if the Congress will only grant adequate relief from the serious handicaps that now exist.
January 6, 1969

CONGRESSIONAL RECORD—HOUSE

REFORM—NOT REPLACEMENT

In short, Mr. Speaker, my studies indicate that every major postal reform that a nonprofit corporation might achieve can be done more quickly and effectively when the subject is subject of Government. Most important, I am convinced these can be done without the inevitable disruption and turmoil involved in a chartered corporation.

For these reasons, and to provide a responsible alternative to the corporation proposal for the Congress to consider, on the opening day of the 91st Congress last Friday, I introduced a comprehensive postal reform bill, H.R. 4.

My bill would reorganize and greatly strengthen the postal service, but continue it as a regular Government department with the Postmaster General as a member of the President’s Cabinet.

I sincerely feel that my bill will do everything that is claimed for a corporate entity—and all within the framework of the historical philosophy and the fundamental principles of our Government.

It would preserve the traditional character of the postal service as a direct duty of the Government—a duty to be carried out by placing responsibility on an executive department, and giving the department the authority and flexibility it must have to carry out that responsibility.

Mr. Speaker, the Kappel Commission report contains five recommendations which it claims would achieve the goal of "postal excellence."

It is my belief that the provisions of my bill would not only accomplish most of the recommendations of the Kappel Commission, but that the bill, if enacted, would also achieve our common goal of "postal excellence."

H.R. 4 VERSUS KAPPEL PLAN

I would like at this point to outline briefly the major provisions of my bill as they relate to the five Kappel Commission’s recommendations.

The first recommendation of the Commission is “that a postal corporation owned entirely by the Federal Government be chartered by Congress to operate the postal service of the United States on a self-supporting basis.”

The Postmaster General already has full management responsibility, but he lacks a necessary measure of authority and flexibility of operations.

My bill retains the Post Office as an executive department headed by the Postmaster General, but—for the first time—it would grant him a measure of authority and flexibility that is equal to his level of responsibility.

Thus, it would enable the Postmaster General as the Department to do every necessary thing that a corporation could do.

Under H.R. 4, the Department would have the means to operate itself from its revenues, with the exception of public service allowances, which would continue to be subject to congressional scrutiny and appropriation.

The Department would also be enabled to use its own revenues to pay its own expenses free of present overly restrictive budgetary and appropriation limitations.

PERIODIC RATE ADJUSTMENTS

Provision is also made for periodic semiautomatic postal rate adjustments through a quadrennial commission whose recommendations would be submitted to the President every 4 years. The President would use the Commission’s recommendations as the basis for his formal rate proposals to Congress. Postal rates by a quadrennial Commission for the purpose of returning cost, exclusive of public service.

It also provides a semiautomatic procedure for proposed rate adjustments to take effect as law without the necessity of extensive, frustrating, and often bitter consideration of the complexities of postal rates before congressional committees.

Mr. Speaker, the bill I have introduced, H.R. 4, is most comprehensive. It very carefully goes to what I consider to be the heart of the Post Office Department’s problems today. Even more important, it will let the Department be responsive to the problems of tomorrow and, indeed, years ahead.

I intend to schedule prompt hearings by my committee on the entire subject of postal reorganization because I am convinced that the Department can be expected to do its increasingly difficult job of handling the mail only if we give to management the necessary administrative tools.

Mr. Speaker, as a part of my remarks, I am including a summary of my bill by title:

SUMMARY OF H.R. 4, POSTAL REFORM ACT

H.R. 4 is an omnibus postal reform bill directed to the correction of major deficiencies in legislative and operating policies and practices which tend to adversely affect the postal service of the United States.

The bill is divided into eight titles.

TITLE I—GENERAL POLICY STATEMENT

Title I of the bill sets forth findings of the Congress with respect to the present condition of the postal service, the prospect for continued growth and operation, the causes of its difficulties, and the basic principles upon which remedial measures can be effected.

TITLE II—APPOINTMENT OF POSTMasters

Title II of H.R. 4 removes one of the most criticized practices that burden the postal establishment—the archaic procedure of political and personal patronage appointments of postmasters.

Each of the 32,000 post offices is managed and administered by a postmaster who, as the law now stands, may be selected either politically by personal choices of one or a few individuals having little or no direct responsibility in postal affairs. Yet, the postmaster is perhaps the focal point of the postal management figure—the focal point of a service that vitally concerns the public. There is no other practice in our postal institution that has more of an irritant and has bred more criticism than political and other patronage choices in the appointment of postmasters.

Title II of H.R. 4 provides sweeping reform in this area. It absolutely prohibits any written or oral recommendation of a postmaster by any Member of Congress, any elected official of a State or local government, or any official of a partisan political organization.

Of equal importance, the bill also prohibits any such recommendation by any other...
person or organization, subject to only two necessary exceptions. The first exception permits the Postmaster General to contract for adequate postal man-
agement and administrative officials as to the qualifications and ability of a postal employee when such employee is qualified for promotion to a vacated postmastership.
The second exception permits authorized government representatives to inquire as to an applicant's loyalty and suitability, and to seek the advice of a former employer of an applicant in making such a judgment as to the qualifications and ability.
A person who applies, or is being considered for promotion to a postmastership, will be disqualified if he knowingly requests any of the prohibited recommendations.

If any prohibited recommendation is received by a Federal official, it must be re-
jected with a notice that it violates this title.
The existing residence requirements for postmasters are continued.

TITLE III—POSTAL TRANSPORTATION

Title III will modernize postal transportation by (1) providing greater flexibility in the procurement of transportation of mail by railways, air, and water;

This will authorize the Postmaster General to obtain transportation services for mail by railway, airliner, air freighter, and water freighters on exactly the same basis as he now does from the railways.
The bill will authorize the Department to require rates of compensation with scheduled air carriers as well as railways.
The Postmaster General may be in office, is an undertaking of almost frightening magnitude.

The residence requirement for route contractors will be repealed.
The bill will establish authority for the Postmaster General to enter into mail trans-
portation contracts which require the use of more than one mode of transportation.
The proposed revision will extend the statu-
ary obligation of railway common carriers to transport mail and provide related services at rates prescribed by the Interstate Commerce Commission, to the two important segments of the transportation industry not now covered by any corresponding obligation—the regular motor carriers and freight for-
wards.

TITLE IV—MODERNIZATION OF POSTAL FACILITIES

Title IV of H.R. 4 is expected to work what has been described as the most glaring deficiency in our entire postal operation—the failure to provide well-considered, efficient plant and facilities for the government as a whole.

As explained in Title I, the present structure of legislative, budgetary, and procedural limitations constitute a veritable straitjacket on the Postmaster General in terms of ac-
gruing, developing and improving the facili-
ties he and his team use in moving the mails.

Title IV creates a complete Postal Moderni-
zation Authority, a body corporate, to act in effect, as a development and holding company, controlled by the Postmaster General, for the purchase, development, equipment, and machinery needed in postal operations.

All property of the Post Office Department and its subsidiaries, and the responsibilities and authorities of the existing Bureau of Fa-
cilities and the Bureau of Engineering, are turned over to the Postal Mod-
ernization Authority.
The Authority is authorized to acquire, hold, and dispose of buildings and equipment suited to postal needs, to issue and retire bonds for those purposes, and to leased in facilities and equipment from the Postmaster General at rentals which will re-
turn the Authority's total costs.
The existing structures will re-
move the obstructive handicap of a penny-
wise, pound-foolish policy that for many years has deprived the Post Office Depart-
ment of adequate facilities and imposed the impossible and unenforceable obligation to provide small service with horse-and-buggy facil-
ities.

The Postal Modernization Authority is the first of three major financial remedies pro-
vided by H.R. 4.

TITLE V ON POSTAL FINANCE

Title V of H.R. 4 removes a stumbling block that has contributed in untold measure to the unfortunate image of the Post Office Department--its losing and inefficient Gov-
ernment function.

The revenue received for handling the ever-
increasing volume of mail is controlled by a structure of postal rates, charges, and fees rigidly prescribed, for the most part, by the Congress.

Experience proves that every effort to ob-
tain increased postal revenue, by whatever the Postmaster General may be in office, is an undertaking of almost frightening magnitude.

Each official proposal on general postal rate adjustments is met immediately by an opposing hue and cry from the general public and large industries.

The consideration by Congressional com-
mittees of such proposals is characterized by acrimony, tension, and final hear-
ings. Members are subjected to exorbitant demands and all kinds of pressures.

The legislative process will be turned over to a Government corporation.
The legislative process will result in many instances are characterized more by personal preferences, bias, and prejudice than by the best interests of the Government and the postal service.

Title V of the bill removes the Initial and formal setup of the Postal Rate Advisory and reviews all postal rates, charges, and fees on an across-the-board basis--after the exercise of a veto power over proposals origi-
nated by the Commission.

This creates a Commission on Postal Finance that will exist for an 18-month pe-
riod every 4 years. Five members of the House, and 3 by the Speaker of the House.

The Commission is authorized to study and review all postal rates, charges, and fees on all classes of mail and establishes the rates and fees necessary to return the total costs and expenses incurred by the postal establishment--on an across-the-board basis—after excluding the public service allowance pro-
vided for by law.

The Commission is authorized, among its other powers, to review and to recommend needed changes in the public service allow-
ance, in the structure and operation of the Postal Modernization Authority, established by Title IV of the bill, and the cost ascertainment system of the Post Office Department.

The President, in turn, is called on to transmit to the Congress his recommen-
dations, based on his review of the Commis-
sion's proposals, for adjustments in postal rates, charges, and fees.

It within 120 days after transmittal of the President's recommendations no differing statute has been enacted, and neither the Postmaster General nor the Commission has approved any prohibiting recommendation is re-
pealed.

This bill establishes a clearly defined, well-rounded, and high-handed program for a new and dynamic postal employee-management relations program.

It builds down the fundamental principle that free and friendly consultation between employee unions and management will con-
trive to better postal service; that em-
ployees are entitled to be heard by manage-
ment on matters affecting them; that strong and democratically administered em-
ployee organizations are to be encouraged in the Postal Establishment.

The Commission will provide for compulsory arbitra-
tion of differing viewpoints, for effective settlement of appeals and griev-
ances; for the establishment of an independent, full-time Union Management Relations Panel vested with author-
ity to render final and conclusive decisions on disputes between employees and manage-
ment.

It also spells out a clear policy for the granting of exclusive recognition in postal em-
ployee organizations, based on identification of crafts for employees and separate consideration of supervisors' organizations, together with codes of proper conduct for both management and employees.

The rights of both employees and management representatives to present their cases, to testify and be heard, and to question and confront witnesses under the threat of intimidation or reprisal—are guaranteed.

This title of the bill, in the judgment of the Dulski bill. It supplements the first two—the Postal Modernization Authority and the quadrennial Commission on Postal Modernization.

This makes a true and effective re-
volving fund available to the Postmaster General to use subject to effective fiscal control through internal accounting and auditing procedures and audit by the General Accounting Office.

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January 6, 1969

CONGRESSIONAL RECORD — HOUSE 179

To provide clean water for all Americans, to plan for the future, we must legislate now. We must be willing to supply funds. This is the purpose of the legislation which I am reintroducing today.

Most significantly, the Water Pollution Control Act of 1969 provides a new form of assistance to localities in the construction of water treatment facilities. To make the present Federal grant appropriations for such facilities go further, the Federal Government would be authorized to enter into cooperative contracts with localities during which it would contribute the present Federal share of such project costs. Although significant funds have been authorized to help build such treatment facilities, usually less than a third of the authorization has been appropriated. These appropriations have been inadequate to meet the need. The use of grants will enable badly needed projects to be started immediately, rather than waiting for full appropriation.

Another section of this legislation is of particular significance to the Cleveland area and the entire Great Lakes region. This bill provides for contracts or grants for research and development of new methods to prevent pollution and control its effects in lakes. Other sections provide assistance in controlling acid and other mine water pollution.

A portion of this legislation would allow grants to assist in providing improvements in existing treatment facilities through the addition of the latest and most technically advanced treatment devices.

The legislation provides for a new section of pollution control law providing clearly defined criteria for the condition of wastes dumped in American waters by ships and boats. In addition, fines and liabilities are set for the negligent spillage of oils and other hazardous pollutants into American waters while in American waters. Hopefully, this section will prevent a Torrey Canyon disaster in the waters of our Nation. It will make provision for a fine from such disasters, if they do occur, as well as fixing the blame and liability for such damage to our public, natural resources.

Mr. Speaker, full hearings have been held on this bill. Both Chambers approved it last year. It is my hope that this legislation can be acted upon in the next several months and that some of its more critical provisions may become effective in the new fiscal year beginning July 1. The need for this legislation has already been clearly established. It is essential for our future generations.

ADAM CLAYTON POWELL

(Mr. STRATTON asked and was given permission to address the House for the purpose of extending his remarks and include extraneous matter.)

MR. STRATTON. Mr. Speaker, I take this time to comment briefly on the votes I cast on water pollution and related issues in the Department of the Interior and the Department of the Treasury and fix a penalty of $25,000 against him because of the findings made by the special committee in January 1967.

for Employee Relations will not be subject to supervision, control, or any interference on the part of any other officer or employee of the Department.

The establishment and use of this new executive position is needed to implement, at the Department level, a broad new employee-management relations program provided for by Title VII.

The date of enactment will be the effective date for:

Title I—Congressional findings with respect to postal reform,

Title IV—Modernization of Postal Facilities,

Title V—Commission on Postal Finance, and

Title VIII—Miscellaneous provisions and the effective dates.

Title VII—Employee-Management Relations, will become effective on the first day of the second month which begins after the date of enactment.

Title II—Appointment of postmasters, will become effective on the first day of the third month which begins after the date of enactment.

Title III—Postal Transportation, will become effective on the first day of the sixth month which begins after the date of enactment.

Title VI—Postal Department Operations Fund, will become effective on the first day of the fiscal year which begins after the date of enactment.

NEW LEGISLATION NEEDED FOR CLEANER WATER

(Mr. VANIK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, I am today introducing the Federal Water Pollution Control Act of 1969. This legislation, which improves and expands past water pollution control laws and provides for new protection in the area of oil spillage and mine acid leakage, was passed by the other branch on July 10, 1968, and by this Chamber on October 7, 1968. The Senate agreed to House amendments on October 11. But confusion and inaction in the last hours of the 90th Congress, prevented the measure from being signed into law.

Our Nation is faced with a continuing water pollution crisis. The dimension of the problem is outlined in an article in the November issue of McCall’s magazine by Dr. David Peter Sachs, a former Clevelander, entitled “Drink at Your Own Risk.” The article includes a table, now dated by changing conditions and water levels throughout the nation, which shows just how much of our water is not satisfactory, is a potential hazard to health, and is not checked frequently enough. It is in our shame that in our rich Nation all our citizens are not guaranteed safe drinking water.

As the Nation grows, the demands for cleaner water grow. A report released yesterday on projected powerplant needs, both thermal and nuclear, expresses great concern that we will not be able to construct enough powerplants to provide the energy needed to meet the growing demand. But as our energy needs increase, we will require far greater energy consumption, which will require the additional pollution control. We must have clean water for all Americans, to plan for the future, we must legislate now. We must be willing to supply funds. This is the purpose of the legislation which I am reintroducing today.

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(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I take this time to comment briefly on the votes I cast on water pollution and related issues in the Department of the Interior and the Department of the Treasury and fix a penalty of $25,000 against him because of the findings made by the special committee in January 1967.

The move to block amendments to the Celler seating resolution failed. I would myself have favored amending the original resolution to refer the question of possible disciplinary action arising from these charges to the full House. But it turned out that the parliamentary situation never made it possible for that amendment to be offered. Instead I supported the substitute finally offered by Mr. Power, to limit the move to block amendments to the Celler seating resolution any amendments dealing with the serious charges against Mr. Powell.

My vote was in favor of Mr. Power's seating resolution any amendments dealing with the serious charges against Mr. Powell.

I did feel, however, that because of the very serious questions with regard to Mr. Powell's conduct in the 88th and the 89th Congresses referred to the House by a special committee in January 1967, we ought not to act to seat Mr. Powell without taking some official recognition of the charges that led a majority of the House to vote to exclude him 2 years ago. The original Celler seating resolution made no mention of any possible House review of these very grave charges that led Mr. Powell to be seated and I supported and voted for that right last Friday.

The House has decided to consider the Water Pollution Control Act of 1969. This act provides for contracts or grants for research and development of new methods to prevent pollution and control its effects in lakes. Other sections provide assistance in controlling acid and other mine water pollution.

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LEGISLATION TO REMOVE ONE-BANK EXEMPTION

(Mr. BENNETT asked and was given permission to extend his remarks at this point in the Recacs and to include ex­

traneous matter.)

Mr. BENNETT said: Mr. Speaker, on the first day of the 91st Congress, I intro­

duced a bill to close the loopholes in the Bank Holding Company Act of 1966, which allows bank holding com­

panies and labor unions to own banks.

I believe the exemptions in the Bank­

ing Act of 1966 should be removed, and my new bill was reviewed and approved by the Federal Reserve Board, would ac­

complish this. The principle adopted by Congress in the 1933 Banking Act, that it was against the public interest for banks and nonbanking businesses to be con­trolled by the same ownership, should be upheld.

It is disturbing to read reports that banks are going into nonbanking busi­

nesses. I believe in the words of Federal Reserve Board Chairman William Mc­

Chesney Martin, who said recently: "The dilemmas that the banks now face affect the whole capitalistic system in the U.S. The line between banking and commerce should not be erased.

Legislation which I sponsored and supported and was passed in 1966, stripped four other exemptions from the law for: long-term trusts, registered in­

vestment companies, nonprofit, chari­

tities, and companies with at least 80

percent of their assets in agriculture. We need to act on the remaining two exceptions in the 91st Congress.

Specifically, my 1969 bill would amend the exemption rule in the 1966 act, which states "each of two or more banks" to "any bank" and do away with the provi­sion for "labor, agricultural, or horti­
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January 6, 1969

CONGRESSIONAL RECORD—HOUSE 181

1 percent of persons over 16 years who live in the ghettos has migrated from the South to the U.S. to buy $10,000 for each person in the new state—$6,000 to the Republic and $4,000 to the person. In 1967, the SpecialNegro
negotiating Broderick Pearl (Richard B. Henry) told the petitions will be presented to the UN General Assembly because the U.S. has not put a word to the Security Council, which ordinarily would handle it.

[From Political Affairs, Nov. 11, 1968]

THE RIGHT OF BLACK AMERICA TO CREATE A NATION*

By Claude Lightfoot

The Special National Convention of the CPUSA, held last July, deferred discussion of the question of self-determination for black America to the next regular convention, to be held in April 1969. In preparation for such a discussion, this article is presented. The views set forth are my own and should in no way be considered official. Hopefully, this article will stimulate the kind of discussion that will help us think through the document that will reflect a collective effort.

In view of a long background of vacillation in the handling of the slogan of self-determination within the Party, it is imperative that we present this question today in a way that avoids dotting i's and crossing t's in respect to the matter. We must likewise strive to avoid a dogmatic, mechanical presentation of the matter. We must avoid being overwhelmed by the present state of affairs and acting as if it will prevail forever. We need to examine the slogans of our past to determine scientifically the character of the special forms of oppression peculiar to black people on the American scene. 3rd, we declared that these special features of black persecution, coupled with such historical developments as slavery, had resulted in the development of a race question in the Black Belt of the South.

The Party arrived at this conclusion on the basis of the Marxist criteria of nationalization. The essence of these is: A nation is a historically evolved, stable community of people having a historical character of the black people and a common economic life, reflected in a common psychological makeup or culture.

It was an historic landmark in the struggle for equality and the special demands made necessary by that struggle. We have stood up through the succeeding years and can be considered as firmly established. In regard to self-determination, our position has fluctuated several times.

This tendency to fluctuate shows that while there was some validity in the concept, our approach has been based on assumptions or premises. We need, therefore, to examine the history of our application of this slogan to see what errors we made in our various analyses.

After declaring its position in 1930 the Communist Party proceeded to organize struggles based on the concept of equality and elaborated a series of special demands covering every aspect of oppression and superexploitation of black America. The Party sparked a new historic wave of struggles which were a product of the whole system of jim-crow segregation and discrimination. It was during this period that it came to be known as the party of the Negro people.

During this time almost all movements of a nationalist nature, from the back-ground, and interracial efforts dominated the scene. There were many black forces who adopted the Communist Party's line for fostering unity and raising the special demands of the Negro people. But they rejected the idea of nationhood in the Black Belt and the slogan of self-determination. The ruling circles contributed to this rejection by dis-torting the slogan, by convincing many people that such a proposition would be jim-crow in reverse. Consequently after several years of effort there was no cut-through to a consciousness of nationhood war manifested, and no significant response to the slogan of self-determination, the Party began to abandon it.

Earl Browder, then general secretary of the Communist Party, went as far as to declare that the black people had already exercised their right of self-determination and had chosen the path of integration into the Amer­ican nation. But, at the close of World War II, when American Communists took stock of the Browder era, they commented that opportunistic posi­tions had been taken on many questions of principle, it also took a new look at the ques­tion of self-determination. The National Committee decided once again to raise the slogan of self-determination in the Black Belt.

There were those who raised serious doubts about the advisability of doing so. Some argued that the majority of black America had indicated no consciousness of nationhood or self-determination. This led to a battle into the status of the black nation.

As a consequence several Party leaders argued that the time had come to define the national character of the black people. It was argued that the Negro nation had not become full-blown and had not developed con­sciously. But it was decided to go back to defining the national character of the Negro people. It was realized by many comrades that the Negro nation already existed within the Black Belt. Based on this new analysis we restored the slogan of self-determination.

Between 1946 and 1959, we witnessed an accelerated growth of struggles designed to establish first-class citizenship for black Americans. Simultaneously, there was a tremendous shift of population from the rural areas of the South into the urban regions of both the South and the North. The black population of the United States became wide-spread and was no longer a substantial majority in any section of the country.

Moreover, the continuous wave of migrations also led to great changes in class circles. The question of nationhood came to be raised by some as the future homeland of black America. The party of the Negro people as a national minority differed from the Negro workers as the dominant section of the people. But they rejected the idea of nationhood in the Black Belt and the slogan of self-determination. It was during this period that it came to be known as the party of the Negro people.

In order to determine what our present position should be, we must unravel the reasons for this.

At the time we adopted the resolution discarding the slogan of self-determination it was argued by most comrades that the definition left some matters unexplained. This was expressed in the following paragraph:

"The Negro question in our country is not a national question. It is a question of national consciousness of the black people as a national minority differed from the white majority. The United States are not a nation is not to say that the Negro question in our country is not a national question. It is indeed a national question. The question is, however, a national question of what type, with what strategic concept of its solution."

Those of us who authored this resolution did not believe that nationhood had been undermined. Nevertheless, we were conscious of the fact that the Negro people as a national minority differed from other national groups in the United States,

* This article and that which follows open discussion of the question to the draft program which were singled out for particular discussion by the Special Neg­ro negotiating Broderick Pearl (Richard B. Henry) told the petitions will be presented to the UN General Assembly because the U.S. has not put a word to the Security Council, which ordinarily would handle it.
though we did not elaborate on these differences. In retrospect, it is my judgment that this furthest characterization was an error when it applied the right of self-determination to the Black Belt rather than to the Negro people in the South. The Negro people in the Black Belt did not constitute a full-blown or even a young nation, and the great economic and social life of the black people, whether on the southern plantation or in the urban ghettos, are breeding grounds for national aspirations.

These tendencies, therefore, have not been merely an expression in some geographical area. Indeed, the most significant movement which reflected the aspirations for nationhood did not begin in the Black Belt, nor did organizations espousing such views gain their greatest strength in this area.

The Negro problem is an illustration of this. It was the emergence of the Garvey movement in the 1920's. This movement was one of the first of the many attempts of black Americans to strive for nationhood. Because of the utopian and sometimes reactionary character of this movement, the concept of black nationalism failed to discern in it the essential urge for a black nation somewhere on this globe. Except for the form of a struggle to create such a nation, it specifically proclaimed as its goal a black nation on the African continent.

NATIONS AND NATIONAL GROUPS

However, it is clear that black people in the United States have been in embryo form to develop some of the prerequisites of a nation.

The slave system as it operated in the United States and black people did not have forms of persecution that have no parallel with the persecution of any other people in the world, including other black people. There was also a common territory, a common language which manifested itself in a psychological makeup. But the weakest link in the chain was the economic aspect.

Modern type nations grew and were nurtured in the world's larger economic systems. But these were established in the context of the growth of capitalism. It was the economic factors, not the emergence of a bourgeois class which, in order to meet competition, organized the nation. In the words of J. Stalin: *“The formation of nation is the result of self-determination for the Black Belt was raised, its authors had to disregard territorial problems, the question of self-determination for the Black Belt was raised. In this context it was clear that the right of self-determination applies to black Americans independently of their territoriality in the United States or elsewhere. In my view it was wrong from the beginning to have restricted the use of this slogan on the basis of a territorial approach. It was not territorial unity which formed the basis for black America's emergence as a nation; it was mainly religion. And certainly the Jewish people the world over joined to help form an emerging nation in Israel, yet nowhere else do they constitute a nation.*

In the light of historical experience, therefore, it was wrong to decide the question of self-determination for black people in the United States only on the basis of whether territorial unity still reflected the status of the majority of them. The problem of self-determination for the Black Belt was raised, its authors had to disregard territorial problems, the question of self-determination for the Black Belt was raised. In this context it was clear that the right of self-determination applies to black Americans independently of their territoriality in the United States or elsewhere. In my view it was wrong from the beginning to have restricted the use of this slogan on the basis of a territorial approach. It was not territorial unity which formed the basis for black America's emergence as a nation; it was mainly religion. And certainly the Jewish people the world over joined to help form an emerging nation in Israel, yet nowhere else do they constitute a nation.

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By the same logic, the ghettos across the land may be viewed in a similar way, even though they will never reflect complete political units. But their very existence and the conditions of life within them have served to pull toward the development of new black nationalities. If this plebiscite should reveal that there is a significant majority of the black community, I believe that if a poll were taken of black America today we would still find this to be the case. Our draft program, therefore, must reflect the desires and aspirations of all the Negro people.

It should be formulated as follows:

"We stand for full economic, political and social equality for black America. Toward that end we call for changes in all American institutions and the creation of guarantees that will make the black minority equals in the territory of the United States."

This should be the central thrust of our Party. In addition, we should call for a right of self-determination so that the people of one race desiring to be part of a greater, larger entity, should be able to do so without the consent of another race. This is a significant number, even though a minority, who desire to form their own state. But we would say that we will have no hesitation in helping to assist such a nation, whether it be a separate nation in the United States or elsewhere. In my view it was wrong from the beginning to have restricted the use of this slogan on the basis of a territorial approach. It was not territorial unity which formed the basis for black America's emergence as a nation; it was mainly religion. And certainly the Jewish people the world over joined to help form an emerging nation in Israel, yet nowhere else do they constitute a nation. If this plebiscite should reveal that there is a significant majority of the black community, I believe that if a poll were taken of black America today we would still find this to be the case. Our draft program, therefore, must reflect the desires and aspirations of all the Negro people.

If the black people did not and do not constitute a separate nation in the Black Belt, nor did they do so in the Soviet Union after the October Revolution, but at the same time with the new development, the question arises: to what stage, to what level, has black America evolved?

It seems to me that they fail in the category of what Marxists call a national group or community. This is a category which was the forerunner of the modern nations. History shows that before the modern nations came on the scene, they were preceded by groupings of people that laid the basis for the emergence of national states.

For example, ancient Gaul gave birth to three nations, France, Belgium and Switzerland. At one time the Danes and the Norwegians were one people but evolved into two separate nations. Similarly, the Arabs as a national community evolved into several separate nations.

But even if black people fail in the aforementioned stage of a national community, self-determination would still apply. Marxists have always considered in their programs not only the nation as a whole but also the national minorities that are in the process of becoming nations. The Soviet Union after the October Revolution did not only proclaimed the right of oppressed nations to self-determination; it also created the material conditions whereby national minorities which have not developed into nations could become nations.

In his book, The Principle of National Self-Determination and Its Historical Manifestation (Foreign Languages Publishing House, Moscow), G. Starushenko says: "...a national group is an historically constituted, relatively stable community of people which precedes the formation of a nation. A national group consists of the three elements of a nation which is in the process of formation and development—common language, common territory and common psychological makeup, which manifests itself in a common culture.

"In settling the question of the right of nations to self-determination, the concept 'national group' is of vast import, if only because modern states are not yet nationally developed into nations. That is why we say 'self-determination of peoples and nations,' and not 'nationals.' The concept 'people' includes the concept 'national group.'" (p. 18.)

On the basis of understanding the USSR created the conditions for scores of formerly oppressed nationalities to form themselves into nations. On this point Starushenko says:

"Since the formation of the national community usually ends in the creation of a land, the backwardness of certain peoples—"backwardness which manifests itself in their failure to consolidate into nations—cannot be a pretext for depriving them of the right to decide their own destiny, whatever the colonialists and their learned friends may say. Not only was this answer to be given to the peoples of the Middle East, but the white colonists themselves recognized that this backwardness is the result of the colonial oppression and exploitation of these peoples.

Consequently it is proper to speak of the self-determination not only of nations, but also of the national groups into which the nation is divided, breaking into nations. Once freed from the burden of the domination and not only of the national groups, but also of the nation is divided, breaking into nations. Once freed from the burden of the domination and not only of the national groups, but also of the nation is divided, breaking into nations. Once freed from the burden of the domination and not only of the national groups, but also of the nation is divided, breaking into nations. Once freed from the burden of the domination and not only of the national groups, but also of the nation is divided, breaking into nations. Once freed from the burden of the domination and not only of the national groups, but also of the nation is divided, breaking into nations. Once freed from the burden of the domination and not only of the national groups, but also of the nation is divided, breaking into nations. Once freed from the burden of the domination..."
January 6, 1969

CONGRESSIONAL RECORD—HOUSE

In putting this outlook forward, we assert that it is clear that we Communists are internationalists and that our conception of the world of tomorrow envisions, not the development of a world in which people of all countries live under a single world government, but a world in which national differentiation will pass into the abyss of time. We see a new world arising which all people, be they black, white, red, brown or yellow, can walk this earth as brothers and sisters and as equals. While we have lived for several centuries under an exploitative system in which people of some nations and races have been subjugated to others, it is now time to create a condition in which confidence among the peoples can be established. This is the main point behind our use of the slogan of self-determination.

How black America would react to a plebiscite only the future can tell. The response would depend on the prevailing circumstances at the moment when this would become a practical proposition. We have seen many historical variations in how people respond. We have also seen that the oscillation between self-determination and the right of self-determination for the black people in the Province of Orante. But when the socialist revolution comes in this country, there will be a change in the status of black people on the island, there was no demand for separate institutions with the exception of agriculture. Whether or not this would be the case in the United States I do not know. We must face that, too.

Whether or not self-determination is appropriate will be determined by black America itself. Regardless of the form in which the black people express this right, we Communists must be prepared to assist them in every possible way.

Meanwhile the Communist Party identifies itself with the aspirations of black America to exercise, to the fullest degree possible under the present system, control over its own destiny. This means that we support struggles of black people or of black communities to gain a measure of control over schools, police and other institutions within the ghettoes. However, we do not make the mistakes the political parties once made in the community life with self-determination, although they can be important beginnings leading to the establishment of a fundamental solution to the black man's problems in the United States.

Nationalism and the Fight for Socialism

Of equal importance to black America manifesting the desire for nationalism is clarity on what it will take to reach the goal. Unfortunately, mass forces and organizations stand in the way. Moreover, some groups have forgotten that political education and tactical approaches which undermine the very goals they claim to seek.

We see the problem of self-government both natural and social. And this problem of black nationalism, like all other social phenomena, manifests itself in an empirical and scientific approach which is based only on subjective desires, once more condemnation and protest, will lead exactly nowhere and produce harm.

While there are some fundamental prerequisites for the possibility of black America to establish a black nation within continental limits, the first and foremost is the social system which prevails in the country.

But since colonization started, modern nations came into existence as a consequence of the rise of capitalist society. But it does not follow that in our day capitalism can and will generate conditions for a new, free and independent social unit to emerge. On the contrary capitalism is the main force in today's world holding black independence for black people in bondage, a condition which were born several centuries ago and are now the leading capitalist powers. In the course of the struggles of black people to gain self-determination there is no better example of this than the emergence of the American nation. In 1776 a war was fought for the right of self-determination against Great Britain for the right of self-determination. That war was won and a new nation established. Today, after almost two hundred years later, the American nation, based on capitalism, is the chief characteristic of the world. It would be the world if it did not prevent colonial peoples from exercising the right of self-determination.

If American capitalism in the pursuit of its narrow class interests cannot permit the peoples of the Guatemalan, of Cuba, of the Congo, of Indonesia, of the Dominican Republic, of Ghana, and especially of Vietnam, to exercise their right of self-determination, then how can we, who are the advocates of black nationalism, allow a black nation in the United States, in the context of a capitalist society to become real.

In our day and the strength it exerts in the world, is the fundamental condition of oppressed nations as well as the evolutionary processes for the exercise of the right of self-determination. Its record in this regard stands up under the most severe test. The fact is that the billion-and-a-half peoples of Asia, Africa and Latin America owe their political independence in large part to the role of the socialist sector of the world.

There are those who seek to refute this position on the grounds that the Warsaw Pact nations' occupation of Czechoslovakia. But this occupation was not only in the interest of the imperialists but also the result of the exercise of the right of self-determination. Its record in this regard stands up under the most severe test. The fact is that the billion-and-a-half peoples of Asia, Africa and Latin America owe their political independence in large part to the role of the socialist sector of the world.

This brief summary can be documented in great detail. It is evident that for the struggle for a black nation we have to go down to the roots of a fundamental solution to the black man's problems in the United States.
the government by voting and, if that didn’t work, by fighting. This latter process would probably be more imaginative.

Inside the loosely knit community of 250,000 Negroes in this country, the recently reapportioned nation of black separatists in the Los Angeles area; inasmuch as fifty-two separate and independent nations would be elected, it is now possible to pay half the bills of the industries and white landholders whose possessions would be seized by the New Nation. Of course, this does not mean that the average white man would loan with others. On this the separatists also agree; Henry wants to borrow money and pay it back from Red China.

It is time the working capital from Sweden on the grounds that “the whole thing is so shocking to most Americans,” and have them further by talking about aid from Communist China.” Browne is such an impressive philosopher in Santa Barbara had him out for three days of serious discussion.

Meanwhile, the newspapers reacted from a feeling of vengeance, but separatists still prefer to use arms. We will take over Mississippi and replace the industries and white landholders, which were seized by the New Nation.

We have enough people standing at the polls to set it up in business by controlling a land mass. We could show the world that it could be done.

Although the new nation would expect the United States to set it up in business by controlling a land mass. We could show the world that it could be done. Nothing is really free. We may have to use arms. We will take over Mississippi county by county. To do that, we must have a government by and for the Negroes, and this government is prepared to use force, by whatever means necessary. It is the only way.

Q: Where are you getting your money to buy the land? And where will you get your money from?

A: Each black citizen is asked to buy one hundred-dollar Malcolm X land certificates, which will be paid in a raggedy old man’s time. But Browne prefers drawing a blank on the question of aid from Communist China.

Q: Will you feel you can take over the five states when you have five black governors?

A: We may not have to wait until we control these governors’ offices before we make our demands as a new nation. The real question is not whether we control the governors but whether we control the land, and we can do that by controlling the sheriff. That’s the important thing: having physical control of the land, and in terms of real control of the land and real confrontation—there will be other things going on in this country. It could be burned to the ground while U.S. citizens are playing golf. It could be engaged in very costly guerrilla activities. The problems in the North aren’t solved by controlling a land mass. We would have to do something about separation prior to the present.

Q: If the government sees what you are up to and moves in to stop you, do you think you could whip the U.S. Army?

A: With the aid of nuclear weapons from our allies, such as China, sure we could. China could never help us until we could show that we were capable of a separate, independent existence. But we could show that we were capable of controlling a land mass. We could show it by the actual fact that we were there and had a majority of the people and were not subject to U.S. jurisdiction. Then China would back us with missiles. But we don’t want to fight. It’s better to have nice relations with U.S. citizens, and China could be engaged in very costly guerrilla activities. The problems in the North aren’t solved by controlling a land mass. We would have to do something to stop the fighting.

Q: How would it be possible to effect the transfer of power, money and land from the United States?

A: Each black citizen is asked to buy one hundred-dollar Malcolm X land certificates, which will be paid in a raggedy old man’s time. But Browne prefers drawing a blank on the question of aid from Communist China.

Q: Do you consider your government already in existence in any way?

A: Certainly. We are the government for the non-self-governing blacks held captive within the United States. We meet once a week in every consulate, and we have consulates in most of the large cities right now. New York, Baltimore, Pittsburgh, Philadelphia, Washington, Chicago, Cleveland—you name it. We’re thin in the West, but we have strong consulates in Los Angeles and San Francisco. Soon we will be organizing a Congress.

Q: Are these just paper consulates?

A: They are real consulates with a consul and a vice-consul and at least two secretaries.

Q: How can you maintain your government-in-exile in the South?

A: We have already begun the shift. We have bought a hundred acres in Mississippi. That isn’t much land but it is sufficient for a base headquarters. Like the Jews moving into Israel we will start to organize along the lines of cooperative and collective farms. You have to be able to feed your people. But the collective farm does more than just provide food. It’s a center where people can get together, organize themselves and protect them selves.

Q: How many blacks will you ship into Mississippi to take over?

A: It would be hard to say. With a small movement of people we can do it. There are less than three million people in Mississippi and forty percent are black. In some counties they are fifty to seventy-five percent. Having a majority isn’t enough, you have to fight it. When we have enough people standing at the polls with guns to protect them, we can say, "This is our land."
pable of doing right now—and the United States would, well, the fouranners all over the contrary would strike. Our second-strike capability would be to prevent a nuclear war. Our fourth-strike capability already exists, and all the United States is to do to find out is to make the differences with the current, eager until we take possession of the physical land. Ultimately, when we have the land, we will get the missiles from around the world.

Q: What makes you think the U.S. will let you have the land when they wouldn’t let the Confederacy secede?

A: It’s a different situation. The South could be defeated separately, but if the whites defeat our objectives, the country will be ruined in the process. There are a sizable number of people who want self-determination, separation, land. They want that more than life itself. They can’t shoot all of us. They can kill us and the rest is to others. You see, the Revolutionary War would not have worked if that could have happened. At the moment, people in Vietnam are doing so good. They aren’t going to win in Vietnam and they can’t win in the United States at all. Then, when you think they are just going to let them keep on making guns? How will they transport their guns and soldiers—on the train? The United States can be destroyed.

Q: Do you mean you would do all this by satellite warfare?

A: Obviously. We’re within the country. This country will either talk to the separationists or talk to them all, and which time perhaps this country will have lost a great deal, in terms of lives and property.

Q: As for the blacks who stay behind in the United States after you separate, how do you foresee defending them from revenge?

A: I don’t think that is possible, and this one reason why most of them will come with us. It would be like Germany. Some kind of violence would be done so good. They aren’t going to win in Vietnam and they can’t win in the United States at all. Then, when you think they are just going to let them keep on making guns? How will they transport their guns and soldiers—on the train? The United States can be destroyed.

A: We keep them. We take them and we industrial monster in the midst of his govern­ment. This is one of the problems in Al­geria—they can’t get out from under this economic thing. Those industrial guys are power­ful.

Q: Since many of the whites who stayed on went to the South, how would you avoid being afraid of sabotage and guerrilla repressals from them?

A (laughing): That kind of white would want to move. They’d say, “Those goddammed niggers.” I know there’d be a lot of people calling me that. It would be ruined in the process. There are a sizable number of people who are helping getting the thing underway may never live to see the actual fruition of the government. But the government will go on.

Q: You say that your black followers are arming themselves for the day of separation. But where is this evident? If the blacks were really arming in large numbers, seriously, wouldn’t the destruction and bloodshed in the riots of recent years have been far greater than it was?

A: They have been arming along de­fense lines so far. We are now going through the period of holding action. But most satanic Air Force—the only thing I had really seen was that government. Everywhere you can see a frustration, the willingness on the part of black people to do things. Some people right now are so keyed up they just want to shoot it out. They want it all right now—right now. They are so scared that they have been sparing use of the gun and the Molotov cocktail. But we are urging that every black man have a gun for self-defense against the possibility of a Treblinka.

Q: Do you have a gun?

A: Just the one you show you. (He came back with two rifles.) These are AR-15’s. Like the weapon used in Vietnam except not fully automatic. The only two-twenty-two cartridges in it. It’s beautiful on the range. Lightweight, any girl can handle it. My wife shoots. These are the kind of weapons we suggest woman have so that if there is a Tre­blinka every block will be able to defend it­self. We train regularly. This is important be­cause most of us like myself—I was in the Air Force—the only thing I had really seen was that Army .45 and the little button on the stick. I didn’t know what the machine guns looked like and it didn’t worry me. I just knew that if you pressed the button, the thing went off. I bought these rifles in the last couple of years, when I realized the seriousness of the thing. I just wanted to think that you have to prepare to defend your very existence against the possibility of an annihilating force.

Q: You actually think the white man might try to annihilate you?

A: Oh sure. All the whites around us are better armed than we are.

Q: What would trigger a serious white at­tack on the blacks in this city?

A: Anything could do it. We have people who threaten us openly. The same is true in city after city. One right-wing nut went on 45’s and said we would kill many blacks. How suppose one of those racists made the mistake and really did that—you can’t tell what they are going to do. You say they are going to walk along, needed to do this. Every day the police walk through the black ghettos these white .45’s and think we are just going to stand there and let them.

Q: When have you cut away the South as your own nation, what would happen to the industries that are already there, such as the steel companies around Birmingham?

A: We keep them. We take them and we industrial monster in the midst of his govern­ment. This is one of the problems in Al­geria—they can’t get out from under this economic thing. Those industrial guys are power­ful.

A: Absolutely. It’s an African custom. Here in America we can’t do that, so this is one reason for not staying in the United States.

Q: Would you have party politics?

A: I don’t think so. Let me explain some­thing. In America, which is an older country, you say you want to move back to your fatherland instead of staying? It makes no difference whether you have Nixon or Humphrey. You mean you won’t be voting at first?

A: No, we can’t have that kind of vote at first. The persons responsible for bringing that government into existence are entitled to have some say about who is going to run that government. As your government then becomes really secure, you put into effect an increasing degree of democracy. You get your parties institutionalized like in America and then it doesn’t make any difference whom you elect.

Q: How long would you foresee that first period would last?

A: Not too long—not more than thirty or forty years. Look at Russia—they started in 1918 and they’re now getting to the point where they might consider a form of elective process. We cannot permit any elective process that would overthrow the government; it’s the start. This voting business is something that secure governments can afford.

Q: What would you do about immigration?

A: Of course black people would certainly be allowed to come in. White people we would subject to very rigorous examination to de­termine whether they were really interested in a synthetic society and had good will to­ward our nation. How to test them? A lot of ways. What they had done, what their views are. If they couldn’t pass simple tests we wouldn’t want to be bothered. We don’t want to do anything to upset the present country. If whites didn’t have any overt things against them, they would be perfectly happy. It’s just like in South Africa, they’d be given resident visas, permits to come in and live for a restrictive purpose. There are questions of national security, our needs, absolutely according to the needs of the nation.

A: In the form of certain social security structure do you see? A Congress?
A: Oh, yes. There are a lot of good things coming out of the black movement. Ghana is constitutional—many of the ideas are quite similar to those there. This country—this nation—this society—wouldn’t there be change, wouldn’t there be personal change if they could make it work. It works for whites. The structure, the idea of the balances, the economic structure of the nation—wouldn’t there be a change? I think it’d be a change for the better.

Q: There would be poor people in your society, wouldn’t there?

A: Yes. But poor people in my society with white faces from white institutions? That, in my society, wouldn’t there be change, wouldn’t there? I think it’d be a change for the better.

Q: Would there be unions in your nation?

A: I would be inclined to discourage them, particularly if they were along the lines of American unions. American unions are based upon the exploitation of human labor to make a profit. If I love Georgia that much, let him live under our dominion. We’re not going to inhibit further than whether we get a good job in terms of three dollars an hour. Can we get the fifteen-dollar-a-hour job? I can get the job where we really plan, and I hope to get the fifteen-dollar-a-hour job. I can get the job where we really plan, and that sort of thing? The union doesn’t even recommend black unions.

Q: If this country could make the kind of modifications you’d recommend, and if people in this country were willing to do it, wouldn’t there be a change in the way we live?

A: That’s their problem. They will have forty-five states they can move to. The United States has great capacity to move men and equipment. It has moved half-a-million men into Vietnam. It will be much easier to move several million out of the South. The U.S. is the greatest country in the world for moving things.

Q: Wouldn’t you feel bad about moving out a white Georgian, say, who liked Georgia?

A: I wouldn’t have any worries about him. Absolutely not. He’s enjoyed Georgia far too long. Besides he’s had the benefit of Georgia and the United States is a free country. If he loves Georgia that much, let him live under our dominion. We’re not going to inhibit further than whether we get a good job in terms of three dollars an hour. Can we get the fifteen-dollar-a-hour job? I can get the job where we really plan, and that sort of thing? The union doesn’t even recommend black unions.

Q: How would you go about moving out the whites who are unacceptable to you, or who don’t want to stay because they don’t relish a black man?

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Q: There would be poor people in your society, wouldn’t there?

A: Absolutely. Every man should be willing to defend his own way of living.

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A: That’s their problem. They will have forty-five states they can move to. The United States has great capacity to move men and equipment. It has moved half-a-million men into Vietnam. It will be much easier to move several million out of the South. The U.S. is the greatest country in the world for moving things.
January 6, 1969

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white as well as the black population of the U.S. as a whole. In order to neutralize the negative attitudes of the U.S.

By Robert Sherrill

Actually, if oneipes from his mind the emotionalisms of blacks-and-blacks together, we find the truth to be that the separate black state on the basis of logic, it isn't ridiculous at all. Since 1860 Indians have re-ceived in separate states. The federal government in 261 claims the government has still 30 claims to process, which total $12,800,000,000. There are 3 separate states in the American continent where he could set up a black state. The descendants of each slave are entitled to $882,000. "If you left the internal political obstacles of cutting themselves off, certainly the South could be made into a very workable nation. Because you're starting with everything. You've got what we call the interior, with no roads, the factories, the stores—they're there (unlike Niger, for example, where they're not) and if nobody levels them, they are going to stay there. If you have a class of people who can't keep them up (as you have in many African states), you're automatically in danger to themselves. Your roads will have potholes. But we have educated Negroes in this country, so there's no reason for things to go to hell." Whitey's more normal responses to the separate nations from Mississippi's ex-Governor Ross Barnett. "You know what any good Southerner thinks about that scheme?" to the rigidly Constitutional brotherhood of Senate Majority Leader Mike Mansfield: "no, no. This one nation, united, indivisible—and that's it." Masters and negative responses in friendly ways, Southern politicians show all kinds of ingenuity, but none more so than Congressman James Buchman of Birmingham, who says he would be likely if he had to live without Negroes: "Terrible. Certainly not. Not one of the fifty states would I give. Why, growing up in the Deep South, I have been in every kind of situation since I was born—P.G. Under Negroes on the farm, I've worked with and under the command of one in the Navy. Every college I attended every day I had contact with colored people. Why, I wouldn't know how to act in anything but a biracial situation.

South Carolina Governor Robert McNair prefers to dismiss it all as the complaining of a small group. "There a small percentage of people who don't like things as they are") who should be satisfied with job training and welfare instead of demanding exorbitant reparations. The standard, shocked response will open with a demurrer on the grounds that separation would "admit defeat" or would be a violation of the American dream, and closes on a more candid note, implying that Negroes are too small or too poor to run the own country and, anyway, it's all a warmed-over Communist Party proposal. Senator Maclin, who chased Negroes from his Atlanta restaur-ant with an ax handle and pistol but doesn't wish to leave the country, expresses this position perfectly: "Two separate states would multiply our troubles and the law and order, and society. It would prove destructive of the American civilization and the American form of government, so we don't want that.

"Now, we do know that beginning in the year 1912, Communists themselves de-vised this plan. That's right: 1912. That was when the Communist Party for the first time took up for the American continent. But during World War I these documents were captured. It plainly shows the part of the Southern states that would not be taken over for a Soviet America for the reason.

In this reaction he is joined by Congress-man Edwin Willis of Louisiana, chairman of the Committee on Un-American Acti-tees, who has his dates, if not his other details, better in hand: "Oh, sure, we know what they're up to. We've been living through these ploys and things, you know, and we know where this stuff is coming from. It's a Com-munist plot. Governor Lester Maddox, as a Concentrated Party member." But whereas Willis dismisses the separate nation as "cock-eyed," Appel is more cautious: "I think we make a great mistake if we play down move-ments like this. They attract like minds. The Klan has a membership of 15,000 to 18,000, but only a few hundred Klansmen are needed to instill so much fear into a community that it won't police itself. These milling blacks could have the same effect." The Communist Party, U.S.A. proposal of 1928 caused no stir then. It was not a separate black republic but "self-determi-nation for the Black Belt," meaning this Negro area would be cut off and governed by a Communist Party. But the proposal was never put into practice because it was "inexpensive." As a result, Governor George W. Johnson, of the party of the Michigan territory there was a discussion in Negro newspapers of that day pushing the idea of setting aside the states as a home for the black population. If white people don't know that, and if they don't know that there is a black population in the United States, then the whole idea just naturally hits them as some sort of a bolt out of the blue." (Appheker is one who thinks it is an impractical proposal.)

Paul ("Stand Tall with Paul") Johnson, Governor of Mississippi during its most hec-tic modern period, 1964-67, says that if he were still governor, what with his black spies and his own intelligence-gathering system, he could have put a stop to the invasion could be stopped, with although he's a bit too sure that Governor John Bell Williams is right.

Since it is possible to import enough Negroes to take over the state through legal elections, I asked Johnson how this struck him.

"Well, of course, I think it would be a foolish undertaking. Because in the first place, it looks like they really don't need to ship any negroes because the white people don't go to the polls themselves anyway." Asked if he thought Mississippi is equipped to handle the sort of guerrilla warfare the New Republic of Africa is planning, Johnson replied: 

"Frankly, I don't know. When I was in of-icial office, we had a strong state force that was trained for this sort of thing. We used a great many colored people in our Intelligence division to man a station in the plantations, to find out about it when this crowd came in to buy their 100-acre farms. Like when our colored boys took the end of a rope and lashed the girls from other parts of the country who came down here and slept in these Freedmen Houses dressed boys and went back home with children."

In the event Mississippi were taken over by a black Africa he would prefer to stay where he is.

"I would stay," he said. "I surely would. For one thing, I own a great deal of property
Oh, you've got this far along and have this proposal seriously. I think it's got to be going backwards. Anyway, whose land are they taking over—mine or yours? I don't think there's anything the matter with this emerging nations? I understand they are looking for a mess of potash.

That bit about the blacks benefiting by living next to whites is fairly common argument against separatism, but it is seldom considered by applying it to the blacks. It is much economically from the blacks that they can't afford to let them go. Of course, this has in fact been so over the last several centuries. James Martin, the most powerful Republican in Alabama (and thereby, next to one President) says: "To the Negroes, perhaps the most powerful political politician in the state) offers the same beneficial reason for vetoing the idea of separation. Negroes are seen as a part of the white community. Negroes do better when they are dispersed than when they do when they are concentrated, economically and socially too, because when they are together they get frustrated from their own failures. I'm in the oil business, and I got through setting up a Negro in a service station. He is energetic and all that, but he needed our guidance. We didn't have to help him, but we could have done it." And if the blacks insist on trying to break free of the separateness, we should shorten them. There would be another civil war. There are enough people in the South who would be white being broke, worked on it together... this is 'ours' and this is 'yours.' They could work out the same arrangement today if the government helped the Negroes buy farms.

"I don't know if it would be desirable for anything to be separate. You got some niggers in New York that I wouldn't want to go to, and none of them white folks. Our state is more Negro wealth in Atlantic than there is in New York, Chicago, and Philadelphia put together. Sherman burned Atlanta, they had to start all over. And they built a white section and a Negro section. All of them—black and white—being broke, they worked on this together... this is 'ours' and this is 'yours.'"

"It's not necessary to permit him to have, as a number of his leaders are now demanding, a local political community of his own through which he can express himself collectively and in which he can gain both authority and responsibility?

The most effective defender the separatists have found among whites so far is W. H. Ferris, a vice-president of the Fund for the Republic Inc., a well-known money-raiser for liberal causes, and a Fellow of the Center for Study of Democratic Institutions in Santa Barbara, California. His writings on thetheme that racial integration in this country is impossible have won for Ferris the supreme accolade from his intellectual brethren ("I think he must be part black") and the surple outrageous of most liberals, who look upon him as a traitor.

"Will it not be necessary to promote integration for years. And here was Ferris seemingly undercutting everything they had stood for. So they called a meeting about a hundred showed up... and put up a debate between Ferris and Roger Wilkins, who, as Director of Community Relations Service for the Department of Justice, is in charge of its racial integration work. Wilkins was a Negro, of course; he is a nephew of W. E. B. Du Bois, of the N.A.A.C.P. Ferris and Wilkins had never met, and, in fact, Wilkins was not familiar with Ferris's proposals. Ferris first, he stepped up and began to savannah, then on expecting a debate," he said, "you're going to be sadly disappointed. All I can add to what has just been said is that American institutions not only ill-served black people, they hurt them."

"More on separation, at least for the time being, of two kinds of interdependent...
January 6, 1969

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soicieties is right. You’re not going to integre Harlem. You’re not going to integrate Twelfth Street. What we need is not integration, it’s integration, not integration by a group of people who are greedy factfinders, but integration by us as a society have enough humanity left to succeed.

Even when pushed to its most generously illusory extremes, the Ferry colony plan is greeted by the Henry group as if what the militant blacks are worrying about is to be not simply the absence of information about people, rather it is the control persons have over facts about themselves. The invasion takes place with the compulsion to divulge personal data, not in the handling of such facts by the government. Privacy is respected, however, under voluntary procedures where people are asked rather than told they must comply with a census questionnaire. My interpretation of privacy is not related to confidentiality of information collected and stored at the Census Bureau with which I have no quarrel.

The Census Bureau recognizes their need to enumerate people and to guide by the citizens who must supply the facts they seek. Public cooperation will be measurably improved if persons are asked rather than told they must answer questions. The Census Bureau, State governments, the entire market research and educational communities obtain valid statistical information through voluntary questionnaires. It is high time people were asked to cooperate, not harassed and threatened with punishment if they refuse to answer question or two on this 67th inquiry.

The 1970 census form requires the following categories of information be submitted by every person receiving the long form:

First, income, dollar by dollar, from all sources including public assistance, alimony, unemployment and disability insurance, pensions, and investments.

Second, the value of property or amount of rent paid.

Third, educational, marital, employment, and voting history.

Fourth, with whom bathroom and kitchen facilities are shared.

Fifth, a long list of household items including furniture, books, radios, automobiles, and second home; and

Sixth, where each person and his parents were born. The constitutional intent of the census, to enumerate the population for the purpose of apportioning of the U.S. House of Representatives, has been vastly distorted by being loaded down with so many sordid questions. I see no justification to impose a mandatory requirement on answering all such inquiries and to direct relationships with the essential function of the decennial census.

Mr. Speaker, by probing into the many aspects of this important issue, over 12 years I have become more convinced that Congress must limit Census Bureau authority in a very real sense to protect the Bureau from itself. The Census Bureau, so far as I can see, is exploited for greedy factfinders in Government and private business. Let me illustrate this form of bias. Advisory committees and regional conferences operate to help the Census Director determine what questions to ask. To my disappointment, most of the advisors are a single-minded group, civil liberties, patriotic or other people oriented organization took part in these proceedings. Thus, when alternative questions or deferring some questions to other surveys are rejected with equal firmness, a proper change in the form so Congress much limit Census Bureau authority is totally negative. Suggestions of more limited sampleings or deferring these questions to other surveys are rejected with equal firmness. A proper change to test a part-mandatory, part-voluntary census plan met a similar cold reception at the Census Bureau.

The task of counting about 200 million Americans will cost more than $200 million and require 150,000 censuseakers. A new technique, the mail-out/mail-back questionnaire, will be sent to approximately 130 million Americans will cost more than $200 million and require 150,000 censuseakers. A new technique, the mail-out/mail-back questionnaire, will be sent to approximately 130 million people and providing that all other subject essential to making a count of the population is conducted.

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Executive Communications, etc.

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certain officers; to the Committee on Armed Services.

161. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to the Committee on Armed Services, pursuant to the provisions of applicable statutory requirements; to the Committee on Armed Services.

162. A letter from the Acting Secretary of the Interior, by leasing a building to the Committee on Interior and Insular Commerce.

163. A letter from the Chairman, Securities and Exchange Committee, transmitting the 34th annual report of the Commission for fiscal year 1968, pursuant to the provisions of applicable statutory requirements; to the Committee on Interstate and Foreign Commerce.


165. A letter from the Librarian of Congress, transmitting a prospectus proposing acquisition of facilities to house the Geological Survey, Department of the Interior, by leasing a building constructed on Government-owned lands, pursuant to the provisions of Public Law 90-550 (82 Stat. 994); to the Committee on Public Works.

166. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of the Advisory Council on Health Insurance for the Disabled, pursuant to the provisions of section 140 of the Social Security Amendments of 1967; to the Committee on Ways and Means.

167. A letter from the Comptroller General of the United States, transmitting a report of the review of certain aspects of the administration of the Neighborhood Youth Corps program in Los Angeles County, Calif., Department of Labor, pursuant to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers, House of Representatives, No. 91-1. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and referred as follows:

By Mr. BATTIN:

H.R. 2056. A bill to amend the Agricultural Adjustment Act of 1938, as amended, to permit certain wheat producers to sell their wheat, subject to the provisions of the Agricultural Market Price Act of 1965; to the Committee on Agriculture.

H.R. 2056. A bill to provide compensation to the families of certain civilians, for certain lands, for the validation of titles to such lands, and for other purposes; to the Committee on Interior and Insular Commerce.

H.R. 2057. A bill relating to the income tax treatment of periods of military service derived by a taxpayer from his participation in a trade or business, or other period; to the Committee on Ways and Means.

By Mr. BOGOS:

H.R. 2058. A bill to amend section 4003 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

H.R. 2059. A bill to grant minerals, including oil and gas, on certain lands in the Crow Indian Reservation, Montana, to certain Indians, and for other purposes; to the Committee on Interior and Inland Affairs.

H.R. 2060. A bill to modify the provisions of the Housing and Urban Development Act of 1961 in order to implement the regulations of the Federal Reserve System; to the Committee on Banking and Currency.

H.R. 2061. A bill to amend the Internal Revenue Code of 1954 regarding credits and payments in the case of certain use of gasoline and lubricating oil; to the Committee on Ways and Means.

By Mr. HILTON:

H.R. 2062. A bill to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide an insurance program guaranteeing plan termination protection, and for other purposes; to the Committee on Education and Labor.

H.R. 2063. A bill to provide for the design, construction, and establishment of the National Cowpens National Battleground; to the Committee on the Judiciary.

H.R. 2064. A bill to amend the Federal Water Pollution Control Act of 1965 to provide for the federalization of the control of pollution of the water resources of the United States; to the Committee on Environment and Public Works.

By Mr. STEWART:

H.R. 2065. A bill to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide an insurance program guaranteeing plan termination protection, and for other purposes; to the Committee on Education and Labor.

H.R. 2066. A bill to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide an insurance program guaranteeing plan termination protection, and for other purposes; to the Committee on Education and Labor.

H.R. 2067. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Education and Labor.

H.R. 2068. A bill to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide an insurance program guaranteeing plan termination protection, and for other purposes; to the Committee on Education and Labor.

H.R. 2069. A bill to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide an insurance program guaranteeing plan termination protection, and for other purposes; to the Committee on Education and Labor.

H.R. 2070. A bill to amend the Consolidated Omnibus Budget Reconciliation Act of 1985 to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide an insurance program guaranteeing plan termination protection, and for other purposes; to the Committee on Education and Labor.

H.R. 2071. A bill to incorporate the Catholic War Veterans of the United States of America; to the Committee on the Judiciary.

H.R. 2072. A bill to amend section 123(e) of title 28, United States Code, so as to transfer Haywood County from the western district to the middle district of Tennessee; to the Committee on the Judiciary.

H.R. 2073. A bill to amend the act of July 18, 1958, to provide for the expansion of the Advisory Council on Health and Safety in Mines; to the Committee on Interior and Inland Affairs.

H.R. 2074. A bill to amend the Social Security Act to provide for the expansion of the Advisory Council on Health and Safety in Mines; to the Committee on Interior and Inland Affairs.

H.R. 2075. A bill to provide for the expansion of the Advisory Council on Health and Safety in Mines; to the Committee on Interior and Inland Affairs.

H.R. 2076. A bill to amend the Internal Revenue Code of 1954 to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide an insurance program guaranteeing plan termination protection, and for other purposes; to the Committee on Education and Labor.

H.R. 2077. A bill to provide for the expansion of the Advisory Council on Health and Safety in Mines; to the Committee on Interior and Inland Affairs.
By Mr. KING:
H.R. 2091. A bill to modify the reporting requirements and establish additional income exclusions relating to pension for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, to liberalize the oath requirement for hospitalization of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. McCLEERE:
H.R. 2092. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on honey and honey products, and to provide for the entry without duty of honey and honey products; to the Committee on Ways and Means.

By Mr. KING:
H.R. 2093. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. MAILIARD:
H.R. 2094. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. TAMDUN:
H.R. 2095. A bill to revise the quota-control system on the importation of certain meat, and meat and meat products; to the Committee on Ways and Means.

By Mr. MatsuNAGA:
H.R. 2096. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. MAILIARD:
H.R. 2097. A bill to establish the Port Point National Historic Site in San Francisco, Calif., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MatsuNAGA:
H.R. 2098. A bill to appoint a member of the Armed Forces from in a combat zone when such member is the sole surviving son of a family, and for other purposes; to the Committee on Armed Services.

By Mr. DARBINSK:
H.R. 2099. A bill to provide that the United States shall make no payments or contributions to the United Nations for furnishing assistance to Communist countries; to the Committee on Foreign Affairs.

By Mr. MatsuNAGA:
H.R. 2100. A bill for the establishment of a Civilian Aviation Academy; to the Committee on Interstate and Foreign Commerce.

H.R. 2101. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2102. A bill to amend the Public Health Service Act to provide special assistance for the improvement of laboratory animal research facilities; to establish standards for the humane care, handling, and treatment of animals used in research, and to promote the development of methods for minimizing pain and discomfort of laboratory animals used in research; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2103. A bill to establish an Academy of Criminal Justice and to provide for the establishment of such other Academies of Criminal Justice as the Congress may hereafter authorize; to the Committee on the Judiciary.

H.R. 2104. A bill to provide for the compensation of persons injured by certain criminal acts; to the Committee on the Judiciary.

H.R. 2105. A bill to amend the Alien Enrolment Act of 1921 to extend the period of enrolment for persons who served in the Local Security Patrol Force of Guam during World War II; to the Committee on Veterans' Affairs.

By Mr. MURPHY of New York:
H.R. 2106. A bill to amend the Foreign Assistance Act of 1961 so as to provide for reductions in aid to countries in which programs of supplementary medical insurance are not established by mob action; to the Committee on Foreign Affairs.

H.R. 2107. A bill to prohibit transportation in interstate or foreign commerce of articles to or from the United States aboard certain foreign vessels, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 2108. A bill to amend the Merchant Marine Act, 1920, to prohibit transportation of articles to or from the United States aboard certain ships for other than transportation purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 2109. A bill to amend the Internal Revenue Code of 1942 to allow a deduction for certain expenses of higher education; to the Committee on Ways and Means.

H.R. 2110. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for income tax purposes of certain expenses incurred by the taxpayer for the education of a dependent; to the Committee on Ways and Means.

H.R. 2111. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

H.R. 2112. A bill to amend title V of the Social Security Act so as to extend and improve the Federal-State program of child-welfare services; to the Committee on Ways and Means.

By Mr. GERMANSKI:
H.R. 2113. A bill to amend section 508 of the Community Facilities Act of 1949 to require that radios be capable of receiving both AM and FM broadcasts; to the Committee on Interstate and Foreign Commerce.

By Mr. OTTINGER:
H.R. 2114. A bill to establish an emergency program of direct Federal assistance in the form of direct grants and loans to certain hospitals in critical need of new facilities in order to meet increasing demands for services; to the Committee on Ways and Means.

By Mr. PATM:
H.R. 2115. A bill to establish a Government corporation to assist in the expansion of the incapacitated, non-self-supporting services while decreasing the cost of such capital to municipalities; to the Committee on Banking and Currency.

By Mr. POLO:
H.R. 2116. A bill to clarify the liability of national banks for sales taxes and use taxes, and to require the deposit of such taxes; to the Committee on Banking and Currency.

By Mr. POILOCK:
H.R. 2117. A bill to provide for the admission of the State of Alaska into the Union in order to extend the time allowed for the selection of certain lands by such State; to the Committee on Interior and Insular Affairs.

By Mr. SAMPSON (for himself and Mr. ELBERI):
H.R. 2118. A bill to provide for the redistribution of unused quota numbers; to the Committee on the Judiciary.
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ance for sewerage facilities to the Secretary of the Interior; to the Committee on Government Operations.

H.R. 2134. A bill to establish and develop the Ohio Canal National Historical Park, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 2135. A bill to prohibit deceptive packaging or display of nondairy products resembling milk; to the Committee on Interstate and Foreign Commerce.

H.R. 2136. A bill to provide for orderly transfer of public employees; to the Committee on Ways and Means.

H.R. 2137. A bill to amend the Internal Revenue Code of 1954 to provide a 50-percentage credit against the individual income tax for amounts paid as tuition or fees to certain public and private institutions of higher education; to the Committee on Ways and Means.

H.R. 2138. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself and Mr. Tunney): H.R. 2139. A bill to amend title 5, United States Code, to facilitate collection of taxes, and to provide for return, repair, and refund as relates to foreign commerce; to the Committee on the Judiciary.

H.R. 2140. A bill to amend title 38 of the United States Code to establish a national cemetery system consisting of all rights of veterans of any war or armed conflict; to the Committee on Veterans' Affairs.

H.R. 2141. A bill to establish a Small Tax Division within the Tax Court of the United States; to the Committee on Ways and Means.

H.R. 2142. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mr. WYATT: H.R. 2143. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deduction from benefits thereunder; to the Committee on Ways and Means.

H.R. 2144. A bill to amend the Internal Revenue Code of 1954 to allow an incentive tax credit for a part of the cost of constructing or acquiring facilities for the control of water or air pollution, and to permit the amortization of such cost within a period not to exceed 17 years; to the Committee on Ways and Means.

By Mr. BURRE of Massachusetts (for himself, Mr. Dent, Mr. Carsey, Mr. Fulton of Pennsylvania, Mr. Castle, Mr. Kuczyinski, Mr. Minish, Mr. Murphy of Illinois, Mr. Nix, Mr. Whaley, Mr. Canell, Mr. Tausche of California, Mr. Bingham, Mr. Dandaro, Mr. Moss, Mr. St, Onge, Mr. Fulks, Mr. O'Keell of Massachusetts, Mr. Fishers, Mr. Esselman, Mr. Patman, Mr. Abair, Mr. McCullough, and Mr. Hines): H.R. 2145. A bill to expand the definition of deductible moving expenses incurred by an employee; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Dent, Mr. Carsey, Mr. Fulton of Pennsylvania, Mr. Castle, Mr. Kuczyinski, Mr. Minish, Mr. Murphy of Illinois, Mr. Nix, Mr. Whaley, Mr. Canell, Mr. Tausche of California, Mr. Bingham, Mr. Dandaro, Mr. Moss, Mr. St, Onge, Mr. Fulks, Mr. O'Keell of Massachusetts, Mr. Fishers, Mr. Esselman, Mr. Patman, Mr. Abair, Mr. McCullough, and Mr. Hines): H.R. 2146. A bill to expand the definition of deductible moving expenses incurred by an employee; to the Committee on Ways and Means.

By Mr. CAHILL: H.R. 2147. A bill to amend title 10 of the United States Code to prohibit contracting for the construction of vessels for the U.S. Navy at places outside of the United States; to the Committee on Armed Services.


H.R. 2149. A bill for the establishment of the Commission on the Organization of the Executive Branch of the Government; to the Committee on Government Operations.

H.R. 2150. A bill to amend the Federal Trade Commission Act to authorize injunctive relief with respect to violations of sections 5 and 13, and to make certain practices a misdemeanor; to the Committee on Interstate and Foreign Commerce.

H.R. 2151. A bill to establish an emergency program of direct Federal assistance in the form of direct grants and loans to certain hospitals in critical need of new facilities in order to meet increasing demands for services; to the Committee on Interstate and Foreign Commerce.

H.R. 2152. A bill to provide for the investigatory detention and search of persons suspected of criminal activity pursuant to an emergency declaration of federal crimes; to the Committee on the Judiciary.

H.R. 2153. A bill to incorporate the Catholic War Veterans of the United States of America; to the Committee on the Judiciary.

H.R. 2154. A bill to prohibit the investment of public funds for the acquisition or development of buildings or to expand the Veterans' Administration through the sale of property of the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 2155. A bill to give the President authority to alleviate or to remove the threat, to navigate, to dredge or fill, or to prevent or permit the discharge of any pollution, or the disposal of any pollutant, into any navigable vessel, or to any fishing boat, or to any facility of the Committee on Merchant Marine and Fisheries.

H.R. 2156. A bill to give the President authority to alleviate or to remove the threat, to navigate, safety, marine resources, or the coastal economy posed by certain releases of fluids or other substances carried in ocean-going vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 2157. A bill to provide the Coast Guard with authority to conduct research and development of devices for detection with the release of harmful fluids carried in vessels; to the Committee on Merchant Marine and Fisheries.

H.R. 2158. A bill to amend the Rules of the House of Representatives to create a standing committee on the Committee on Urban Affairs; to the Committee on Rules.

H.R. 2159. A bill to amend title 38 of the United States Code to provide for the expansion of the Veterans' Administration cemetery system to insure all veterans of burial facilities in a national cemetery; to the Committee on Veterans' Affairs.

H.R. 2160. A bill to provide that the Secretary of the Army shall acquire additional land for the Northern Cemetery, New Jersey; to the Committee on Veterans' Affairs.

H.R. 2161. A bill to provide for the construction of a new Veterans' Administration hospital in southern New Jersey; to the Committee on Veterans' Affairs.

H.R. 2162. A bill to permit the burial in national cemeteries of mothers and fathers of deceased children whose bodies were not moved or placed open graves or graves without being buried in a national cemetery; to the Committee on Veterans' Affairs.

H.R. 2163. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

H.R. 2164. A bill to amend the Internal Revenue Code of 1954 to provide that an individual may deduct amounts paid for his higher education, or for the higher education of any of his dependents; to the Committee on Ways and Means.

By Mr. CULLER: H.R. 2165. A bill to empower postal inspectors to serve warrants and subpoenas and to make arrests without warrant for certain offenses against the United States; to the Committee on Post Office and Post Roads.

H.R. 2166. A bill to amend title 18, United States Code, to protect the people of the United States against the irresponsible use of firearms, and to assist in the prevention and solution of crime by requiring the registration, and by establishing minimum licensing standards for the possession of firearms, and encouraging the enactment of effective State and local firearms laws, and for other purposes; to the Committee on the Judiciary.

H.R. 2167. A bill to correct deficiencies in the law relating to the theft and passing of postal money orders; to the Committee on the Judiciary.

H.R. 2168. A bill to amend sections 501 and 504 of title 18, United States Code, so as to strengthen the law relating to the circulation of forged or false postage meter stamps or other improper uses of the metered mail system; to the Committee on the Judiciary.

H.R. 2169. A bill to permit the combating crime by creating the U.S. Corrections Service, and for other purposes; to the Committee on the Judiciary.

H.R. 2170. A bill to amend section 4 of the Clayton Act (15 U.S.C. 15), and for other purposes; to the Committee on the Judiciary.

H.R. 2171. A bill relating to national observances and holidays, and for other purposes; to the Committee on the Judiciary.

H.R. 2172. A bill to enact the Interstate Agreement on Detainers into law; to the Committee on the Judiciary.

H.R. 2173. A bill to provide cost-of-living allowances for judicial employees stationed outside the continental United States or in Alaska or Hawaii, and for other purposes; to the Committee on the Judiciary.

H.R. 2174. A bill to repeal the provisions of section 41 of the act of March 2, 1917, as amended, relating to the U.S. District Court for the District of Puerto Rico; to the Committee on the Judiciary.

H.R. 2175. A bill to amend title 18 of the United States Code to authorize the Attorney General to admit to residential community correction centers law and to the Committee on the Judiciary.

H.R. 2176. A bill to abolish the death penalty under all laws of the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 2177. A bill to amend section 1823 of title 28, United States Code, to authorize the payment of travel expenses for certain witness service; to the Committee on the Judiciary.

H.R. 2178. A bill to authorize the Comptroller General of the United States to administratively settle tort claims arising in foreign countries; to the Committee on the Judiciary.

H.R. 2179. A bill to regulate and foster cooperation among the States in providing a system for the taxation of interstate commerce, to the Committee on the Judiciary.

H.R. 2180. A bill to provide the U.S. payments to the United Nations shall not be used for programming activities not approved by the United States; to the Committee on Foreign Affairs.

By Mr. DULLES: H.R. 2181. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year with-
out any deductions from benefits thereunder; to the Committee on Ways and Means.

Mr. NOEICK: H.R. 2182. A bill to clarify the liability of national banks for taxes and fees on motor vehicles, to the Committee on Banking and Currency.

By Mr. PEPPER: H.R. 2183. A bill to amend the joint resolution of October 23, 1956, relating to National Park Week; to the Committee on the Interior.

By Mr. VANIK: H.R. 2184. A bill to amend the Federal Water Pollution Control Act, as amended, relating to the construction of waste treatment works, and for other purposes; to the Committee on Public Works.

By Mr. HALL (for himself and Mr. CLEVELAND): H.R. 2185. A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules.

By Mr. SMITH of California: H.R. 2186. A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules.

By Mr. HAWKINS: H.R. 2188. A bill Federal Regulation of Lobbying Act of 1969; to the Committee on Rules.

By Mr. BATTIN: H.R. 2189. A bill to grant to the State of Montana the nonexclusive right of property in certain real property, to the Committee on Interior and Insular Affairs.

H.R. 2190. A bill to repeal section 372-1 of title 25, United States Code, relating to the appointment of hearing examiners for Indian primitive work, to provide tenure and status for hearing examiners performing such work, and for other purposes; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (for himself and Mr. NEILSEN): H.R. 2191. A bill relating to the establishment of parking facilities in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CÓRDOVA: H.R. 2192. A bill to authorize the transportation of passengers by certain foreign vessels between Puerto Rico and Port Everglades, Fla., to the Committee on Merchant Marine and Fisheries.

By Mr. HAMILTON: H.R. 2193. A bill to enable citizens of the United States who change their residences to vote in presidential elections, and for other purposes; to the Committee on House Administration.

By Mr. HAWKINS: H.R. 2194. A bill to authorize the Commissioner of the District of Columbia to administer a program to provide for the construction of parking facilities in the District of Columbia without cost to the taxpayers, and for other purposes; to the Committee on Public Works.

By Mr. POLLOCK: H.R. 2195. A bill to remove certain restrictions to clerk hire for Members of the House of Representatives; to the Committee on House Administration.

H.R. 2196. A bill to amend the Legislative Branch Appropriation Act, 1959, as it relates to the bearing of expenses of Members of the House of Representatives, and for other purposes; to the Committee on House Administration.

H.R. 2197. A bill to amend the act of August 26, 1955, as it relates to transportation expenses of Members of the House of Representatives; to the Committee on House Administration.

By Mr. SIKES: H.R. 2198. A bill to exempt from taxation certain property in the District of Columbia owned by the Reserve Officers Association of the United States, to the Committee on the District of Columbia.

By Mr. CAHILL: H.R. 2199. Joint resolution to declare the policy of the United States with respect to its territorial sea; to the Committee on Foreign Affairs.

By Mr. CELLER: H.J. Res. 170. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

H.J. Res. 180. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in Congress; to the Committee on the Judiciary.

H.J. Res. 181. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

H.J. Res. 182. Joint resolution proposing an amendment to the Constitution of the United States, relating to the direct popular election of the President and the Vice President of the United States; to the Committee on the Judiciary.

By Mr. GRIFFIN: H.R. 2191. A bill relating to the qualifications of members of the Supreme Court; to the Committee on the Judiciary.

H.R. 2192. A bill to joint resolution proposing an amendment to the Constitution of the United States, relating to the election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. CLEVER: H.J. Res. 184. Joint resolution proposing an amendment to the Constitution of the United States, relating to the election of the President and Vice President; to the Committee on the Judiciary.

H.J. Res. 185. Joint resolution proposing an amendment to the Constitution of the United States to permit voluntary participation in prayer in public schools; to the Committee on the Judiciary.

By Mr. HOLMAN: H.R. 2195. A bill to joint resolution proposing an amendment to the Constitution providing for a 4-year term for Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. REINECKE: H.J. Res. 187. Joint resolution creating a Joint Committee to Investigate Crime; to the Committee on Rules.

By Mr. RUSS: H.R. 2198. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. STRATTON: H.J. Res. 189. Joint resolution proposing an amendment to the Constitution of the United States relating to the election of the President and the Vice President; to the Committee on the Judiciary.

H.J. Res. 190. Joint resolution proposing an amendment to the Constitution of the United States relating to the right to vote of citizens who have attained the age of 18 years; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia: H.J. Res. 191. Joint resolution proposing an amendment to the Constitution to provide for the direct election of the President and the Vice President; to the Committee on the Judiciary.

By Mr. HOGAN: H.J. Res. 192. Joint resolution proposing an amendment to the Constitution of the United States providing for the direct election of President and Vice President; to the Committee on the Judiciary.

By Mr. LONG of Maryland: H. Con. Res. 68. Concurrent resolution relating to the seizure of U.S. vessels and to the effect of seizure on foreign commerce; to the Committee on Foreign Affairs.

By Mr. CAHILL: H.R. 67. Resolution creating a select committee to conduct an investigation and study of all aspects of crime in the United States; to the Committee on Rules.

By Mr. HAWKINS: H.R. Res. 88. Resolution to amend rules X, XI, and XIII of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. ICHORD (for himself, Mr. ASHBROOK, and Mr. DEL. CRAWFORD): H.R. Res. 245. Resolution creating a select committee of the House of Representatives to change the name of the Committee on Un-American Activities, and for other purposes; to the Committee on Rules.

By Mr. REID: H.R. Res. 90. Resolution creating a select committee to conduct an investigation and study of all aspects of crime in the United States; to the Committee on Rules.

By Mr. ROYBAL: H.R. Res. 91. Resolution to amend rules X, XI, and XIII of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. STRATTON: H.R. Res. 92. Resolution expressing the sense of the House of Representatives that the people of all Ireland should have an opportunity to express their desire to the people of the United States by a vote in a plebiscite under the auspices of a United Nations commission; to the Committee on Foreign Affairs.

By Mr. CROMER: H.R. Res. 93. Resolution authorizing the Committee on the Judiciary to conduct studies and investigations relating to certain matters within its jurisdiction; to the Committee on Rules.

By Mr. TWEIT: H.R. Res. 94. Resolution providing funds for the Committee on Rules; to the Committee on House Administration.

By Mr. EVINS of Tennessee: H.R. Res. 95. Resolution authorizing certain printing for the Select Committee on Small Business of the House of Representatives; to the Committee on House Administration.

By Mr. FREDEL: H.R. Res. 96. Resolution authorizing payment of compensation for certain committee employees, to the Committee on House Administration.

By Mr. MCPHERSON: H.R. Res. 97. Resolution transferring all the functions, powers, and duties of the Architect of the Capitol relating to the operation and management of the office of the Architect of the House of Representatives to a House Cafe teria Commission; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRETT: H.R. 2188. A bill to the relief of Agripina V. and Raul S. Geimundo; to the Committee on the Judiciary.

By Mr. DEL. WATSON: H.R. 2191. A bill for the relief of Miss Anna Ferrari; to the Committee on the Judiciary.

By Mr. BATES: H.R. 2192. A bill for the relief of Francesca P. Martens; to the Committee on the Judiciary.

By Mr. SCHWARTZ: H.R. 2193. A bill for the relief of Mrs. G. W. Beck; to the Committee on the Judiciary.

By Mr. BOLAND: H.R. 2194. A bill authorizing the President of the United States to award Congressional Medals of Honor to Astronaut Frank Borman, James A. Lovell, and William A. Anders; to the Committee on the Judiciary.

By Mr. BROWN of Michigan: H.R. 2195. A bill for the relief of Dr.
By Mr. BUSH:
H.R. 2224. A bill for the relief of Finlade, Lovell, and William A. Andrews; to the Committee on Armed Services.

By Mr. CARELLI:
H.R. 2252. A bill for the relief of Adela Deldai La Riva; to the Committee on the Judiciary.

By Mr. CAHILL:
H.R. 2207. A bill for the relief of Frances S. Bender; to the Committee on the Judiciary.

H.R. 2208. A bill for the relief of James Hideaki Buck; to the Committee on the Judiciary.

H.R. 2211. A bill for the relief of Carlo DeMarco; to the Committee on the Judiciary.

H.R. 2210. A bill for the relief of Charles D. Donelin and others; to the Committee on the Judiciary.

H.R. 2254. A bill for the relief of Janina Medrano; to the Committee on the Judiciary.

H.R. 2253. A bill for the relief of Lucia Musillo; to the Committee on the Judiciary.

H.R. 2213. A bill for the relief of George A. Simons; to the Committee on the Judiciary.

H.R. 2209. A bill for the relief of Saturnina Torregrosa; to the Committee on the Judiciary.

H.R. 2257. A bill for the relief of Herlindo Mariscal Vasquez; to the Committees on the Judiciary.

H.R. 2237. A bill for the relief of John T. Anderson; to the Committee on the Judiciary.

H.R. 2238. To award a Congressional Gold Medal to the Committee on the Judiciary.

By Mr. ELLER:
H.R. 2238. A bill to provide for the relief of certain civilian employees of the Air Force; to the Committee on the Judiciary.

By Mr. FALLON:
H.R. 2239. A bill for the relief of Georgios Sentis; to the Committee on the Judiciary.

By Mr. FISH:
H.R. 2240. A bill for the relief of Wladyslaw Morgen and his wife, Anna Morgen; to the Committee on the Judiciary.

By Mrs. GREEN of Oregon:
H.R. 2241. A bill for the relief of Sanito Beneduce; to the Committee on the Judiciary.

By Mr. GRIEM of Oregon:
H.R. 2243. A bill for the relief of Anna Crocetto; to the Committee on the Judiciary.

By Mr. HAWKINS:
H.R. 2242. A bill for the relief of Anna Crocetto; to the Committee on the Judiciary.

By Mr. HARVEY:
H.R. 2245. A bill for the relief of Nikolaos Pountanis; to the Committee on the Judiciary.

H.R. 2246. A bill for the relief of Domenico La Forgia; to the Committee on the Judiciary.

By Mr. OTTINGER:
H.R. 2247. A bill for the relief of Edward Michael Murphy and Kathleen Doris Murphy; to the Committee on the Judiciary.

By Mr. PICKLE:
H.R. 2248. A bill for the relief of Vincento Nunnata; to the Committee on the Judiciary.

H.R. 2249. A bill for the relief of Vassilios Sereitis; to the Committee on the Judiciary.

By Mrs. OTTER:
H.R. 2250. A bill for the relief of Dr. Roman Bijnan, his wife, Helenia Bijnan, and their minor daughter, Maria Bijnan; to the Committee on the Judiciary.

By Mr. REES:
H.R. 2251. A bill for the relief of Tranquilino Orus and his wife, Paula R. Palmer Orus; to the Committee on the Judiciary.

By Mr. SNITKO:
H.R. 2252. A bill for the relief of Antonino Randauso and his wife, Bartola Peralino Randazzo; to the Committee on the Judiciary.

By Mr. SNITKO:
H.R. 2253. A bill for the relief of Raffael Galzino; to the Committee on the Judiciary.

By Mr. HICKS:
H.R. 2254. A bill for the relief of Kang Kyung Soo; to the Committee on the Judiciary.

H.R. 2255. A bill for the relief of Moon Dong Wook; to the Committee on the Judiciary.

By Mr. JOELSON:
H.R. 2256. A bill for the relief of Mario Di Leo; to the Committee on the Judiciary.

H.R. 2257. A bill for the relief of Germaine Forel and her husband, Edouard de Leon; to the Committee on the Judiciary.

H.R. 2258. A bill for the relief of Ernest Miller; to the Committee on the Judiciary.

By Mr. KASTENMEIER:
H.R. 2259. A bill for the relief of Dr. Sel Byung Yoon and his wife, Sook Ihm Saw; to the Committee on the Judiciary.

H.R. 2260. A bill for the relief of Katharina Gaertner; to the Committee on the Judiciary.

H.R. 2261. A bill for the relief of Robert C. Myers, Jr.; to the Committee on the Judiciary.

H.R. 2262. A bill for the relief of Alfred K. Ezquer; to the Committee on the Judiciary.

H.R. 2263. A bill for the relief of Mrs. Nikollia Jankovska and her minor daughter, Susan; to the Committee on the Judiciary.

H.R. 2264. A bill for the relief of Mrs. and Mr. Mohamed Hussein Fahmi; to the Committee on the Judiciary.

H.R. 2265. A bill for the relief of Maryvonne P. Glerczewski; to the Committee on the Judiciary.
The Senate met at 10:30 a.m., and was called to order by the Acting President pro tempore.

Mr. RUSSELL, M.D., president and founder of Project Concern, Inc., San Diego, Calif., offered the following prayer:

Our Father, creator of an expanding universe, Lord of a shrinking planet, we acknowledge our awesome love, patience, and forgiveness.

Teach us that our world has now grown too small for anything less than brotherhood; that life has become too precious for anything less than peace; that human relations have become too critical for anything less than love.

Give us a sense of family. Make us realize that in our struggle for greatness it is not so much how deep in space we can go, but how far we can reach in solving the immediate problems of Your beloved earth's people. Help us to know that until a hollow-eyed, emaciated, pot-bellied child of the Mongol, Tbo, or American Indian becomes "our child" we have not yet achieved our national purpose.

Give us a sense of peace. Teach us to wage peace as eagerly and enthusiastically as we have waged war. Make us to experience no real satisfaction if we win a war and lose a people. May peace become not just the static absence of fighting and dying, but the imaginative, dynamic situation where every man is at peace with himself because his family has enough.

And, Father, give us a sense of love. As the world's hungry, poor, and sick ask, "Do you understand? Is it possible that you can feel our feelings?" let this be our reply: "Love you! I am you."

While others doubt, even scoff, let us direct our vast resources toward a world where every child eats enough, every woman is adequately attended in childbirth, and every man knows the dignity of supporting his own.

May this be our glorious quest. Amen.

The SPEAKER presented a petition of S. R. Abranson, M.D., Marksville, La., relative to redress of grievances; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, the President pro tempore.

The President pro tempore.

The PRESIDING OFFICER (Mr. MANSFIELD in the chair). The Chair appoints the distinguished Senator from Vermont (Mr. Aiken) to escort the newly elected President pro tempore to the desk so that he may take the oath as President pro tempore.

Mr. RUSSELL, escorted by Mr. Aiken, advanced to the rostrum; the oath prescribed by law was administered to him by the Presiding Officer (Mr. MANSFIELD),