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Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, September 11, 1969*

The House met at 12 o'clock noon.

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

Let us have grace, whereby we may serve God acceptably with reverence and godly fear.—Hebrews 12: 28.

Almighty God, our Heavenly Father, we pause before the altar of prayer to lift our hearts unto Thee, praying for a fresh vision of Thy presence, seeking guidance for this day and strength for our tasks.

Increase our desire for clear thinking and honest dealing. Decrease in us any inclination for deceit and pretense. Stimulate us in our efforts to rise above the common level of life, to choose the hard right rather than the easy wrong, to live ever in the light and to serve Thee with all our might.

Bless our Nation with Thy favor. Keep her free; and in her freedom enable her to foster in the hearts of men a true love for peace with justice and good will for all.

In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 614. Joint resolution authorizing the President to proclaim the week of September 28, 1969, through October 4, 1969, as "National Adult-Youth Communications Week."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2315. An act to restore the golden eagle program to the Land and Water Conservation Fund Act.

ANNOUNCEMENT OF HEARINGS ON PREVENTIVE DETENTION

(Mr. ROGERS of Colorado asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Colorado. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled public hearings on H.R. 12806, and related measures, providing for the preventive detention of dangerous persons who are accused of crimes. These hearings will begin on October 15, 1969, at 10 a.m., room 2141, Rayburn House Office Building.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building.

WEST VIRGINIA CONGRESSMAN BOOMS JOHN D. ROCKEFELLER IV FOR PRESIDENT IN 1976

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute.)

Mr. HECHLER of West Virginia. Mr. Speaker, when the direct election constitutional amendment is ratified, the best qualified man in the Nation can be elected President no matter where he lives. West Virginia has a superbly qualified man who will make a great President after he finishes his present term as Secretary of State and then serves either as Governor or as a U.S. Senator. I refer to John D. Rockefeller IV. I think he can be nominated and elected in 1976.

The only trouble is that although Mr. Rockefeller is an accomplished expert in Chinese, he does not have a mainland Red Chinaman's chance of being nominated under the electoral college system, because West Virginia is not considered a key industrial State. I think it would be a great loss to deprive the Nation of Mr. Rockefeller's great talents and in effect disqualify him in advance by failing to enact the direct election constitutional amendment.

Mr. Rockefeller has a demonstrated capacity for leadership, a great potential for future growth, a keen awareness of the social problems of our times and a quality which inspires the confidence of young and old alike. So I hope both Houses of the Congress and three-quarters of the States will rally to ratify this direct election constitutional amendment that will enable people throughout the Nation to be considered for the Presidency.

PERSONAL ANNOUNCEMENT

(Mr. DULSKI asked and was given permission to address the House for 1 minute.)

Mr. DULSKI. Mr. Speaker, because of my absence from the Capitol on committee business, I have missed several rollcalls. Had I been present and voting, I would have voted "yea" on rollcall Nos. 155, 157, 158, and 162. I would have voted "nay" on rollcall No. 161.

PERMISSION FOR SPECIAL SUBCOMMITTEE ON ECONOMIC DEVELOPMENT PROGRAMS, COMMITTEE ON PUBLIC WORKS, TO SIT DURING GENERAL DEBATE TODAY

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the Special Subcommittee on Economic Development Programs of the House Committee on Public Works may sit during general debate this afternoon.

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

There was no objection.

DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of House Joint Resolution 681, with Mr. MILLS in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee rose on yesterday, the gentleman from New York (Mr. CELLER) had 1 hour and 46 minutes remaining and the gentleman from Ohio (Mr. MCCULLOCH) had 2 hours and 6 minutes remaining.

The Chair recognizes the gentleman from New York.

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

The CHAIRMAN. Evidently a quorum is not prsesent. The Clerk will call the roll.

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

[Roll No. 166]

Abbitt	Fallon	Nix
Anderson, Ill.	Findley	Obey
Anderson, Tenn.	Foley	O'Neill, Mass.
Annunzio	Ford, Gerald R.	Ottinger
Arends	Ford, William D.	Pepper
Ayres	Foreman	Philbin
Belcher	Fuqua	Powell
Biester	Giaimo	Price, Ill.
Blanton	Goldwater	Price, Tex.
Blatnik	Gray	Pucinski
Boggs	Green, Pa.	Railsback
Bolling	Gubser	Reid, Ill.
Brasco	Howard	Reid, N.Y.
Brown, Ohio	Hungate	Reifel
Bush	Jarman	Rhodes
Byrne, Pa.	Kirwan	Rostenkowski
Cabell	Kluczynski	Ruppe
Cahill	Landrum	Scheuer
Carey	Lipscomb	Shipley
Clark	Long, La.	Sisk
Collier	Long, Md.	Smith, Calif.
Corman	Lowenstein	Smith, Iowa
Coughlin	Lujan	Snyder
Cramer	McClory	Stuckey
Cunningham	McCloskey	Taft
Daniel, Va.	Marsh	Teague, Tex.
Davis, Ga.	Martin	Tiernan
Dawson	Mathias	Tunney
Delaney	Michel	Ullman
Dent	Miller, Calif.	Watkins
Derwinski	Morse	Whitehurst
Diggs	Morton	Wilson, Bob
Erlenborn	Moss	Wilson, Charles H.
Esch	Murphy, Ill.	Wydler
Eshleman	Myers	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MILLS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 681), and, finding itself without a quorum, he had directed the roll to be called, when 326 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. McCULLOCH. Mr. Chairman, a member of the Committee on the Judiciary, the gentleman from Illinois (Mr. RAILSBACK) is in Illinois attending the funeral of the late great Senator Dirksen. Therefore, I ask unanimous consent that the gentleman from Illinois (Mr. RAILSBACK) be permitted to extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. RAILSBACK. Mr. Chairman, I support the bill submitted by the Judiciary Committee. There is little doubt that the present system of selecting the President and Vice President must or should be changed. The issue, of course, revolves around the substitute. If the reform we seek is not to be illusory, the alternative we approve should eliminate all of the weaknesses that plague the present electoral process. The only procedure which accomplishes this task is the direct election proposal.

The two major weaknesses under the present system are the "winner take all" and "bonus votes" aspects. The fact that the candidate who receives the most votes in the State receives all of its electoral votes is an inequity that has long been recognized and deplored. Likewise the existence of the two electoral votes allocated to every State regardless of size distorts the true objectives of our electoral process as they exist today.

The objective, which is foremost in my mind, is equality. The questions which are relevant, therefore, must be concerned with the presence of privilege or advantage. Is the vote of each citizen equal in influence? Are regional preferences preserved or created?

Any system which preserves the use of electoral votes affects the relative effectiveness of each vote. Any procedure which in any way weighs the votes through a system of intermediate steps, before tabulation, such as in the proportional or district plans, diminishes the integrity of the individual vote.

Is there any sound reason why every citizen should not have an equal voice in the election of our one official who serves as the symbol and spokesman for all the people?

Is it too much for a citizen to ask of his Government that his vote be equal to that of his fellow American?

The answer to these questions must be in the negative. For this reason the direct election of our President offers the only solution to the present inequities that now exist. Reform which preserves privilege is no reform at all. The American people want meaningful change. The direct method is the only one that would eliminate once and for all the principal defects of our present system: the winner-take-all feature and its cancellation of votes; the inequities arising from the formula for allocating electoral votes among the States; the anachronistic and dangerous office of presidential elector; and the archaic method by which contingent elections are handled. Factors such as fraud or accident could no longer decide the disposition of all of a State's votes.

Direct election would bring to presidential elections the principle which is used and has worked well in elections for Senators, Representatives, Governors, State legislators, mayors, and thousands of other officials at all levels of government.

That principle, "one person, one vote," would make the votes cast by all Americans in presidential elections of equal weight. All votes would be reflected in the national tally. None would be magnified or diminished. All citizens would have the same chance to affect the outcome of the election. I, therefore, strongly urge every Member to support the Judiciary Committee recommendations.

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

Mr. PELLY. Mr. Chairman, this resolution to amend the Constitution of the United States relating to the election of the President and Vice President is the most important issue we will consider in this session. In saying this, I don't belittle the major legislation we have faced or will continue to consider, but on other legislation, if success of any such program is not achieved, changes, improvements, or actual abolishment can be made in ensuing years.

However, here we are talking of a 26th constitutional amendment requiring three-fourths of the States' legislatures ratification by a two-thirds vote each and what we do now is something with which all Americans will have to live for a long, long time.

This resolution is especially important because of the pitfalls inherent in the existing electoral college and the inequities of the winner-take-all system. It has been pointed out that the smaller States would stand to lose a slight advantage they presently enjoy in influencing an election, and, of course, there may be some resistance to any such loss of special privilege, although, myself, I cannot see what actual benefit bonus electoral votes under the present system gives them.

The basic wrong in the present electoral system is that it is, as I said, one of winner take all. This is the root of the evil of the system. Under it, millions upon millions of voters are deprived of an opportunity to have a voice in selecting the President.

There are those who believe the district plan, under which electors would be chosen like Members of the House, would have a better chance of getting the support of the States; others say it would eliminate exaggerated mischievous mistakes of fraud. On this latter point, I do not agree. Furthermore, it is my view that there is such a strong public demand for the direct election plan that it has a better chance of being ratified.

To me, it is inconsistent that the National Association for the Advancement of Colored People—NAACP—is opposed to the direct election plan, which follows the one-man, one-vote theory. On the other hand, it is significant, I think, that this plan is endorsed by the AFL–CIO and, likewise, the Chamber of Commerce of the United States, the American Bar Association, the Federal Bar Association and many other leading national organizations.

One thing is clear, however, and that is the matter of a constitutional amendment to change the manner in which we elect our President and Vice President has come of age.

The Gallup poll shows 81-percent support for the direct election of the President. The Harris poll showed 78 percent. Surveys by Members of Congress clearly show this change is strongly supported. Meanwhile, Senator ROBERT GRIFFIN has conducted a poll of nearly 4,000 State legislators which reveals that on the question of electing the President by direct popular vote, 64 percent of the Legislators responding to the poll said they favored ratification. All the polls I have seen indicate that this plan stands a better chance of ratification by three-fourths of the States than either of the other two major proposals.

Also, great weight is added by the fact that such a prestigious organization as the American Bar Association supports the direct popular election of the President.

In my own congressional district, I have conducted a questionnaire on this matter, and an overwhelming 79 percent of those responding favored direct popular election.

Some of our colleagues have asserted

that the Senate will not approve of a popular election. I do not know what they will do, but I believe it is important that we proceed affirmatively here in the House and allow the conference committee to adjust any differences.

Now is the time to act with the memory fresh in our minds that a constitutional crisis over the selection of the Chief Executive was narrowly averted in 1968. Let us remember that the will of a substantial majority of our people could well have been thwarted because of the inadequacies of the electoral college method of selection of the President and Vice President. The mechanisms which were provided in the 18th century simply are not adequate for the 20th century.

Our electoral process was conceived at a time when conditions were far different than they are today, and during all these years of sociological and physical change we discover ourselves using a system untuned to the times.

Each of the plans for electoral reform has considerable merit, but because of the widespread support given the direct election of the President, I personally favor it.

Mr. Chairman, I strongly urge passage of this resolution calling for the direct election of the President and Vice President by the people of the United States.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman. It has been calculated that, in the event our present electoral system were to force a presidential election to be decided in this body, only 76 Members, representing barely one-fifth of our population, would be able to elect our President.

Mr. Chairman, in order to avert such frightening prospects, I strongly support the constitutional amendment before us today. It would provide for the direct popular election of our President and Vice President. We have, in the last election, once more approached the brink of chaos. We have looked into the abyss, and seen the consequences all too narrowly averted.

I need not dwell before this body on the inadequacies of our present system. To put the matter in sharp focus, we need only consider its three most undemocratic and potentially dangerous flaws:

First, a candidate can receive a greater number of popular votes than any of his opponents, and lose the election. This has happened, in 1824, in 1876, and 1888. It nearly happened again in 1960.

Second, the electors are not bound to vote for the candidate who wins the popular vote in their States.

Third, the procedure for breaking a deadlock in the electoral college is awkward and undemocratic. And the chaos that could follow a further deadlock in this Chamber is too painful to contemplate.

I am convinced, Mr. Chairman, that the plan before us today is clearly superior to all those that have been suggested. As we know, it is also the plan considered best by the President.

None of the other principal alternative plans assures that the man who receives the most votes will gain the White House.

This is the criterion that must be decisive. It is the only one acceptable to a land proud of its democratic heritage and increasingly insistent on this logical expansion of its principles.

Recent polls show that 80 percent of our people favor direct presidential election. And this strong support is found in every section of the land.

It is the plan unanimously favored by such diverse groups as the American Bar Association, the U.S. Chamber of Commerce, and the AFL–CIO, after each conducted thorough studies of the problem.

While the plan before us today has not been immune from criticism, I respectfully suggest that the criticism is not substantial.

One argument has been that it would eliminate the power and influence of the smaller States.

This argument is simply without foundation. In fact, the opposite is true. Under our present system the 12 largest States can elect the President.

Others have suggested that this concentration on the large urban States assures that presidential candidates will be responsive to the special needs of minority groups, and to our major urban needs that must be met.

This argument too, I believe, ignores the reality that, in our increasingly urbanized Nation, no serious candidate can disregard these issues.

Some critics have claimed that the plan would weaken our two-party system. Again I suggest that a realistic appraisal indicates the opposite.

As we saw only recently, it is the present system which encourages this. Under direct election no third party candidate could use a handful of electoral votes to dictate the choice of a President.

In conclusion, Mr. Chairman, I think I have shown that this is a good plan. A sound plan. And there can be no question that some change must come.

For too long, through sheer inertia, this Nation has put up with our present unsatisfactory and dangerous system.

The time for change has come for us today. And we must not lose this opportunity to begin the lengthy process of bringing sanity to our presidential electoral system.

I urge adoption of House Joint Resolution 681.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, first of all let me say that you and the other distinguished members of the Judiciary Committee have done a tremendous service to this House and the entire Nation in preparing your election reform proposals.

As you know I, too, have spent months studying the problems of our presidential election system and ways to solve them.

It is a very great privilege for each of us to participate in this floor debate which will lead to a constitutional amendment to alleviate the great inequities of our election system.

Your committee deserves the gratitude of the American people for reaching a positive conclusion on the need for electoral reform, and for bringing this resolution to the floor for debate.

For many decades, the American people have become aroused over the dangers and injustices of our present system during presidential election years. But these concerns were not strong enough or lasting enough to move the Congress to take action to reform our horse-and-buggy presidential election procedures.

Last fall, America came precariously close to having its highest office up for bid, you might say, on the floor of this very House of Representatives. In the same election, we had a living, breathing example of a presidential elector who not only was willing, but was proud to disregard the will of the people of his State and cast his ballot for a minority candidate.

Like other Members of this body, I placed electoral reform among the highest of legislative priorities in the 91st Congress. During the adjournment period, I developed a plan for electoral reform which I feel is democratic, and which at the same times acknowledges the role of the States in our Federal Union.

My plan embodied in House Concurrent Resolution 345 follows closely the plan for direct popular election of the President and Vice President with one very significant exception. Under my plan, each State would be guaranteed a voice in the selection of a President equivalent to its portion of the national population.

Simply stated, the plan which I presented at the Judiciary Committee hearing is this: Each State would have a number of electoral votes equal to the number of its congressional districts. No additional, or "bonus," votes would be assigned for each State's two Senators as is presently done.

Electoral votes would be given to each candidate in proportion to the number of the State's popular votes each candidate receives. To make the proportional split exacting, electoral votes would be divided to the nearest thousandth.

House Concurrent Resolution 345 is designed to assure that the candidate who receives the most popular votes will win.

Like House Concurrent Resolution 681 now before us, my plan requires the winner to have 40 percent or more of the popular vote and provides for a runoff election where no candidate receives at least a 40-percent plurality.

The basic difference between this plan and the direct popular vote plan is that under my plan, the voice in presidential selection of the people of each State will be determined by the total population of each State, instead of by the total votes cast in each State. Under both plans, the voters themselves, and not electors, determine which candidates will receive the State's votes.

The sole reason my plan retains the concept of electoral votes is so that variable voter turnout does not affect the weight each State's votes will carry in the outcome. Electors are dispensed with. By this means, my proposal would as-

sure each State of a proportional voice in the outcome of the election based on its population.

Mr. Chairman, I offered this plan to come as close as possible to a direct vote while retaining, as a compromise, a meaningful role for the States in our national election scheme. There have been a great many serious doubts cast on the future of a direct election amendment at the hands of the State legislatures. It is extremely important that meaningful and democratic electoral reforms be adopted before the next presidential election, and I wanted to propose a plan which would both remove the undemocratic aspects of the present system and be palatable enough to win ratification in the States.

There are various and conflicting polls and opinions about the fate of House Concurrent Resoluton 681 in the State capitals. But the information on how the State legislatures would receive any of the other plans proposed is also very vague and conflicting.

While I prefer to guarantee to the people of each State their fair proportional voice in the selection of our President under House Concurrent Resolution 345, I can also strongly support direct popular election of the President, as provided in House Concurrent Resolution 681. There is no vagueness or conflict about the feelings of the American people on direct popular election of the President. Opinion polls and congressional mail point to strong support for this most democratic of election reforms. After long hearings and considerable deliberation in executive session, the distinguished House Committee on the Judiciary chose the direct popular election plan over all other proposals offered.

I believe that the House will approve this plan, and that it will win strong support in the Senate. If the demand for meaningful reform is strong enough to win passage of this amendment in the Congress, I believe that the State legislators will be hard pressed to ratify it by their constituencies.

Mr. Chairman, the so-called district plans which have been proposed fail to provide meaningful reform.

In reality, they carry with them the evils of the present winner-take-all procedure. A candidate could win by one vote or 100,000 votes in a given district without changing the State result.

Most district plans also carry with them the onus of the two bonus votes which add undue weight to the voice of the smaller States, and which enhance further the possibility of electing a candidate to the Presidency who does not receive a plurality of popular votes.

To further detail my election proposals encompassed in House Concurrent Resolution 345, I would like to share with you and our colleagues a recent article I wrote for Case & Comment, a lawyer's journal:

ELECTION REFORM: REMEDY FOR AN IMPENDING CRISIS

(By Hon. FRANK HORTON)

There is an impending crisis facing the United States. That crisis evolves from the antiquated election procedures we have been operating under since the end of the first century.

I say crisis, because in the last election this country came as close as I ever want to come to putting final election bargaining power in the hands of a minority party candidate.

I say crisis, as well, because for the sixth time in our history, a faithless Presidential elector proved that the Electoral College has become a dangerous anahcronism in our Democratic Republic.

At the end of the 90th Congress I undertook a detailed study of our election procedures. What I found was a long history of election reform attempts, but no successes. Since 1797 there have been more than 500 amendments proposed to reform the electoral system. That's more amendments than have been proposed for any other single provision of the Constitution.

In reviewing the nomination and election procedures used over these past 180 years, I kept three principal goals in mind:

Elimination of blatantly undemocratic elements of the present system, such as, denying meaningful participation by the people in the selection of party nominees and the election; independent voting by members of the Electoral College; and runoff procedures in the House of Representatives.

Preservation of our traditional two-party system and the strength of state and local parties. Party nominating procedures must be maintained, strengthened, and legalized under the Constitution without imposing unreasonable Federal controls.

Preservation of state responsibility for elections, where it has resided since our nation's founding. Federal standards should be imposed only when the principles of democracy and essential uniformity demand.

When the Constitution was drafted, the Electoral College and its accompanying election procedures were the most democratic the world had even seen. But that was in 1787. Now, 180 years later, the system is outdated.

My study has shown the need for 10 basic changes to meet these goals:

Abolish the Electoral College.

Establish an automatic proportional electoral vote formula based on the popular vote in individual states. Each state would have one electoral vote for each Congressional District.

Population census every five years to assure accurate figures to determine proportional assignment of Congressional Districts and electoral votes to the states.

Require a 40 percent electoral vote margin, rather than an absolute majority for the victor.

Provide a runoff election for the top two candidates if no candidate receives 40 percent of the electoral vote.

Provide an equitable electoral voice for the District of Columbia.

Permit persons to vote for the Presidency as absentees in the state where they were last eligible to vote if their state of present residence denies them a vote because of residency laws.

Poll the 50 state legislatures to determine a national voting age for persons voting for the Presidency. The age preferred by a majority of states would become law under an act of Congress.

Establish a Federal Election Commission to review election procedures, recommend changes and settle contested election results involving the Presidency.

Establish basic rules for National Party Conventions, binding delegates elected by primary to first ballot votes and providing for a runoff primary when no candidate receives a majority of delegate votes.

The seriousness of the Electoral College crisis becomes obvious when we realize that 15 of our 37 President have been elected with less than a majority of the vote.

On November 5, 1968, we elected Richard M. Nixon as President with 43.4 percent of the vote, a mere .7 percent margin over former Vice President Hubert H. Humphrey. Third party candidate George C. Wallace polled 13.5 percent of the vote. Despite the closeness of the popular vote, Nixon had a clear electoral edge: 301—191—46.

Over the year electoral reform proposals have included direct voting, proportional voting, district voting and automatic (or non-elector) voting plans.

DISTRICT VOTING

In the late 1700's and early 1800's, it was normal for the electors to be chosen in districts similar to Congressional Districts. However, this system was generally abandoned when dominant parties in the State Legislatures saw that they could win more votes for their candidate by choosing electors on general Statewide tickets, using the winner-take-all rule.

The unit rule gives all of the electoral votes of each state to the winner of even the smallest plurality. It has proven to be a most undemocratic reflection of the will of the people.

When a candidate receives a one vote plurality in a state, and wins all of that state's electoral votes, the individual votes of all who voted for his opponents are nullified.

In New York State, where almost 6.8 million votes were cast in 1968, Hubert Humphrey, with 3,378,400 votes received all the electoral votes, in effect nullifying the 3,007,938 individual votes cast for Mr. Nixon.

An argument against the district system is the same as against the present electoral plan: that, like any state today, a district's electoral vote would be won by a candidate having a one-vote margin or a 100,000-vote margin.

A district system would have made no difference in the 1968 Presidential election, but it would have elected Richard M. Nixon as President over the late John F. Kennedy in 1960. That year, Kennedy, who had a slight edge in the popular vote, received 303 electoral votes to 219 for Nixon. A district plan along Congressional District lines would have given Nixon 280 electoral votes to 254 for Kennedy.

THE AUTOMATIC SYSTEM

Another alternative proposed has been called the "automatic system," which would eliminate the electors and automatically cast all of a state's electoral votes for the winning candidate in the state.

The greatest criticism of the automatic plan is that it would give Constitutional status to the traditional "winner-take-all" or unit rule for electoral votes making it a Constitutional mandate.

DIRECT VOTING

Proponents of direct voting say it would give the most meaning to the individual vote. Direct election would eliminate the "unit rule" under the present electoral system and prevent a candidate from winning the presidency without having a plurality of popular votes.

Direct voting proponents also feel it would boost the two-party system, particularly in those areas where one-party control is entrenched.

Today, although increased competition between parties might result in larger turnouts at the polls, with a fixed numbr of electoral votes for each state, there is no electoral advantage to any state from a high votes turnout.

Under a pure, direct voting system voter turnout, and not actual population would determine the voice of each state in the election. Weather and other factors can drastically affect voter turnout on any given election day.

Without apportioning electoral votes by population, variables in voter turnout, which is usually high in urban states and somewhat lower in rural states, could have the effect of cancelling or drastically reducing any voice in the result for citizens of some states.

The total number of citizens, and not the number of persons who vote on a given day, should determine the state's electoral voice in a national election.

Another criticism of direct elections is that they would lead to Federal control of elections. Establishment of a national voting law for presidential elections could threaten state control of its own elections, critics say.

AUTOMATIC PROPORTIONAL PLAN

The only aspect of the present electoral system which comes close to measuring up to twentieth century standards of democracy is the apportioning of a fixed number of electoral votes to each of the 50 states.

Each state must be guaranteed a voice in the selection of a President and Vice President equal to its own proportion of the population. To implement this sound principle, and eliminate the remaining undemocratic aspects of the Electoral College system requires major reforms.

My proposals, while abolishing the Electoral College, would retain the electoral vote. But each state would be allotted electoral votes equal to the number of its Congressional Districts. This would eliminate the disproportionate bonus vote for each state's two Senators.

At present, two additional votes are assigned each state for its two U.S. Senators. The allotment of electoral votes should be directly proportional to population. The minimum electoral vote for any state would be one, not three, as today.

Unlike any of the other proposed alternatives, the automatic proportional vote amendment to the Constitution which I introduced best reflects the popular strength of the candidates and still maintains our system of Federalism.

My automatic proportional system comes closest to electing a President by popular vote of the people, while preserving the state's proportional electoral voice.

RESULTS UNDER THE HORTON PROPOSAL

(1 electoral vote for each congressional district, divided to 3 decimal places according to the proportion of votes each candidate received in individual States; plurality and at least 40 percent of electoral vote required to win)

	Present electoral vote	Percent popular vote	Horton electoral vote	Percent Horton electoral vote	Horton electoral vote to win
1968					
Richard M. Nixon	[1] 301	43.70	[1] 187.100	43.0	174.0
Hubert H. Humphrey	191	42.70	183.174	42.1	
1960					
John F. Kennedy	[1] 303	49.72	[1] 216.008	49.42	174.8
Richard M. Nixon	219	49.52	213.711	49.12	
1888					
Grover Cleveland	168	48.64	[1] 167.186	51.44	130.0
Benjamin Harrison	[1] 233	47.81	150.019	46.15	
1878					
Samuel J. Tilden	184	50.93	[1] 151.786	50.09	121.2
Rutherford B. Hayes	[1] 185	47.94	139.061	45.89	
1824 [2]					
John Quincy Adams	84	31.89	74.734		85.2
Henry Clay	37	12.99	17.035		
William H. Crawford	41	12.95	49.780		
Andrew Jackson	99	42.16	70.451		

[1] Winner.
[2] Runoff required under Horton plan—Adams elected by House of Representatives.

Compilation of the controversial elections in the past show that use of the Horton proposal would have resolved these problems.

The race between John Quincy Adams and Andrew Jackson in 1824 was thrown into the House of Representatives. Under the Horton proposal a runoff election would have been required.

Samuel J. Tilden, who had a 250,000 majority, would have beaten Rutherford B. Hayes in 1878. As it was Hayes won by a single electoral vote after an electoral commission had resolved contested returns.

The 1888 election, under the existing system, went to Benjamin Harrison despite the fact Grover Cleveland was the popular winner with a 100,000 plurality. Under the Horton proposal Cleveland would have won a majority of the electoral vote.

Opponents of the proportional system say it would have resulted in a victory for Richard Nixon in 1960 although John Kennedy had a plurality of the votes. By eliminating the additional electoral votes for U.S. Senators, the Horton automatic proportional system would have given Kennedy a 2.29 vote victory.

The Horton plan in 1968 would have given Richard M. Nixon, 187.100 electoral votes, 43.5 percent, and Humphrey, 183.174, 41.6 percent. Wallace would have received 14.7 percent.

MINORITY PARTIES

Opponents of proportional voting feel it would encourage minority parties because new parties would not have to win a majority in any state or win elections in order to exercise political power. If a majority of electoral votes were required to win, minority parties could exert great influence by holding a balance of power.

However, an effective means to reduce third party power is to lower the required victory margin to 40 percent.

It is important that a newly elected President have the strong support of the people. History has proven this can be accomplished by reducing the victory margin from a majority to 40 percent of the electoral vote.

Under my proposal, if no candidate in a three-way race received 40 percent of the electoral vote, a national runoff election between the two highest candidates would be held within a month of the first election to determine the winner.

This would remove the House of Representatives, with each state having one vote, as the national arbiter of close Presidential elections.

In order to deprive a majority candidate of the election, third and other splinter party candidates would have to win a minimum of 20 percent of the vote to necessitate a runoff. This has occurred only twice in 46 Presidential elections.

DISTRICT OF COLUMBIA REPRESENTATIONS

The District of Columbia, under my proposal, would be allotted the same number of electoral votes as its population would require Congressional Districts if it were a state.

The people who live in the Nation's Capital should be afforded the privilege to voice their full vote for the Presidency. At the present time the District has three electoral votes, but is barred under the Constitution from having more votes than the least populated state, although it is larger than a half a dozen states with more electoral votes.

RESIDENCY DISENFRANCHISEMENT

Each year, millions of voters are disenfranchised because they fail to meet residential requirements in a given state or locality. These voters cannot cast their ballots for the Presidency despite the fact that they are citizens and have voted in previous elections.

A uniform Federal standard is essential to permit a Presidential vote for the millions of Americans disenfranchised by various state residency laws. In an era of great mobility when large numbers of citizens move from city to city and state to state, they should not be deprived, even temporarily, of their right to vote for the Presidency.

Under this proposal every U.S. citizen who has been registered to vote in any state, and who is, by virtue of the residency requirements of the state of his current residence, ineligible to vote in that state, shall be eligible to vote as an absentee for President in the state where he was last registered.

Voting age standards also should be uniform for persons voting for the Presidency. It is not fair for those under 21 years old in a few states to be eligible to vote for President while citizens of the same age in other states are ineligible to vote.

The national voting age for the Presidency would, under my plan, be determined by a poll of the 50 state legislatures before 1971.

State legislatures should each determine a voting age between 18 and 21. The preference of a majority of the legislatures would then become by Act of Congress the national voting age in Presidential elections for all states.

Individual states may establish any voting age for electing state and local officials, but would be encouraged not to.

CENSUS REFORM ESSENTIAL

Essential to any reform proposal would be the need to have more accurate population figures. This would be resolved through a five year census in place of our decennial head counts.

The decennial census which now determines representation in Congress as well as the electoral votes assigned to each state, is no longer adequate because of our high population growth patterns and high mobility.

Under the present decennial census, population figures can be 10 years old in certain election years, as in 1960. Under a five year census, population figures could be as fresh as one year and no older than five years.

FEDERAL ELECTION COMMISSION

The need for continuing review of our election procedures is obvious. Such a commission would stimulate research and development into balloting procedures and offer recommendations to Congress. It would also have jurisdiction to expedite settlement of contested elections involving the Presidency.

The Commission would also review individual state requirements for selection and election of the national convention delegates. Where a state's laws work an injustice on the democratic process, the Committee is empowered to recommend minimum nationwide standards to Congress.

It is foolhardy to assume that merely because a system has been in existence for 180 years it fits the needs of our present day modern society. Over those years the Constitution itself has undergone change. Great changes have occurred in our society as a whole.

Television, radio, jet transportation, public education and public awareness of Government and public affairs has worked to create the best informed electorate in the history of this planet. At the same time, our election system, once the most advanced in the world, has been surpassed by modern theories of democratic government in a free society.

The American people must be unbridled from a horse-and-buggy electoral college,

which contains inherent dangers so great as to threaten the stability of our very government. This stability ultimately lies in the people.

I firmly believe the people of the 50 states and the District of Columbia are well equipped to assume their rightful role in choosing national leadership. The proposals I have made offer a plan which is tailored to the needs of today's American Democracy, and to the American Federal system.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from New York (Mr. GILBERT).

Mr. GILBERT. Mr. Chairman, I support the resolution to amend the Constitution to permit the direct election of the President, because I believe in popular government and genuine majority rule. I think the abolishment of the electoral college, the vestige of a day when the people were not considered fit to choose their own leaders is long overdue.

But because I believe in majority rule, Mr. Chairman, I have severe reservations about the provision of the amendment that would elect a President with 40 percent of the popular vote. I regard it as inherently unwise to build into our Constitution a provision for the election of our highest public official with less than a majority of votes. I think it is an unhealthy departure from the traditional American principle that the majority rules. I believe it will set a disturbing precedent, which—given its association with the highest office in the land—could easily pass into more commonplace political practice. Some of our colleagues have proposed other figures—35 to 45 percent. We are a country that has always been governed by majority rule, and I believe very deeply that we should stay that way.

I have other reservations about the 40-percent provision. I think it will encourage the growth of splinter parties and stand constantly as a sword over the head of the two-party system. I suspect it will give undue power to small groups. I think it will enable, far more easily than with a majority requirement, the election of a President who appeals to some transitory passion. A demagog will more easily get 40 than 50 percent of the vote. The 40 percent principle means that 60 percent of the voters might support the stability that the two traditional parties have always given our society—while a minority is temporarily diverted by some folly. I have great faith in the long-term wisdom of the American people but I have, even in my own lifetime, seen instances when a substantial minority has had its head turned by the siren songs of irresponsible would-be leaders. I think the amendment, as it currently is written, will serve the ambitions of a demagog, while putting the solid majority of Americans at a severe disadvantage.

Let me go a step further and say that the institution of a minority President will do a disservice to good government. In these days of enormous social problems, we need a strong man in the White House, one who is uncontestably the master of his administration. We know how difficult it can be for the President to exercise control over entrenched interests inside the Government—the vast Federal bureaucracy, the military, the intelligence agencies, the regulatory commissions. These fiefdoms inevitably are strengthened by the feeling that the President represents less than the majority of voters. Any sign of weakness in the Presidential office, it seems to me, diminishes the responsiveness of these entrenched forces to necessary change. We contribute nothing but potential disorder to the processes of Government, in my view, if we build into the Constitution the institution of a minority President.

What I propose is the resort to a runoff election, which the amendment already contemplates if no candidate obtains a plurality of 40 percent. My amendment would provide for a runoff if no candidate gets as much as 50 percent plus one of the votes cast. I recognize that this could entail added expenses, both for candidates and the election districts, but I think the expenses could be kept to a minimum. If the runoff election were held one, or perhaps, 2 weeks at most from the original election day, there would be little additional campaigning. And since this would be a head-to-head contest, with only two names on the ballot, I would think that administrative expenses would be minimal. Other countries and several of our States find the runoff system quite feasible. I do not think the technical handicaps are serious. I prefer this system because it is far more democratic than acquiesence to a minority President. I believe that the integrity of our system demands that our President be the choice of a majority of Americans.

Mr. Chairman, I recognize that no one knows for sure how the proposed constitutional amendment will function in practice, particularly in regard to the problem of third parties. I think most Americans agree that we should try to preserve the two-party system. I acknowledge that an argument can be made for the proposition that requiring a majority of popular votes for the election of a President will encourage dissidents to form splinter parties as "spoilers" to force a presidential election into a runoff. On the other hand, I believe such spoilers will be discouraged from entering—and entailing thereby much trouble and expense—by the knowledge that a runoff will cancel any influence they had hoped to exercise. In the case of a 40-percent President, a third party would remain in possession of the margin of defeat or victory, a sort of Damocles over the President's head, a force with which he would need unquestionably and interminably to reckon.

But as important as any practical consideration, Mr. Chairman, is the principle of majority rule. I would like to caution my colleagues against institutionalizing the minority President by enshrining him in the Constitution. I would, instead, have them consider seriously the device of the runoff election to preserve the confidence of the people and keep our system strong.

Mr. McCULLOCH. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, in considering House Joint Resolution 681 we are being asked to make a fundamental change, a change not only in the Constitution of the United States, but in my judgment also a change in the fundamental and basic philosophy which lies behind that Constitution.

In this situation it seems to me that two things at least are clear. First, the burden of proof rests heavily upon the proponents of the change and, secondly, we should strive for the minimum change consistent with the legitimate objectives of reform.

Now, the objectives of reform as I understand them are to get rid of the so-called faithless elector, to provide a better method of a contingent election in the failure of an electoral majority than that now provided in the Constitution, and to remedy the winner-take-all situation by which the winner of the popular vote within the States takes all of the electoral votes of the State.

Mr. Chairman, the gentleman from Texas (Mr. DOWDY), the gentleman from Virginia (Mr. POFF), and I, on Monday—and I hope, parenthetically, that all Members will be present on Monday—will offer a substitute amendment in the form of a district plan which we believe will answer all of those objectives of reform and will do so without working any radical and fundamental change in our constitutional system and in our electoral system.

Our plan, briefly, will abolish the elector as an individual and this will take care of the question of the faithless elector. It will retain the electoral vote of each State as it now exists and two of the electoral votes of each State will go to the candidacy—the candidate for President and Vice President—which gets the highest number of votes within the State.

The other electoral votes of the State will go as the separate electoral districts into which the State is divided will go and will be assigned automatically to the candidacy which has the highest number of votes within such electoral district. That, we submit, will take care of the winner-take-all proposition because no longer, for example, will the city of New York be able to govern all of the electoral votes of the State of New York. It may possibly take the two electoral votes at large; it may take those in the congressional districts within the city, but it will not necessarily affect at all the voters upstate who can choose their own electors in their own districts.

Finally, our plan in the event that no one obtains an electoral majority in this manner will provide for an election by a joint session of this House and the Senate where the Members will vote as individuals, thus utilizing a representative body already elected and at hand and available for that purpose.

I said when I commenced my remarks that I thought the direct plan proposed by the committee envisaged a fundamental change in political philosophy. We have heard here on the floor during the debate several times that any plan other than the direct plan carries within it the possibility, as they say, of a winner being a loser or a loser being a winner.

It is true as a mathematical proposition that as long as you retain electoral

votes it is mathematically possible, though not likely, in a very close election, for someone to have the most electoral votes, and still to run slightly behind in the popular vote. That can occur.

As a matter of fact, it has not occurred in this country since 1888, when Benjamin Harrison was elected over Grover Cleveland, and in my judgment that is the only example in our history, under modern conditions fairly approaching the conditions which exist in this country today.

But let me suggest to you a few other considerations in this connection:

This body in which we sit is a representative body. Why is it representative? It is representative because it is elected by districts throughout the length and breadth of this great land of ours.

I am indebted for this next illustration to my friend, the gentleman from Michigan (Mr. HUTCHINSON). If we approach this House on a completely mathematical basis, if we counted up the total vote within the country for Republican candidates for this House and compared it with the total vote nationwide for Democratic candidates for this House on a purely mathematical basis, there ought to be a good number more Republican Members in this House than there actually are, but, elected from districts as we are, this is not true; and still we are a representative body, and Representative, Mr. Chairman, for the very reason that we are elected by districts.

As a result of our election by districts, we have Representatives here from every section of this country representing every citizen, every interest, every class, and every viewpoint in this country.

Let me suggest to you what can happen under the direct election procedure, and what I believe well might happen.

In the 1968 election 54.6 percent of all the votes cast were cast in nine States containing 12 of our largest cities. The significance of this is, as the Indianapolis Star put it in an editorial, that political machines in 12 cities in nine heavily populated States can pile up pluralities so big that the votes of the rest of the country would not matter in a nationwide popular election.

In other words, under the direct popular vote plan proposed by the committee, it is possible for a candidate to pile up so large a margin in these few heavily urban districts that he can lose and run behind in three-quarters of the geographical area of this country, and still wind up with a few thousand more total popular votes.

Now, such a candidate so elected may be a winner in a mathematical sense, but I ask the question whether he is a national leader, whether he is truly a representative leader under those conditions?

Let me suggest to you that a President elected by districts—and that is what we propose, the gentleman from Texas and the gentleman from Virginia and I in our substitute amendment—must, like the Members of this House, be a representative President, representing all sections and all interests and all points of view throughout this great country of ours.

In 99 times out of 100 the winner of the popular vote will also be that representative candidate, under any system. But our forefathers did not hand down to us a pure democracy in this country. They handed down to us a representative federal republic, and I say to the Members of this House that if we are to abandon that representative Federal Republic, and in my view that is what we are being asked to do, then it must be done without my vote, at least; and, I would hope, without the votes of every thoughtful Member of this House.

So I say to you, ladies and gentlemen, by all means let us strike a blow for reform, but let us do it without striking down in the process the constitutional house left us by our forefathers.

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

Mr. DENNIS. I yield to the gentleman.

Mr. WIGGINS. I would like to sharpen the argument made that the present resolution will destroy or at least damage the federal system. I hope the gentleman will be precise. I would like to know in what specific way the sovereignty of the State of Indiana will be eroded by the direct popular election of the President.

Mr. DENNIS. Well, the thrust of my argument, I will say to the gentleman, is that which I made a minute ago, that under the direct popular vote you may have a man elected from a small part of this country; in other words Los Angeles, New York, Chicago, or Detroit, if they like a man and vote for him, strongly along with a few other cities, they can elect him. I say that that is democracy, maybe, in the sense of a few more votes—but it is not the representative Federal Republic such as we have had, and if that man loses in the rest of the national area then he is not representative on a national scale.

Mr. WIGGINS. If the gentleman will yield for one further observation, I believe the gentleman is aware that the State of Indiana was the most important State in the Union in contributing to the national total for a Republican President.

Mr. DENNIS. I am aware of that.

Mr. WIGGINS. That was in 1968. I suggest too that Indiana particularly will be an important State in a direct election.

Mr. DENNIS. I agree that Indiana is always important.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield for a question?

Mr. DENNIS. I yield to the gentleman.

Mr. BURLISON of Missouri. Mr. Chairman, I take it from the views of the distinguished gentleman from Indiana printed in the committee report and in the letter that he has sent to the Members of this body that he bases much of his position on the idea or the concept espoused by the distinguished gentleman, of the federal system as favored by James Madison, which you refer to in both of your publications.

Mr. DENNIS. It is true, I will say to the gentleman from Missouri, referring to the distict plan which I am advocating that James Madison said that it was mostly if not exclusively in contemplation by the framers when they drew the Constitution.

Mr. BURLISON of Missouri. Is the gentleman aware that James Madison, the father of our Constitution, favored the direct popular plan for electing the President?

Mr. DENNIS. I am.

Mr. BURLISON of Missouri. Rather than the system espoused now by the gentleman from Indiana?

Mr. DENNIS. I understand that that is true, but he said, nevertheless, that the Constitutional Convention had in mind the district system and he said that he thought that would be an excellent amendment to the Constitution as it was adopted.

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

Mr. DENNIS. I yield to the distinguished chairman of the Commttee on the Judiciary.

Mr. CELLER. Is the gentleman able to give us any concrete evidence of support for the district plan by any organization?

Mr. DENNIS. I am glad the gentleman has asked me that. Reference was made here yesterday to the Chamber of Commerce. I think the gentleman, the chairman of the Committee on the Judiciary, will remember that the Chamber of Commerce is supporting the district plan equally with and as an alternative to the direct plan—and I am happy to inform the distinguished chairman that the American Farm Bureau Federation has been sending me wires supporting the district plan. So I think I can at least cite two national organizations to him.

Mr. CELLER. On the other side we have the AFL–CIO, the American Bar Association, the U.S. Chamber of Commerce, the Federal Bar Association, and many other organizations which favor the popular direct plan.

The gentleman understands the evils of gerrymandering, I am sure. I would like to ask the gentleman this question: Would not the district plan open the door to greater gerrymandering on the part of the State legislatures? If they are Republican, they would likely gerrymander the districts along Republican lines; contrarywise, if the legislators are controlled by Democrats, the Democrats being politically minded, as are the Republicans, would draw the lines likewise so as to assure Democratic electors.

Mr. DENNIS. I would like to say to the distinguished chairman that we have provided for that in our proposed amendment by stating that the electoral districts must be, insofar as practicable, compact, of continuous territory, and as nearly equal in population as possible. We adopted that language in order to meet the very argument made by the distinguished gentleman. I might add that as long as your congressional district meets those standards, but only so long, it could be the electoral district.

Mr. CELLER. As one who has been very interested in the subject of gerrymandering, and over many years the author of bills seeking to prevent gerrymandering, I can say to the gentleman the mere words "continuous" and "compact," which are contained in this proposed amendment, would not prevent gerrymandering. It could still be gerryman-

dered on other lines and on other principles.

Mr. DENNIS. I say to the chairman that no solution is perfect. But I feel that under the court decisions and under the terms of our proposal, we could draw decent districts which would be representative, just as this House is representative.

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

Mr. DENNIS. I yield to the gentleman if I have any time left.

Mr. MONAGAN. The gentleman has suggested that he fears political machines would control the votes in certain population centers. I would just like to suggest from the experience of the past presidential election the opposite would be the case. To take New York City as an example, with the present political situation in that city, would not the proliferation of candidates and phases of opinion within the party show quite the contrary would be the case?

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

Mr. DENNIS. May I have time to answer the gentleman?

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

Mr. CELLER. Mr. Chairman, I yield 20 minutes to the gentleman from Texas (Mr. DOWDY).

Mr. DOWDY. Mr. Chairman, I am pleased to have this opportunity to express some of my views relating to reform of the electoral system by which we elect the President of the United States.

I have long been of the opinion that some reform would serve the general good, but my concept of reform would be to conform the practice to the intent of the authors of the Constitution, in the provision they made for election of the President. With the development of political parties in the United States, it became the practice for the entire electoral vote of each State to be delivered to the presidential candidate receiving a plurality of the popular vote of the State, known as winner-take-all.

This was not the intention of the authors of the constitutional provision establishing the electoral college. A reading of the constitutional records amply demonstrates this to be true. In a letter to George Hay, James Madison stated what the 1787 Convention intended to accomplish. In the letter, Madison stated:

> I agree with you in thinking that the election of presidential electors by district is an amendment very proper to be brought forward. The district mode was mostly, if not exclusively, in view when the Constitution was framed and adopted.

With this in mind, the proposal of the gentleman from Virginia (Mr. POFF), the gentleman from Indiana (Mr. DENNIS), and myself, which will be, at the proper time, offered as a substitute for the committee bill, House Joint Resolution 681, has been framed, holding in mind the proper use of the electoral college, and assignment of electoral votes by district. This proposal upholds the original constitutional principle of the electoral college.

We abolish the electors as such, but retain the form and intent of the Constitution. The details of the substitute proposal will be explained when it is offered. In the meantime, should you wish to examine the proposed substitute, it is set out in the remarks of the gentleman from Indiana (Mr. DENNIS) on page 24890 of the CONGRESSIONAL RECORD for September 9, 1969.

The present procedure by which a President is elected does need reform. Various reasons are assigned by various people. Some of the reasons are picayune. For instance, there is mentioned the problem of the maverick elector. This problem is so small as to not be worthy of mention; however, we eliminate him in our substitute proposal. The contingency of election in the House is remote even under the present system. It has happened only twice, and that in the early history of our Nation, once in 1800 and again in 1824.

But the palpable unfairness of the winner-take-all system, by which a small number of popular votes may control a State's entire electoral vote, cries out for remedial action. That is what we seek to remedy by and through our substitute. Neither the gentleman from Indiana (Mr. DENNIS) nor I will claim that our proposal is perfect. No political system is perfect. We do claim that our proposal is less imperfect than the present system, and also less imperfect than the other proposals, and particularly the committee proposals, House Joint Resolution 681, which is more imperfect than any other proposal, and would exchange the few imperfections in the present system for a horde of new imperfections.

The acknowledged defects in the present system of electing a President do not cry out for the drastic and radical scheme embodied in House Joint Resolution 681, which calls for the direct election of our Presidents. This proposal would destroy our federal system. This is the fundamental fact facing us here now. Maybe that is what we want to do. I do not think we want to destroy our federal system, but we ought to know that is what will happen by adoption of the direct election.

Popular election sounds so easy—so simple. But examination will disclose problems which are immensely complex. Under House Joint Resolution 681, the regulation of all elections would effectively pass from the States to the Congress. Under present law, each State fixes its own qualifications for voting and supervises its own elections. The system has its drawbacks, of course, but they are far outweighed by its advantages. The State constituencies are confined; they are of manageable size; and they operate in each State under a body of established election law.

The committee proposal would completely alter this federal scheme. Congress would provide for a runoff election if no candidate received 40 percent of the vote; Congress would fix minimum residency requirements; Congress would wind up fixing age requirements and literacy requirements; Congress would be required to enact laws providing for election contests; Congress would provide for absentee voting; Congress would write laws for just about everything else. Congress would preempt the field of election laws; the States would be required to abandon their own election laws in order to conform because it would be impractical to have two sets of voters, one for President and the other for State elections.

Some may think it is good, and that it is what the people want, but I repeat, whether good or bad, the proposed change is fundamental and radical, and must be faced as such. I believe that our proposed substitute provides a far better and wiser solution.

The essential objection to the operation of the present system used in election of Presidents is the distortions that exist. The chief cause of the distortions is the statewide general election ticket system of electing presidential electors. The district system, as embodied in the substitute of the gentleman from Indiana (Mr. DENNIS) and me would eliminate the winner-take-all procedure under which all the electors from a State go to the statewide winner, regardless of the fact that the statewide loser might have won some congressional districts. Our proposal, as heretofore stated, would follow the plan for electing a President as envisioned by the Founding Fathers.

If you will read all of the varying and dissenting views in the committee report on House Joint Resolution 681, and after listening to all of the debate here on the floor, I am convinced that you will come to the conclusion that the authors of the U.S. Constitution were more intelligent than some of us have been giving them credit over the last several years.

If the manner of electing a President, as they envisioned, had been followed, rather than abandoned, there would be no necessity for me to be here today urging the adoption of my substitute. Prior to 1836, many presidential electors were elected by popular vote from districts within the States. Each district elected its own elector, whose party affiliation and vote might be different from those in some other districts within the same State. These district electors represented the voice of the people within their districts, giving these people an effective, independent voice "as citizens of the United States." The people were not regimented, as they are today under the winner-take-all general ticket system, into voting solely in their capacity "as citizens of their State," by requiring that their votes be counted on a statewide basis only, and having one voice expressed uniformly by all of the electors from the State.

The Constitution provides that the number of people determines the whole number of presidential electors each State shall have. Each State is entitled to two electors, or electoral votes, counterparts of the two U.S. Senators to which it is entitled as a State. In addition, it has additional electoral votes equal to the number of Representatives in Congress to which the "people" of the State are entitled.

Senators are elected by the people of a State to represent their "State" in Congress. The Representatives are elected by the people of their districts to represent "the people" in Congress.

The district plan, as proposed in our substitute, will effectively preserve and

protect the dual character of Americans as "citizens of the United States," and as "citizens of a State," as clearly established in the Constitution. The great compromise established dual representation in a bicameral Congress, providing, first, for equal representation of the States as States, regardless of population or size, in the Senate, and, second, for representation of the people by Representatives in the House elected directly by the people and apportioned among the several States according to population.

This difference in the character of representation in the two Houses is sharply drawn in the constitutional provisions relating to qualifications which specify that a Representative shall be an inhabitant of the State "in" which he shall be chosen, and that a Senator shall be an inhabitant of that State "for" which he shall be chosen.

This balanced and symmetrical structure of dual citizenship and dual representation in the Congress applies consistently in the parallel structure of dual representation established for the electoral college. The election of two electors on a statewide basis is an election for the State by persons acting in their capacity as "citizens of the State," and the election of additional electors by each district would provide separate elections in each State by persons acting in their capacity as "citizens of the United States."

Our proposed substitute for House Joint Resolution 681, while abandoning "electors" as such, preserves the electoral votes for each State and for each district, and preserves the dual citizenship status in voting for President.

In addition to conforming to the intent of the Constitution, our proposal is much fairer than the statewide general ticket system, wherein all presidential electors, whether counterparts of Senators or of Representatives, are elected by the same statewide count of votes by which the two electors, counterparts of the State's two Senators, are elected.

Now, in my remaining time, I will remark briefly on some of the evil results that could be expected from adoption of the Joint Resolution 681, which is before us for consideration. I have already mentioned that it would destroy our federal system, and its price would be complete Federal control of our elections, leaving no role to the people or to the States.

House Joint Resolution 681 is not electoral reform—it is a political transformation, flying squarely in the face of the most basic precept of the Constitution. It is a swing to an extreme which represents the most radical possible departure from traditional constitutional concepts.

The only real source of complaint is the statewide, winner-take-all election of electors. This can and should be changed, but there is nothing in the current situation, political or otherwise, that would command the complete restructuring of the foundation of the Presidency. It goes too far for too little reason.

The adoption of House Joint Resolution 681 would result in 15 States gaining political power in the selection of the President; 34 States and the District of Columbia would lose, and one State would have no change. The competition between the States to gain political power could well do violence to age and literacy requirements for voters. All of the States would have to follow the leader to the lowest voting age established by others, or see their power in presidential elections diminish. Who knows where it would end; it has even been suggested that it could reach the point that a pregnant woman would be permitted two votes.

Furthermore, a logical extension of the arguments made in support of the direct national election can be extended to include the restructuring of the U.S. Senate, with its assignment of two Senators to each State. It lends force to the schemes, advocated by many, to destroy the Senate by conforming it to a population basis. After all, if the people of the United States elect the President out of one popular constituency, thus brushing aside State boundaries and the concept of States themselves, then by what logic can it be maintained that the States should remain intact and sovereign and be assigned, equally, two Senators?

Fairly stated, the proposal for direct election is far more than reform. It is replacement of almost 200 years of principle. Let it be so named and so recognized. Let the people of the country know full well the real, true question that is being debated here. Implicit and ordained in the proposal is the destruction of the States as parts of the plan of electing the President, making easier the task of those who would rush forthrightly into the centralization of all power in Washington, which is going on apace, even now.

I cannot see how thoughtful citizens, with lifelong experience in the work of precinct, county, district and State politics, as they affect presidential elections, could fail to have misgivings about a proposal which would precipitate them into one formless mass of people, across the 50 States. It could effectively cripple, if not destroy the political parties. Political workers, party officials, organizers, and concerned voters have always dealt with the work of presidential elections in a familiar framework. They work at the task of carrying their constituencies, and measure their effectiveness precinct by precinct, county to county, district to district, and State to State.

This would be no more under the direct-election proposal. Far from bringing the vote for the President closer to the people, this proposal would cause them to lose their identity and their interest in a shapeless mass.

Sectional differences in terms of economics, resources, ethnic groupings, religious blocs, urbanization and so forth, have always been important elements in presidential politics. Merging, balancing, tempering and reasonable compromise have been very positive and valuable attributes of our federal system. In fact, it is this diversity of people and interests that has kept us strong as a society. It is a precious balance. All of this will be drowned out and lost if the direct election proposal is adopted.

The direct election would introduce greater uncertainty into our presidential elections. In the event of close results, in State after State, such as we saw in 1960 and 1968, we could expect calls for widespread recounts and contests in the courts. New Federal laws would have to be enacted concerning such contests; these laws would have to be tested and interpreted by the Federal courts, through the Supreme Court. The result being that it could be weeks or months, or even years, without knowing who had been legally elected President. In purporting to seek certainty, the direct election ironically introduces an element which can only lend itself to greater uncertainty.

Much has been made in the past of dangers of fraud in elections, and we have seen charges of such when States were closely divided, and a State's whole bloc of votes would be delivered in such a manner. But placing the whole electorate at issue, as does the direct election proposal, raises fraud to its highest possible level. Such a plan would nationalize fraud and utilize every available bit of it. Presently, a given fraud can affect the vote of only one State. Under the direct election, it would affect the vote of the whole Nation. Under the district plan, it would affect only one electoral vote.

A shift of only 60,000 votes would have reversed the outcome of the 1960 election, had it been conducted under the direct election plan. Surely, this number of votes would be viewed as an achievable goal for those so inclined, out of more than 70 million votes.

Splinter parties have heretofore been neutralized by the State boundaries of the electoral college. The proponents of the direct election suggest that the 40 percent requirement for election of a President is designed to allow a 20 percent splintering of the electorate, and yet permit one of two major parties to elect a President. They do not add that the President they elect may be bitterly opposed by three voters out of five, and that he could truly be a minority President.

In fact, with the multiplicity of parties this plan would encourage, minority Presidents would be almost a certainty. The Madison Avenue techniques of the press and television networks in presenting the direct election to the people as a utopian method of solving all the ills of society has been biased and entirely one sided. It is not mentioned, or slurred over, that 40 percent of the voters will be able to elect the President. But the resolution is here, and the people will become informed that it would actually write the 40-percent provision into the Constitution, the basic law of our land. No mention is made of the fact that if adopted, the voters of the 10 or 12 largest cities would be able to elect the President, even though he might be entirely unacceptable to large majorities elsewhere. But the people will learn of it before such an amendment is ever ratified.

I hear it asked here, "How was the 40 percent figure arrived at?" No good reason is assigned—purely rationalization.

But this 40 percent would make it possible for the 10 or 12 largest cities to elect. I wonder if that is the reason for it. Were the figure 45 percent, it would make a minority election more difficult; were it 50 percent, the minority election would be impossible; were it 35 percent, the intent would be too obvious. As amendments are offered, I expect this will become apparent.

I am of the opinion that an effective President should have a majority base of some sort, whether it be a majority of the voters, or a majority of the areas of the Nation. Throughout our history, our Presidents have had such a base, even in 1800 and 1824, when they were selected by the representatives of a majority of the States. A Presidency based upon 40 percent of the votes cast would be shaky, indeed.

In the end, the essential weakness of the direct-election proposal is that its ratification is most deeply in doubt. The big States versus the little States is an issue that will not go away. It remains with us as it has from the date of the great compromise of 1787, which made our Constitution possible. Thus the Congress is being asked to adopt the proposal that is least likely to be ratified by the smaller States, which by any count will number more than 30. Will they sacrifice their statehood in presidential elections on the altar of an undefined political slogan, "one man, one vote"? I think not. By mere failure to act, any 13 States can defeat a proposed constitutional amendment.

And that brings me to a final thought I want to lay before you for consideration. The proponents of direct election claim they want to effectuate the "one man, one vote" slogan. But they immediately provide that a President shall be elected by 40 percent of the voters, which effectively belies the "one man, one vote" claim. The real meaning of the 40-percent provision is "one man, 1½ votes." Under this "one man, 1½ votes" provision, as I have mentioned earlier, it would mean that a man could be elected President who was bitterly opposed by three out of five voters. If this is "one man, one vote." I do not understand the English language.

In my judgment, there were gathered together at the 1787 Constitutional Convention the greatest political minds in the history of mankind. They drew upon their own knowledge and experience, as well as the experiences of 6,000 years of mankind's search for liberty, and produced the finest political document ever conceived in the mind of man, before or since. It has proved its worth over a period of nearly 200 years. I have great faith in the minds and judgment of Washington, Jefferson, Franklin, Madison, Hamilton, and the others who composed that document. I hesitate to drastically tamper with it. Those who advocate this change in the Constitution must bear the burden of proof that their remedy will not produce greater evils in the body politic than those it would cure. This they have not done.

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

Mr. DOWDY. Yes; if I have the time.

Mr. MIKVA. I am startled and concerned at the gentleman's statement about the possibility of vote fraud in the proposal under debate, or I should say, his reference to increasing the potential for fraud. It seems to me that the present system affords the greatest potential for fraud because of the leverage of a few votes.

May I call the gentleman's attention to the 1960 elections where there were allegations—which were never substantiated—that in my State there were difficulties and irregularities; only 9,000 votes separated the two candidates in that instance. On the basis of that situation, 27 electoral votes went to one party, rather than the other. However, under the direct election plan 9,000 votes would merely be counted as a part of the total cast throughout the Nation. Would not the potential effects of any fraud or irregularities be far less under the direct election system? Would the gentleman care to comment on that?

Mr. DOWDY. I would like to comment on that. That question is a basic reason that I support the district plan because that 9,000 votes would not have affected the 27 electoral votes of the State of Illinois under the plan we are proposing. It would affect only the one vote in the district, plus the two State votes. This would limit fraud to just three electoral votes, while under the direct election plan it would affect the election across the whole of the United States of America, in such a way that it could switch the result of the election.

Mr. MIKVA. Mr. Chairman, if the gentleman will yield further, the point is this. The less leverage there is, the less fraud there can be and the direct election plan has the least leverage of all.

Mr. DOWDY. For the district plan?

Mr. MIKVA. For the direct election plan.

Mr. DOWDY. For the direct election plan those 60,000 votes would have switched the result of the election. A change of 60,000 votes would have altered the election in 1960. But under the district plan it could have affected only three electoral votes.

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

Mr. DOWDY. Yes, I yield to the gentleman from Louisiana.

Mr. WAGGONNER. If the gentleman from Texas has the time, I wonder if he could inquire of the gentleman from Illinois to whom he just yielded as to whether or not he was in favor of this change in 1960 when that 9,000 votes took so many electoral votes to his candidate and in fact provided the margin of victory.

Mr. DOWDY. I yield to the gentleman from Illinois to respond to the gentleman's inquiry.

Mr. MIKVA. I shall be glad to answer that question and to say that I was for the direct election plan in the election of 1960—as I am today.

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

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

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

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

Mr. ECKHARDT. I agree with the gentleman in his position at least if not in his reasons in opposing House Joint Resolution 681. I do not agree with his alternate plan. I agree with the gentleman that after a great period of operation under the present electoral system it would be a bad thing to throw it over. But under the district plan, does the gentleman know what would have been the result in the election between Mr. Kennedy and Mr. Nixon?

Mr. DOWDY. No, I do not.

Mr. ECKHARDT. As I understand, the result in that case would have been that Mr. Nixon would have been elected. I am not sure of that.

Mr. DOWDY. Well, I am not either. I do know that had there been a proportional plan in 1960 that Mr. Nixon would have been elected. I do not know that that applies, and I do not believe it does, to the district plan.

Mr. ECKHARDT. But the result would have been, as I understand, a difference between the popular vote and the result under the plan proposed by the gentleman. I believe that under the district system the result would have been 278 to 245 in favor of Mr. Nixon, although the popular vote went the other way.

Mr. DOWDY. If that is true—and, the gentleman must understand, that I have not checked it——

Mr. ECKHARDT. But under the existing system the result of the electoral vote came out the same as the popular vote.

Now, I agree with the gentleman that we should not lightly abandon the electoral college, but I suggest that possibly the district plan would create a greater propensity toward a difference between the popular vote and the electoral vote.

Mr. DOWDY. The district plan would make the electoral vote more nearly conform to the popular vote, as evidenced in the 1968 election.

Mr. BURLISON of Missouri. Mr. Chairman, would the gentleman yield?

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

Mr. BURLISON of Missouri. Mr. Chairman, I notice that the gentleman from Texas also mentioned among the fathers of our country, James Madison, in support of his concept of federalism.

I would like to ask the gentleman from Texas, as I did the gentleman from Indiana, if the gentleman is aware of the fact that James Madison, the father of our Constitution, was a strong proponent of the popular plan to elect a President back in 1787?

Mr. DOWDY. Perhaps. I do not know. But I can quote from a letter that Madison wrote to George Hay in which he said:

> I agree with you in thinking that the election of presidential electors by district is an amendment very proper to be brought forward. The district mode was mostly, if not exclusively, in view when the Constitution was framed and adopted.

Mr. BURLISON of Missouri. Mr. Chairman, if the gentleman will yield further, if he will look into the context of that in a bit more detail the gentleman will find that James Madison fa-

vored our present plan above the plan by which the State legislatures would select electors, but he did not favor the plan above the popular election. That is what President Madison had reference to in the remarks the gentleman has just quoted.

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

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

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding. I would ask the gentleman whether the gentleman would agree that it would be a fair presumption in normal circumstances that under the district plan the party which elected, that is, controlled the House of Representatives, would also presumably elect the President because if a particular party was strong enough to elect a majority in the House of Representatives then under the district plan—and that is what we have—is it not likely that the same party would elect the President?

Mr. DOWDY. I would think usually that would happen, although not always. There have been times in my district where I was elected but the Republican presidential candidate prevailed. I recall that was true at least in Mr. Eisenhower's 1956 election campaign.

Mr. HUTCHINSON. I would concede that, but just as a further response, if the gentleman would yield further, in response to the colloquy that took place just a very few minutes ago between the gentleman in the well and another Member on the floor, it just occurred to me that it would be fair to say that as a general thing the party strong enough to elect a majority in the House of Representatives would be strong enough to elect the President under the district plan.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CELLER. Mr. Chairman, I yield 1 additional minute to the gentleman from Texas.

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

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

Mr. ROGERS of Colorado. Mr. Chairman, in response to the question propounded by the gentleman from Michigan, I think it is only fair to point out that under the district plan in the last election President Nixon would have received 289 electoral votes, as compared to 192 votes for Vice President Humphrey—and yet nevertheless you have a Democratic House of Representatives.

Mr. DOWDY. Under the district plan in the last election, I have checked, Mr. Nixon would have received 12 less electoral votes than he received. Mr. Humphrey would have received identically the same and Mr. Wallace would have received 12 more votes than he received.

Mr. ROGERS of Colorado. But the point is that President Nixon still would have won.

Mr. DOWDY. That is right.

Mr. ROGERS of Colorado. And still you have a Democratic House, and that certainly dispells your conclusion.

Mr. DOWDY. There would be a difference in the totals under the district plan, when compared with the totals under the "winner take all," as presently practiced.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCULLOCH. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. WIGGINS).

Mr. MacGREGOR. Mr. Chairman, will the gentleman yield briefly?

Mr. WIGGINS. I yield to the gentleman.

Mr. MacGREGOR. I cannot resist commenting on the most recent colloquy between the gentleman from Colorado (Mr. ROGERS) and the gentleman from Texas (Mr. DOWDY). It does seem to me that a most pertinent observation to make about the fact of there now being a Republican President and a Democratic House is that a great many Democratic voters throughout the country obviously showed the great good judgment of voting for Richard Nixon.

I thank the gentleman for yielding.

Mr. WIGGINS. Mr. Chairman, I am here to support House Joint Resolution 681.

I think I have always supported electoral college reform, but I did not approach these hearings in favor of the direct election plan. Indeed, I was leaning toward the district plan. But after the hearings and after the deliberation which I personally and our committee gave to this most important subject, I have come to the conclusion that the direct election of the President is best. Accordingly, I am here to embrace House Joint Resolution 681 and urge my colleagues to do likewise.

I have taken this time during general debate to add to the legislative history surrounding this most important measure.

The first subject that I would like to address myself to is:

Under the resolution, who may vote?

In section 1 of the resolution it is provided:

> The people of the several States and the District constituting the seat of government of the United States shall elect * * *

This sentence upon careful analysis indicates that the constitutional power does not extend the right to vote to all people. Only people of the several States and the district constituting the seat of government may vote under this resolution.

It should be understood, therefore, that the Congress is denied the power to grant legislatively the franchise to American citizens in the territories and American citizens domiciled in foreign countries and not domiciled in the States or the District of Columbia. That fact, I think, should be understood.

Section 1 also provides that two persons must consent to the joining of their names as a presidential and vice presidential team.

By this section and others the inconsistent provisions of the 12th amendment are by implication repealed. There is nothing in the language of section 1 or in this section of the resolution before us inconsistent with the final sentence of the 12th amendment which provides,

> But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

The final sentence just quoted remains in my view unimpaired and a part of the Constitution.

There are some diversity provisions in the 12th amendment with respect to electors in one State being required to cast their votes for a presidential or vice-presidential candidate from another State. I do not think these provisions have been repealed. They have been rendered obsolete by the direct election amendment.

In section 2 the State legislatures are granted the power to determine the qualifications of voters. This follows the pattern now in the constitution in article I, section 2, and the 17th amendment, which specifies the qualifications for voters for Representatives in Congress and for Senators.

The second section also grants powers to the Congress to provide for uniform residency requirements.

In a national election no otherwise qualified voter should be denied the right to vote because of a recent change in residence. However, it is equally important to insure that such person votes only once. Uniform residency requirements can assure this result. The purpose of the uniform residency requirement is to prevent duplicate voting.

I should like to comment very briefly on the subject of age. It has been stated in some quarters that the direct popular election proposal would give authority to Congress to lower the voting age to 18 or to some other appropriate age. It should be observed that this subject was debated by the committee but was deleted purposely by the committee. There is no provision in this amendment providing for uniform age qualifications. It is my view as one member of this committee that it would require a constitutional amendment rather than simply legislation in order to grant the franchise nationally to 18-year-olds.

It has been said that section 2 and section 4 grant a new power to Congress to legislate so as to control State election machinery.

In this connection it is to be borne in mind that Congress now possesses a reserved power to make or alter regulations providing for the manner of electing Senators and Representatives. Accordingly, such additional powers as may be granted by this amendment only extends a simillar power with respect to the Presidents and Vice Presidents.

I believe that I would be less than candid if I did not admit that there is the possibility of federalizing election procedures. But if that be true, if that be the only way in which the prerogatives and the sovereignty of States might be eroded, I think it is indeed a small price to pay for the great goal of permitting the people to select their President.

The reserved power in Congress provided in sections 2 and 4, as I have said, merely follows the grant of power now existing in Congress to make or alter regulations in Federal elections.

There is, however, new language in section 4. Reserved power is retained by the Congress to make or alter regulations providing for "entitlement to inclusion on the ballot." This is new language in the Constitution. Those who are fearful of

the reach of this language should also be concerned about the possibility, which is not unprecedented, that a major candidate's name would be denied access to the ballot in some States. It is to this possibility that the new language is addressed. The new language should not be construed, and it is not the intention of this member of the committee, at least, that the words "entitlement to inclusion on the ballot" be construed, as a grant of power to supplant the convention system of naming candidates in favor of a national primary procedure. I wish to emphasize that I speak only for myself in this regard. It is not my intention as one member of the committee to confer any additional power on the Congress of the United States with respect to eliminating the convention system of selecting candidates.

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

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

Mr. POFF. I concur altogether, and I would hope the gentleman would propound the question directly to the distinguished chairman of the committee in order that the legislative history on this electoral reform measure might be abundantly clear.

Mr. WIGGINS. I would be pleased to do so, but I would like first to complete my statement and then I shall come back to that point.

Whatever power the Congress may have in this field of regulating national primaries, it is not my intention that the new amendment shall enlarge upon that power.

Section 5 provides for the death or withdrawal of a candidate and fills the void left by the 20th amendment. The question of disability of a candidate is not resolved, and it is the intention that the political parties themselves shall handle this delicate and difficult problem.

Section 6 contains the usual language giving power to enforce the article by appropriate legislation. In recent years the Supreme Court has found similar language to be an independent source of legislative power. Such a construction is not intended with respect to section 6. The nature and breadth of congressional power is contained in the first five sections of this amendment. Section 6 does not add to that power, in my view. It merely permits the Congress to exercise the power contained in the first five sections in an appropriate manner.

Now I am going to return to this question of the national primary and ask a question of our distinguished chairman of the committee. I see that he is not on the floor, but pending his return, I would like to direct a question to the ranking Republican member in order to clear up the legislative history concerning any power vested by this amendment to regulate national primaries. Would the gentleman comment on that?

Mr. McCULLOCH. Mr. Chairman, I would be pleased to comment. There was no discussion of that matter of any moment, and therefore no decision reached on the positive or negative side.

Mr. WIGGINS. Mr. Chairman, I appreciate the gentleman's remarks.

If I may, I will yield to the gentleman from Colorado, a senior member of the Judiciary Committee, in the absence of the chairman. Would the gentleman care to comment upon my observation that the language "entitlement to inclusion on the ballot" is not to be construed as a conferral of power to regulate primaries or the convention system?

Mr. ROGERS of Colorado. Mr. Chairman, I concur in the comment from the gentleman from Ohio and point out that the Congress of the United States now has the authority over the election of the President and the Members of the House of Representatives and U.S. Senators to provide rules and regulations therefor.

Mr. WIGGINS. Mr. Chairman, would the gentleman agree therefore that whatever the thrust of this new language, it does not add to any power whatever that may be now possessed by the Congress?

Mr. ROGERS of Colorado. I readily agree it would not add to any power whatsoever.

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

Mr. WIGGINS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I thank the gentleman for yielding. The gentleman is doing an excellent job in getting clarification on some of the questions surrounding this proposed amendment. I would wonder if the gentleman now could help me or could get some other member of the committee to clarify the intent of a sentence in section 1 of the bill which reads:

> Each elector shall cast a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President.

I have read this in the light that it it intended by the committee that a man cannot under any circumstances have his name placed on the ballot of any State as a candidate for the high office of President without a running mate for the office of Vice President or that running mate cannot be a running mate of any other candidate. Is this correct?

Mr. WIGGINS. Mr. Chairman, it was the intent of the committee to insure the integrity of the party system by requiring that pairs of candidates not only consent to the joining of their names, but also to prevent a candidate from appearing on the ballot of any other party. Those were the considerations which prompted the committee's requirement that the President and Vice President run as a team by voluntarily consenting to the joining of their names.

Mr. WAGGONNER. Mr. Chairman, the gentleman has given a quite frank answer. I wonder if he would be as candid in saying as well it was the intent of the committee to limit the number of parties which might participate by approaching the amendment in this manner.

Mr. WIGGINS. I will be as candid as possible. I think there is some danger in the proliferation of parties, but there is nothing in this amendment which prohibits a minor party from achieving majority status. I think there is something to be gained for America by not making it easy for multiple political parties to arise. We do not design an amendment here to lock into the Constitution a Republican and a Democrat Party. That is not the case at all. New parties may grow and may prosper if they can do so upon their own merit. On the other hand, we do not encourage them.

Mr. WAGGONNER. Mr. Chairman, I thank the gentleman. I think the gentleman has given me understandable answers which will make a contribution to this amendment as it proceeds along the legislative highway.

The two-party system has no basis under the Constitution or in law, but is not the final, net effect of this amendment to give them an unwritten advantage.

Mr. WIGGINS. No. I would disagree.

The CHAIRMAN pro tempore. The time of the gentleman from California has expired.

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

Mr. WIGGINS. I would disagree with the conclusion that the amendment gives tacit official consent to the two-party system. I believe, however, it does recognize the party system, but certainly not a specific number of parties.

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

Mr. WIGGINS. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. I thank the gentleman for yielding.

I believe it was my individual views that the possible scope of the "entitlement to inclusion on the ballot" phrase was raised. I am pleased to have the gentleman from California make a legislative history as best he can that it was not the intention that "entitlement to inclusion on the ballot" be so broadly construed as to permit Congress to prohibit a convention system and require a national primary.

I am a little bit disappointed, may I say, in the response the gentleman has gotten when he propounded the question. I do not believe that there was the clear-cut legislative history that perhaps the gentleman desires, and certainly not the legislative history I would have desired. Consequently, I believe the question still is there, that it is possible this language may be so broadly construed. I hope I am wrong. I agree with the gentleman.

May I say, it is my own opinion that certainly it is not the congressional intent to give that language so broad a scope. On the other hand, I have seen, as we have all seen, how the Supreme Court of the United States has been interpreting constitutional phrases of late years.

Mr. WIGGINS. Perhaps after reading the preceding exchange, the court will not interpret the language improperly.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. MINISH).

Mr. MINISH. Mr. Chairman, the 1968 presidential election has provided the impetus for reform of our historical method of choosing the President and Vice President of the United States. Last

year we narrowly avoided a constitutional crisis of perilous proportions. Fortunately, in this instance the candidate receiving a plurality of the popular votes also garnered the majority of electoral votes necessary for election. But such a propitious result is far from assured in the future and it is now time to correct those inherent defects which jeopardize our Nation's stability and our Government's continuity.

The constitutional amendment we are considering today provides a mechanism which will assure stability, continuity, and equity in the election of our Nation's highest public officials. House Joint Resolution 681 calls for the direct election of the President and Vice President by popular vote. An additional provision specifies that, in the event no candidate receives at least 40 percent of the popular vote, a runoff election shall be held between the two presidential candidates receiving the greatest number of votes. Historical evidence indicates that the necessity for a runoff will be rare. Only once in the entire history of our Nation has a presidential election failed to produce a candidate wtih 40 percent of the popular vote.

As the American Bar Association has stated, the present electoral college system is "archaic, undemocratic, complex, ambiguous, indirect, and dangerous." One of its most persistent defects is the distortion which occurs between the voice of the people and its reflection in the electoral college. The final electoral vote seldom bears even a close resemblance to the popular vote result. For example, in 1956 President Eisenhower was elected with 55 percent of the popular vote. Yet Eisenhower received 82 percent of the electoral votes. President Kennedy received 57 percent of the electoral votes in 1960, but his popular vote amounted to only 49 percent.

Under the present system, up to 50 percent of a State's electorate casts meaningless or wasted votes. Since each State's electoral votes are assigned on a winner-take-all basis, a large proportion of voters are effectively disenfranchised.

Another shortcoming in the present method is the possibility of the so-called independent elector who disregards his constitutents' will and votes for a candidate other than the popular winner. Last year one North Carolina elector did just this, and his constitutional right to act according to his own inclinations was upheld by the Congress.

All the imperfections conspire to produce a deadlock and a potential crisis as the election is thrown into the House of Representatives. Here the possibility for distortion increases with a minority of the Members of the House, constituting a majority of the members of the smallest State delegations, able to control the vote.

Mr. Chairman, direct election by the people is the most simple, rational, democratic means by which to achieve the much-needed and long overdue reform of our method of choosing the President and Vice President. Adoption of the pending amendment by the Congress and eventual ratification by the requisite number of States will insure the application of the one-man, one-vote principle to our most important electoral contest. Moreover, recognition will at last be given, in fact as well as in rhetoric to the wisdom, prudence, and good judgment of the American people.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 15 minutes to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Chairman, at the outset I should like to commend the distinguished chairman of the Judiciary Committee and the distinguished ranking minority member of the Judiciary Committee for their contributions not only in this debate as it has progressed so far but also for the very thorough and dedicated efforts they made throughout the hearings and consideration of the markup of House Joint Resolution 681.

The debate on House Joint Resolution 681, of which I am pleased to be a cosponsor and which would provide for an amendment to the Constitution of the United States for the direct election of the President and the Vice President by the people of the several States and of the District constituting the seat of the Government of the United States, is indeed a historic occasion. We are poised at a rare and significant moment, when our action may well determine our Nation's course for generations yet to come.

This is the first occasion upon which the House of Representatives has debated at length the amendment of our Constitution to provide for the direct election of the President and the Vice President, and it is the first occasion since 1854 when the House has examined in depth the question of the alteration of the present electoral college system. In that year the debate concerned a district plan proposal, as it did in 1826.

It is true that the House debated previously and rejected, in July 1950, the Lodge-Gossett proportional plan, but in that case the proposal was considered under the suspension of the rules procedure, with very strict time limitations.

Electoral college reform is long overdue, and if the method of selecting our President is to be revised the change must be fundamental, insuring that the principle of one man, one vote applies to the highest elective office in the Nation so that the President of all the people is actually elected by all the people.

Direct popular election is the only truly democratic method, for it is the only way to guarantee that the candidate who receives a plurality of the votes becomes President. Under every other plan—the present electoral college system, the proportional plan, or the district plan—it is possible for a candidate who does not receive the most popular votes to become President and it happened under the present electoral college system on three occasions—1824, 1876, and 1888.

Direct popular election is the only method under which the vote of any voter living in any part of any State has the same effect on the result of the election as the vote of any voter living in any part of any other State.

Although President Nixon in his message on electoral college reform on February 24, 1969, expressed, "his personal feeling that the candidate who wins the most popular votes should become President," he in reality advocated the proportional plan under which the electoral vote of a State would be distributed among the candidates for President in proportion to the popular vote cast. And the Attorney General testified, "the administration has not recommended to the Congress any specific plan"—hearings, page 628.

I share the President's personal feeling, and fear the consequences if the loser should ever again become the winner under the present or any other system.

When asked by me if the administration were "concerned that there might be a constitutional crisis in this country if a person became President through the present system or through any system which resulted in his election without a popular plurality," Attorney General Mitchell replied, "No; we are not"—hearings, page 629.

I think all of us must be concerned about the very real possibility of a constitutional crisis arising from the election of a President who is not the popular choice of all the people.

We must also be concerned about the possibility of a deadlock, a vacancy of uncertain duration, and the evils inherent in a bargained election in the House.

Last fall the inadequacies and perils of our existing electoral system were made all too evident as the Nation barely averted a drastic political crisis, brushing past serious possibilities of a trading of electoral votes for commitments on future policy which would have been contrary to the views of a majority of our people, and a contingent election of the President by the House of Representatives in an unrepresentative manner whereby the least populous States would have been on an even footing with the most populous and in which it would have been mathematically possible for 59 Members of the 435 House Members to determine the result. Those 59 Members are a majority of the 26 smallest State delegations.

We now face the opportunity to remove the most undemocratic and anachronistic feature in the Constitution and to replace it with a means whereby the directly expressed will of the voters will determine who will be the President. Directly, popular election will forever remove the devices of presidential electors, electoral votes, unpledged electors, faithless electors, and possible selection by the House of Representatives through which the will of the voters may be thwarted or repudiated.

There can be no question that this is the moment to act. Public opinion, as indicated in the Gallup and Harris public opinion polls, as well as in the results of many constituent questionnaires inserted by Members in the CONGRESSIONAL RECORD, heavily favors direct popular election of the President. Polls of members of State legislatures disclose a similar preference. Over 80 percent of voters polled want the change.

If there is to be electoral reform, the change to be made should not be a mere tinkering with an outmoded apparatus which this Nation has long ago out-

grown, but should be suited to the political realities of today.

Ideally, how can anyone argue with the premise of direct popular election of the President and Vice President?

The present system is a balance of inequities, the result of a constitutional convention compromise, the creators of which provided for a contingent election in the House of Representatives where the small States would have equal voice with the large States.

The essential elements of today's system, that is, the electoral college, pledged and unpledged electors, the winner take all unit vote, result in disfranchisement of minority voters in each State—those who vote for the loser and see the votes attributable to them actually cast for a candidate to whom they are opposed—the risk of a President who did not receive a plurality, and the vote of a voter in one State counting more than the vote of a voter in another State. The result of all this, as Gus Tyler, assistant president, International Ladies Garment Workers Union, at the Judiciary Committee hearings described the situation, is that of "countervailing inequities."

Suggested amendments other than that of direct, popular election, such as the district and proportional plans would be even more inequitable since both plans would "unbalance" the "balancing inequities" of the present system.

If one special advantage in the present system is eliminated while the others remain unaffected—the consequence of adopting the district or proportional plan—then the remaining inequities would work to the disadvantage of one group of States "and the system as a whole would not only be inequitable but would be politically unbalanced, as well."

The only logical way to amend the system is to remove all the inequities and dangers, and the only proposal that can accomplish this is direct popular election.

I am not unmindful of the arguments that the present winner-take-all system provides special leverage to the large urban, industrial States. I have studied with care the testimony of the witnesses, who argued that the winner-take-all method be preserved because of the voting power which is presumed to rest in the industrial States. Those who take this position believe that the only defects in the present system can be cured by eliminating the "faithless elector" by the automatic allocation of a State's electoral vote and by changing the procedure for a contingent election in the House so that the vote would not be counted by States.

As the representative of a big city and a big State, I have not treated this argument lightly; but, as I asked one very conscientious witness before the Judiciary Committee, how can we justify a situation where a candidate who does not receive a plurality of the popular vote may become President?

The witness' answer was candid:

Mr. Ryan, you ask the question which stops me every time. I cannot really justify it in any terms imaginable to a person who believes in democracy. I can only say that the possibility of its happening exists in any system except the direct popular vote, and I think that is a small enough price to pay, particularly in view of the fact that the system just hasn't worked that way, by and large, and certainly hasn't for the last 80 years. And I think that it is a small enough price to pay to maintain the kind of stability that we have maintained in our National Government over the years. (Hearings p. 392.)

As far as I am concerned, the principle that in a democracy every citizen should have an equal vote is controlling even if the present system advantages the large pivotal, swing States.

John F. Banzhaf III has presented a very thorough mathematical analysis of the electoral college which substantiates the proposition that a voter in a State with a large electoral vote is more influential in affecting the outcome of a close election than a voter in a State with a small electoral vote. The shift of a certain number of popular votes in a large State such as New York with 43 electoral votes or California with 40 electoral votes under the winner take all unit vote system, may be sufficient to alter the outcome of the presidential election, whereas the shift of the same number of votes in a small State with few electoral votes may not be decisive.

In commenting upon the voting power argument, Neal R. Pierce, author of the "People's President," pointed out that this argument:

It ignores one basic factor: the individual citizen's interest in combining his vote with those of voters who share his feelings in the most meaningful way in the final, decisive count. *No matter how great his theoretical power may be in a presidential election, a voter is effectively disfranchised if he happens to be in the minority in his state in his choice for President.* Under the unit-rule system, his vote (or the electoral vote representing him) is then actually cast for the candidate he opposes. And this is true whether he is liberal or conservative, white or black, John Bircher or new left, or a small-state or large-state citizen. Villanova Law Review, Vol. 13, No. 2 (Winter, 1968)

Direct election will insure that every person's vote counts in States where it may now be ineffectual under the State unit vote. It will encourage people in the minority to register and vote. It should make the deprivation of voting rights through discrimination in the South of greater concern to citizens in other parts of the country who have parallel interests.

Direct election must be accompanied by adequate and properly enforced safeguards against discrimination in voting. It is imperative that the Voting Rights Act of 1965 be extended and that it be effectively enforced. Various devices are still used in the South to deny the ballot as well as a place on the ballot to black candidates.

Although there has been progress under the Voting Rights Act of 1965, still only 57.2 percent of the potential black vote is registered in 11 Southern States. The Negro voting age population is approximately 5 million; approximately 2,810,763 Negro voters are registered.

If there were a direct vote system, minority group members in various sections of the country could combine and vote together, exercising great influence on the outcome of a presidential election—just as they do today in State elections. This applies to ethnic and religious as well as age and income groups.

As our Nation becomes increasingly urbanized, trends will occur. Voters in our urban centers with common interests and common needs will begin to form national blocs which Presidential candidates will ignore at their peril, and liberal elements, which in some States under the present electoral system are completely outvoted, will become a national force. As black and brown citizens become enfranchised, their voting power will be enhanced—not diminished.

It is also interesting to note that with the spread of urbanization and the shift in population, the big States are not as pivotal as they once were. They tend to cancel each other out. Although New York went Democratic in 1968, 1964, and 1960; it was in the Republican column in 1956, 1952, and 1948.

The fact is that under the present system both the big and the small States have an advantage, and under both the proportional and district plans the imbalance would favor the small States.

The only fair system is one which gives each citizen an equal voice in electing the President.

Direct popular election is consistent with the continuing expanision of the right of suffrage in the Nation. Placing each voter on an equal plane, it is the natural fulfillment of the concept of democracy.

While I strongly support the principle of direct election represented in House Joint Resolution 681, I believe that it could be improved to serve our democratic concepts better.

If there is to be a nationwide election for our national President, there should be nationwide election machinery. Uniform voter requirements of age and residence should be set by the Congress directly.

The joint resolution as reported from the committee would permit the States to enact widely divergent qualifications for voting in a national election. The premise of the resolution is that each citizen should have an equal voice in electing a President and Vice President. But each State would be allowed to set its own age and residency requirements.

In a direct national election, why should an 18-year-old in Georgia be able to vote when an 18-year-old—or 19- or 20-year-old—in New York cannot? In a direct national election, why should a person who has lived in Maryland for 45 days be allowed to vote when a person who has lived in Mississippi for 45 days—indeed, less than 2 years—cannot?

I am aware that the resolution provides that "the Congress may establish uniform residence qualifications," but it is important to note that it does not include uniform age qualifications. Unfortunately, age was specifically excluded by the committee. Congress should set the standards directly, not simply have a reserve power to do so. In the spirit of democracy it would seem more fitting for an amendment prescribing national elections to contain national standards for voting.

Authority to set national standards for inclusion on the ballot in each State

should also be granted directly to Congress. The judiciary has recently begun to delineate the limits beyond which States may not go in establishing requirements to get on the ballot.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ROGERS of Colorado. Mr. Chairman, I yield the gentleman 4 additional minutes.

Mr. RYAN. However, variations from State to State, even within reasonable limits, could prevent a presidential candidate from getting his name before the voters in all the States.

This resolution permits, and even seems to encourage, the disenfranchisement of voters in some States. During the last year the Supreme Court has declared unconstitutional some devices by which States keep minor parties off the ballot. A landmark decision was won by the supporters of George Wallace in Ohio who successfully argued that Ohio election law makes the requirements for third parties so difficult to meet that it effectively prohibits third parties. *Williams* v. *Rhodes* (393 U.S. 23, 1968).

The wording of the present resolution, that "entitlement to inclusion on the ballot shall be prescribed in each State by the legislature, thereof" could even permit a State legislature to prohibit a major party—or the candidate of a major party—from being included on the State ballot. Such a prospect may not be mere fantasy. Since 1948 there have been States in which it was almost made impossible for voters to cast their ballot for the candidate of the Democratic Party. In a national direct election, why should the voters of one State be allowed to vote for a presidential candidate when the voters of another State are not? In 1948 it was impossible for the Alabama electorate to vote for Harry S. Truman. It would be more democratic—and less likely that this country might face another possible national crisis—if Congress were to establish a national standards for inclusion on the ballot.

I should also point out that I believe we have given insufficient thought to the selection of our candidates for Vice President. Originally the person receiving a majority of electoral votes was to be elected President and the person receiving the next highest number of votes was to be elected Vice President. Since adoption of the 12th amendment the electors have cast separate votes for President and Vice President. The concept of voting for two candidates was not that of the Founding Fathers.

Were the Vice President only a presidential assistant there might be no objection to the proposed method by which he is to be selected. But since, as so often has happened tragically in our history, he may also be called upon to take over the reins of power, it seems contrary to the fundamental principles of our country that he should not be democratically elected.

Under the present resolution a vote for a candidate for President is also cast automatically for his vice-presidential running mate. It is contended that a President must have a Vice President of the same party, one whom he can trust, one who will not challenge his leadership. The framers of the Constitution did not expect our Vice President to be subservient to the President.

When the 12th amendment was added to the Constitution in 1804, its framers provided that electors vote separately for President and Vice President, carefully preserving the possibility that the President and Vice President would come from different parties, since electors are not bound to vote for candidates of the same party and indeed are forbidden to do so if they both come from the elector's home State.

If we are seriously interested in the direct election of the President, then can we ignore the method by which his potential successor is chosen? There are of course many possible solutions. In the committee I proposed that each elector cast a separate vote applicable to President and a separate vote applicable to Vice President. It might also be possible to provide that the Vice President be elected along with the President, but that he only serve for a short period of time until a new presidential election could be held.

The point I am making is that we have the opportunity and obligation to create some arrangement under which the American people select not only their President but also his successor, in the event of a vacancy directly.

Finally, I urge the House to extend the privilege of voting for the President and Vice President to the almost 10 million United States citizens who do not now possess that right. I refer to the American citizens of Puerto Rico, the Virgin Islands, and Guam. In the last Congress all the protections of the Bill of Rights of the Constitution were extended to American citizens on Guam and the Virgin Islands. Previously they had been granted to Puerto Rico.

In 1972 both major parties will include in their nominating convention delegates from all of those areas. It is only fitting that those Americans be granted the privilege of electing the President and Vice President. This would be similar to the privilege given now to the citizens of the District of Columbia under the 23d amendment.

The CHAIRMAN pro tempore (Mr. PREYER of North Carolina). The time of the gentleman has again expired.

Mr. CELLER. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. RYAN. Since direct popular election will divest from the Constitution the office of presidential elector, we should make certain that all American citizens, residents of the States, the District of Columbia, territories, and the Commonwealth of Puerto Rico, share in the privilege of electing their President and Vice President.

I have pointed out some of the areas which trouble me in this resolution. I believe that we have the responsibility to establish uniform standards and qualifications both for voters and candidates in a direct national election, and we have the further responsibility to insure that the right of every citizen to vote is equally protected.

I urge, Mr. Chairman, that the House adopt the concept of direct popular election by the necessary two-thirds vote. Let us send this resolution enthusiastically to the other body, and let us hope that action will be taken there, and also ratification by the necessary number of States, so that in 1972 we will not face the same kind of crisis that we faced in November 1968.

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

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from New York (Mr. REID).

Mr. REID of New York. Mr. Chairman, I rise in strong support of House Joint Resolution 681, proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President.

I have long urged that we institute a system of direct popular election of the President and that we abolish the electoral college, and in April of this year I introduced legislation proposing a constitutional amendment very similar to that which is before us today.

The electoral college system was conceived of in 1787 as a barrier between the people and their choice of a President. Alexander Hamilton wrote in Federalist No. 68:

> A small number of persons, selected by their fellow citizens from the general mass, will be most likely to possess the information and discernment requisite to such complicated investigations.

Times have changed. All Americans, with access to television and newspapers and with presidential candidates touching down in every corner of the land, possess the information to make a judgment on their President. No longer can it be said that any group of citizens is better qualified than any other to select the Chief Executive.

But the issue, in my view, goes considerably beyond the mere elimination of the elector and the electoral college system. I seek to make each American's vote count, pure and simple, in the tally for President. Where he lives or how his neighbors vote should not dilute or increase the effect of his vote.

Only a system of direct popular election of the President will insure that the candidate with the greatest number of popular votes—in actual fact, the people's choice—will win the election. Only direct popular election will be an accurate reflection of the one-man, one-vote principle.

Much has been made of the impact of direct popular election on the relative political power of the large, urban States and the smaller, more rural States. In my judgment, one's predisposition in this ideological division is irrelevant: States may be the core of our federal system but they do not vote, they do not make rational judgments on presidential candidates. Individual citizens do and the State in which they live makes precious little difference in their determination of which man they want for their President.

The amendment before us, as does the one I introduced, contains provision for a runoff election in the event that no pair of presidential and vice-presidential candidates receives 40 percent of the popular vote. The present system, under

which the Members of the House of Representatives—each State casting one vote—select the President if no candidate receives a majority of electoral votes, is subject to the same criticisms as the electoral college itself. In addition, it runs the risk of selecting a President on the same basis on which the Congress was elected, leaving little room for the diversity of points of view that has, in recent decades, marked the political complexion of the House of Representatives and the Presidency.

The pending resolution also contains provisions relating to the qualifications of persons voting for President, and I would like to comment briefly on two of these. First, a State may adopt residence requirements for presidential elections less strict than those it requires for voters for the most numerous branch of the State legislature, and the Congress reserves to itself the power to establish uniform residence requirements for voting in presidential elections. Along with a number of my colleagues, I have introduced H.R. 4160, the Residency Voting Act, to do just that, and I would hope that the Congress will act on that measure shortly.

Second, in providing that the qualifications for voting for President are the same as those for voting for the most numerous branch of the State legislature, the pending resolution does not similarly reserve to the Congress the right to establish age qualifications for voting for President. While this does not preclude granting the right to vote to 18-year-olds on a national basis or by individual States, it surely may be taken as a signal that a separate constitutional amendment to accomplish that will not be forthcoming in the near future. I consider this to be a serious mistake as I believe that the surest way to give young men and women a stake in the future is to give them a voice in the election of their President.

In addition, the resolution empowers the Congress to provide for the case of the death or withdrawal of any candidate before election and for the death of both the President-elect and Vice-President-elect.

The committee report and numerous discussions of the matter indicate considerable controversy over the 40-percent figure. The amendments are proposed to raise the runoff percentage to 45, to lower it to 35 and to require a simple plurality.

It seems to me that by stipulating the percentage required for a runoff we are trying to avoid having to utilize that option at the same time that we insure the election of a President with a mandate to govern effectively. In our history, 15 Presidents have been elected with less than 50 percent of the popular vote. Since 1860, at least one of the candidates has received at least 40 percent of the popular vote, and two have received less than 45 percent of the popular vote. Thus it would appear, using history as our guide, that the likelihood of a runoff is diminished if 40 percent of the popular vote is required to determine the President, but that a mandate has been given to candidates with this portion of the popular vote in every election in the last century.

Two other arguments are also made against the direct election system. First, it is suggested that third-party candidacies will be encouraged. I would submit that a third-party contender would be a serious factor only when the two top contestants are in a fairly close race—and that is precisely when a third-party candidate is significant under our present system. A minority candidate with a sectional base has the potential to control a few States and thereby deprive either of the major party candidates of a majority of electoral votes. Such an election would then be thrown into the House of Representatives where the minority candidate would wield great influence in the ensuing bargaining.

The final argument made against direct popular election is that it will increase the threat of vote fraud. Again, the present winner-take-all system makes it crucially important to get just a few additional popular votes that will mean the crediting of a sizable block of electoral votes to one candidate. The potential for fraud surely would seem less tempting under a system which does not rely on the block of votes of a few key, closely contested States.

It is my understanding that at least one amendment will be offered to substitute a so-called district plan for presidential election. It is also possible that the so-called proportional plan will be offered as a substitute. In my view, neither of these is an acceptable alternative to the direct popular election of the President and, in fact, contain features which are much less equitable than the present electoral college system despite all of its defects.

I would therefore urge, Mr. Chairman, that the resolution before us be approved by this House and that we thereby take the first step on the long road toward making participatory democracy a reality for all Americans. Last, I would merely say a word about the report of the Committee on the Judiciary and its distinguished chairman, the gentleman from New York, on this resolution: House Report 91–253 is one of the clearest and most objective explanations of pending legislation that I have encountered in recent years, and I think that this lucid exposition of the facts and arguments contributes greatly to this debate.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, we have heard a lot of discussion during the last day about the electoral college and what a blunder it was and how dangerous it is and how it has failed and how it has either failed or it has almost failed most of the time.

On the contrary, Mr. Chairman, in my opinion the electoral college has been a considerable success. It has not failed for 144 years. In every presidential election since 1824 the electoral college has delivered to us a President constitutionally elected and constitutionally recognized and respected by the people of the United States.

The electoral college system has worked, Mr. Chairman, even at the brink of civil war. It produced a President in 1860.

Now the electoral college is not perfect. Of course, nothing could be perfect. But it has failed to produce a plurality President on only three occasions in our history. All of those occasions occurred in the 19th century. It has not happened for 80 years.

We have had a plurality President after every election; that is, the man who got the most popular votes also won the electoral college vote in every election since 1888—80 years ago.

There has been as much third-party activity in presidential politics in this century as in the last and still in spite of the third-party threats of 1912, 1924, and 1968 and 1948—in spite of those years the electoral college has worked and on each of those occasions in spite of, in 1968, a very strong third-party threat, the candidate who received the greatest number of popular votes was also chosen through the electoral college.

Now, the electors as persons are not necessary to this system.

We have seen a half dozen experiences of so-called faithless electors. Electors could be done away with. However, the electoral vote system could be retained. And in retaining the electoral vote system, we would be retaining one of the foundation stones of our federal system. When the people in this country go to the polls to vote, on every occasion they vote as citizens of their States, not as citizens of the United States. The Congress of the United States is derived from the States. The people of the States elect us. The people of the States elect the Members of the other body. Under the present system the people of the States direct how the electoral vote of a State shall be cast. That is the way the system has actually developed.

As I have said, it has worked. It has been successful. I, for one, think that it is not necessary, in an effort to reform the system, to destroy it completley.

As has been pointed out in previous debate, the proposal for a direct election system itself contains some problems. Some problems will arise. You are going to greatly expand the Federal power in the election process through the reserved power of the Congress to make uniform residence requirements. The Congress is going to do that only with regard to the question of voting for President, but as a practical matter, the States will make their State laws conform. As a result, Congress will determine how long one must live in a State before he can participate as a voter in that State.

I should like to speak about the problem of the "entitlement to inclusion on the ballot." I was happy to have the gentleman from California (Mr. WIGGINS) attempt to make clear legislative history that it is not the intent of the House to have that language so broadly construed as to permit substitution of a national primary system for a convention system. But I am not at all sure that that legislative history is clear, and the problem still remains in my mind.

Then the Congress is given the power to determine the manner of holding the election. I would hope that that would

not be so broadly construed sometime in the future as to give the Congress power even to prescribe the requirements for registration to vote. But I am not sure that some Supreme Court decision in the future might not hold that.

I think the next breakthrough in Federal power I shall discuss is absolutely essential to a direct voting system. I do not see how we can get around it. But I think it presents a serious problem. I refer to the provision by which we would vest in the Congress the power to ascertain and declare the results of an election. To ascertain the results means counting votes, and to count votes means to create election boards to count the votes. I think that we are reaching pretty far into election machinery when we can conceivably go so far as to provide for an election counting board, an election board in every precinct during the presidential election.

My separate views, written in the committee report, develop at some length some of these problems that genuinely and in all seriousness arise in my mind out of the language of this proposal. I say this proposal itself will create new problems, and it is not going to be a solution to everything we are facing today.

There are two changes needed, in my opinion, in the present Constitution. We should do away with the electors as persons and we should change the so-called contingency election requirements.

In concluding, let me simply state that in my view the contingency election procedure would best be disposed of in this way: That if, as a result of the electoral vote in the States, without electors but with retention of electoral votes, no party got a majority of the electoral votes, then we would look to the popular vote. And if a candidate—that is, the one who got the most votes—got more than 40 percent, he would be declared the winner. And only in case both those tests failed would the election come into a national assembly made up of Members of the House and Senate, with every Member of the House having one vote, and every Senator having one vote. There would be one ballot, and the candidate of the two parties highest in the electoral vote, who got the most votes on that ballot, would be declared elected.

At that time it would be urgent that the country determine a President, because there are only 17 days between the time the electoral votes come in here to be counted and Inauguration Day.

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

Mr. FARBSTEIN. Mr. Chairman, I congratulate the distinguished chairman of the Committee on the Judiciary and the ranking minority member and all members of that committee for having brought to the floor this most important piece of legislation.

Mr. Chairman, I favor the legislation as presented to this body.

Mr. Chairman, the House of Representatives this week has the opportunity to give the American people the right to directly elect their President through approval without amendment of House Joint Resolution 681.

It seems to me that to elect a President in any other matter than through direct election is to continue the perpetration of a fraud on the American public.

I think most voters think they are voting directly for the President of the United States. Ask them when they walk out of the booth the names of the electors for whom they cast their vote. I don't think anybody can answer the question. And they believe that the man that gets the most votes is elected President of the United States. They are shocked and a little bit angry when they find out about the electoral college. This is one of the reasons why such an overwhelming majority of the American public supports the direct election of the President.

Another reason is that the direct election seems to be most in keeping with our democratic system. Direct election gives the voters' choice clear expression. It is the only system under which every vote carriers equal weight and there is no chance of the winner not having the largest popular vote.

Why should any group or political party be given a special advantage by the electoral system? I do not favor any kind of a system for the election of a President that is weighted a priori in favor of any economic group, any geographic sector, any political party, or any ideology in the United States.

There are many who are convinced that the present system works to the benefit of the large cities and the large States. They point to the advantage of a large bloc of votes. Others believe the electoral college favors the small States, for they have the advantage of two bonus votes they get for their Senators. I personally think that neither have any real advantage under the present system and neither would thus lose by the change. The only States that would lose are those with a small voter turnout. They have an advantage now because the electoral votes are apportioned on the basis of population and not voter turnout.

The direct election of the President would also eliminate the possibility of constitutional paralysis, a pitfall into which we almost fell during the 1968 election. The anachronistic machinery which almost brought the processes of our Government to a halt must be ended.

I believe the President should be directly elected by the American public without any intervening institutional obstacles, complex formulas, or nameless middlemen. The Presidency should be determined on the basis of who gets the largest number of votes, and if no candidate receives 40 percent of the vote then there should be a runoff election between the two top candidates.

If the direct election system was impossible to achieve, I would find the present system infinitely more preferable than either the proportional or the district systems. Both of these systems would work to the disadvantage of some States while leaving the advantages of other States intact.

The proportional system is less equitable than even the current system because it would cancel the block advantage of the large population States while maintaining the advantages of the smaller States. Under this system, a particular margin could produce a 22 to 21 split of New York's 43 electoral votes, while the same margin in Maine could provide a 3-to-1 division of the State's four votes, and thus more than offset New York's vote.

The district system is even less equitable since it is subject to gerrymandering even if all of the guidelines set down by the Supreme Court's one-man, one-vote rulings are followed. Thus 30 percent of a State's votes could determine 90 percent of its electoral votes.

There are few votes a Member of Congress casts which are more important than those for an amendment to the Constitution. And this particular vote is probably the most important one on constitutional amendments in 100 years. The President is the most important single office in the land. The manner of his election can determine the course of American, if not world history.

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

Mr. BIAGGI. Mr. Chairman, I rise in support of House Joint Resolution 681.

Mr. Chairman, passage of the measure I introduced January 30 to amend the Constitution to provide for the direct election of the President and Vice President is long overdue. Surely it would be another milestone in the advancement of our Nation's democratic way of life.

I do not seek change simply for the sake of change. I say change is absolutely essential in this instance because we have been saddled for 180 years with a presidential electoral college system that could hardly be more inequitable, unrepresentative, or unfair. It is a system that is unresponsive to the will of the people.

Without a doubt, the most sensible alternative to our present system would be the direct popular election of the President and Vice President with all voters acting as electors. It would eliminate the present winner-take-all process under which all of a State's electoral votes are awarded the candidate who wins a popular vote plurality, regardless of the size of his margin. Those who voted against him are, in effect, disfranchised in the electoral college at the present time.

Direct election, by abolishing the electoral college, would banish forever the specter of the "defector elector," who could wreak havoc on the delicate ballance of the electoral college if he chose to vote the dictates of his own political leanings rather than for the man he was elected to support. Elimination of the electoral college would also greatly simplify the election process for millions of Americans—many of whom probably do not even realize when they go to the polls that they are not casting their ballots directly for the candidates of their choice.

In addition, it would eliminate the present constitutional provision which requires that if no candidate receives a majority of the electoral college votes, the House of Representatives must

choose the next President. Although we like to think we would act on the highest of principles, a certain amount of bargaining could result from such an occurrence—a matter that was discussed at some length in the days preceding the 1968 election when a House election became a very real possibility. My proposal would require a runoff election between the two candidates with the highest number of votes.

Direct popular election would place the responsibility for electing the President squarely where it belongs: on the shoulders of the people.

In the early days of our country, we could in a very real sense be called a Nation of States. Today, however, there is no longer any reason to divide up the election of our most important Government officials into 50 separate pieces. The President is a national officer and he should be elected on a national basis, without regard for State lines.

We are approaching the 21st century. Let us take the necessary action to bring our electoral system up to date with the times. It would be another great example of democracy at work.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, there is wide agreement that the electoral system is badly in need of reform. Although our present system has served us reasonably well—certainly it has provided our political life with a large measure of stability—it has become apparent that there are three basic flaws in it.

The most dangerous of these flaws is that an election might be thrown into the House, a disaster that nearly happened in the 1968 election. What has happened on previous occasions when the election went to the House strongly suggests that no similar event should be allowed to reoccur. In the election of 1800, the outcome was decided in the House after 35 ballots and an incredible amount of maneuvering. The election of 1824 focused on a single undecided Representative, Stephen van Rensselaer, of New York, who finally had to rely on what he took to be divine guidance. The charges and countercharges of deals and treachery, especially when Clay—a defeated candidate—turned up as Secretary of State, did not die down for a long while. Moreover, the danger of involving the House in the presidential election is further illustrated by the sordid story of 1876, when backroom deals deprived Tilden of the election. The payoffs included Cabinet appointments, restoration of "home rule" in the South—that is, rule by white Democrats—and a certain amount of what is now known as pork barrel.

I do not suggest that the Members of today are anything like their predecessors, but I do suggest that a new President ought not to be placed in the uncomfortable position of owing anything, either to the legislative branch as a whole, or to individual Members or Senators.

The second flaw is the problem of a faithless elector; that is, one who takes it upon himself to cast his vote for someone other than the candidate for whom he was chosen. There are still a great many electors who are permitted by State laws to exercise discretion in voting in the electoral college. The danger, admittedly remote, is that in a close election, a small number of faithless electors could change the result of an election.

The third flaw, which to some people may seem the most important, is the possibility that under the present system a President may be elected while receiving fewer votes than another candidate. That has happened three times—1824, 1876, and 1888.

It is a fact that the proposal before us today is the only proposal that takes care of this third flaw, as well as the other two.

Now, someone who has read the committee hearings may say, "You did not support this proposal before the committee." That is correct. I submitted a less ambitious plan because in my view it was urgent that we cope first with the first two flaws that I mentioned, the problem of the deadlock and of the faithless elector, without getting involved in the controversy of changing the method of counting the votes.

I felt that those two flaws could first be dealt with in a relatively noncontroversial way, and that thereafter we should proceed to take on the very difficult and very complicated and controversial problem of how to handle the change in the system of counting the votes.

However, the Judiciary Committee in its wisdom decided on a different course. Having considered the practical problems and the objections raised by Professor Bickel of Yale and others to the direct vote plan, they have nevertheless come forward with a tremendous majority recommending the direct vote plan.

So at this stage I believe it is important for all of us who recognize the need for changes to unite now in support of the committee proposal. I intend to support it not only in the Congress but also, assuming the proposal achieves a two-thirds vote in this House and in the other body, to support it for ratification by the States.

However, I must say I am still concerned about the possibility that this will not happen, that either the Congress will fail to adopt this plan or the States will fail to ratify it in reasonably short order. If that happens, if the controversy develops to the point where this proposal is not adopted, then I believe we should return to consideration of less ambitious plans, of less controversial plans that would take care of the most critical flaws which exist in the system today.

My proposal, very briefly, would have done this by eliminating the electors, leaving the electoral vote count in existence, and providing for a runoff in the event there was no majority in the electoral vote count. This would have taken care of the problem of the faithless elector and would have provided a reasonable and democratic method of handling the deadlock. Someday we may come back to such a solution.

However, at this point, I believe it is important that we get together behind the committee proposal.

I am particularly concerned that we should not be diverted onto the false paths, the district plan and the proportional plan, which pretend to lead to reform but which, in truth, lead to a realinement of political power. They would not only end the advantage now enjoyed by the large urban States, but also provide a bias in favor of the smaller States.

Moreover, both of these proposals would reduce the likelihood of an election producing a majority in the electoral college, because splinter parties could easily win some electoral votes, and hence would increase the need for a runoff or some other system for resolving a deadlock.

Thus, either of these plans would be worse than the system we have today—definitely worse. If we are going to change the system of counting the votes, the only thing to do is to go to the direct election plan as the committee has proposed.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from North Dakota (Mr. KLEPPE).

Mr. KLEPPE. Mr. Speaker, just about everyone seems to agree that the present system of electing a President and Vice President is less than perfect but there is considerable disagreement as to how reform shall be undertaken.

It is my own view that the direct election process provided in House Joint Resolution 681 contains more serious flaws than the present system. I am especially disturbed over the possible consequences of the provision for a runoff election in the event that no candidacy receives at least 40 percent of the popular vote.

Because the direct election process would undoubtedly result in a proliferation of national parties and candidacies, there is a distinct possibility, perhaps even a probability, that in future elections no team of candidates for President and Vice President will receive the necessary 40 percent.

With our national elections in early November and the new President scheduled to take office the following January 20, there simply is not an adequate time interval to hold a runoff election and have a President and Vice President legally qualified to assume their duties by that date. In these perilous times, it would be disastrous for the country to face such a leadership gap.

There is another aspect of the runoff provision which deeply disturbs me. Such an election probably could not be scheduled until some time in December, or even later. In the Northern States at that time of year adverse weather conditions could make it difficult if not impossible for large numbers of voters to get to the polls. I know the Members in this Chamber recognize what I talk about when I refer to the weather conditions in my part of the country. Last winter, in my own district, there were many days when probably no more than 10 or 15 percent of the eligible voters could have participated in an election because of severe weather. Similar situations prevailed in many other areas.

It seems to me that the runoff provision in House Joint Resolution 681 is

an extremely dangerous one. While the purpose of the proposed amendment is to let the people choose their President and Vice President by direct vote, it might very well have the effect of disenfranchising several million of them on election day.

If this amendment is adopted. I believe it would be necessary to schedule our national elections perhaps as early as August and certainly no later than September and there would be objection to this from many quarters, for a variety of reasons.

Earlier I had proposed an amendment, House Joint Resolution 346, which in fact provided for the elimination of the electoral college, thereby eliminating the "faithless elector" and retaining the electoral system. That was referred to as the automatic plan, because the electors would automatically cast their votes on the same system we have for the winner of the majority vote in that State. Then I had a contingency that said if you do not have a majority vote in that electoral system, the winner would be the winner of the popular vote even though it would be a plurality.

I think, Mr. Chairman, this amendment has a great deal of merit to it. I think it has more of a chance of ratification all the way up and down the line. I believe that my amendment would protect the interests of smaller States, which I do not believe would be done by the proposed amendment before us.

Mr. Chairman, it seems to me we are going to be faced with a very serious question when we come down to voting on this amendment. If we believe in States' rights, then we have to believe that the smaller States are entitled to their consideration.

I have asked unanimous consent to include in my remarks some indication of that testimony I gave before the House Committee on the Judiciary on this subject, so I will not duplicate it now.

I want to thank the ranking member on our side for yielding me this time.

Mr. Chairman, I deeply appreciate this opportunity to appear in support of my proposed constitutional amendment relating to changes in the presidential and vice-presidential election process. This measure, House Joint Resolution 346, has been referred to the Committee on the Judiciary.

In brief, this proposal would continue the apportionment of electoral votes to the States on the basis of their representation in Congress but would provide for a direct election process in the event no presidential candidacy received a majority of electoral votes.

It would eliminate the electoral college and, with this, the "faithless" elector. It would retain the long-established concept of a federal system by continuing to assign to each State one electoral vote for each Member of the Senate and House. It would continue the award of all electoral votes apportioned to a State to candidates receiving the largest number of popular votes for President and Vice President.

It would provide, however, that in the event no candidacy received a majority of electoral votes, victory would go to the persons receiving the greatest number of popular votes for President and Vice President. This may appeal to proponents of a direct election system who object quite rightly to the present system under which the House could elect as President any one of the three candidates receiving the highest numbers of electoral votes, in the event of an electoral college deadlock.

History suggests this provision would rarely, if ever, be invoked. Not since the Adams-Jackson election of 1824 has a candidate achieved the Presidency without receiving a majority of electoral votes, although there have been close calls.

My amendment would remove any uncertainties which could arise under the present system by directing that Congress shall "provide procedures to be followed in consequence of the death or withdrawal of a candidate on or before the date of an election," or in the case of a tie.

There is general agreement that the present system of electing the President and Vice President needs reform. There seems to be no solid consensus, however, concerning any one of the several alternative proposals which have been put forward.

There may be so much debate over the size and shape of the table that proponents of a change will never get around to agreeing upon a constitutional amendment two-thirds of the Congress would approve or three-fourths of the States would ratify. This possibility is reinforced by the fact that of the several hundred attempts, over the past 165 years, to reform the electoral college system, most got nowhere at all and only a handful moved through even a single branch of the Congress.

Unless there can be devised a constitutional amendment which will meet the test of acceptance, this newest quest for electoral reform will be nothing more than another exercise in futility.

I believe the smaller States would ratify an amendment preserving the electoral strength they now have under the federal system, even though it contained my provision for a decision on a popular vote basis in the event of an electoral vote deadlock. As the attached table shows, 36 of the 50 States now have electoral vote representation which exceeds—from slightly to greatly—the weight their respective populations would give them under the direct election process.

Based on the 1960 census, Alaska, for example, has a ratio of 1 electoral vote to 75,380 people. My State of North Dakota has a ratio of 1 to 158,112. For California, the ratio is 1 to 392,930. Abandonment of the electoral vote system in favor of the direct election process would diminish by more than one-half North Dakota's present voice in the selection of a President.

I do not believe the smaller States would willingly surrender the protection they have under the federal system any more quickly than they could be persuaded to give up their present basis of representation in the U.S. Senate.

During Senate debate on proposed electoral system reforms in March 1956, the then Senator from Massachusetts, John F. Kennedy, spoke specifically on the question of direct elections:

> On theoretical grounds it seems to me it would be a breach of the agreement made with the States when they came into the Union. At that time it was understood that they would have the same number of electoral votes as they had Senators and Representatives.

Expanding on this, he said:

> After all, the States came into the Union as units. Electoral votes are not given out on the basis of the voting numbers, but on the basis of population. The electoral votes belong to each State. The way the system works now is that we carry on a campaign in 48 States, and the electoral votes of that State belong to that party which carries each State. If we are going to change that system, it seems to me it would strike a blow at States rights in major proportions. It would probably end States rights and make this country one great unit.

Had my proposed amendment been in force through the years, it would certainly have changed only one election. The election of 1824 would have gone to Jackson. It probably would have reversed the outcome of the Tilden-Hayes election, because there would have been no disputed electors. It would not have changed the outcome of the 1888 Harrison-Cleveland election in which Cleveland polled about 100,000 more popular votes but lost to Harrison by 65 electoral votes.

Several proposals put forward in connection with both direct and proportional elections call for a runoff election if the leading candidacy fails to receive at least 40 percent of the popular or porportional vote. The amendment I have proposed contains no such provision.

There are three reasons for this omission. First, it is unlikely that the leading candidacy under any of the proposed amendments would have less than 40 percent of either the popular or electoral votes. The electoral college method of electing a President has governed 46 elections, including 1968. In only one case—Abraham Lincoln in 1860—did the top vote-getter receive less than 40 percent of the popular vote. Lincoln's percentage was 39.79, but he was not on the ballot in 10 States.

Second, in the unlikely event of a runoff under the 40-percent provision, there would be a period of prolonged uncertainty—weeks, if not months—over who the new President would be. Such a transition gap could be extremely dangerous in this age.

Third, a runoff election probably could not be scheduled before some time in December and possibly even January. Weather conditions in these winter months could, in effect, disfranchise large numbers of voters, especially in the Northern States. In my own State of North Dakota, there have been many days this winter on which it would have been difficult, if not impossible, for most voters to get to the polling places. Farmers would be especially disadvantaged by adverse weather.

I include a table at this point:

Ratio of electoral votes to population in each State for 1964 and 1968 presidential elections (based on 1960 census)[1]

Rank and State:	Ratio
1. Alaska	75,380
2. Nevada	95,093
3. Wyoming	110,022
4. Vermont	129,960
5. Delaware	148,764
6. New Hampshire	151,730
7. North Dakota	158,112
8. Hawaii	158,193
9. Idaho	166,798
10. Montana	168,692
11. South Dakota	170,129
12. Rhode Island	214,872
13. Utah	222,657
14. New Mexico	237,756
15. Maine	242,316
16. District of Columbia	254,652
17. Arizona	260,452
18. West Virginia	265,774
19. Nebraska	282,266
20. Oklahoma	291,036
21. Colorado	292,325
22. Oregon	294,781
23. Arkansas	297,712
24. South Carolina	297,824
25. Iowa	306,369
26. Maryland	310,069
27. Mississippi	311,163
28. Kansas	311,230
29. Connecticut	316,904
30. Washington	317,024
31. Tennessee	324,281
32. Louisiana	325,702
33. Alabama	326,674
34. Georgia	328,593
35. Wisconsin	329,315
36. Virginia	330,579
National average	333,314
37. Kentucky	337,573
38. Minnesota	341,386
39. North Carolina	350,473
40. Florida	353,682
41. New Jersey	356,870
42. Indiana	358,654
43. Missouri	359,984
44. Massachusetts	359,984
45. Michigan	372,533
46. Ohio	373,325
47. Texas	383,187
48. Illinois	387,736
49. New York	390,286
50. Pennsylvania	390,323
51. California	392,930

[1] Hearings Before Subcommittee on Constitutional Amendments (1961), p. 670.

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

Mr. SMITH of New York. Mr. Chairman, the hearings before the Committee on the Judiciary in regard to electoral reform were fascinating in the range of opinions set forth and in the quality of scholarship and preparation which was evident on the part of practically all of the witnesses.

The remarks of one witness, however, made a particular impression on me, and I think on most of the committee. He said that the committee should try to determine what was its function in considering electoral reform and that if the committee decided that its function in electoral reform was to devise a system which would guarantee in a presidential election that the winner should win and the loser should lose, then the only system which would guarantee that the winner should win and the loser should lose, was the system of direct popular election of the President and the Vice President and that if the committee should decide that its function was different from devising a system that would guarantee that the winner should win and that the loser should lose, then the committee might well end its deliberations and suffer the country to continue under the present system.

I was also tremendously interested in the testimony of Gus Tyler, assistant president, International Ladies Garment Workers Union, and he said this:

I speak on behalf of a trade union. Our membership lives overwhelmingly in the large urban and industrial States. There is the feeling that the present electoral college system favors these large industrial States.

The argument is a rather simple one. A man who carries the State of New York by one vote can pick up all the electoral votes. We have figures here that indicate that in five elections, a different return from New York alone would have upset the result. Therefore, it is argued that the present electoral college system does favor the urban industrial populations, where our membership lives.

It is also true of the American trade union movement that their members live overwhelmingly in the large industrial States.

We are not unaware of this argument. Let me further say that if it could be proved to us that the present electoral college is weighted in favor of the urban and industrial States, we would still be for the direct election of the President of the United States.

We do not favor any kind of a system for the election of a President that is weighted a priori in favor of any economic group, any geographic sector, any political party, or any ideology in the United States.

So it may be to our institutional disadvantage to favor the direct election of the President. If that is so, so let it be.

Now, let me modify that statement by saying that I am not altogether persuaded that the present system in the long run favors any States, large or small.

I think that there are politicians from large States who think it favors them. I think there are statesmen and so forth. I think they are both living with a vast illusion, because under the present system, what we have are canceling inequities, or countervailing advantages.

The big States have an advantage. We know what that advantage is. It is the big block of votes.

The small States have an advantage. We know what that advantage is. It is the two bonus votes you get for Senators.

The States where you have a small vote turnout have an advantage because of the fact that the electoral vote is based on population, not on vote turnout, and you have some charts on this.

But these are countervailing inequities. Historically what has happened is that three wrongs have generally made a right—generally made.

The exceptions are dangerous, and I have listed them, and that is the reason we want to eliminate the danger, and favor the direct popular election.

Now as to the illusions. The big States in the United States are not homogeneous, either internally within the States or as a block of States.

The big States, California, Illinois, Pennsylvania, et cetera, are in our lifetime generally "swing" States, and because they are the swing States, they don't all tend to come out the same way. As a matter of fact, in four of the closest elections of our time, the biggest States break up three to two.

So the big States tend, because of their heterogeneity, to cancel one another out.

Now to the small States. You can prove the advantage numerically, as we have done. But the fact remains that when a man campaigns for President under the present system, he goes to the big States, and tailors his proposals and appeals for the big States, and his campaign is so organized that the concentration of his appearances will be in the big States. If he feels he has to ignore someone in the United States, he will ignore the small States.

The small States also tend to cancel one another out in an election, because they are not a bloc.

I suggest we divorce ourselves from the mythology of the past. I think the people of the United States can understand this, and if there is no advantage, why not go straight, so we don't have an election where one man gets the vote and the other man gets the prize?

I don't have too much faith in polls, and the question was asked of President Meany whether he goes to the membership. We haven't conducted a formal poll, but Evelyn Dubrow, Dave Wells, and myself, we have run educational programs in our union for years, and we meet the people.

One of the things we talk about in presidential years is the question: "How is the President elected?"

Some 95 percent of our people think the man who gets the most votes is elected President of the United States. A large percent are shocked, and a little bit angry, when they find out about the electoral college. I think most voters think they are voting directly for the President of the United States.

Mr. Chairman, I think that the voters in a presidential election in both the large States and the small States who vote for the losing candidate in their own State are tired of not having their votes counted under the present winner-take-all system. I think that the people of the United States are ready for a change and demand a change, and the polls, including my own in my own district, indicate that the great majority of Americans favor the direct popular election of the President and the Vice President.

As quoted by the gentleman from New York (Mr. CELLER), the distinguished chairman of the Committee on the Judiciary:

There is nothing so powerful as an idea whose time has come.

I believe that the time for the direct popular election of the President and the Vice President has come in this country.

To paraphrase the gentleman from Ohio (Mr. McCULLOCH), the ranking minority member on the Committee on the Judiciary, "We invite all those who would be on the side of the angels to join us in support of House Joint Resolution 681."

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, when I arise to advise you, my colleagues from New York, California, Pennsylvania, and the other large and urban States, I recognize that you are likely to treat my remarks with some indifference, even to meet them with some shuffling inattention, not to say resentment. After all, I come from an area which is considered generally rural and unsophisticated, an area whose leading national figures have come from such hick towns as Marlin, Uvalde, Bonham, and Johnson City.

But it so happens that the effect of this constitutional amendment on the voting power of individual voters in Texas is very similar to the effect on the voters of New York, California, Pennsylvania, and

other large and populous States. It is to drastically reduce the influence of these areas in the national selection of candidates for the Presidency.

Now, I realize that if one looks only to the mathematical calculation of the weighting of electoral votes in the electoral college, it appears that movement to the popular vote gives an advantage to these large States and removes the advantage to the smaller States because it removes that weighting occasioned by the addition of senatorial positions in measuring the State's electoral strength. This is what Niel R. Pierce relies on in many of his conclusions in "The People's President." See his table, "Ratio of Electoral Votes to Population," page 139.

But this is deceptive, as has been pointed out by Alexander Bickel of the Yale Law School, in general terms, and by John Banzhaf, in specific and mathematical terms. This is what has not been noticed by you Members from the great urban areas.

You know, some of our folks from the hinterlands call you "city slickers." All of my life I have heard the term, "city-slicked." But there is a term much more frequently applicable in these Halls. I think you have been "country-slicked."

No practicing politician who has been engaged in the process of supporting a candidate for nomination and election for the Presidency has ever doubted for a minute that he should devote more time per voter to the voters of New York, California, Pennsylvania, Illinois, and Texas than he should devote to voters in the smaller States or in the hinterland.

Banzhaf's exact calculations, in which he establishes premises by irrefutable logic and calculates his results on a computer, wholly support the hunches of the practical politicians. He calculates, for instance, that under the electoral system the citizen in New York and California has about twice the average voting power, and that the citizen in Pennsylvania, Illinois, and Texas has about one and a half times the voting power of the average citizen of the United States.

Now it may be that my colleagues from New York, California, Pennsylvania, and Illinois wish, generously, to diminish their influence in the selection of candidates for the major political parties. And I believe this would be salutary and laudable, certainly altruistic, if it were not for the fact that all of these States are much more grossly underrepresented in the Halls of Congress than they are overrepresented in the selection of presidential nominees and of the President himself.

For instance, a citizen in Alaska has three times the voting power with respect to the election of his congressional delegates as the citizen in New York. If the big State's citizen has a big influence in selecting the President, the small State's citizen carries the big clout in selecting Members of Congress.

It is not a fair proposition to take away the advantage of a citizen in a big State in selecting the President but to leave him at a disadvantage in influencing the Congress. If we leave the electoral college system intact, we tend to offset these two areas of advantage. New Jersey is a perfect example. A voter in New Jersey has about a vote and a quarter as compared to other voters in the United States in exercising his influence in the selection of the Presidency. But he has only about three-quarters of a vote, as compared to the average citizen of the United States in influencing the selection of Members of Congress. To put it another way, and to state the matter more accurately, the New Jersey citizen has 22.6 percent greater than average voting power in the electoral college system but 24.7 percent less voting power than the average citizen in exercising an influence over the selection of Congressmen and Senators. These two figures balance out so that his participation as a citizen is about equal to that of citizens of all other States.

The matter is not a southern or northern question. Amongst the Southern States, Georgia, Florida, Virginia, Tennessee, and Texas citizens all have larger than average voting power in the electoral college system. But each of these States has smaller than average voting power in the selection of Members of Congress. If the two factors are offset against each other, the result is that citizens of these States have less than 15 percent difference in voting power than the average of citizens of the other States. This means they are about equal in their total citizenship potential with the people of the country at large. If their advantage in the electoral college were removed, their total voting power would in all instances deviate below that of citizens of the country at large by more than 15 percent, in the case of Texas, up to 30.7 percent.

To illustrate again that what I am saying is not regional, let us consider a Midwestern State, Michigan. Compared with the average vote potential in the country, a Michigan voter casts one and a third votes in the election of the President, but his voting power respecting Congress falls below the average by about 28 percent, just about offsetting his advantage with respect to the Presidency. If the electoral college system is retained, and also the present method of representation in Congress, he exercises about the same citizenship potential as the average American citizen. But if the electoral college is abandoned, and he is left with equality in selection of the Presidency, he has 28 percent less effect as a citizen than the average voter in the country.

In the case of such large Northern and Midwestern States, the voter's influence on Congress is further diminished by the almost equal division of power between the Democratic and Republican Parties. It is hard for a Congressman to gain seniority and thus attain committee chairmanship or lesser prerequisites of long service. All five of the States whose citizens receive the greatest diminution of voting power are closely divided between the parties. They are, in the order of loss of voting power, New York, California, Pennsylvania, Ohio, and Illinois. The citizens in each of these States enjoy about one-third less voting power with respect to congressional elections. But this is not all. Amongst all of these States, which embrace more than a third of the population of the United States, there are only six committee chairmen in the House and Senate—about 15 percent of the total number of committee chairmanships.

Now let us compare with them the five Southern States, having only 7 percent of the population, which would gain for their citizens additional voting power. These are Alabama, Arkansas, Louisiana, Mississippi, and South Carolina. Among them, they have 12 committee chairmanships—about 30 percent of the total.

Consider, for a moment, the magnitude of this disparity: 7 percent of the population controls 30 percent of the top power in Congress, the committee chairmanships. And one-third of the people of the United States control only about one-seventh of this power.

Thus, the ratio of citizens to committee chairmen in the populous States is about 10 million to 1. In the Southern States listed, the ratio is 1 million to 1.

Obviously, New York, California, Pennsylvania, Ohio, and Illinois are being country-slicked if their citizens are being reduced in their influence in selecting the President and establishing a national platform and are at the same time retained in their disadvantageous position with respect to influence in Congress. I cannot understand why so many of my colleagues who are thus adversely affected are so willing to accept an idea that has found its time, as my distinguished and respected colleague, the chairman of the Judiciary Committee, describes it.

The issue involved here has deep philosophic roots. As Alexander Bickel has pointed out in his book, "The New Age of Political Reform":

> Urban-rural, pluralist-homogeneous—this has been the great divide in American politics. The task of the Presidential candidate, Republican or Democratic, is to bridge it from either side.

Bickel points out that going to the direct popular election mode would put a premium not on the two-party industrial States but on achieving the largest possible majority in the small, more homogeneous ones. He says:

> It would create a Presidency with little or no incentive to act as a counterweight to Congress, and as a particular spokesman for urban and minority groups. This, one may reasonably surmise, is precisely what conservative backers of the proposal intend.

I agree with him, but I would put it in a larger context. Problems of great import, emergent problems that may become explosive are likely to develop in the large urban centers first. Take, for instance, such issues as civil rights and racial justice, air and water pollution and the quality of environment, an overstrained welfare system, and the like. It is well that the appeal of the parties and the presidential candidates must, in greatest measure, be made to those areas where these problems first develop.

Since the office of the Presidency has become a kind of superlegislator, devising specific legislative machinery to meet such problems, sending periodic messages to the Congress, and supporting his program on Capitol Hill, it is de-

sirable that our system stimulate such innovative quality and press the emergent problems upon the parties and upon the Presidency at the earliest possible time. The distribution of voting power in the electoral system is congenial to this character of the Presidency. It has been said that the President proposes and Congress disposes. The distribution of voting power respecting Congress is different and disposes it toward its role.

But the surprising salubrious balance of these two distributions of voting power is that an approximate equality of voting power is achieved for most citizens of the Nation. About half are somewhat above the average and half are somewhat below. Without the balance, 93 percent of the citizens are below the average. See table below:

PERCENT DEVIATION FROM AVERAGE VOTING POWER, BY STATES (1960)

	Electoral college	Congress	Net
Alabama	−3.0	−15.7	−18.7
Alaska	9.2	99.1	108.3
Arizona	−23.9	3.2	−20.7
Arkansas	−21.9	−5.5	−27.4
California	87.9	−35.0	52.9
Colorado	−21.1	−4.7	−25.8
Connecticut	−12.2	−11.8	−24.0
Delaware	−22.3	41.7	19.4
Florida	11.1	−22.5	−11.4
Georgia	6.3	−18.0	−11.7
Hawaii	−12.8	35.5	22.7
Idaho	−15.1	31.9	16.8
Illinois	48.0	−31.4	16.6
Indiana	6.1	−22.3	−16.2
Iowa	−5.2	−11.7	−16.9
Kansas	−17.3	−9.4	−26.7
Kentucky	−9.6	−15.9	−27.5
Louisiana	−2.9	−15.6	−18.5
Maine	−29.5	9.4	−20.1
Maryland	−.4	−13.5	−13.9
Massachusetts	9.0	−24.0	−15.0
Michigan	34.4	−28.3	6.1
Minnesota	−5.1	−17.5	−22.6
Mississippi	−17.3	−9.4	−26.7
Missouri	1.6	−21.6	−20.0
Montana	−15.5	31.2	15.7
Nebraska	−26.9	−.9	−27.8
Nevada	−2.8	77.3	74.5
New Hampshire	−10.9	38.3	27.4
New Jersey	22.6	−24.7	−2.1
New Mexico	−28.9	10.5	−18.4
New York	96.8	−35.3	61.5
North Carolina	7.4	−21.4	−14.0
North Dakota	−12.8	35.5	22.7
Ohio	50.9	−30.1	20.8
Oklahoma	−8.4	−8.0	−16.4
Oregon	−21.5	−5.1	−26.6
Pennsylvania	56.8	−32.5	24.3
Rhode Island	−25.2	16.2	−9.0
South Carolina	−9.5	−9.0	−18.5
South Dakota	−15.9	30.6	14.7
Tennessee	2.3	−16.5	−14.2
Texas	45.7	−30.7	15.0
Utah	−26.5	14.2	−12.3
Vermont	−16.8	51.6	34.8
Virginia	6.0	−18.2	−12.2
Washington	−6.8	−13.2	−20.0
West Virginia	−10.5	−2.0	−12.5
Wisconsin	6.2	−18.0	−11.8
Wyoming	−9.6	64.8	55.2

	Greater-than-average voting power		Less-than-average voting power	
	Number of States	Percent of total population	Number of States	Percent of total population
Electoral College	18	71	32	29
Congress	16	7	34	93
Net	18	49	32	51

The fact that our basic structure of Government has lasted so long without drastic revision is a tribute not only to that "glorious company, the flower of men" who made it "the fair beginning of a time," but to the genius of a common law pragmatism that perfected it to meet current needs. I believe our processes for electing the President and for representation in Congress constitute, together, a finely tuned instrument which I, for one, would be very loathe to tamper with.

The dangers and defects are small when examined in relation to their practical effects on history through the last 180 years. All of these dangers can be remedied by the most superficial constitutional surgery.

On the positive side, the electoral system has preserved intact and nurtured a system which has been marked by these benefits:

First, with the exception of one or two, there have been no really bad Presidents. When the system has unjustly slighted a good man like Jefferson for another good man like Adams, it has elected Jefferson later. When Cleveland lost to Harrison, under circumstances which may be considered unfair, Cleveland later achieved the Presidency.

It is trite to recite the great men who have been elevated to the Presidency. I do not believe that this is historical accident. The necessity of appealing to those in the mainstream of the times must have had something to do with the selection of the whole string of Presidents: Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and Nixon. Putting aside partisan considerations, each of these men, at their first election, afforded peculiar qualities to meet needs of their times. The best of them can be called great, and none of them can be said to be less than highly qualified.

The second important benefit of the electoral system is that it has permitted the development of the two-party system and has nurtured it. Because an appeal must be made in those areas which are urban and pluralist—areas where there may be strong ethnic and racial tugs and pressures, areas where radicals and reactionaries operate on the extremes and act upon those on their side of the median—both of the major parties must make internal accommodations in order to entice enough voters to their side to win. True, there have been third and fourth parties—like the Progressives and the Dixiecrats in the 1948 election—but in the end the effective choice has been between the more conservative and the more liberal of the two major parties. I think this is the only way to preserve a two-party system and that it is the most effective way to preserve a viable and representative government.

For the reasons I have given, I am not willing to throw away a process that has worked effectively for 180 years and speculatively accept a process which, in my opinion, tends to destroy a nice and effective balance, and introducing, at the same time, more problems and difficulties than it solves or alleviates.

Mr. McCULLOCH. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia (Mr. POFF).

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

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

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

[Roll No. 167]

Abbitt	Erlenborn	Martin
Anderson, Ill.	Esch	Mathias
Anderson, Tenn.	Eshleman	Michel
	Evins, Tenn.	Miller, Calif.
Annunzio	Fallon	Morse
Arends	Findley	Morton
Ashley	Fish	Murphy, Ill.
Barrett	Flynt	Myers
Biester	Foley	Nix
Blackburn	Ford, Gerald R.	Passman
Blanton	Foreman	Pepper
Boggs	Fuqua	Powell
Bolling	Giaimo	Price, Ill.
Bow	Gray	Price, Tex.
Brasco	Green, Pa.	Pucinski
Brock	Grover	Railsback
Broomfield	Gubser	Reid, Ill.
Brown, Ohio	Hansen, Wash.	Reid, N.Y.
Buchanan	Harsha	Rhodes
Bush	Hawkins	Rooney, Pa.
Button	Hébert	Rostenkowski
Byrne, Pa.	Holifield	Ruppe
Byrnes, Wis.	Horton	Scheuer
Cabell	Hosmer	Schneebeli
Cahill	Howard	Shipley
Carey	Hungate	Sikes
Chisholm	Jarman	Sisk
Clancy	Jonas	Slack
Clark	Jones, Ala.	Smith, Calif.
Clay	Kee	Smith, Iowa
Collier	Kirwan	Snyder
Collins	Kluczynski	Stuckey
Corman	Landrum	Taft
Coughlin	Leggett	Teague, Calif.
Cramer	Lipscomb	Teague, Tex.
Cunningham	Long, La.	Tiernan
Daniel, Va.	Lujan	Tunney
Davis, Ga.	Lukens	Ullman
Dawson	McClory	Watkins
Delaney	McCloskey	Whitehurst
Dent	McDonald, Mich.	Wilson, Bob
Derwinski	McKneally	Wilson, Charles H.
Diggs	McMillan	Wydler
Downing	Marsh	
Edmondson		

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MILLS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 681), and finding itself without a quorum, he had directed the roll to be called, when 299 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from Virginia (Mr. POFF) had been recognized for 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Chairman, I believe it would be appropriate first to say how much I admire the tone and the tenor the debate has assumed. It is in the highest traditions of this great legislative hall, and I commend each of those who has participated.

It is altogether fitting and proper that it should be on this level, because we are here considering not a House resolution. We are here considering a House joint resolution. We are not in the process of enacting a statute which the Congress might next week repeal. We are here considering an amendment to the basic, fundamental law of our Nation. Such a debate, I suggest, deserves the most earnest and careful and prayerful consideration of every Member of this body.

Second, Mr. Chairman, I believe it would serve some purpose if I attempt

initially to capsulize my own position. I do so with full respect for the sincerity of the position held by every other Member in the Chamber.

I favor electoral reform. If finally the only choice left to me is a choice between the direct system and the present system, I shall cast my vote for the direct system.

But the direct system is not my preference. It is not my preference primarily because in my judgment it could never become a part of the Constitution.

Accordingly, my preference is the so-called Dowdy-Dennis substitute which has already been thoroughly explained and which will be further refined in a bill which will be introduced this afternoon by the distinguished gentleman from Texas (Mr. DOWDY), the distinguished gentleman from Indiana (Mr. DENNIS), and myself.

I invite your special attention when it is published tomorrow.

Finally, Mr. Chairman, if the district plan embraced in that legislation is not accepted by the Committee of the Whole, then at that point I will offer as a substitute a plan which I have outlined in my separate views in the committee report.

Essentially that substitute would be a proportional plan, and unlike other major plans that have been discussed previously, will have two contingency election mechanisms. I will not elaborate further on the definitive details, but I will undertake now if I may briefly to consider the subject before us in four separate categories.

I believe it helps to systemize our consideration of the subject if we ask ourselves four questions and undertake to answer them.

First of all, should the present system be changed?

Second, if so, what specifically is wrong with the present system?

Third, which new system is the best system?

Finally, which new system could best be sold to three-fourths of the legislatures?

Now, to answer the first question first, should the present system be changed? My answer emphatically is that it urgently needs to be changed.

Some may say that it is difficult to understand the need for a change when this system has served the Nation so long, and on each occasion has furnished the Nation with a President.

It is true that the system has furnished the Nation with a President every 4 years since the Nation was founded, yet it should be remembered that the system has furnished the Nation with a President on 15 occasions who earned less than a majority of the popular votes. On three occasions this system furnished the Nation a President who earned fewer popular votes than his nearest opponent. On two occasions the system did not function at all until this Chamber elected a President and did what the people properly ought to do.

On still another occasion, the system did not furnish us a Vice President until the other body did what the people properly ought to do.

These may not seem to be monumental failures. But I suggest that the possibility of failures in the future, as illustrated by the near failures in the past, needs to be considered.

By that I mean that in 15 of our previous elections a change of 1 percent in the popular vote would have made the popular-vote loser the President of the United States. In seven elections a shift in 1 percent of the popular vote in certain key precincts in certain key States would have thrown the election into the House of Representatives.

So I suggest that a change does need to be made. For the sake of stability in Government a change needs to be made.

Now, what specifically is wrong with the present system? I suggest that what is wrong is not conceptual. There is nothing undemocratic about the electoral college system, which was patterned after the great compromise of 1787. It truly gives definition to what we know as a Federal Republic and a representative democracy.

No, there is nothing conceptually wrong. What is wrong is functional. What is wrong specifically is the winner-take-all system. This did not eventuate from the words of the Constitution. On the contrary, the Constitution granted to the individual States the power to decide how their electors would be appointed. With the rise of the party system, the dominant party in the several States soon saw that the winner-take-all system best served its own interest and after one State made that decision, all other States were driven to make the same decision in self-defense. But it is the winner-take-all system which is the thing wrong with the present system.

Why is it wrong? I suggest it is wrong precisely because it unbalances political power in this country. What do I mean by that? I mean that the winner-take-all system grants inordinate political power to the big States. Eleven of the States in this Nation jointly have enough electoral votes under the present system to elect the President, even though the plurality in each State might be small.

Second, I suggest that what is wrong with the winner-take-all system is that it gives inordinate power to the individual voter in the big States. If we adopt a definition of voting power as the power one has by changing one's vote to affect the result of an election, then in the State of New York the power of the individual voter has a multiplicity factor of 43. By changing his vote in the event of a tie, he could affect 43 electoral votes. In the State of Virginia, if you will pardon a personal allusion, the individual voter has a voting power with a multiplicity factor of only 12, so that the State of New York has an individual voting power some three times greater than the individual voting power in Virginia.

The winner-take-all system, too, I suggest, gives undue voting power to the tightly organized, highly disciplined special-interest groups in the large cities of the big States.

Finally, I think the present system puts a high premium on vote fraud while the impact of fraud would be dramatically circumscribed by the district plan. I suggest, Mr. Chairman, that the present system also militates against the growth of a functional, dynamic, two-party system, and that a district plan would give an incentive to the minority party in a one-party State to grow because its efforts would be materially rewarded.

But now, Mr. Chairman, if this is what is wrong with the system proposed, what is the best system? My time will not permit me to make a definitive inventory of the attributes of the district system which we will jointly offer. Rather, I will undertake to do that when we begin to read the bill. Neither will I attempt to explain my substitute which will be offered only if the district plan fails. Rather, I would like, if I may, to deal with the question of which plan has the best opportunity of becoming a part of the Constitution.

I call your attention, first, to the fact that it is really irrelevant that the plan finally agreed upon by the Committee of the Whole may or may not get two-thirds of the vote of this House unless you further consider the fact that it must get two-thirds of the vote of the other body. I suggest in all earnestness that a direct vote system simply cannot, in the present posture of things, earn that support in the other body. Then, whatever plan is finally proposed in the two Houses of Congress will have to earn the approval of three-fourths of the States.

Consider with me for a moment, if you will, just what mathematically and pragmatically this involves. We have 99 legislative bodies in the 50 States of this Nation. If 13 of those 99, each in a separate State, either acts negatively or fails at all to act, then whatever this Congress proposes will be frustrated.

I suggest that the States today, particularly the small States, are convinced that they enjoy some voting advantage in the present system. Now here again it is immaterial whether they are right or wrong. They are convinced that they enjoy the advantage, and I submit that they have some mathematical evidence to justify that position.

I call the particular attention of Members to a chart which appears on page 45 of the committee report, following the additional views of the distinguished gentleman from Michigan (Mr. HUTCHINSON). This chart illustrates a formula which was devised to show that a movement away from the present electoral college system to a direct vote system would jeopardize the relative voting power of the small States. It uses a ratio of the popular votes cast by each State to the total popular votes cast in the Nation at large for President in 1968. The other ratio is the total number of electoral votes awarded each State under the present system to the total electoral votes in the Nation at large, namely 538.

These two ratios when compiled for each State are then compared one against the other. When that comparison is made, it shows that 34 of the States and the District of Columbia will lose political voting power and that 15 States will gain political power, while one State will see no change in its relative voting strength. The 15 States named in that list on page 45 are the large States of the Nation with one or two exceptions, and the 34 States which

will lose political power are the smaller States with one or two exceptions.

I suggest, Mr. Chairman, that this will be highly persuasive in the legislatures where the people chosen by the voters will assemble to decide whether to ratify or to reject or in the alternative to act not at all upon whatever proposal this Congress presents to them. I say again it is altogether too likely that they will in 13 of those 99 legislative bodies find sufficient cause to protect what they regard as their present advantage.

I beg the further indulgence of Members to deal with one further matter which I consider crucial. We have seen a number of polls published by Members and by the press in the last 10 days. One which appears most persuasive is one which I think should be most carefully analyzed. That is the one conducted by the distinguished Member of the other body, the Senator from Michigan, our former colleague in this House, Mr. GRIFFIN. I do not for one moment challenge the method by which the poll was conducted nor the motives behind those who draw conclusions from it. However, I suggest that the tabulations do not justify the conclusions which are claimed for it. Let me explain.

That poll was conducted among 27 of the smallest States. The poll was sent individually to 3,943 legislators in those 27 States. That is only 44 percent of the total legislators in those 27 States. It is claimed that this poll shows 64 percent of the legislators polled favor the direct system.

I suggest first of all that the poll altogether failed to include, either in the question or in the covering letter which was mailed with it, any mention whatever of the 40-percent factor or the runoff election which is an essential incidental of the committee plan with which we are now dealing.

I say further that while 23 States and the District of Columbia were not contacted, presumably because they would support the plan, we cannot properly draw such a conclusion. On the contrary, I suggest that among those 23 States, most of them large States, there may very well be those who will refuse to make a change in a system which they feel has a built-in power advantage for large States.

Finally, Mr. Chairman, while it is true that 44 percent of the legislators in those States responded, 56 percent did not respond. I think that is tremendously meaningful. Of those who did respond, let me point out that the tabulation is cumulative, that is, there is no effort to break down the tabulation according to the separate houses of each State legislature. For that reason, the cumulative results are really meaningless because, I repeat, only one house of each legislature need reject the plan in order to withhold ratification by the State.

I thank you for your attention. I say again, as I began, that this is a deadly serious business in which we are engaged. If we are really in earnest about improving the system, which I believe if left unimproved might someday swamp the American Republic, then let us do something in this body which we believe can win the support of two-thirds of the other body and at least three-fourths of the States.

I suggest with all the earnestness at my command that the only plan which can conceivably win that support is the district plan, because it represents the least departure, the least structural change in the present system, and yet gives better voice to the popular will and preserves the federal system.

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

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

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

Mr. POFF. I yield to the gentleman from Utah.

Mr. LLOYD. The gentleman has stated, as I understand it, if the district of proportional methods fail, he would vote for a direct vote in preference to the electoral college system.

Mr. POFF. The gentleman is correct.

Mr. LLOYD. One of the objections which has been raised in my district in Utah is that there is a fear if the Constitution is amended with reference to the election of the Executive the Constitution will thereafter be amended with reference to the election of Members of the U.S. Senate.

Article V of the Constitution provides that there shall be equal suffrage given to each State in the U.S. Senate unless consent otherwise is given by the State. Will the gentleman comment on this? I should like his comment as to whether or not article V is amendable without the consent of the individual States.

Mr. POFF. The gentleman is a learned legal scholar. I could not possibly add, I am sure, to his own generous fund of legal information.

But I would answer the question categorically, namely, that under article V of the Constitution it would be impossible to apply the one-man, one-vote rule on a national basis to the election of U.S. Senators simply because the language of article V says explicitly and unequivocably that—and I quote:

> No State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Mr. LLOYD. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman 2 additional minutes so that my colleague from Ohio may ask a question.

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

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

Mr. LATTA. First I want to commend the gentleman on a very fine statement.

Mr. POFF. I thank the gentleman.

Mr. LATTA. I am interested, as the gentleman knows, in a plan which will encourage more people in the United States to exercise their franchise. I believe it is a shame that more of our people do not exercise their right to vote.

As I have campaigned out in my district many, many times, I have run into people who will say, "I am not going to the polls because my vote just does not count," or "does not count too much" or something on that order.

I just wonder what the thinking of these individuals who do not vote believing that their vote does not count too much will be if we adopt the plan now before the House and their vote becomes one in 75 million, rather than one in a State with so many electoral votes, or one in a district under a district plan, whereby under the present rules in Ohio there would be perhaps one in 400,000 in a congressional district. I know that the gentleman has given thought to this. Would he like to comment on it?

Mr. POFF. I have given a great deal of thought to it, and most since the gentleman in the Committee on Rules first raised it. I thought then that he made the point most admirably, and I do not see how anyone today could enlarge upon it. What you just said happened is so. The individual tends to measure his voting power according to the power he has to affect the choice that the Nation finally makes. I am convinced, particularly if he lived in one of the "sure" States—one of the one-party States—that if the voter is told that his vote will indeed have an impact upon the election of one district elector and two at-large electors who will have an impact on the election of the President, his vote would be infinitely more meaningful to him then than if he thought his vote was only one out of 75 million.

Mr. LATTA. I thank the gentleman for his comment.

Mr. Chairman, I have one other question which I would like to ask, and that is whether or not under this proposal which is now before the House there is an opportunity for a recount of the votes for President of the United States.

Mr. POFF. The gentleman anticipated one of the most difficult areas. The contingency mechanism in the committee bill provides for a runoff if at least 40 percent of the votes are not gained in the general election.

Mr. LATTA. I am not talking about that, but I am talking about a recount on the grounds of, let us say, fraud.

Mr. POFF. There is no provision in the bill for that, but the gentleman's question illustrates that it will become necessary eventually for a Federal law to deal with that if it is expected to conclude both a runoff and a general election between the first week of November and the first week of January.

Mr. HARVEY. Mr. Chairman, with perhaps an amendment or two, House Joint Resolution 681, calling for the direct popular election of the President and Vice President, is certain to receive bipartisan support in being accepted by this body within the next day or so. Personally, I am prepared to support—enthusiastically and completely—the bill as approved by the House Committee on the Judiciary.

It is with particular delight that I cite the bipartisan support. Earlier this year, on January 28, I was pleased to join with a Michigan colleague from the other side of the aisle, Congressman JAMES O'HARA, in cosponsoring House Joint Resolution 317, which called for the popular vote for the President.

Shortly after introduction of the measure, the administration brought forth its proposal which called for dividing electoral votes of each State in proportion to the popular vote received by the candidates. At that time, I commented that I did not totally disagree with President Nixon's proposal. I mentioned that it had much to commend it and that it is probable it could be attainable before the 1972 election. Basically, it might be considered less controversial.

Nevertheless, although I admitted in a news statement of February 24 that I was not completely wedded to a direct election change, I remained convinced that the direct popular election of the President and Vice President was best.

My position also has received exceptionally strong backing from constituents in our Eighth Congressional District in Michigan who participated in my ninth annual questionnaire. I asked if the electoral college should be abolished and the election of the President and Vice President be accomplished by popular vote. Some 10,044 questionnaires were tabulated and 8,486, or 84 percent, favored abolishment of the electoral college.

Yes, I am convinced that it is time for a change. I am equally certain that the vast majority of all citizens want this change. The popular vote concept truly is a popular plan throughout our Nation.

Mr. McCULLOCH. Mr. Chairman, I now yield to the gentleman from Minnesota (Mr. MacGregor) 10 minutes.

Mr. MacGREGOR. Mr. Chairman, following the gentleman from Virginia (Mr. Poff) is about as tough as a task for any advocate as I could imagine. No one in this House—perhaps no one in the Congress of the United States—exceeds the gentleman from Virginia (Mr. Poff), as a constitutional lawyer of great competence, as an advocate whose words strike his audience with great force, and as a gentleman who always treats those with whom he disagrees with great consideration.

Nothing could please me more, as one who is fortunate enough to be and to have been for 9 years a colleague of the gentleman from Virginia, than to hear him say that at the conclusion of our debate in this body, if the only reform choice available to him is the national plebescite or direct popular election choice, he will, I take it, gladly vote "yes" to effect or at least to begin the process by which we will effect that badly needed constitutional amendment.

Mr. Chairman, the question of electoral college reform is truly the most critical constitutional problem before this Congress or, I suggest, any recent Congress. It in truth demands the very best attention of this body and of the other Chamber. A constitutional crisis of very grave proportions very nearly arose from the balloting last fall for President and Vice President of the United States.

Only a relative handful of votes in a few States saved the selection of the Chief Executive from the archaic "one State, one vote" plan constitutionally required in the House of Representatives.

If Mr. Nixon had lost Illinois and Missouri, both of which he won by small margins, he would have failed to obtain the necessary 270 electoral votes.

If George Wallace had carried the States of North Carolina, South Carolina, and Florida, the election would have gone to the House of Representatives.

There are other "iffy" examples which can readily be found by examining the 1968 election returns. I hope this will dramatize the fact that, as in 1960, we came too close for continued constitutional comfort.

Mr. Chairman, there should be only one constituency electing our President, and that is the American electorate.

The electoral college should be abolished, and the House of Representatives should not have any contingent responsibility.

The presidential choice belongs to the people of America and to the people of America alone. Any reform proposal, of course, generates some resistance. All plans have weaknesses, including the plan I favor, the direct popular-election plan. No system can be perfect, but I firmly believe that a national plebiscite plan has the fewest defects. Any other plan would permit a candidate receiving the second highest number of votes to become President. Only the national plebiscite plan guarantees to every citizen regardless of residence, an equal voice in the selection of the President of the United States.

Mr. Chairman and members of the committee, I was particularly interested in the colloquy between the gentleman from Ohio (Mr. Latta) and my distinguished colleage, the gentleman from Virginia (Mr. Poff). The question was posed:

> Would you be discouraged from going to vote for President if you thought that your vote was only one out of 75 million?

I turned to my colleague, the gentleman from California (Mr. Wiggins), which State has more than 20 million votes and, I suppose, it is just as valid to say that those votes would be swallowed up in 75 million as your vote would be swallowed up in 20 million in California or in the great State of New York. The gentleman from California (Mr. Wiggins) said that he did not think this would discourage people from voting in California.

Mr. Chairman, there are States which have six, seven, or eight times the population of my State, and that does not seem to be an inhibiting factor in getting the people to go to the polls. I can tell you what would be an inhibiting factor and that is this: One-party States and one-party districts. I would much prefer to pit my vote against 75 million others as being determinative in an election for President than to continue under the present system where if I lived in the State where I was in the minority—as Republicans are in Mississippi and as Democrats are in Kansas and Nebraska—I would have little reason to vote for President.

If we went to the district plan, my minority vote would not only be swallowed up in my congressional district and State and count for nothing, but, worse than that, my vote for the President of the United States would be tallied in the Democrat column. That is the system we have now. That is the system you would have under the district plan.

Think for a moment if you lived in a one-party State and you are not of the majority party but of the minority party.

Mr. Chairman, we would undertake a great constitutional change if we adopted the district plan. But if you live in a State or in a district dominated by one party, which is not your party, you go in utter futility to vote for the minority party. That is the situation now, and it would continue to be the situation across the broad face of America, if the district plan were adopted.

How many of those districts are "safe" districts? Three hundred or 350 out of 435? Moreover, let us not forget that when the result of an election is a foregone conclusion, the majority also finds it less necessary to vote. This does not contribute to the political health of the country.

That is the vice in the present system, the vice that would be maintained, albeit somewhat diluted, under the district system.

How can we conform our aim today with the doctrine of the right to cast an equally weighted vote? I know we hear a lot of loose talk about "one man, one vote." That is not what we are talking about in this congressional amendment recommended by 80 percent of the members of the Committee on the Judiciary. We are talking about the right to cast an absolutely equally weighted vote.

My colleagues, do we believe deeply, as we say we do, in the equal worth and integrity of each individual? I do. I know you do too.

The only way to give expression to that philosophical conviction is to vote for the committee amendment, House Joint Resolution 681, where every eligible voter voting in America has his vote worth precisely the same as every other voter's vote.

During the hearings before the Committee on the Judiciary, I asked the very distinguished gentleman, Mr. Wekselman, who was probably the most candid witness I have seen in 9 years and who was a strong advocate of Hubert Humphrey in the last election:

> Why are you opposed, Mr. Wekselman, to the direct popular election of the President of the United States?

He said in effect:

> Because we lose our clout as a special interest group.

Those are my words—"special interest"—and not Mr. Wekselman's.

He said:

> I speak for the American Jewish Congress. Our vote is maximized under the present system because our people concentrate in the bigger cities of America.

I trust that you will understand my reference. I refer to Mr. Wekselman only because he was honest enough to speak the political reality and not because of his organization. I oppose weighting the vote in favor of anybody. I support equality.

The unit rule that the gentleman from Virginia (Mr. Poff) attacked, and attacked so incisively, would continue, although diluted, to be sure, under the

district plan. It would continue to give to special interests—that kind that the gentleman from Virginia (Mr. POFF) talks about—the power to control the votes of electoral districts and two at-large votes in every State.

I do not want to see us in this House subscribe to any other system which would perpetuate the unequal strength given to some of these tightly organized special-interest groups. I invite the attention of the Members to pages 380 and the following in hearings, where you will see the questions to Mr. Wekselman and his responses.

Mr. Chairman, I believe in equality of the weight of the vote of every American citizen. No special interests should have a clout in the influencing of results. I hope we will not vote for any system to give any such a clout to this group or that group.

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

Mr. McCULLOCH. Mr. Chairman, I yield 2 additional minutes to the gentleman from Minnesota.

Mr. MACGREGOR. The gentleman from Virginia (Mr. POFF) has set forth in his additional views, printed in the committee report, the details of a plan which he has advised today that he will offer should the Dowdy-Dennis proposal be defeated.

Mr. Chairman, I would like to speak for a moment about the wisdom of that particular proposal. I think it is eminently sound. But I think its presentation in this body during this debate is premature.

The distinguished gentleman from Virginia asks what if the House passes a direct popular election amendment which does not pass in the Senate. If the other body should pass some other proposal, the district plan or the proportional plan, we will have a committee of conference.

I am sure that probably neither body would recede and adopt the position of the other. People have said to me:

> How do you possibly reconcile a House-passed direct popular election amendment with a Senate-passed proportional plan?

I answer:

> By reference to a proposal similar to that, if not exactly the same as that outlined by the gentleman from Virginia (Mr. POFF).

I do think, as the gentleman from Virginia (Mr. POFF) well knows, because at one time I was working with the gentleman in the development of this plan, that it may somewhere down the road possibly be the proposal which we in this Congress eventually adopt. But I suggest to you this is not the time and place to adopt it.

I urge you, my colleagues, to cast a vote to eliminate special interests and unequal strength in the election of President and Vice President of the United States. I urge you to cast a vote here for what is truly at issue—the right of every American to have an equal voice in electing the President and Vice President of the United States.

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

Mr. MACGREGOR. I yield to the gentleman from Indiana.

Mr. DENNIS. I would like to point out to the distinguished gentleman from Minnesota that in the 1968 election 54.6 percent of all the votes were cast in nine States embracing 12 of the largest cities. The vote in those States were largely determined by the vote in the 12 big cities.

In an editorial in the Indianapolis Star, it was said:

> The significance of this is that political machines in 12 cities in 9 heavily populated states can pile up pluralities so big that the votes in the rest of the country would not matter in a nation-wide popular election.

Now I would invite the comments of the gentleman to that statement. I should like to ask him further, if a man should be elected in that fashion, does the gentleman feel that even though he might have a few more votes that he could or would under those circumstances be truly a national leader?

Mr. MACGREGOR. Mr. Chairman, I think, commenting on the gentleman's question, taken from the Indianapolis Star, that theoretically, of course, it is possible to do so. But I cannot envision as a practical matter a major candidate for President concentrating his campaign on getting his votes only in our 12 largest cities. Theoretically, it is possible; but practically I think you will agree with me it is, to all intents and purposes, an impossibility.

I have no fear as an advocate of the direct popular vote that that would happen in a race for the Presidency.

Let me just say, to proceed, it does not happen now in the State of Indiana in the race for Governor. It does not happen now in Indiana in the race for the Senate, and it does not happen in Indiana now in its individual congressional district races for Congress.

No, a candidate campaigns throughout his entire constituency on the one-man, one-vote system that we have now. The right to cast an equally weighted vote governs the election of every singie office, major and minor, in America today except the offices of President and Vice President of the United States.

Mr. Chairman, I strongly support the right of the people in my State and in the State of Indiana to cast an equally weighted vote for their Governor and Senator and throughout our congressional districts the right to an equally weighted vote. I hope an ever-increasing number of them will do so on your behalf.

I want to see the same right accorded to the people of the 50 States plus the people of the District of Columbia—the right to cast an equally weighted vote for the President and Vice President of the United States.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, this proposed constitutional amendment before the House is long overdue. It is sound and I support it. I think it would be dangerous for the country to reject it.

Once again the people of this Nation are indebted to that great team, the gentleman from New York (Mr. CELLER) and the gentleman from Ohio (Mr. McCULLOCH) who have done so much to correct injustice over the last several decades. The leadership they have provided on this issue is certainly heartening to all of us who believe there are serious dangers in the present system.

I do not rise to criticize or to question anything that is in this amendment, but I do have some serious reservations about something that has been left out.

Mr. Chairman, of all U.S. citizens living in territories of the United States only those residing in the District of Columbia have the right to vote in presidential elections. In my opinion this is unjust, and I have, therefore, considered an amendment to House Joint Resolution 681 granting Congress the authority to enfranchise U.S. citizens in the territories when it deems this desirable.

The specific territories which prompt my concern are Puerto Rico, Guam, and the Virgin Islands. In exercising its constitutional authority to govern U.S. territories, Congress has decreed that citizens of these three territories have obligations of citizenship: They must fight for their country when called on and pay a Federal income tax. Congress has also granted certain rights: These territories govern their own affairs and individual citizens have been given, by statute, rights and protections which citizens of the several States are provided by the Bill of Rights.

If Congress has seen fit to afford these people both the rights and obligations of citizenship, why should they not be given the right to vote for the highest office in the land? And why is it that territorial residents moving to the mainland are suddenly given the right, while residents of the mainland moving to these territories are suddenly divested of the right? Place of residency surely has no bearing on the responsibilities of citizenship.

The objection is heard that granting the right to vote in presidential elections to citizens of territories is in effect granting to the territories "back-door statehood." The reasoning runs that since the present electoral system as originally contemplated was tied to the States, only citizens of the States should be entitled to vote for President. Surely the objection carries little weight today; the President and Vice President are the executive representatives of the people, not of a slate of electors representing different State interests. Further, this concept was no barrier to the 23d amendment, giving citizens of the District of Columbia the right to vote. And, in light of the support for the proposed constitutional amendment relating to the popular election of the President, the "back-door statehood argument" has even less efficacy today.

An argument is made that since residents of the territories do not pay Federal income taxes, they should not have the right to vote for the Presidency. The economic answer is that these people do pay a Federal income tax, the proceeds of which flow into territorial treasuries. Thus only the form of their obligation is changed. In substance, these citizens discharge Congress' duty to maintain the territories, just as you and I discharge our obligations by paying funds to the Federal Government which are disbursed by the U.S. Treasury.

The better answer is that the amount

of money a citizen pays into Federal coffers should not determine his right to vote. The Supreme Court has in fact declared it unconstitutional to predicate voting rights on the ability to pay a poll tax. In short, a man's moral obligation to be interested in governmental affairs is sufficient stimulus to insure the requisite attention to intelligently exercise his vote.

Another argument is made that since residents of these territories have not in the past voted in presidential elections, the danger exists that they do not possess the degree of maturity or experience necessary to participate in such an important election. This is the worst kind of snobbery and a formula for deprivation. I do not need to point out that this argument has been used to wrongfully disenfranchise people for centuries. Further, both the Democrats and Republicans allow territorial residents to participate in the nominating process. If these learned groups have determined territorial residents to be sufficiently mature to nominate a presidential candidate, surely we take no great risk in allowing them to vote for the candidates they helped nominate.

Mr. Chairman, both the Congress and the Supreme Court have recently approached the question of individual rights in a more enlightened manner. Congress in the last 10 years has enacted needed civil rights legislation and just last year extended to the American Indian certain statutory protections similar to Bill of Rights guarantees.

The Supreme Court, although I have not always agreed, has in recent years carefully refined the rights of the criminally accused and has decreed that as nearly as possible, one man's vote is entitled to the same weight as another's. Moreover, the Court has recognized that living abroad has absolutely no bearing on an individual's allegiance to his country and can in no way be taken as a renunciation of citizenship. The Court has also recognized that the Bill of Rights protection should not be stripped from an American citizen merely because he travels abroad.

We would do well to continue this tradition by bringing closer the day when all citizens can vote, including those forgotten Americans living in our territories.

If I am a Virgin Islander, I can get on a plane, fly to New York, stay there 30 days, and I can vote for President. If 4 years later I get on the airplane and go back to the islands, I lose that right. Surely that is unjust. Surely it is unfair. If we are going to change over from a system of voting essentially by States, as we do now under the electoral college, to a system of voting by people, one man one vote, for President, then all the American citizens should have some right to participate in their choice of their Chief Executive.

Mr. Chairman, if I may direct an inquiry to the distinguished gentleman from New York (Mr. CELLER), I am wondering whether during the committee proceedings there was any consideration given by the chairman and the Judiciary Committee to the voting status of American citizens in the territories and Commonwealth.

Mr. CELLER. The problem raised by the amendment you are contemplating is real and the committee is aware of it. An amendment to this effect was rejected in the executive sessions of the committee. At no time during the committee's public hearings was there any expression of interest by, or evidence of the popular wishes of, the people of the Commonwealth of Puerto Rico or of the territories of the Virgin Islands and Guam respecting the right to vote for President and Vice President. No testimony or views were offered on this subject and none was received by the committee.

Furthermore, I understand that at the present time the right to vote for President is the subject of controversy in the Commonwealth of Puerto Rico. In the circumstances, I believe it would be most unwise to propose extension of the presidential franchise to these areas without having a sufficient record. Indeed, it might create serious difficulties with respect to ratification.

Mr. UDALL. As the distinguished chairman knows, I am reluctant to offer any amendment to the pending constitutional amendment because of its tremendous importance to the Nation and the possibility that any significant changes in the committee resolution might if adopted now reduce the chances for successful action on this entire matter. However, I have to balance those feelings against my hope that the peoples of Guam, the Virgin Islands, and Puerto Rico will someday be included in the direct election process. Do I understand that the chairman and the committee now have plans to hold hearings on this subject?

Mr. CELLER. The gentleman from Arizona is correct. I plan to hold hearings on the gentleman's amendment and to consider it as separate legislation. There is interest in the committee in providing this right for citizens in the territories.

Mr. UDALL. I thank the gentleman for his comments. In view of his interest and that of the committee members in resolving this issue, I am inclined not to offer my amendment. I regret the committee was not made aware of this need during hearings on the bill because I believe it would have been included.

Mr. CELLER. Am I correct in assuming that the representatives from these areas agree with the position of the gentleman from Arizona in withdrawing his amendment?

Mr. UDALL. The gentleman is correct. The representatives of Guam, the Virgin Islands, and Puerto Rico are satisfied that after full hearings the Judiciary Committee will deal satisfactorily with the question of their voting status. Furthermore, the representatives from these areas do not wish to jeopardize in any way the constitutional amendment now under consideration. They are 100 percent behind it. And they wish to compliment the distinguished gentleman from New York for his leadership on the direct popular election issue. I join with them in their admiration of the work the distinguished gentleman has done on this legislation. I would just add a word of thanks to the representatives of the territories and Commonwealth, some who do not sit in this body, for their moderate and reasonable approach to resolving this issue.

I wish to raise one final matter. I hope and believe that when the other body considers this resolution some effort will be made to add the kind of amendment I had intended to propose. I fully recognize that the gentleman cannot and should not take any firm or final position on matters which might come before a conference committee should one be appointed. But can the distinguished chairman tell me whether assuming the other body has added such an amendment, he would be likely to have a rigid position against House acceptance?

Mr. CELLER. I do not know whether there will be a conference or what issues might be before it. Obviously I cannot commit myself or the other House conferees in such a hypothetical case. I can say that there are some strong and persuasive arguments for the justice of the kind of provision you advocate. I have always tried to keep a flexible and open mind on these matters and would surely not go to conference with a closed mind.

Mr. UDALL. Mr. Chairman, I thank the gentleman from New York.

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

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

Mr. ASPINALL. Mr. Chairman, as chairman of the Committee on Interior and Insular Affairs, I wish to support the position of the gentleman from Arizona (Mr. UDALL) in seeking to provide our territorial American citizens the opportunity to participate in the most fundamental privilege of American citizenship—the opportunity to participate in the election of the President and Vice President of the United States.

I regret that the amendment to House Joint Resolution 681 which was to be offered by the gentleman from Arizona (Mr. UDALL) will not be offered. However, I understand the concern of the distinguished chairman of the Committee on the Judiciary and further understand and appreciate his willingness to consider in separate legislation the extension of the presidential vote to the American citizens residing in our territorial areas.

I think it most important that we also understand the genesis of the proposed amendment which Mr. UDALL was to offer. It began, as far as I am able to determine, as the true expression of the desires of our territorial citizens. It did not begin here on the mainland. To me, this demonstrates the true spirit of our people who reside in our territories and their desire for the opportunity to participate more fully in the democracy of this great Nation.

As chairman of the Committee on Interior and Insular Affairs charged with the responsibility of our territorial and insular possessions, I am extremely proud that these people have sought on their own a more direct way of participating in the affairs of this Nation.

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

Mr. UDALL. I yield to the Resident Commissioner of Puerto Rico.

Mr. CÓRDOVA. Mr. Chairman, since the gentleman from Arizona has so kindly explained why he will not offer the amendment which would provide authority for Congress to grant voting rights to the citizens of the territories, I wish to clarify that objections have been expressed to the presidential vote by a small minority of Puerto Ricans. That is a fact. But since we have been talking so much during this debate about the taking of polls, I did want to mention the fact that polls have been taken in Puerto Rico on that question, which show the majority would favor accepting this right if it were granted to us, and the majority is enormous. The minority is minuscule.

I do want to say that I have agreed not to press the amendment about which the gentleman from Arizona spoke, which would not grant the right to vote for President to any of these territories but would only delegate to Congress the power to consider the extension of that right at the appropriate time, I have agreed, I repeat, not to press that amendment in this House because it was not brought up before the committee. The committee has not had a chance to make its recommendations. But in extending my appreciation to those who have expressed support of this measure, I do want to assure them that I do propose to pursue this matter before the other body, and ultimately in conference, if we should be successful before the Senate.

Mr. Chairman, I thank the gentleman from Arizona for yielding.

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

Mr. UDALL. Mr. Chairman, I yield to the gentleman from Hawaii (Mr. MATSUNGA).

Mr. MATSUNAGA. Mr. Chairman, I thank the gentleman from Arizona for yielding.

Mr. Chairman, I wish to commend the gentleman from Arizona for bringing this most vital matter to the attention of the House. I am happy to learn from the statement made by the chairman of the Judiciary Committee that this matter of granting voting rights for President and for Vice President of the United States to Americans living on American soil will be considered by him in a separate resolution. I think there is a grave injustice being practiced upon the people who live in the territories of Guam, Puerto Rico, and the Virgin Islands, Americans living on American soil, just as we in Hawaii were denied that right for far too many years.

I had intended, as the gentleman from New York, the chairman of the committee, knows, to offer an amendment even prior to the announcement that the gentleman in the well intended to offer the amendment.

In order that the joint resolution now under consideration, as recommended by the committeee, will have the smoothest possible sailing to passage, I am yielding, along with the gentleman in the well, and will not offer my amendment.

Mr. UDALL. I appreciate the gentleman's sentiments.

Mrs. MINK. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentlewoman from Hawaii.

Mrs. MINK. I thank the gentleman.

I appreciate this opportunity to join in this discussion, which I consider extremely important.

What this joint resolution purports to make is a very fundamental change in the election of the President. Presently, under the electoral college system, voting was based upon residence in a State, because the States cast electoral ballots for the election of the President. This joint resolution purports to change that and to give the right to elect to the individual, the individual American citizen. Because it would make this fundamental change, I feel it is most important that this principle be carried throughout as a principle and that all Americans living under the American flag should be given this privilege.

Therefore, I strongly support the proposition that all Americans living in the territories be given this privilege of voting for the President of the United States.

Mr. UDALL. I certainly agree with the gentlewoman, and I thank her for her contribution.

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

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

Mr. KASTENMEIER. I take this time in order to clarify the record on this point.

The distinguished gentleman from New York, the chairman of the committee, indicated we had not held hearings on the matter, and that is correct. However, to make the record more complete, in the executive session, the markup session of the Judiciary Committee, I did offer an amendment of the same purport as that discussed by the gentleman in the well. It was defeated on a voice vote, and I believe I may fairly state largely on the grounds mentioned by the chairman; namely, that the record had not been really created with hearings on the matter.

I believe then, the committee decision at that time not to accept the amendment did not reflect on its merits but rather with a lack of testimony on the matter.

I want to commend the gentleman for raising the issue on the House floor and creating a much needed discussion of this subject.

The CHAIRMAN. The time of the gentleman from Arizona has again expired.

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

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

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

Mr. RYAN. I should like to join the gentleman in raising this issue. Earlier this afternoon in the debate I pointed out the incongruity of having a national election and excluding in the process American citizens wherever they might be residing, Puerto Rico, Guam or the Virgin Islands. As a matter of fact, at page 18 of the report on House Joint Resolution 681, in my additional views, I raised the question:

> If each citizen is in fact to have an equal voice in the selection of the President and Vice President, why should the people of Puerto Rico, Guam, and the Virgin Islands, who are U.S. citizens, be excluded?

I believe this is a very important issue, and I certainly hope that it will be acted upon as soon as possible.

In executive session of the Judiciary Committee, when we were marking up this resolution, I urged that U.S. citizens in Puerto Rico and the territories be made eligible to vote for President and Vice President and supported an amendment offered by Mr. KASTENMEIER to accomplish this objective.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BELL).

Mr. BELL of California. Mr. Chairman, I rise in support of House Joint Resolution 681, the committee amendment to the Constitution.

Mr. Chairman, the United States of America, as history's greatest nation and a symbol to the world of the finest government of the people, should have an electoral system that not only is fair, but which works.

We spend millions of dollars trying to encourage other nations that government of the people is best.

It is imperative, therefore, that we not only have the best system, but one that functions efficiently.

In our Government of the people, it is doubly important that the people elect our President.

As a progressive republic of the future, we must not be bound by an antiquated, obsolete method of electing our leaders.

Aside from the world view, it is imperative that this Congress give the people we represent the kind of electoral method they want.

All polls taken demonstrate massive public support for the system of direct popular election of our President and Vice President.

We must not frustrate them in this most critical matter.

Most of our constituents are well aware of the many weaknesses of our present electoral system.

They are very anxious to bring the method of electing their President into the 20th century.

But most important, Mr. Chairman, the legislation pending before us is right.

It is in keeping with the very underlying philosophy of our Nation's system of self-government.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from Alabama (Mr. FLOWERS) 2 minutes.

Mr. FLOWERS. Mr. Chairman, I thank my distinguished chairman for yielding me this time.

I rise in support of the so-called Dowdy-Dennis plan and, in lieu of that, in support of the proportional plan. As a member of the Committee on the Judiciary, I oppose the direct election plan that is before the House at this time. The direct election plan would be too drastic a departure from a system that has served us well for almost 200 hundred years.

It is my firm opinion that the question of voter qualifications should remain in the province of the several States, which would be unlikely if this amendment is

enacted and becomes a part of our Constitution. There are many compelling reasons to support the direct vote method—simplicity is very high on the list. And I certainly agree with the view that many Americans think that they vote directly for the President and Vice President at this time.

Nevertheless, if change is necessary, then it is my position that the most desirable change would be that which does not harm our federal system. I therefore urge the House to vote in favor of amendments that would alter the proposed change to either the district or proportional electoral vote plans.

Mr. CELLER. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. I feel, Mr. Chairman, that the main thrust of the argument of those opposed to the direct plan has been the idea that by this direct plan we give up our concept of federalism and that we are destroying the federalist system of government. However, I think it is most interesting to note that the father of our Constitution, James Madison, who has been mentioned by those who have advocated the district plan and the proportional plan, was himself personally in favor of the popular plan to elect a President in 1787. Are any of us to say here that James Madison was not in support of the federalist system? Obviously the answer to that is "No."

Mr. Chairman, it seems to me that the key issue in this debate should be what is fair and what is democratic and what system will elect the candidate who has the most votes of the citizens of this Nation.

It is very interesting to note under our present system that it failed to meet this test three times. In 1825, although Adams had 65,000 less votes than Jackson, Adams became President. In 1876, although Hayes had 250,000 votes less than Tilden, Tilden was defeated. In 1888, even though Grover Cleveland had 100,000 votes more than Benjamin Harrison, the latter became President of the United States.

But what improvement is being offered by the district plan and the proportional plan? In 1960, under the district plan, John F. Kennedy would not have become President of the United States although he had the popular mandate of the American people. Not only that, but the evidence suggests strongly that Abraham Lincoln and Woodrow Wilson may very well not have been elected had we had the district plan in effect then.

What does the proportional plan offer? I would suggest to you as late as 1968 we were given evidence of what the proportional system would have done to us. Even though Richard Nixon had 500,000 votes more than Hubert Humphrey, Nixon would not have obtained a majority of the electoral vote. Under the proportional plan it would have been thrown into the House of Representatives. We can go back to 1896, and we find there that President McKinley would not have been elected even though he defeated William Jennings Bryan in the popular vote.

In summary, then, we would find that none of these systems—our present system, the proportional system, or the district system—really meets the problem that we face, the problem of electing the man who has the most votes in this Nation, and thus the candidate with the popular mandate of the people.

In conclusion Mr. Chairman, let me ask the proponents of the district plan a question.

The CHAIRMAN pro tempore (Mr. HANNA). The time of the gentleman from Missouri has expired.

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

Mr. BURLISCN of Missouri. I thank the chairman for yielding this additional time to me.

However, let me ask the gentlemen who support the proportional plan this question: Do they think we would be debating this present proposition had we had the proportional plan in 1968 when the election would have been thrown into the House of Representatives?

And to those who support the district plan let me propound to them this question: Would they think had we had the district plan in 1960 when John F. Kennedy would not have become President although he had the popular mandate of the people—do they think we would today be arguing this proposition?

Mr. Chairman, the conclusions are obvious, I will say to my friends of this House. The conclusion is that the first order of business after the election in 1960 or 1968 would have been to revamp our system of electing a President of the United States to the only system that is democratic, the only system that is fair, the only system which assures that all of our people will elect the President of the United States.

Mr. McCULLOCH. Mr. Chairman, I now yield 4 minutes to the gentleman from Alaska (Mr. POLLOCK).

Mr. POFF. Mr. Chairman, will the gentleman yield to me at this point?

Mr. POLLOCK. I would be happy to yield to the gentleman from Virginia.

Mr. POFF. I thank the gentleman from Alaska. I have asked the gentleman to yield only to clarify a statement that was made by the distinguished gentleman from Missouri (Mr. BURLISON). The gentleman said that had the proportional system been in effect in the 1968 election Mr. Humphrey would have won.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. POFF. The gentleman is incorrect, if I understood him correctly. The gentleman is correct only if the proportional system requires a majority of the electoral votes to win. A proportional system will be proposed next week where only 40 percent of the electoral vote will be required and under such a plan Mr. Humphrey would not have won in 1968.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman now yield?

Mr. POLLOCK. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. The gentleman from Virginia must have misunderstood my proposition. I said that the election in 1968 would have been thrown into the House of Representatives and not that Hubert Humphrey would have been elected. So I think that disqualifies his statement with reference to the election in 1968.

Mr. POFF. Mr. Chairman, if the gentleman from Alaska will yield further, it does qualify in some respects the comment which I just made and I apologize to the gentleman for my misunderstanding. However, in any event had the proportional plan requiring 40 percent of the electorate been in effect, the election would not have been thrown into the House of Representatives in 1968. If the proportional system had required the majority of the electoral votes, then the gentleman is accurate.

Mr. POLLOCK. Mr. Chairman, I rise in support of electoral reform, but in opposition to the direct popular vote method. I speak in support of the district plan.

For many years and with varying degrees of intensity, the Congress has been talking about improving the method by which this Nation elects its President and Vice President.

To date, little has been accomplished. We continue to face the possibility that a candidate will be elected President although he may receive fewer popular votes than his major opponent. Indeed, a candidate may become President even though he has received less than a majority of either the popular or electoral votes cast. In addition, we continue to face the prospect that a faithless elector will change his vote and cast his ballot for a presidential candidate who is not a member of the elector's own party.

I think most of us would agree that it is time for a change in the manner by which the President of the United States is chosen. The question is: Of several proposed alternatives, which one is best?

Many of my congressional colleagues favor a direct popular vote for President. I believe the concept of a direct popular vote is both dangerous and mischievous. A popular vote would disregard geographic areas and frustrate the will of broad segments of the population. Under it, the voters of only 13 States could elect the President of the United States in disregard of the interests of our less populous States, which comprise nearly three-fourths of the States in the Union.

As has been stated of this proposal, "It is not electoral reform; it is political transformation. It flies squarely in the face of the most basic precept of the Constitution—a union of sovereign States." Regional differences in terms of economics, ethnic groups, resources, religious blocks and other differences have always been important elements in presidential elections. Merging, tempering, compromise, and balance have been worthwhile elements of one federal system. In fact, this type diversity of people and interest has kept us strong as a society. This will all be lost by the nationwide popular vote if it is adopted. The direct popular vote would deprive the lesser populated States of the separate and fully independent element of identity in the Union as a whole which the drafters of the United States Constitution contemplated.

Thus, it would seem that a direct popular vote would violate one of the fundamental principles which guided our Founding Fathers. When the Union was

formed, those States with smaller populations were guaranteed certain safeguards to protect their sovereign integrity. One of these safeguards was equal representation in the Senate in contradistinction to the House of Representatives where population was emphasized. Another safeguard was the creation of an electoral college in which each State was given the same number of electoral votes as it had Senators and Representatives.

Mr. Chairman I represent a State with fewer than 300,000 citizens. I am not ashamed of that fact; I am proud of my fiercely independent people. Nonetheless, we are jealous of our right, as citizens of this great Nation, to cast a meaningful vote for the man who, as President, will help shape our destiny nationally and internationally. The late John Fitzgerald Kennedy realized the dangers inherent in any system which would abolish the right of State decisionmaking in voting for President when he said during the Senate debate on electoral reform in 1956:

> On theoretical grounds it seems to me it (the direct popular vote) would be a breach of the agreement made with the States when they came into the Union. At that time it was understood that hey would have the same number of electoral votes as they had Senators and Representatives.

Our predecessors in this august body must certainly have realized that the direct popular vote would violate the integrity of our sovereign States, for not once in this Nation's history—until now—has the House of Representatives ever considered the untenable alternative of a direct election of the President.

Because of the inequities associated with a direct popular vote for President, I heartily endorse the concept of a district plan. Under this plan, the general notion of an electoral vote would be retained, but the elector and the electoral college would be eliminated. Each State would have a total number of electoral votes equal to the total number of Senators and Representatives serving the State in Congress. Each State legislature would then divide the State into electoral districts equal in number to the State's Representatives in Congress. The winner of a plurality of votes in a particular district would receive the electoral votes for that district. Two additional electoral votes would go to the candidate with the greatest statewide vote. The electoral votes in each State would be automatic, thus, eliminating the problem of the faithless elector.

The district plan has another great advantage over the present electoral college system. By eliminating the present "winner-take-all" system on the State level, the district plan greatly reduces the likelihood that election fraud in a large city will alter the outcome of an entire presidential election. If fraud does occur, it will be confined to a particular district or set of districts and the total electoral votes of a State will not be subverted. Since a direct popular vote is also susceptible to election fraud in large urban areas, the tendency of the district plan to localize fraud would make it preferable to the direct vote system even in the absence of other cogent reasons for favoring the district method.

Although many of us agree that the district plan is the best method for implementing electoral reform, we differ in several important respects. Thus, for example, my distinguished colleagues, the gentleman from Texas (Mr. DOWDY), and the gentleman from Indiana (Mr. DENNIS), have introduced a resolution which provides that in the event that no candidate receives a majority of the electoral vote, election shall be by a joint session of the Senate and the House of Representatives with the Members voting as individuals.

I cannot agree with this contingency procedure. This aspect of the Dowdy-Dennis proposal is subject to the same critcism as the direct popular vote; that is, the Representatives of only 13 States will be capable of deciding who will be President in disregard of the interests of the rest of the States.

Instead, I would like to suggest a contingency procedure which is designed to protect the integrity of the less populous States: In the event that no candidate receives a majority of the electoral vote, the candidate with the greatest popular vote would become President, provided that this candidate polls at least 40 percent of the popular vote. If no candidate receives 40 percent of the popular vote, a runoff election would take place in the House of Representatives where each State delegation would have one vote as the Constitution presently provides. Under the contingency procedure which I have just proposed, a runoff election in the House of Representatives would have been necessary only once in this Nation's history—in the complicated and atypical election of 1860 in which Abraham Lincoln was elected President, although not appearing on the ballot in 10 States.

Although it is to be hoped that the need to invoke the contingency procedure would never again arise, we must realistically face the possibility that a runoff election may someday be necessary. Those who favor the underlying principle of the district plan should realize the utter inconsistency in the Dowdy-Dennis plan between the provisions and philosophy governing a general election and the provisions and philosophy of taking the election from the people and placing the decision for selection of the President in the partisan arena of the Congress.

Mr. Chairman, I would like to suggest one additional area of reform for the consideration of this body. I propose that if a candidacy qualifies for the ballot in two-thirds of the States, it should automatically be placed on the ballot in the remaining States and the District of Columbia. A provision of this type would prevent a repetition of the election situation which occurred in 1860 when Abraham Lincoln's name was left off the ballot in 10 States, and, again, in 1948 and 1964, when voters of one State—Alabama—were not afforded an opportunity to vote for the national candidates of the Democrat Party.

Mr. Chairman, we are confronted with a critical decision of great moment. The collective decision that we make here must be one that will merit the concurrence of two-thirds of each House of Congress and the ratification of three-fourths of the several States. Some polls have shown that the people of our country favor a direct popular vote. However, we must be responsible, informed representatives of the people, politically aware of the results of any legislative or constitutional decision. We cannot be swayed by the visceral reactions of an uninformed people. If a direct popular vote were adopted, only 15 States would benefit. Thirty-four of the remaining 35 would lose political power, and in one State there would be no change. I submit to you that the people have not been informed of these facts.

If we devise an electoral system which gives cognizance to the right of each State to work its will and retain its sovereignty within the federal system, then ratification is altogether possible, and the Nation will grow stronger. If the electoral system which we devise is not fair and equitable, it will be foredoomed to failure. It is my considered opinion that three-fourths of the States will never vote to adopt a popular vote system. Informed debate will bring out the truth before the votes are cast, and we will find ourselves victims of the same electoral system which has proven to be so inadequate throughout our national history.

We must choose an alternative which is capable of withstanding the scrutiny of searching analysis. The district plan meets this test. My distinguished friends, we hold this fateful decision in our hands. I urge adoption of the district plan, a plan I earnestly believe can also be adopted by the other body of this Congress and can further be ratified as the 26th amendment to the U.S. Constitution by the several States.

Mr. MCCULLOCH. Mr. Chairman, I yield to the gentleman from Idaho (Mr. HANSEN) 4 minutes.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to my distinguished colleague.

Mr. EVINS of Tennessee. Mr. Chairman, we have heard many excellent arguments pro and con on this vital issue of reform of the electoral college. The debate has been informative, helpful, and on a high level.

The issue has been studied for many years. In this connection I am reminded of the keen observation of the late Speaker Sam Rayburn.

Speaker Rayburn frequently said that the electoral college system has served this Nation well for nearly 200 years and that he opposed any radical change that could result in a system that will not serve the best interests of the Nation in the future.

The electoral college, as envisioned by the Founding Fathers, was designed to give the Nation a second look and a safeguard in the Constitution against a momentary wave of rash action.

As I view the issue in this debate, it appears that the larger States are seeking to capture for themselves greater power and correspondingly reduce the influence of the smaller States in electing the President of the United States.

I am advised that the approval of the proposed constitutional amendment

would cause 33 smaller States to lose one-fifth or more of their political weight in presidential elections.

Under this amendment proposed by the committee a few larger States would dominate and determine presidential elections, drawing increased power from the reduced power of smaller States.

Studies indicate that under the direct-election amendment would require five States with the lowest number of electoral votes to surrender two-thirds of their present weight and impact in presidential elections.

The next 10 States with four electoral votes each would surrender one-half their present influence on presidential elections.

This proposed diminution of small-State power is essentially an effort to set aside one of the basic elements of our Constitution—the balancing of the interests of all States—all the Union—on an equitable basis. The Great Compromise of 1787 which made our Constitution possible hinged on this balancing of power between smaller States and the big States.

This amendment would serve to undo this balance and shift a preponderance of electoral power to a handful of States in conflict with the intent of the framers of our Constitution.

Therefore, I shall vote against the committee bill and support the congressional district plan which is, in effect, a return to the basic unit of representation in Congress and in presidential elections: The district from which each elector is selected plus two electors elected statewide in each State.

There are 435 districts in the Nation, and under this plan the vote in all districts and in all States would be equitably evaluated.

A balance would be preserved between smaller and larger States and the force and effect of each local vote will be recorded on an equal basis.

This district plan eliminates the possibility of unfaithful electors—electors must vote for the candidates chosen by a majority of voters in their respective districts, thus eliminating a flaw in the present system. The concept of equity would be preserved. Constitutional integrity would be preserved.

This is a fair method.

This is an equitable approach.

This is the democratic approach, preserving our constitutional principles and precepts.

This will provide some improvements while preserving the basic principles of equity envisioned by the Founding Fathers in the Constitution.

Mr. HANSEN of Idaho. Mr. Chairman, I rise in support of the resolution (H.J. Res. 681) and urge its adoption.

May I also commend the distinguished chairman of the committee and the ranking minority member, the distinguished gentleman from Ohio, and other members of the committee, for coming to grips with the problem and for the painstaking and conscientious efforts that have brought this resolution before the House.

I came to the Congress some months ago with a strong conviction that there are serious defects in the present system of electing the President and Vice President, and that there is an urgent need for reform.

We can no longer run the risk of the serious constitutional crisis that could and, in fact, nearly did result last year, or the grave injury that could be inflicted upon our Republic under the present electoral system.

Frankly, my initial preference was for the so-called proportional system because it preserves the present relative voting strength of each State while discarding completely the winner-take-all principle.

While I am not opposed to any of the major proposals for electoral reform that have been presented here today, I am persuaded that the direct popular election not only has the best chance to be accepted by the States but that it is, in fact, the best system.

My own State of Idaho is among those States that would appear to suffer some short-range disadvantage in the loss of some voting strength if we should adopt the popular election system. However, the long-range best interests of this Nation must continue to be the overriding consideration. That which preserves and gives meaning to the basic right to vote will nourish and strengthen our free institutions and will serve the long-range best interests of all of the States.

The people in my own district have recognized and emphasized that principle. In a poll that I conducted recently in my district they have expressed overwhelming preference of direct popular election. Of those who responded to the poll only 12 percent want to preserve the present system. About 72 percent prefer the direct popular election, and about 8 percent each favor the proportional and district plans. This is the same pattern of public opinion that prevails across the country.

It has been suggested by some that the people do not understand the operation of the electoral system or they would not favor the direct popular election by such an overwhelming margin. I believe that this assessment does the people a disservice. They understand better than many people think they do. They understand that the present electoral system is archaic, inadequate, and they know the remedy they want.

It might be noted that we are all here as a result of a popular election in our own districts. The same people who in their wisdom saw fit to elect us to represent them in the Congress of the United States have expressed themselves in favor of the proposal that is before us today.

There is nothing more basic to our system of government than the right to vote in a free election.

Under House Joint Resolution 681 every voter will know that he is casting a vote directly for the candidate of his choice. Every vote will have exactly the same weight as every other vote, and every vote will count. Every voter will also know that he is participating fully in the electoral process in the selection of the President and Vice President regardless of the party that is in the majority in his own State.

The election of President and Vice President by direct popular vote of all the people will not weaken but will, in fact, strengthen and assure survival of our Federal-State system because it will strengthen the confidence of the people in our election process.

Mr. Chairman, we should in considering this proposal, not only give the resolution our full support here, but in the event it should prevail in the House and in the other body, resolve that we will join together in a determined nationwide campaign to secure its prompt ratification by the States.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Chairman, I would like to comment on two of the arguments against abolishing the electoral college that have been heard most frequently today. The first boils down to the notion that somehow preserving the electoral college protects the federal system as conceived by the Founding Fathers and cherished over the centuries. But, in fact, the original intent of the electoral college was to provide for the election of the President by a group of men deemed wiser and more fit than the general public, men who would shun popular passions and prejudices and who would pick a President by reasoning together. I am still waiting to hear anyone suggest that in this day and age we can justify continuing the electoral college on the ground that the people are not wise enough to decide whom they want as a President, or that we need a buffer group to make this choice.

Some people who object to abolishing the electoral college on the ground of fidelity to the wishes of the Founding Fathers manage in almost the same breath to condemn as faithless any elector who decides to cast his vote for the candidate who has not in fact received the majority of the popular vote in his State. But surely electors who cannot vote as they think best have no reason to exist, and it seems to me a bit silly to call electors faithless and leave intact the constitutional provision that was designed to avoid electing the President by the simple test of popular will.

In any event, it is clear that the preservation of the federal system does not require preservation of the electoral college, and that the electoral college is in fact a vestigial hangover of an abandoned theory, a kind of residual relic of a time of limited trust in the capacity of the people to govern themselves, a time of narrowly limited franchise and narrowly delineated freedom.

One of the hopeful things in the political history of the United States is the continued extension of democracy to more and more of our people and to more and more of our functions. We extended the franchise to people who did not hold property, we decided that Senators should be elected directly, we included racial minorities in the electorate, and we ended religious tests. We even decided somewhat belatedly to let women vote.

We come now to the series of sophisticated arguments that suggest that we should preserve the electoral college be-

cause this group or that group or this kind of State or that kind of State profits by its existence. This kind of reasoning troubles me even more. Does anyone really take the position that we should so organize our election as to invite a result where a man who receives fewer votes than his opponent becomes nevertheless President of the United States? That is what it comes to when you carry this kind of argument to the only conclusion that can flow logically from its premises.

Yet millions of Americans today still doubt that they can in fact directly affect the government of their country, doubt in effect the validity of the democratic process itself. What conceivable sense is there under these circumstances to run over and over again the risk that someone will be elected President not by popular will but by a fluke of electoral contrivance. It would be fascinating to hear the logic of any group or State that believes that such a result would be in the interest of democracy in the United States or would be in the interest of the United States.

The health of this society cannot be improved if in the one election that means the most people are least able to affect the result directly. I wonder if any of the individuals or groups that are defending the continuation of the electoral college with fancy rhetoric about countervaling balances and improving democratic procedures—I wonder if any of these individuals or groups would care to defend the thesis that putting into office a President who had fewer votes than his opponent would be a desirable way for the United States to conduct its affairs at this point in its history.

It seems difficult to believe that anyone would doubt that we risk respect for the Presidency itself as well as the democratic process when we risk candidates who by normal count would seem to have been defeated taking office instead of those who by normal count would seem to have been elected. No amount of gymnastic reasoning can obscure this central fact.

Quite apart from the principle that everyone should have an equal vote in electing their President, it seems to me fair to say that no one really knows, in the swift flow of political current of this country in these volatile times, what bloc or group of States profits the most under the present cumbersome procedures. But it is clear the American people will profit the most in a system which gives them the most direct way to choose their most important official.

They know that, we know that, and the rest is artifice, dangerous artifice in the face of the results of the last several elections and of the divisions and strains that threaten to rend this country in the years ahead.

(Mr. CAHILL (at the request of Mr. McCULLOCH) was granted permission to extend his remarks at this point in the RECORD).

Mr. CAHILL. Mr. Chairman, I endorse the proposed direct-election amendment to the Constitution.

This is the only reform among the four under consideration that will guarantee that each voter's vote will count the same, and that only the candidate with the most popular votes will win the election.

We must act now to preclude the possibility of future election deadlocks and any resultant denial of popular will. We must act to prevent a disruptive and possibly damaging constitutional crisis, which somehow we have so far managed to avoid.

But this particular reform of the presidential election system is appealing for two reasons. Besides ridding the election process of certain inherent inequities and promoting the true spirit of the one-man, one-vote principle, this also appears to be the one reform plan, from among the four or five major proposals, that has the greatest chance of passing in the Congress and then of being ratified by the required three-fourths of the State legislatures.

I, therefore, urge that House Joint Resolution 681 be passed, so that the election of our President by a majority of our voters may be assured.

Mr. McCULLOCH. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. HALPERN).

Mr. HALPERN. Mr. Chairman, the most startling and confusing aspect of American democracy is that the people do not directly elect their President. Not only is this undemocratic, but the electoral college allows one man's vote to be more important than another man's vote.

There can be no doubt that the electoral college system is both an anachronism and an absurdity in 1969. We need and must have reform before the 1972 elections.

The system has never been changed because somehow it usually works. But it collapsed three times in the 19th century, and last year it almost happened again: The presidential candidate who was not the choice of a majority of Americans could have won with a slight switch of a few votes in a few States.

Do we still believe we must compromise on so fundamental an issue as democracy? Do we still believe that the American people are unfit to choose their President directly? I think not.

To rectify this most fundamental abuse of our democracy, I join the many colleagues who have risen here today to lend my support to a measure I have advocated ever since I came to Congress a decade ago—direct popular election of the President and the Vice President.

Indeed, House Joint Resolution 318 is 100 years overdue. Now that we have the opportunity to correct this blatant inequity in our democratic process, it is my fervent hope that we will do so by a resounding vote of approval.

It is significant to note that direct election has received wide support not only in the Congress but throughout the Nation. Recent Harris and Gallup polls showed that 79 percent and 81 percent of the people, respectively, favor direct election.

For what is at stake is the basis of our structure of government. The electoral college served a purpose when it was conceived by the Nation's Founding Fathers, but it was outdated and meaningless 20 years after its adoption. Although people have demanded that the system be changed for almost two centuries now, the Nation has never been sufficiently aroused to move Congress to amend the Constitution.

The debate at the Constitutional Convention over the method of electing a President involved large- versus small-State interests. In the electoral college system finally selected, the Founding Fathers thought they were making a major concession to the large States since those States, through their heavy congressional representation, would automatically dominate the electoral vote. Each State is given as many electors as it has Senators and Representatives combined.

The Constitution's writers believed that many presidential electors would generally vote for men from their own State or region, making a majority choice in the electoral college unlikely and throwing most elections into the House. Everyone anticipated an easy election for George Washington, but most delegates felt that in later elections the final choice for President would be made in Congress.

The major concession to the small States, as the Founding Fathers saw it, was the provision that, in a presidential runoff in the House of Representatives, each State—regardless of population—would have a single vote.

But the growth of a vigorous two-party system quickly altered the nature of presidential elections by concentrating all the electoral strength on two principal candidates.

The result is that today we are stuck with an antiquated system, riddled with undemocratic flaws. By apportioning electoral votes on the basis of a "winner-take-all" formula, a candidate with a popular-vote plurality in a State is entitled to all of the State's electoral votes—whether the margin of victory is one vote or one million votes. This is because presidential electors are elected as a slate, with a voter casting one ballot for the whole list of party electors.

As a result of the unit rule, a losing candidate's popular vote is completely discounted in the final electoral tabulation. Additionally, a candidate could win a majority of electoral votes by capturing popular-vote pluralities—no matter how small—in a dozen of the largest States, reducing the voice of voters in the 38 other States.

The electoral vote system then, which allots to each State a number of electoral votes equal to its representation in Congress, together with the unit rule, has created grave inequities in the value of individual popular votes—depending upon where the vote is cast, in a small State or large State.

The formula for reforming our system of presidential election which I am supporting today calls for direct national election, with voters casting their ballots directly for the presidential candidate of their choice. The candidate with the largest popular vote is elected. The winning candidate, however, must receive at least 40 percent of the total vote. This will discourage frivolous candidacies. If no candidate receives 40 percent, there would be a runoff election between the two biggest votegetters.

This would make it impossible for the candidates receiving the largest number of popular votes to lose to a candidate with fewer popular votes. Direct election would give every vote equal weight, regardless of where it was cast. No one's vote would be wasted. Presently, a vote counts more in a "close" State than in a "sure" one. A few voters in the pivotal States may possess the power to elect or defeat a candidate.

Just how close America came to an electoral deadlock is apparent from looking at the 1968 results. With 270 electoral votes needed to win, Richard Nixon received 302, but if a handful of voters changed their vote in Illinois—which gave him 26 electoral votes—and Missouri—which gave him 12 electoral votes—the election would have been deadlocked. Then, George Wallace, with 45 electoral votes won in five Southern States, could have been able to barter his votes in a political deal in Congress.

Far from being absurd, three times in American history the candidate who won the most popular votes was denied the Presidency. In 1824, Andrew Jackson led in popular votes, but after failing to receive an electoral college majority, lost the election in the House of Representatives to John Quincy Adams. In 1876, Samuel Tilden similarly lost to Rutherford B. Hayes. And in 1886, Grover Cleveland defeated Benjamin Harrison in popular vote, but the electoral vote elected Harrison.

However, direct popular election of the President and Vice President are not new concepts in American political philosophy. James Madison, the Father of the Constitution, advocated direct vote. Benjamin Franklin, the man whose advice and philosophy guided the creation of the Constitution, favored direct vote. Andrew Jackson emphasized the need for a direct popular election.

If the last election did go to the House, each State delegation would have voted as a single unit—regardless of size, population, or number of Congressmen. And Nevada, with one Congressman representing less than 500,000 people, would have equaled my State, New York, with 41 Congressmen representing 19 million people.

Indeed, the electoral college stands as an impediment to the broadening of democracy, and it ignores our heritage of expanding freedom. The 14th amendment gave Negroes citizenship; the 15th endowed new citizens with the vote; the 17th transferred the election of U.S. Senators from State legislatures to the people; the 19th gave the vote to women; and the 24th eliminated the poll tax in national elections.

Armed with these constitutional protections, every American has the right to vote directly for the candidate of his choice—from school board official to mayor, from legislator to Governor, but not President. I say it is time Americans also started directly electing their President.

I want to commend this committee and in particular I want to pay tribute to the distinguished chairman and to the very able ranking minority member for bringing this highly commendable and long-overdue proposed constitutional amendment to the floor. I trust it will win overwhelming approval.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, the people of the United States should elect the President of the United States. This is what most people believe happens now, and this is what should happen. The best way to bring this about is to vote for House Joint Resolution 681. The Judiciary Committee under the extraordinary able leadership of the gentleman from New York (Mr. CELLER) and the gentleman from Ohio (Mr. MCCULLOCH) held extensive hearings on the subject of electoral college reform and considered the subject at length. I do not know a single member of the committee who did not learn a great deal from the testimony we received. Most members' views were modified or tempered by the testimony and by the operation of the legislative process. More important, every part of the proposal was given full ventilation, discussion and debate. The consequences of every word were carefully weighed.

Take the question of the 40-percent runoff provision. Every argument and every bit of evidence about past elections was brought to the committee. The case against a runoff provision in its entirety was fully presented. The alternatives of the 50-percent runoff, the 35-percent runoff, and the 25-percent runoff all were given full review. Perhaps no provision of the resolution was given more attention.

The issue is whether we should allow the President of the United States to be elected by less than a majority of the popular vote cast, and if so, by how much less than a majority. The history of our presidential elections under the present article sets the framework for the solution. There have been 46 presidential elections since 1789. In 14 of those elections the President has been chosen by less than a majority of the popular vote. In only one of those elections—the election of Abraham Lincoln in 1860—did the winner receive less than 40 percent of the popular vote, and in that case Mr. Lincoln's name was kept off the ballot in 10 States. Even so, Lincoln received 39.8 percent of the popular vote cast. Had his name been allowed on the ballot in any of those 10 States there is no question that he, too, would have received over 40 percent of the popular vote.

The 40-percent requirement combined with a national runoff assures that the new President will have a reasonable mandate when he takes office and discourages splinter parties from trying to influence the outcome of the election. Whatever problems the runoff may raise such as additional expenses, the need for fast and accurate ballot counting and the temptation to making deals, can all be dealt with by legislation if the need arises, or will be solved anyway by advances in communications and technology. Thus the 40-percent requirement with a national runoff preserves to the people the right to choose the President under all circumstances, and provides adequate safeguards to insure that whoever is elected has a reasonable mandate.

The second point I wish to deal with is the so-called balance of inequities. Who benefits from the present distorted electoral college system, who loses, and who stands to gain if we adopt the proposal embodied in House Joint Resolution 681? On the one side we hear arguments that the present system benefits the small States, so they will oppose changing it. On the other hand, computer analyses have shown that it is actually the voters in larger, more populous States who in the past have had the greatest chance of influencing the outcome of the presidential elections under the present system. Thus it could be argued, and is argued, that the large States have the most to lose if we eliminate the electoral college.

This argument is sometimes coupled with an argument about bloc voting. Presumably the Irish blocs, the Polish blocs, the Jewish blocs, and the black blocs all get together in cross blocs through the heads of their blocs—who are sometimes known as bloc heads—and use their bloc leverage. If that ever happened, it is not happening anymore. One need only look to the last election, or any of the elections since the New Deal, to know that while the leverage of the big States under the present system continues to exist, there is no pattern to that leverage when it comes to electing the President. The election results simply do not back up the theory that minority groups or blocs voting in the big cities have been able to use the winner-take-all feature of the present article to elect their candidate for President. Thus in 1968 while my city of Chicago went overwhelmingly for Mr. Humphrey, it was not enough to carry the State and as a result the big city blocs of Chicago, to the extent they still exist, were not able to lever their choice for President. Indeed, they were wiped out by the winner-take-all principle. The same was true of any big city blocs in St. Louis, Los Angeles, Indianapolis, Jersey City, Cleveland, Milwaukee, and any of the other big cities whose States ended up with a plurality for President Nixon. For example, in Missouri, President Nixon carried the State by 20,000 votes and received all 12 electoral votes. To the extent that the black voters of St. Louis voted as a bloc for Mr. Humphrey their votes simply had no effect on the choice of the President in Missouri. It might be pointed out that when the votes for Mr. Humphrey were added to the votes for Mr. Wallace in Missouri they totaled approximately 55 percent of the total vote cast in Missouri. Yet, because of the present inequitable system, none of those voters had a voice in the selection of the President. The 20,000 voters who made up President Nixon's plurality in effect wiped out the 955,000 voters who chose somebody else.

The same point can be made about the elections of 1948, 1952, 1956, and 1960. It might also be pointed out that in 1968, for example, the popular vote difference between the two major candidates was approximately 500,000 votes out of 73 million votes cast—a difference of less than one-half of 1 percent. In the elec-

toral vote however, the difference between the major candidates was almost 20 percent. What clearer indication do we need that the electoral college winner-take-all provisions distort the true divisions within the country about the Presidency.

The essential point to be made, however, is not how blocs of voters within States have fared over the last 20 years. The question is whether "gamesmanship" mechanics of the present system can long be tolerated. It is people who vote for the President, not States. Whether an American lives in Delaware or Mississippi or California or New York or Illinois he is still an American and his vote should count as much as any other American's. It is his President that is being elected not the president of California or Mississippi or New York or Delaware or Illinois. The present inequities to large and small States may balance themselves out, and indeed in many elections have done just that. Given that balance of inequities, it is clear that the reform which removes only one of the inequities and leaves the others to work their pernicious purposes hardly justifies being called reform. The district plan on the proportionate plan asks the large cities and industrial States to give up their inequity but leaves the other alone. There is only one system that guarantees that the man who receives the most votes becomes the President. There is only one system which guarantees that the basic principle of our Constitution—one-man, one-vote—will be carried forth in the selection of our Chief Executive. There is only one system that treats all Americans equally. That system is direct popular election.

When all the arguments are made, when all the special interests have been appealed to, one single all-important question remains. Can the proposal that is being advanced guarantee that a man the people have rejected by their votes does not become President? The only plan to which you can answer yes to that question is the plan of direct popular election embodied in House Joint Resolution 681. This resolution assures that winners will be declared winners and that losers cannot be declared winners.

Finally, there is still a red herring floating around about what can and what cannot be ratified. As was pointed out earlier, Senator GRIFFIN, of Michigan, surveyed legislators in 27 States and 25 of the 27 States surveyed, a majority of the legislators favored direct election. Overall, 64 percent of the State legislators responding to that survey favored direct election. My colleague on the Judiciary Committee, the gentleman from Illinois (Mr. RAILSBACK), and I conducted a poll of our own Illinois General Assembly in which both of us had the privilege of serving. That survey shows conclusively that in Illinois at least direct popular election could and would be ratified. Seventy-four percent of those responding to our inquiry said that they would vote for the direct election method embodied in House Joint Resolution 681. A majority of both parties so responded and since the percentage of Republicans voting affirmatively was less than the percentage of Democrats—by 64 to 87 percent—I think we have the right to assume that when President Nixon endorses the direct popular election amendment, as he said he will when Congress passes it, that the approval of the amendment will be even higher. The results of the polls referred to will be inserted at the conclusion of my remarks.

I urge my colleagues to defeat the various amendments that will be offered to House Joint Resolution 681. Some are clear efforts to gut the resolution. Some unintentionally confuse an already difficult subject. There are still other proposals which are attractive to many of us, dealing with age and protection of voting rights and enlargement of the body politic. To put too many controversies in one bag, however, is to make sure that the bag will break somewhere on the way to ratification. The question that is on the bottom line of this controversy is what system will best bring our practice into line with our principles. What proposal is in most accord with what the people think happens in the selection of our President. The constructive resolution of that question is in this resolution, House Joint Resolution 681.

The material referred to follows:

RESULTS OF A POLL OF THE ILLINOIS GENERAL ASSEMBLY ON ELECTORAL COLLEGE REFORM
FINAL RESULTS

Question: If a constitutional amendment for direct popular election of the President and Vice-President of the United States (including a run-off between the two highest tickets if no ticket received 40%) were passed by Congress and sent to the States for ratification, how would you vote?

	Republicans	Percent Republicans	Democrats	Percent Democrats	Total	Percent total
Yeas	46	64	48	87	94	74
Nays	26	36	5	9	31	24
Undecided	0	0	2	4	2	2
Responding						54

RESULTS OF ELECTION REFORM QUESTIONNAIRE

[In percent]

State	Legislators responding	Direct election: Individual support[1] Yes	No	Direct election: Predicts legislative approval[1] Yes	No	If direct election fails, legislators would favor— Proportional plan: Yes	No	Undecided	District plan: Yes	No	Undecided
Alabama	32	60	40	49	45	62	27	11	33	31	36
Alaska	43	69	31	57	23	35	50	15	30	55	15
Arkansas	52	75	23	59	34	61	12	27	50	23	27
Delaware	41	63	37	50	42	66	17	17	25	12	63
Georgia	44	56	39	41	50	49	29	22	54	24	22
Hawaii	34	92	8	92	8	69	12	19	38	19	43
Idaho	50	47	53	27	70	38	30	32	66	21	13
Louisiana	25	79	15	67	22	56	16	28	62	8	30
Maine	43	63	37	52	42	43	29	28	54	26	20
Maryland	48	70	30	51	35	62	24	14	36	34	30
Mississippi	53	59	40	47	47	55	35	10	38	30	32
Montana	63	65	34	57	32	53	36	11	42	28	30
New Hampshire	41	69	31	48	41	62	20	18	37	27	36
New Mexico	42	70	30	67	31	50	26	24	39	43	18
Nevada	50	73	27	67	30	83	7	10	14	43	43
North Carolina	36	58	42	30	60	53	27	20	65	28	7
North Dakota	51	37	60	20	72	44	31	25	46	29	25
Oklahoma	29	53	47	35	47	47	24	29	50	21	29
Oregon	52	66	32	54	36	42	37	21	52	29	19
Rhode Island	37	81	19	78	13	71	16	13	33	38	29
South Carolina	47	62	35	51	43	58	28	14	43	34	23
South Dakota	55	66	34	50	45	42	30	28	52	20	28
Texas	43	60	38	53	40	63	23	14	44	25	31
Utah	40	69	29	64	31	67	20	13	28	33	39
Vermont	52	77	23	62	30	59	25	16	34	34	32
Virginia	54	55	43	39	50	61	32	7	44	35	21
Wyoming	54	55	43	37	55	53	32	15	27	47	26
Total	44	64	34	50	41	55	26	19	43	29	28

[1] Where total of those responding to direct election questions does not equal 100 percent, the difference represents those legislators who were undecided.

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR. Mr. Chairman, I have thought for many years that the electoral college had outlived its usefulness and that it should be abolished.

During the further consideration of this joint resolution it may be that I will be in support of some amendments to the same but in my opinion the joint resolution is preferable to what we now have and it is my intention to support the final results of the action of this Committee.

Mr. Chairman, this system places too much emphasis on votes in the large industrial States. The winner-take-all provision causes a 1,000-vote majority in New York to be more important and more sought after than a 1-million-vote majority in North Carolina or any of the smaller States.

Also, the present provision that in case no candidate gets a majority of electoral votes, the President will be selected from the top three candidates by the House, each State getting one vote and 26 votes being necessary to win, is impractical and dangerous. In the last election, had the election gone into the House, some State delegations probably would have supported Wallace. Some States have delegations equally divided between the two political parties. These States may

not have been in position to vote at all. Any one candidate may not have been able to secure the necessary 26 States' votes.

According to the Constitution, the Senate would have selected the Vice President. He would have served as Acting President until the House could muster 26 votes for one candidate. This could have caused a condition of continuing uncertainty and chaos. So a change in the process of electing our President is most important.

I am not convinced that House Joint Resolution 681, as approved by the House Judiciary Committee, is the best answer to the problem, and I will likely be supporting some of the amendments offered on the House floor. However, it is my opinion that any of the three main plans proposed is superior and safer than the present constitutional provisions for electing President and Vice President, and it is my intention to support the final bill approved by this Committee of the Whole House.

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

Mr. HANNA. Mr. Chairman, I hope that when we look at the performance of this particular Congress that it will be known as the greatest reform Congress in the history of the United States.

We started off in this direction, I think, Mr. Chairman, with actions that emanated from your own great committee, the Committee on Ways and Means, when the very meaningful tax reform bill passed this House of Representatives.

We have pending before us today the opportunity to build on that great record through one of the most significant political reforms that we could undertake in the form of the legislation that comes from the Judiciary Committee headed by the able gentleman from New York (Mr. CELLER).

I understand further that before the year is out we will have on the floor of the House for consideration the great postal reform package from the Post Office and Civil Service Committee, a reform which is long overdue. With the enactment of all of this far-reaching legislation we will continue to construct a great record for the 91st Congress.

Mr. Chairman, we need not believe some of the writings which appear in the columns of the various news media about a "do-nothing Congress" and they will not be allowed to get away with it. This is going to be a great reform Congress and I hope this will be one of the great pages in the great history of reforms to come. I say this because there are seldom changes brought about but what people look askance when those changes in their opinion affect our fundamental system.

I am sure that some of us see that gray specter that has emanated, I think, out of a story I could tell about a happening in a graveyard. I had a friend who was an undertaker who went to the graveyard quite frequently. There came a series of occasions when he was out there doing his required job, and he saw at one of the gravesites the same man, time after time after time, standing before the grave, wailing, bowing, and crying, "Why did you die? Why did you die?"

So after he had seen this occur three, four or five times, he finally could restrain himself no longer, and he went over to the man and said, "Who was the dear departed for whom you moan? A good friend, or a closely loved one?"

The man said, "No, it is my wife's first husband."

I am sure that when we enact this great reform there will be those who will be wailing at the grave, having the same feelings in that they moan the dear departed who left them in a position that was less desirable than had it continued.

You cannot have change without somebody losing a little, and someone taking on burdens heretofore not held, but there certainly is the need for change.

Now, I do not think we are going to lose our federal system. I think that the meaning and the relationship has to change with the times. There has to be new meaning in why we have States, and what their dynamic position is in this federal system. I think this is emerging.

I do not feel that we are going to lose in this reform, or in any other thing we do here in Congress, the meaning of the great and dynamic contribution that is meant in the State system. But let us admit that we just cannot have absolute perfection in the affairs of men. We are not going to be committing ourselves to something that is going to stand for time immemorial, or that will be an immutable piece of legislation, because we too will be subject to change in time.

But, accepting the fact that we do not and cannot hope to secure perfection, nevertheless we still must move forward and make those changes which the times indicate should be made.

I suggest to you that that is the reason that I am basically behind this legislation.

In my travels around the world, and particularly to the underdeveloped countries, I find that it is very difficult to create a sense of nationhood. America is singularly blessed because we do have this sense of nationhood. If you go up to an American and say "What are you?" he does not say, "I belong to a certain tribe." He does not tell you, "I come from a certain section in the hills." He tells you "I am an American."

There are places in the world that you can go to and ask that question, and they will not say, "I am this nation, or that nation." They will tell you, "I am from this tribe, or from that section."

It is very important, it seems to me, that the real heart of a stable nation is the identification of the citizen with his nation and his feeling of having a stake in its political, economic, and social systems. If we at this time can eliminate those impediments that stand between a citizen and his selection of a President, I think we will be putting him into a position of building a more stable United States of America.

I think that we should no longer have to rely upon having a common enemy to make a common citizenry. I do not think we should have to have a common hate to make a common citizenry. I think we should have a greater commitment to the principle that our vote and our common voice in the selection of who will lead this great country really counts.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. DONOHUE. Mr. Chairman, I rise in strong support of House Joint Resolution 681.

I think I am stating it rather mildly when I say that our electoral college reform discussion here is a momentous, historical occasion.

We are very truly engaged in an attempt to change the Constitution, and we all know that is very serious business.

Whenever we propose and endeavor to change and amend the Constitution of the United States, in whatever fashion and for whatever reason, the membership of this House is and should be deeply and rightly concerned.

That is why, as we have observed, such very close and careful attention was given to our dedicated and diligent Judiciary Committee chairman and the most distinguished and learned ranking minority member, the gentleman from Ohio, when they fully and clearly tried to explain the technical provisions of this resolution, at the outset of this discussion.

There is no need for anyone to expand at length upon their lucid statements. However, as a member of the committee that joined in initiating the legislative proposal now before us, perhaps I can reassure some of the Members, in any uncertainty they may still have about the committee's intentions and the resolution's content.

Of course, as a committee cosponsor of this reform resolution, I strongly support it and earnestly hope that, in your judgment, you will overwhelmingly accept it.

May I say that, under the direction of our revered chairman, the whole committee spent many long hours in reviewing the testimony and evidence presented to us. We tried, by careful concentration and strenuous effort, to report and recommend a bill that could best fulfill our common congressional responsibility to reform our antiquated electoral college system. I earnestly believe our efforts have been substantially successful.

I would like to emphasize that your committee very closely and carefully considered every plan proposed. Included among these plans was the so-called district plan, proportional plan, the automatic electoral vote plan, and direct vote plan, and varied combinations of all of them. The committee finally and overwhelmingly selected and recommended the direct vote plan, with a bipartisan vote of 29 to 6.

We did so because of our earnest conviction that a direct vote method would best enable the people of this country to select the President and Vice President without hindrance, in the freest democratic manner that will truly reflect the popular will and avoid any necessity of resort to any other agency, including the U.S. House of Representatives.

We did so because of our firm belief that the direct popular vote method will serve to strengthen the two-party system, by making each State a voting prize, and worth a concentrated presidential campaign effort by both sides.

In experience and logic it ought, also, to strengthen the democratic ideal by stimulating and spreading voter interest and participation in choosing our Chief Executive. In effect, it would serve to extend the one-man, one-vote principle to our presidential elections.

Also, this committee bill would make it impossible as I am certain you would agree it should for the candidate with the greatest number of popular votes to be defeated by a candidate with fewer popular votes.

This measure is designed to give every vote, regardless of where it might be cast, equal weight. Voters other than those from the so-called pivotal States would receive the concentrated attention of the candidates and the votes from the large "doubtful" States would not be as overwhelmingly important as they are now.

Let us be mindful that since 1900 no less than 18 presidential candidates have come from New York and Ohio. By this measure, we are trying to strengthen, encourage and increase the possibility of presidential candidates coming from the smaller States.

We also and earnestly believed that a direct vote election would permit the establishment of equitable nationwide standards for the privilege of voting. And we further felt that the results of any national direct vote election would not be so close that small-scale frauds or minor accidents would have a significant effect on the outcome of the election.

Briefly, these are the major reasons why the committee recommends the adoption of the direct vote method for future presidential elections.

Let me please make it clear that I well recognize, as all of you, that the accomplishment of electoral college reform is a far more challenging problem than might appear on the surface.

Therefore, I cannot be so presumptious as to contend to you that the electoral college reforms recommended in this bill, which I have joined, contain all the complete and errorless answers to this complex challenge. But I can truly say that this measure we propose does represent the most careful study and best judgment of the great majority of our committee.

It is a responsible response to the clear desire of the great majority of American citizens for reform of our current presidential election procedure. That desire has increasingly intensified for the simple reason that the electoral college system as now constituted can and has, in the past, defeated the majority will.

Mr. Chairman, it is the clear duty of every congressional committee and the Congress itself, to carry out the majority will to the highest degree of our legislative wisdom, even when it means the amendment of our Constitution.

Let us remember that the Constitution has already been amended 25 times. When such amendment is clearly designed to eliminate antiquated procedure in our modern democracy, as it obviously does in this instance, I believe the Constitution should be amended again.

Finally, Mr. Chairman, I submit that this is the day and the hour, in response to the overwhelming public demand, to legislatively act to equitably improve the method by which we now elect the President and Vice President of the United States.

I respect the sincerely differing thoughts of others, but I most conscientiously believe that the election of the President and Vice President of the United States, by this proposed direct vote process, will enable the true, popular will of the American electorate to become a reality in all future national elections in this country. Therefore, I hope that, in your individual judgment, you will accept and resoundingly approve it.

Mr. McCULLOCH. Mr. Chairman, I yield to the gentleman from New York (Mr. FISH) so much time as he desires.

Mr. FISH. Mr. Chairman, I thank the gentleman from Ohio, the distinguished ranking Republican on the Judiciary Committee, not only for yielding me this time, but, as a freshman Member of the House, for the honor of serving on the committee. I appreciate the experience this past winter and spring to have been on a committee led by himself and the gentleman from New York, the chairman of the commitee, during what I am sure will stand as a very fine example of the legislative process in our deliberations, and the consideration and courtesies shown the junior members of the committee and the full and open consideration of the measure before us today.

Mr. Chairman, the Congress and the several States have the opportunity to realize the full fruition of the principle that our Government rests on the consent of the governed. We have the opportunity to insure that the individual receiving the most popular votes for President will become the President of the United States. Direct, popular election of the President will do so. The road toward realization of this principle has taken us almost 200 years.

When the Constitution was written universal suffrage was not a reality. Property qualifications and religious qualifications inhibited voting and office holding. It was not until almost a century ago that racial barriers were removed by the 15th amendment. Women received the right to vote as late as 1920 by the 19th amendment.

The people replaced State legislators in the election of U.S. Senators by the passage of the 17th amendment. Recently the one-man, one-vote court decisions has led us one step further toward full and equal participation.

The direct election of the President and Vice President is the only proposed amendment which will assure that the will of the people will prevail. Let us not fail in our devotion to democratic principles and in our trust in the people we serve.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Chairman, I feel somewhat like a reformed drunk appearing before a Salvation Army meeting, because I cannot say, as some speakers have said, that I have long supported direct popular election of the President as a matter of principle. The truth of the matter is, Mr. Chairman, I have not. I paid lipservice to that principle of course, but I was one of those who thought that my State, my voters, my kind of people, obtained some advantage out of the winner-take-all system of awarding electoral votes.

When I perceived that the electoral system had to be changed in some manner, I at first, tried to figure out some way to keep all the advantages I thought the system gave my State while removing the disadvantages from our selfish point of view.

I finally had to recognize, Mr. Chairman, that the only way we could do justice to our responsibilities and to the American people was to devise a system in which it would be impossible for anyone other than the man receiving the most votes to be elected President.

Mr. Chairman, 165 eyars ago, the Congress of the United States acted on a proposal to improve the system then in effect governing the election of the President and Vice President.

They took this action in the light of the results of the 1800 election, as a result which the Nation had been for a long period in doubt who would succeed John Adams as president—whether it would be Thomas Jefferson, whom the American people had clearly selected, or Aaron Burr, whose candidacy was rendered possible by an unforeseen anomaly in the electoral college.

The Eighth Congress was successful in changing the electoral system, quite fundamentally.

They approved the present electoral system, completely replacing the system created by the Founding Fathers, and embodied it in the 12th amendment to the Constitution.

In the course of the debate on the 12th amendment, Senator Wilson C. Nicholas, a Senator from the State of Virginia, said:

> The people hold the sovereign power, and it was intended by the Constitution that they should have the election of the Chief Magistrate.

I suggest that that statement by a distinguished Senator from a great State expressed succinctly and in a very uncomplicated manner the intention of the drafters of the 12th amendment.

They were successful in achieving this objective, but only to a point.

I think it is time to continue the work they began, and to further amend the system of presidential election in the same spirit and with the same intent that motivated Senator Nicholas and the other distinguished Members of the Eighth Congress.

Senator Nicholas and his colleagues were not the first to seek to improve our electoral system, nor were they the last.

Nor, Mr. Chairman, were they the only ones to succeed prior to our time.

In fact, there is no part of the Constitution which has been changed more often, by formal amendment process, than the electoral system.

The original system, as I suggested, was replaced by the present system, through the 12th amendment.

Subsequently, the 14th and 15th amendments, the 17th amendment, the 19th amendment, and the 23d amendment to the Constitution all dealt with the electoral system—and all but the 14th dealt solely with the electoral system.

It is also significant, Mr. Chairman, that every single one of these formal constitutional amendments went in the same direction, and served the same basic goal as does House Joint Resolution 681.

Each of these amendments comprised an effort to give Americans equality of ballot power—each served, as House Joint Resolution 681 will serve, to make elective office in this Nation the uncomplicated and unquestioned gift of those voting for that office.

There should be no difficulty persuading the Members of this House of the virtues of simple, direct election by the people.

Such an arrangement has been the foundation of this House since the Republic began.

One of the reasons I deeply believe that the office we are briefly privileged to occupy—the office of Member of this House—is of a dignity equal to the Presidency, or to any other secular office ever devised by man, is because it is derived, and always has been derived, from the highest source, under God, of any power anywhere—the free votes of a free people.

The present Members of the other body have all been chosen under the same system, as have their predecessors ever since the ratification of the 17th amendment, and the members of the State legislatures who will be called upon to ratify this amendment derive their office through the same channel of authority from the people they represent.

This "something special" that accrues to an office when that office springs from the will of a free people is something which would only enhance the already great dignity of the Presidency, and make that honorable office even more worthy of the striving of the best among us.

The opponents of the proposed amendment have argued, in effect, that the present system, or some modification of it that would not go as far as House Joint Resolution 681, is desirable because it "protects" the basic interests of one group or another.

We have been told that direct election of the President is undesirable because it will put "the small States at a disadvantage," or conversely, because "it will put the big States at a disadvantage."

We have been told by conservatives—but not by all of them—that direct election would give excessive weight to the residents of cities, and we have been told by liberals—but not by all of them—that direct election would deprive the people of our cities of the crucial weight they already have in the election of the President.

Mr. Chairman, I do not know which of these varying analyses of the effect of House Joint Resolution 681 is correct.

And I do not think it matters much.

All of the arguments that I have heard against the concept of simple direct popular election of the President—all of the counterproposals, all of the impassioned defenses of the present system—boil down to one proposition: That some voters have, and ought to have, a stronger voice than other voters.

That proposition—the proposition that, "The United States is not, and was never intended to be, a democracy," is central to the argument against direct election.

I offered no guarantees to the people of my State or district, Mr. Chairman, that direct election will enhance their particular power over a presidential choice.

I offer no assurance to my fellow Democrats that direct popular election of the President will make Democrats win more presidential elections.

I can make no argument that direct popular election of the President will protect the particular interests of farmers, city people, suburbanites, blacks, whites, liberals, conservatives, moderates, employees, employers, artists, policemen, astronauts, subway guards, or anybody else.

It will not.

But it will protect the unique right which our system strives to give to each and every American—the right to the same power in the ballot box as every one of his fellow Americans.

Mr. ADDABBO. Mr. Chairman, I rise in support of House Joint Resolution 681, to amend the U.S. Constitution to provide for the direct popular election of the President and the Vice President. This historic amendment abolishes the archaic electoral college and replaces that system with one designed to carry out the will of the people through popular election.

In recent years we have seen the possibility for constitutional crisis in the electoral college system. We have witnessed the very real possibility that a third party could throw the Nation into a situation where the President would be selected by cynical deals rather than through the nationwide popular vote method.

I want to take a moment to commend the members of the House Judiciary Committee and the distinguished chairman of the committee, the gentleman from New York (Mr. CELLER), for his outstanding work in reporting this joint resolution with such overwhelming support. The dean of the House has been the guardian of the Constitution for many years and each amendment to the Constitution has been ratified only after his thorough review and excellent draftsmanship.

Direct popular election is the only method of election which assures the people that the man with the most popular votes will be declared the winner. This is the only proposal which is consistent with the one-man, one-vote philosophy so inherent in our democracy.

Direct popular election will strengthen the two-party system, will discourage splinter parties which have only regional support, and will prevent a crisis in determinating the winner of a national election.

The provision for a runoff election should no candidate receive 40 percent of the national vote is a realistic vehicle for assuring that the President has a meaningful plurality on the one hand and making the chance of such a runoff quite remote on the other hand. I believe that should such a runoff be necessary, the people should decide the winner rather than the House of Representatives as under the present system.

This is an amendment which the people want, which is sound, and which is consistent with all the basic goals of our democratic system. I urge my colleagues to endorse House Joint Resolution 681 by an overwhelming vote.

Mr. ANDERSON of California. Mr. Chairman, when the framers of the Constitution met in 1787, the United States was an agrarian nation. The people's level of education was low. Transportation consisted of stagecoach, horseback, and sailing vessels. Communication was slow and erratic. At the Constitutional Convention, James Wilson, of Pennsylvania, advocated selecting the President of the United States by popular election. This method was rejected because it was believed that it was impossible to achieve an intelligent choice of the President through the direct popular vote. George Mason, of Virginia, reflected the feeling of the "framers" when he said:

> It would be as unnatural to refer the choice of a proper character for Chief Magistrate to the people, as it would to refer a trial of colours to a blind man.

The Convention finally decided upon the electoral college system as a method of choosing the President of the United States. The electoral college system has many pitfalls; foremost of these is the fact that it allows a loser to become a winner. If a candidate in a two-man presidential race received 50.1 percent of the popular vote in the 12 largest States—regardless of the outcome in the remaining 38 States—he would be elected to the Presidency. Under the present system, theoretically, a presidential candidate could, first, outpoll his opponent by a greater than 2-to-1 margin in the total nationwide popular vote; second, receive 100 percent of the popular vote in 38 States and the District of Columbia and still lose the presidential election. All proposals for reform, except the direct election system, make it possible for a President to be elected who has received fewer popular votes than his leading opponent. This has occurred in three instances: 1824, 1876, and 1888.

A second pitfall in the present system is the contingency election. If no presidential candidate receives a majority of electoral votes, then the election of the President devolves upon the House of Representatives. In the House, each State is allowed one vote. The State of California, with its citizenry in 1960, of 15,717,204, is allotted one vote for the President; the State of Alaska with 226,-167 residents, is allowed one vote.

A third drawback to the present system is the "independent" nature of the members of the electoral college. This was most recently illustrated by the Nixon elector from North Carolina who cast his ballot in the electoral college for George Wallace. There have been five

electors since 1820 who have cast their ballots in the electoral college in opposition to the candidate for whom they were elected.

In order to eliminate all of these injustices, we must adopt the direct popular election amendment to the Constitution—House Joint Resolution 681. As the late Senator Everett McKinley Dirksen once said:

> There is no more powerful force in the world than an idea whose time has arrived.

The time has come to give the power to the people. The constitutional principle of "one man, one vote" was a forerunner of this idea. The adoption of the direct popular election amendment would mean that the most important office in our political system would be filled by the same tested method employed in filling other elected offices—the popular vote of the electorate.

Mr. HELSTOSKI. Mr. Chairman, I rise in support of House Joint Resolution 681 as reported by the House Committee on the Judiciary to abolish the electoral college and provide for direct popular election of the President and Vice President.

It is time that the American citizen be given the right to express himself directly as to his choice of candidate for the highest office of this Nation. If we are to protect our democratic system of government we should provide the machinery to abolish the archaic and inequitable features of the present system.

We can no longer endorse the dangerous and antiquated institution which we know as tne electorial college. Its need for reform or abolition has been definitely proven. We now have the opportunity to do so. Under the present system we run the risk that our presidential elections can become a constitutional crisis. This could certainly undermine the confidence of the American people in the basic processes of American Government.

We are the greatest nation in the world and yet we use the most antiquated method in choosing our leaders.

Mr. Chairman, I have introduced House Joint Resolution 289, which would accomplish the same objective as expressed in the resolution we are presently considering. I have been receiving much mail upon this subject, and my recent public opinion poll among my constituents indicates an overwhelming desire to abolish the electoral college and allow the people to vote directly for the President and Vice President.

With the adoption of this joint resolution we will, finally, be assured that the presidential candidate who obtains the confidence of the American electorate will be chosen to lead this Nation.

Mr. Chairman, I believe that we should act favorably upon the legislation before us and start the machinery into motion which will achieve the direct election of the President.

I extend to the chairman of the committee, the gentleman from New York (Mr. CELLER), and to the other members of the Judiciary Committee my congratulations for the efforts they have taken to bring forth the proposal which is so urgently needed to assure every American his vote is counted when it is cast under the principle that each man's vote shall be equal.

Mr. Chairman, there is no vote equality under our present system. The elector can vote in any manner he desires, and I dare say that only a very few voters even know the elector for whom they are voting as their representative in the electoral college.

The concept of direct popular vote is consistent with all of our other election processes. We do not vote for electors to choose our State, congressional, county, and local municipal officials. We vote directly for them and we know that when a candidate receives the most votes in an election, he is elected to the office he seeks. True, in many cases, under the law, runoffs are necessary, but the decision of the voter is more accurately reflected.

Mr. Chairman, I urge favorable and speedy adoption of the resolution before us.

Mr. PRICE of Illinois. Mr. Chairman, as a cosponsor of House Joint Resolution 681, I unequivocally support the principle of direct popular election of the President. For too long, an artificial barrier—the electoral college—has stood between the people and the most important elected official in the world, the President. Unaccountable to the electorate the electoral college is anachronistic in the political life of 20th-century America. In a day in age when feelings run strong for extending the franchise, the electoral college stands out as a symbol of a past political era. It is time for us to move ahead with electoral reform.

Other ideas have been advanced as remedies to the present arrangement. Upon examination, however, it can be demonstrated that both the district plan and the proportional plan can encourage greater political cleavage, thus leading the way to the development of splinter parties.

Admittedly, there is nothing sacrosanct about the two party system in America, especially if it is not functioning as it should in meeting the legitimate demands and needs of the body politic. Conversely, there is little wisdom in retaining an electoral device which portends a deeper splintering of the American political landscape. If representative government is one of the professed goals of the American political system, it would seem inappropriate to retain an electoral device which runs counter to the idea of direct popular election of the highest political office in the country and which lends itself to potential bartering and brokering of minority interests for a piece of the action. The role of government is to represent and resolve political conflict. It cannot, however, perform these functions if the electoral system is hampered in adjusting the differing political claims made on it.

Obviously, we must always guard against the majority becoming oppressive. The very basis of democratic theory in this country rests on the premise of diversity. To date we have seen that there has not been an overriding majority in this country but shifting majorities reflecting given issues and candidates. This is as it should be. But we must make certain that these electoral majorities are translated into the election of Presidents unfettered by the threat of breakdowns in the election process.

The idea of the concurrent majority as espoused by Senator John Calhoun must not come to fruition. Our Nation has unity in its diversity; but those cleavages and differences must be assimilated and represented within the context of the electoral process; we must not permit sectional interests to hold sway.

With the advancement of the one-man, one-vote principle, it can be demonstrated that the present system works for and against the large and small States. On the one hand, one electoral vote in California is worth less than one electoral vote in Nevada; conversely, a study conducted at George Washington University demonstrates that through regression analysis techniques the voters in States with large electoral votes have more influence than their counterparts in the small States. One might suggest that with this being the case why change the present arrangement since both effects work to cancel each other out. On balance, this may not be the case. Moreover, there is a far larger consideration involved: the basic right of the American voter to elect the President. This is not now the case and it should be corrected. I urge the approval of House Joint Resolution 681.

Mr. ULLMAN. Mr. Chairman, one of the clearest mandates from the people to the Congress at the beginning of this session was for electoral reform. The 1968 presidential election rekindled the fears of many that our political process is not structurally sound.

After weeks of concern, chaos was averted last fall when President Nixon received a majority of the electoral college votes, thus insuring his election. Nevertheless, he became the 12th elected U.S. President to fail to receive a popular vote majority.

Today, the House is replying to this national mandate by considering electoral reform legislation. I am pleased that the House resolution reported out by the Judiciary Committee incorporates a proposal introduced by me and a number of my colleagues for the abolition of the electoral college and the institution of direct election of the President.

This is an essential change in our Constitution that must be approved by the House. From almost the first days of this democracy, the electoral college has been recognized as a disruptive and potentially dangerous threat to stable government. The election of three Presidents through the electoral college system who were popular vote losers has nearly upset what should be an orderly process.

The solution is to place the right and responsibility for the election of candidates to this Nation's highest office where they belong in a democracy—with the people.

The resolution also includes machinery to operate when one candidate fails to win a majority of the votes by providing for a runoff election between the top two votegetters. My bill would have set this machinery in motion when no candidate receives at least 45 percent of the popular vote. The committee's bill establishes the cutoff point at 40 percent.

I do not believe that a 40-percent plurality provides the President-elect with the confidence and freedom he needs to carry out his programs successfully. The mandate is not clear enough. The President's task is made too difficult. Our aim should be to insure that the new President takes office with as close to a majority of votes as practicable. A 45-percent plurality achieves this.

In addition, the committee's bill fails to embody my proposal for a national presidential primary. In my judgment, this is a mistake. If we are to do an honest job of making the people the source of political power, we will have to extend direct democracy to the nomination process. The existing primary process as practiced in our several States is a source of bewilderment to outside observers and of dismay to those who know it best. Reform of our primary system is an essential task if democracy in our political process is to be safeguarded.

The committee's bill is a good beginning toward electoral reform. I support it strongly, but only wish that it went the whole way in setting up a national presidential primary system as well as election by popular vote.

Mr. MONAGAN. Mr. Chairman, I support the pending resolution which proposes an amendment to the Constitution of the United States prescribing the direct popular election of the President and Vice President of the United States.

I have reached this decision after much deliberation. For the proposed abolition of the electoral college and the substitution of direct election, however straightforward such a course might appear at first glance, is not without its own difficulties and dangers.

My position—and it is one which a majority of our citizens share—is that the electoral college is a political institution which is not appropriate to present conditions and no longer guarantees that winners are elected. While the system has elected popular winners in this century, history records that it has not always done so. In the 46 presidential elections held to date under the electoral college system, three popular vote losers were elected President; two Presidents were selected by the House of Representatives; one Vice President was chosen by the Senate; and one President was elected as the result of a vote of a special electoral commission appointed by Congress. In this century, and especially within the last 25 years, there has been a recurring tendency—doubtless in accord with the original concept—on the part of the members of the electoral college to assert their so-called independency and cast ballots against the nominees of their own party.

For these reasons I am persuaded that the electoral college does not guarantee that the candidate with the most votes will win.

Direct popular election is the most certain mechanism available to guarantee that the winner will indeed win. The other proposals to reform the electoral college fall into three general classes: The district plan, the proportional plan, and the automatic electoral vote plan. All these alternatives have merit; in fact, any would be an improvement over the present system. But each in my opinion is flawed. The district plan would intensify the problems of gerrymandering that have traditionally beset legislators in apportioning Representatives. The proportional plan would favor citizens of the smaller States at the expense of citizens in the larger States and it would encourage splinter parties within each State. The automatic electoral vote plan would perpetuate the risks of electing a candidate who was the popular vote loser.

In short, direct popular election is the surest means of electing the candidate with the most popular votes. However, direct election is not without its own difficulties. The most serious of these relate to the need which this change will create for the establishment of uniform voter qualifications and election regulations in the separate States. I believe that the proposed amendment strikes an appropriate balance between State and Federal authority in establishing the necessary degree of uniformity. I am also satisfied that the proposed provisions for the runoff election—this occurring in the instance of no candidate receiving 40 percent of the vote—are not an invitation to divisive splinter parties.

For these reasons I support the resolution proposing a constitutional amendment providing for direct popular election of the President and Vice President of the United States. I support this proposal as the best choice among several alternatives; yet at the same time I recognize that its successful operation will not be automatic but will require the planning and the cooperation of the separate States and the Federal Government.

Recent years have shown that the extension of the franchise does not automatically bring wisdom and judgment to the expanded electorate but it does provide that opportunity for the voter to express his views and change his representatives. This is the hallmark of our system and it differentiates it from competing systems which do not give the individual the rights that we guarantee and seek to make ever more effective.

Today equality and democracy are the key words. We have come a long way from the time when John Evelyn could write in his diary of the undemocratic procedures which elected the contemporary Parliament.

The following passage is from "The Diary of John Evelyn," revised edition, 1956, II, 223:

8th April, 1865: This day my brother of Wotton and Mr. Onslow were candidates for Surrey against Sir Adam Brown and my cousin Sir Edward Evelyn, and were circumvented in their election by a trick of the Sheriff's, taking advantage of my brother's party going out of the small village of Leatherhead to seek shelter and lodging, the afternoon being tempestuous, proceeding to the election when they were gone; they expecting the next morning; whereas before and then they exceeded the other party by many hundreds, as I am assured. The Duke of Norfolk led Sir Edward Evelyn's and Sir Adam Brown's party . . . but the county would choose my brother whether he would or no, and he missed it by the trick abovementioned. Sir Adam Brown was so deaf, that he could not hear one word. Sir Edward Evelyn was an honest gentleman, much in favor with his Majesty.

Mr. FASCELL. Mr. Chairman, I strongly urge approval of a system of direct popular election of the President and Vice President of the United States. Such a plan—and only such a plan—can win the support necessary for electoral reform to be accomplished by the 1972 elections. Because of my strong support of this proposal, I have cosponsored legislation identical to the bill under consideration today.

Reform is needed, of course, because of the real threat that a candidate can become President even though he received fewer popular votes than someone else. This is because of three faults: First, undemocratic apportionment of electoral college votes; second, the freedom of electors to vote as they please; and third, potential congressional participation in the election process.

This situation might have been tolerable in an earlier phase of our history, but the importance of the office of President is now such that we can no longer rely on a haphazard and undemocratic election process. Each citizen is now affected daily by the decisions of the President, and each citizen has the right for an equal voice in the President's selection. Inaction by the Congress in the face of the need for reform would betray our constituents and the Republic.

At least four major alternative plans, each with variations, have been proposed to cope with the situation. Direct popular election is usually pictured as the most sweeping or drastic possible change, followed in order of severity by the "proportional plan," the "district plan," and the "automatic electoral vote plan."

Of these four proposals, only the first—direct popular vote—meets all three faults in the electoral college system. The proportional and district plans attempt a compromise on the main fault, malapportionment, and the automatic electoral vote plan fails to even try for a solution to this fault.

The trouble with the compromise plans is that they do not really solve the problem. Under each, it would still be possible for a President to be elected with fewer popular votes than someone else. Compromise should be rejected because it would be deceiving our citizens to enact a "reform" which did not really correct the defect it claimed to cure.

In view of this, why should "compromise" be seriously considered at all? Those who back such plans either fear too much democracy in the presidential election process, or fear that a true reform, direct popular voting, cannot be enacted.

We can immediately dismiss distrust of the people's democratic judgment as justification for "compromise." If we really feel that a presidential election system should be designed to reflect popular voting as closely as possible, then the best means of doing this is by simply letting the popular vote elect the President. Proposals for anything attain-

able which fall short of this serve to mask an antidemocratic intent.

The other argument against direct election, that it is not attainable, also fails under objective analysis. It is not true that small States would be obliged, in their own interest, to oppose a change which would remove the present electoral college bias in their favor. This bias is a very small advantage indeed when compared to the existing system's State-unit feature which causes presidential candidates to all but ignore small States in their quest for votes in the big "swing" States.

Small States have everything to gain by abolishing the existing system in favor of direct popular election, which would make the voice of each small State resident as important as the vote of a big city dweller. Small States would be brought back into the presidential election process as equal participating partners. They certainly have nothing to gain by the "district" and "automatic electoral vote" plans, which would perpetually freeze into the Constitution the unit vote system which works against small States. Neither would the "proportional" plan give them any advantage that would not be theirs under direct popular voting.

As for the large States, their true power would not be diminished under direct popular voting. While the election result would no longer be tied to population rather than voter turnout, they would have equal opportunity to influence the election. Voter turnout might actually be increased by the stimulated party competition. Yet, use of the existing political machinery—State voting laws, party nomination procedures—would favor continuation of the two-party system. These elements of our historical voting procedure would not be abandoned simply because of the democratization of the vote-counting system.

So as the practical political arguments against direct popular election fall apart, there remains the question of justice. Is direct election the right system for America? Emphatically, the answer is yes. There is no system more in keeping with our democratic traditions and ideals. Indeed, direct election would be a further step toward the American goal of democracy and justice for all.

Popular polls show overwhelming public support for direct election of the President. That is true to the extent that any State legislature would approve any "compromise" plan at its peril. The more that our people learn about this subject, the more they demand direct popular election. Our constituents are looking to us to approve this system, and we should respond to their wishes as soon as possible.

Mr. RARICK. Mr. Chairman, I feel that there can be improvements made in our system for election of our President within the federal system.

However, I cannot support the committee bill and chance election of a minority President. The direct popular vote proposal of the committee bill, House Joint Resolution 681, poses a direct threat against the federal system of government—a complete change in the political philosophy of the Republic—the bill provides the vehicle for the frightening specter of a minority-elected President sitting in the White House.

The committee bill reads:

> The pair of persons having the greatest number of votes for President and Vice President shall be elected, if such number be at least 40 per centum of the whole number of votes cast for such offices.

One need not be a student to realize that 40 percent is less than one-half—a minority—not "over 40 percent"; it says, "at least 40 percent."

Take, for example, the presidential election of 1968. The election statistics show that over 72 million people went to the polls and cast their ballots. Yes, the voting age population in the United States was 118 million according to the Bureau of the Census. Therefore, the 1968 election represents only 61 percent of the eligible vote. Had the committee bill—requiring only 40 percent to win—been in force for the 1968 election, 25 percent of the eligible voters could have elected the President of the United States. We would then truly have a President not only elected by a minority of the people but in all probability one representative exclusively of the populous metropolitan areas in our country.

The Congress and the courts talk of a guaranteed right to vote and equal weight of votes, and many civic organizations promote voting registration and voter duties; yet, all must agree that there is a tremendous lack of interest in the voting citizen unless he feels personally involved, stands to gain or lose by a political issue, or unless he feels his vote is important enough to influence the outcome.

The direct vote plan has the effect of ignoring and circumventing the role of the State and local political subdivisions from the presidential election by carrying it directly to the individual vote. Loss of citizen spirit in his State and local subdivision most certainly can be expected to result in a diminished voter turnout. Far too many times I have heard voters say that they vote for State and local offices, but do not waste time voting in Federal elections because it just does not do any good.

Overall I think it can be agreed that the most concentrated population areas—perhaps because of more homogenuous interests—are better organized and have more effective communications which result in a larger percentage of voter participation than in the rural and sparsely settled areas. This considered and with over 40 percent of the expected participating vote to be found in the major cities and metropolitan areas of our country, it could naturally be expected that any aspirant for the Presidency would not only concentrate his appeal efforts to these metropolitan industrial complexes but would likewise adopt a platform and political issues tailored to their wishes and needs in order to motivate them to turn out to vote. All of which would serve to disadvantage the farming and rural areas and the people of the sparsely populated regions who because of their vastly different desires and philosophy are faced with no choice or what they consider the lesser of two evils. By making the election process irrelevant to the voters of the rural and sparsely settled areas—the numerical majority of the American electorate—the bill would, as a practical matter, deprive the majority of our citizens of involvement in the democratic process.

The futility of voting participation would rapidly become apparent to the rural and small town citizen. Unconsciously, he would succumb to the discouragement of feeling that, first, no candidate was offering him any leadership, and, second, his vote was unimportant because the people in New York, Chicago, Los Angeles, and so forth, were going to decide the election. Consequently, as the citizen living in the country and suburban area loses his motivation and feeling that his vote is important, the big city vote increases in the overall percentage, and becomes more and more important to the candidate. In other words, the vote of the big city resident would progressively count more and further destroy the egalitarian theory of one man, one vote.

The ultimate danger to our country from a direct popular vote President can be anticipated. The candidate having directed his campaign and platform to the larger populated areas and having received his vote under such conditions, in order to retain the support and confidence of his following can be logically expected to calculate the effect of appointments with this same segment.

On the other hand, the citizens of the less densely populated areas could expect to be all but ignored. Then, too, as long as Cabinet members and top ranking judges are appointed, who would expect a direct popular vote President to select them from small States or sparsely populated areas. Under the direct popular vote plan a presidential candidate and his running mate would enjoy preferential advantage in being identified with one of the heavily populated areas. How could an American from the State of, say, Maine or South Dakota hope to overcome the advantage of a political opponent from New York City, Chicago, Los Angeles, or other populous areas?

The Founding Fathers in framing the Constitution considered that the Chief Executive could be elected by a popular vote. They rejected the plan because it was their desire, as statesmen, to provide for a President and head of state who represented the majority of the people as well as all of the geographical areas of our Nation. This was the reason for the allotment of electors weighted proportionately to the number of U.S. Representatives and Senators. This was the reason they required a majority of the electoral votes for election. Their purpose for rejection of the direct method of election was to prevent any one or a few geographical areas or population centers from acquiring complete political control of the country to the detriment of the other citizens.

I favor a national election which retains motivation and general interest

nationwide to involve all of our people in the election; which will compel any candidate to consider all the voters in any platform and which would cause him to be elected as a President of all the people.

I will support the Dowdy-Dennis plan also called the district plan for reform of the electoral college.

Mr. McCULLOCH. Mr. Chairman, we have no further requests for time and I yield back the balance of our time.

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

Mr. Chairman, today marks a truly unique occasion. The House embarks on a historic debate to determine how this Nation shall elect its Chief Executive. Except for 40 minutes on suspension of the rules in 1950, electoral college reform has not been debated in the House since 1826.

The Judiciary Committee is persuaded that our political structure must be attuned not to yesteryear or yesterday, but to tomorrow and the future. We no longer can afford favored positions for certain classes of voters in presidential elections—whether they be an urban or rural electorate; whether they live in large States or in small States; whether they are political progressives or political conservatives; or whether they come from the Western, Northern, Eastern or Southern parts of this Nation. The principles of representative government require that no citizen's vote should have more weight than another's—above all, in the election of the President and Vice President. The pending resolution proposes to restructure the presidential election system and to conform it to ideals of representative democracy—not simply for the next few elections, but I confidently believe, for generations to come.

DEFICIENCIES IN OUR PRESENT SYSTEM

Recent presidential elections, and especially the 1968 election, underscore the potential instability in our existing procedures. The possibility of a deadlock and a vacancy of uncertain duration in the office of President, under the existing system, poses substantial dangers that many Americans, regardless of party or region, agree must be eliminated.

The deficiencies in our present electoral college system include the following:

UNFAITHFUL ELECTORS

The ever-present possibility that electors will depart from custom, assert their independence and cast their votes in disregard of their constituents' wishes. The risk that electors will substitute their judgment for that of the electorate is of growing concern to many, particularly in view of the most recent exercise of an elector's "independence" which was sustained by both Houses of Congress earlier this year. As long agoas 1826 the anachronistic presidential elector was described as follows:

> They have degenerated into mere agents, in a case which requires no agency, and where the agent must be useless, if he is faithful, and dangerous, if he is not.—(Senate Doc. No. 22, 19th Cong., 1st Sess., 4 (1826))

Our present electoral college institution relies in large part on electors to operate in accordance with prevailing expectations of our citizens, not upon explicit constitutional direction.

CONTINGENT ELECTION PROCEDURES

Another potential crisis occurs if the electoral college fails to produce a majority for one candidate and the final decision for electing the President and Vice President falls upon the Congress. Under the 12th amendment, each State delegation may cast but one vote in the House of Representatives, and an absolute majority of the States is required to elect the President from among the three leading candidates. The Vice President would be selected from among the two leading candidates by the Senate, each Senator having one vote, and an absolute majority again being required to elect. Under this system it is possible that a President and Vice President would be of different political parties. It is also possible that the winners of the popular plurality would not be elected in Congress, particularly if they were members of the minority party in Congress. Depending on the political alinements in State delegations the balloting for President in the House can easily result in deadlock.

Such a contingent election has occurred twice in our history—1800, Thomas Jefferson-Aaron Burr; 1824, John Quincy Adams-Andrew Jackson—and in each case the event is remembered for a lengthy deadlock, intrigue and the appearance, if not the reality, of political "deals." The prospect of a contingent election in the Congress under the present precarious constitutional provision troubles many thoughtful citizens.

ELECTORAL VOTE ALLOCATION

Another defect under the present system is the disparity between the number of electoral votes allotted to the respective States pursuant to decennial censuses, on the one hand, and the number of citizens and actual voters in each State, on the other. For example, although Connecticut and South Carolina both have eight electoral votes, almost 590,000 more people voted in Connecticut in 1968; 550,000 more people voted in Illinois than in Ohio in 1968 although both States have 26 electoral votes. Our system allocates electoral votes to the States in number which are not truly proportionate either to population or to actual voter turnout. Another inequity results from the "winner-take-all" system which credits the winner of the popular vote in a State with all of the State's electoral votes regardless of the vote received by other candidates. Some argue that small State voters benefit from the fact that each State is entitled to three electoral votes regardless of how few its citizens, while others maintain that large State voters benefit from the unit rule whereby such States are able to award large blocs of electoral votes. Whatever group of States is actually advantaged, it is inconsistent with our principles that the votes of some citizens should be worth twice as much or more than the votes of other citizens. Neither argument can justify such a presidential electoral system consistent with the principle of one man, one vote.

The factors which I have just outlined, Mr. Chairman, separately and in combination, contribute to the most serious potential flaw of our present system—that is, the possible election of a President who is not the first choice of the voters. Indeed, this has actually occurred three times in the 46 presidential elections held to date. John Quincy Adams, 1824; Rutherford B. Hayes, 1876, and Benjamin Harrison, 1888, all were popular vote losers, yet all were elected President. To argue that only three misfires out of 46 is a good record is unconvincing. A workable solution guaranteeing against such misfires is presently available. Why should we choose a second-best system?

Only the direct popular election plan can eliminate all the basic deficiencies in our present electoral system.

It will remove electors as anomalous intermediaries who are not needed to express the people's choice of a national leader.

It will eliminate existing disparities in the weight given to certain votes because of the geographic location of the voter.

It will guarantee that the presidential electoral system is in harmony with the principle of "one man, one vote."

It will conform presidential elections to the system of plurality voting used throughout the Nation in congressional elections and in elections for Statewide and local offices.

It will assure that the people will elect the Chief Executive in all cases—and that the candidate receiving the most popular votes will be elected.

Alternative reform plans such as the "proportional" method, the "district" method, or the automatic electoral vote plan may meet some of the present deficiencies, but each one would continue the risk of electing a candidate who was the popular vote loser. A risk, I might add, which apparently increases the closer the popular election results become. In addition, other proposals may be offered which employ features of the various substitute plans in combination. These tend to complicate our present system and only perpetuate the hazards of electing a candidate who is not the popular candidate.

OBJECTIONS TO THE DIRECT ELECTION PLAN

The three most commonly expressed objections to the direct election plan include:

First, that it would lead to a proliferation of political parties;

Second, that it would create unmanageable problems and delays in vote counting; and

Third, that it would reduce the influence presently enjoyed by voters in smaller States or that it would substantially dissipate the power enjoyed by urban voters in large States.

The suggestion that political parties will proliferate under the direct election plan misconceives the true sources of the two-party system. Our two national parties largely prevail because of the political structure of the Congress—and the convention method of nominating presidential candidates. These institutions have generally promoted an accommodation of diverse interests within the two major parties. To understand how the electoral college system itself fails

to preclude the rise of third parties one need only reexamine the 1968 presidential election. The basic structure of the direct election plan embodied in House Joint Resolution 681 is designed to encourage the two parties to continue to find ways of accommodating diverse interests. The proposed amendment provides for a runoff election between the two highest candidates in event no candidate receives 40 percent of the popular vote cast. This procedure would seem to deter a proliferation of parties which may amass a number of votes, but which at best can only look forward to a runoff between the major party candidates.

Another objection to direct popular election is that it will lead to unmanageable vote counting disputes that can delay the final election outcome. This objection, too, is unpersuasive. Certainly, the present system, in which a few popular votes can shift large blocs of electoral votes and possibly change the outcome of an election, would seem to provide for greater incentive for fraud and recountings. The counting problems under the direct election plan are essentially no different from those which exist under any system of election, direct or indirect. These problems have been competently dealt with in popular elections of other officials, and there is no reason why they cannot be effectively dealt with in a direct election of the President. State procedures for certifying election results could be adopted to the direct election plan. The proposed amendment contemplates leaving the operation and regulation of presidential voting in the jurisdiction of the States, with reserve power in the Congress to legislate in the field.

It is also maintained that the present allocation of electoral votes, whereby all States are entitled to three electoral votes regardless of population, favors the small States; others maintain that the present electoral allocation coupled with the winner-take-all system benefits citizens in larger States. In some respects both sides are correct. But distortions in voting power based on the geographic location of the voter have become outdated. To suggest that continuation of the electoral vote system is necessary to preserve the Federal Union misconceives the true impact of the electoral college. By eliminating competitions between States generated by the electoral college, the direct popular election plan seems to strengthen the Federal Union. To suggest that State legislatures in large or small States will not ratify the proposed new article is not only based on unsupportable speculation but is contrary to the weight of all recent national opinion polls and surveys of State legislatures as well.

Mr. Chairman, it is true that the proponents of change have a substantial burden. The existing electoral system is familiar and there is a natural reluctance to change or depart from familiar ways.

But we have tempted fate too long. Our national experience demonstrates that there is a safer, a better method to elect public officials than through an intricate, indirect, and antiquated electoral college. The essence of American government is that public officials rule with "the consent of the governed." The choice of the Chief Executive must be the people's—all the people, without favor or special advantage to those who live in remote and sparsely populated areas, or to those who live in crowded urban centers.

The risk that our presidential election system will misfire or malfunction and produce a grave national political crisis has become increasingly evident in recent years. The proposed constitutional amendment set forth in House Joint Resolution 681 would eliminate what may be the most serious defect in our basic charter.

There may be no perfect system to elect the President, but the direct nationwide popular vote plan appears to be the best of all possible methods. I urge my colleagues to join me in voting approval of House Joint Resolution 681.

Mr. Chairman, I yield back the balance of our time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. The people of the several States and the District constituting the seat of government of the United States shall elect the President and Vice President. Each elector shall cast a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President. No candidate shall consent to the joinder of his name with that of more than one other person.

"SEC. 2. The electors of President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that for electors of President and Vice President, the legislature of any State may prescribe less restrictive residence qualifications and for electors of President and Vice President the Congress may establish uniform residence qualifications.

"SEC. 3. The pair of persons having the greatest number of votes for President and Vice President shall be elected, if such number be at least 40 per centum of the whole number of votes cast for such offices. If no pair of persons has such number, a runoff election shall be held in which the choice of President and Vice President shall be made from the two pairs of persons who received the highest number of votes.

"SEC. 4. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The days for such elections shall be determined by Congress and shall be uniform throughout the United States. The Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared.

"SEC. 5. The Congress may by law provide for the case of the death or withdrawal of any candidate for President or Vice President before a President and Vice President have been elected, and for the case of the death of both the President-elect and Vice-President-elect.

"SEC. 6. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 7. This article shall take effect one year after the 21st day of January following ratification."

Mr. CELLER (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the joint resolution be dispensed with and that it be printed in the RECORD and open to amendment at any point.

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

There was no objection.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. MILLS), Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 681) proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President, had come to no resolution thereon.

GENERAL LEAVE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks on House Joint Resolution 681, the electoral college reform amendment, and to include therewith extraneous matter.

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

There was no objection.

LEGISLATIVE PROGRAM

(Mr. POFF asked and was given permission to address the House for 1 minute.)

Mr. POFF. Mr. Speaker, I take this time in order to inquire of the distinguished majority leader the program for the remainder of the week and for next week.

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

Mr. POFF. I am happy to yield to the gentleman.

Mr. ALBERT. Mr. Speaker, in response to the distinguished acting minority leader, we have no further program for the week and will ask to go over until Monday upon the announcement of the program.

The program for next week is as follows:

Monday is Consent Calendar Day.

Also, the gentleman from Colorado (Mr. ASPINALL) has advised he will seek to call up by unanimous consent House Joint Resolution 81, to provide for the development of the Eisenhower National Historic Site at Gettysburg, Pa.

There is one suspension, H.R. 13194, Insured Student Loan Emergency Amendments of 1969.

Thereafter we will proceed with the continuation of consideration of House Joint Resolution 681, the proposed constitutional amendment relating to the election of the President and Vice President.

On Tuesday there will be a joint meeting for the purpose of receiving the Apollo 11 astronauts.

Tuesday also is Private Calendar Day.

Upon the conclusion of consideration of the Private Calendar, we will return to the consideration of House Joint Resolution 681 and will continue consideration under the 5-minute rule.

Following the disposition of the constitutional amendment, we will take up the legislative branch appropriation bill for the fiscal year 1970; and H.R. 12549, to provide for the establishment of a Council on Environmental Quality, which is subject to a rule being granted.

The announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later.

Mr. GROSS. Mr. Speaker, will the gentleman from Virginia yield?

Mr. POFF. I yield to the gentleman from Iowa.

Mr. GROSS. What day is it proposed to bring up the legislative branch appropriation bill?

Mr. ALBERT. Immediately following the disposition of the joint resolution proposing a constitutional amendment. We do not have a specific date. We have placed in order all the program beginning with the receiving of the astronauts for Tuesday and the balance of the week. We do not know just when the proposed constitutional amendment will be disposed of.

Mr. GROSS. It will probably be Wednesday, at least, before the legislative branch appropriation bill comes up?

Mr. ALBERT. Not before Wednesday. I believe the gentleman could count on that.

Mr. GROSS. I thank the gentleman.

ADJOURNMENT TO MONDAY, SEPTEMBER 15, 1969

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

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

There was no objection.

RECOMPUTATION OF RETIRED MILITARY PAY—ONLY A CAMPAIGN PROMISE?

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, during the heat of a campaign for high public office, it is occasionally possible to make promises or pledges which become awkward to carry out once the office is attained.

Nevertheless, when specific assurances are directed at a particular group of our fellow citizens by a candidate, it is reasonable, I think, to expect some sort of followthrough—especially if the same candidate is also concerned about credibility gaps.

This Saturday, September 13, will mark the first anniversary of a very emphatic, but, as yet, unfulfilled pledge by Mr. Nixon to take action on behalf of a large group of retired military personnel.

Now this promise—that Mr. Nixon, as President, would propose legislation permitting retirees who left the service before June 1, 1958, to recompute their benefits in line with increases awarded active duty personnel—was not quietly given.

Instead, a telegram from Mr. Nixon, the candidate, dated September 13, 1968, was carried as a full-page spread in the October 1968 issue of the Retired Officer, where thousands of voters would see it.

The telegram is self-explanatory, and I will include it at the end of these remarks. But the failure of the President to do anything discernible during his nearly 8 months in office to implement this pledge is quite mysterious. There are many military retirees in my district who are wondering if and when the President will honor his commitment to them.

In his wire to General Corderman, president of the organization which publishes the Retired Officer, Mr. Nixon had some harsh things to say about the Johnson administration and "the Democratic-controlled Congress" for ostensibly failing to remedy a growing disparity between active duty and retired military pay.

The future President could not have been clearer. He was right, the Democrats were wrong, and he was going to do something about it as soon as he assumed the Presidency.

Now retirees are asking what happened to those good intentions voiced so firmly and clearly during the campaign.

I should point out that many Members of the House and Senate, including numerous Democrats, have introduced bills to permit the recomputation so strongly endorsed a year ago by Mr. Nixon. I imagine that all that is needed now is a good word from the White House to get some action on these proposals.

Mr. Nixon's telegram to General Corderman follows:

WASHINGTON, D.C.,
September 13.

Maj. Gen. W. PRESTON CORDERMAN,
President, Retired Officers Association, Washington, D.C.:

Because of the concern of your organization with the issue of equalization of retired military pay I want to take this opportunity to share with you my views on this important subject.

For the past several years, our retired military personnel have been unjustly treated because of the failure of the administration and the Democratic-controlled Congress to remedy the growing disparity between active duty and retired military pay. This unfair discrimination is wholly contrary to the long established principle of equalizing retired pay with existing active duty pay for the same grade or rank. It is a breach of faith for those hundreds of thousands of American patriots, who have devoted a career of service to their country and who, when they entered the service, relied upon the laws insuring equal retirement benefits.

The retired pay of some of our older retirees has slipped more than 30% behind that of their younger comrades. In a period of skyrocketing cost of living increases, it is an intolerable and unfair burden for our retired military.

I intend to urge the Congress to remedy this injustice at the earliest possible time by passing legislation along the lines of that introduced by Senator Tower of Texas, chairman of my key issues committee. General Eisenhower and I worked vigorously to seek legislative relief in 1960. Now, after prolonged inaction by an administration of which Vice President Humphrey has been a part, the time is at hand to do simple justice and to recognize the great contribution to our Nation by those who have served their country with honor and distinction.

RICHARD M. NIXON.

RAIL PASSENGERS STILL WAITING FOR THE ICC TO MAKE UP ITS MIND ON THE MESSER REPORT

(Mr. ADAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, 1 year ago Hearing Examiner John Messer made a historic recommendation to the Interstate Commerce Commission in the Sunset Limited Adequacies case: That the ICC should assert authority to set standards of passenger service. This recommendation, if upheld by the full Commission, could be the beginning of the resurrection of decent train service in this country. It would enable the ICC to put a stop to the practice of deliberately downgrading passenger service in order to drive away passengers. This negative effort is carefully described in a fine article in the Wall Street Journal of September 3 by Albert R. Karr. I shall include in the RECORD at the conclusion of my remarks this article, "Passenger Plight."

Many of us in Congress are willing to support Federal assistance for good passenger service, but we cannot expect public funds to be used to subsidize intentionally inadequate service. Therefore, I hope the ICC will act promptly and favorably on Examiner Messer's recommendations. I cannot understand why it should take

a year to resolve this case, no matter how complex the legal and economic issues involved are. The Congress and the passenger public expect action by the ICC, an agency charged with protecting the public interest in transportation.

The article follows:

[From the Wall Street Journal, Sept. 3, 1969]

PASSENGER PLIGHT—OFFICIALS, TRAIN RIDERS CLAIM SOME RAILROADS TRY FOR LOUSY SERVICE—THEY SAY LINES SEEK TO MAKE RUNS UNPROFITABLE, THEN END THEM; ROADS DENY IT—THE RAT ON THE PENN CENTRAL

(By Albert R. Karr)

For mother, father, four young children and grandmother, aged 74, the 20-hour journey from Chicago home to New York on the Penn Central's "Admiral" was a bad trip.

The train was dirty, to begin with, mother later complained. For want of a receptacle trash was being piled on top of the drinking fountain (which dispensed warm water only). The ladies' room had a "disgusting odor." There was no dining car. The snack bar lacked electricity for making breakfast coffee. And the cooling system wasn't working in the mid-July heat.

When the crew finally did get the air conditioning going, the angry traveler went on, "this was apparently a terrible shock to the train's electrical system, as the lights went out for good in the filthy ladies' room."

"If any hotel provided this kind of accommodation, it would soon be closed as a health hazard. Is this the objective of the Penn Central?" the mother inquired in a letter to Washington authorities.

SOME OFFICIALS AGREE

Indeed the Penn Central is seeking permission to abandon the "Admiral." And though none of the nation's railroads will admit to making passenger service terrible on purpose, a surprising number of riders' complaints to the Government contend that the roads must be doing just that.

The passengers' cynical rationale, echoed by many Washington officials: The more that people are deliberately discouraged from riding the trains, the easier it is for the railroads to demonstrate that passenger service is unprofitable and has to be abandoned in favor of money-making freight.

Even if the railroads are deliberately doing this—and they vehemently deny that they are—officials question whether the Government can do anything about it. The answer may come soon, though. The Interstate Commerce Commisison is expected this month to hand down its long-awaited decision on whether it can compel a road to provide better passenger service.

The ICC, traditionally concerned solely with routes and rates, may conclude that passenger treatment is not beyond its regulatory reach. If so, it could order changes. If it decides otherwise, the decision is sure to be challenged in court and in Congress by state regulatory agencies and such travelers' lobbies as the Washington-based National Association of Railroad Passengers. Some think the eventual outcome will be a joint effort by the Government and the railroads that concentrates on improving service along the most-needed routes while letting some others die.

A STREAMLINED SYSTEM

At the Department of Transportation, for example, one idea for coping with the passenger problem envisions a Comsat-type private corporation either leasing modern equipment to the railroads or taking over management of the most important routes outright. The main emphasis would be on a network of high-speed trains (profitable, it's hoped) in populous and relatively short "corridors" such as Chicago-Cleveland and Los Angeles-San Francisco, similar to the Metroliner now competing with air travel between New York and Washington.

This streamlined system, it's thought, could be partly financed out of savings achieved in abandoning the money-losing service in less populous areas. Proposals for direct Federal subsidies for passenger operations also are under consideration at the Transportation Department and are embodied in various bills in Congress.

If something isn't done, city-to-city passenger trains might all but disappear in America. From nearly 1,500 a decade ago, the number of intercity trains was down to 513 on July 1, including a decline of 67 since mid-1968. The railroad executives who want to get out of the passenger business say there's scarcely any need for long-haul intercity service any more, because most travelers prefer to go by bus, car or plane.

THE RAT IN THE AISLE

If they do prefer to go by bus, car or plane, it's often because the railroads have become such miserable ways to travel. That, at least, is the easily arrived at conclusion after reading letters, that unhappy rail travelers have sent to Washington.

"No sooner did we get aboard" the Penn Central's "Spirit of St. Louis" in Missouri, says a man from Floral Park, N.Y., "than some women passengers started screaming because a furry little creature called a rat started running up and down through the car." The conductor ignored it, according to the New Yorker, and not until they reached Columbus, Ohio, 400 miles away, was a fellow passenger able to trap the rat in his handkerchief and throw it out.

Replies a Penn Central spokesman: "We do not have a rat infestation problem. We maintain standards as well as we possibly can under the circumstances"—which he thinks are worsened by passengers' reluctance to adapt. "People have enough initiative to write me a complaining letter," says this public relations man, "but they won't get up and move to another car when the air conditioning breaks down in their car." The family aboard the "Admiral" from Chicago would have an answer for that: The train was full.

Would-be riders have told of waiting as long as two months for seats on Chicago, Burlington & Quincy Railroad trains, according to an unhappy Burlington employe. "Yet we know there was ample room, or that additional cars could have been added." Moreover, he says, passenger schedules "mean nothing if there is an opportunity to move a freight train ahead of a passenger train." A Burlington spokesman insists that the road doesn't turn down passenger business if space is available, that it can't always add more cars, and that it doesn't give priority to freight.

Chronic lateness, sometimes causing missed connections, is a frequent passenger gripe. At Siena Heights College in Adrian, Mich., many students hitchhike home on weekends or don't go at all because the Norfolk & Western Railway's "Wabash Cannonball" is so often behind time, says Sister Ann Joachim, faculty member and the school's attorney. But some still risk it, so partly through her efforts the N&W has twice been rebuffed in trying to silence forever the Cannonball's lonesome whistle. To the lateness complaints, the road replies that, on the average, only one Cannonball in 20 is more than 20 minutes late over its 600-mile Detroit-St. Louis journey.

The milestone case the ICC promises to decide this month involves the Southern Pacific Railroad's daily "Sunset Limited" between Los Angeles and New Orleans.

Until five states' regulatory agencies petitioned the ICC in 1966 to compel the road to furnish better "Sunset" service, few complainants had pressed the Government for improvements in passenger trains; whenever the subject did come up, the ICC pleaded no jurisdiction.

But this time the ICC examiner, John S. Messer, said his agency does have authority over passenger service, and he declared the ICC should order the Southern Pacific to improve the "Sunset" by such steps as running the train on time and providing dining cars. This is the recommendation pending now before the 10 commissioners (one seat is vacant).

Significantly, after the examiner issued his recommendation in April 1968, the Southern Pacific applied to abandon the "Sunset Limited" altogether, and the ICC, in denying this plea, accused the road of deliberately downgrading the "Sunset" service. Critics of railroads maintain that ever since the "Sunset" case began the industry has been accelerating its abandonment requests. Get the trains off the tracks before the ICC makes up its mind, this theory goes, because the Government can't order improvements on trains that no longer run.

Statistics support the contention. Discontinuance applications ranged between 13 and 33 a year in the decade through mid-1967, then soared to 73 in the subsequent 12 months. In the year that ended last June 30 they eased off to 50—"probably because there weren't enough trains left to discontinue," an ICC spokesman suggests. Others say the ICC has noticeably stiffened its resistance to abandonments since Examiner Messer's "Sunset" recommendation, otherwise applications would be even more numerous.

One petition that did win ICC approval (though the courts have since delayed its effectiveness) was the Penn Central's plea to discontinue the "Spirit of St. Louis between that city and New York. And the ICC's July okay came not a minute too soon. Two nights earlier, at Altoona, Pa., 35 "Spirit" passengers became so aroused by the lack of lights, water and air conditioning that they climbed off and lay down in front of the engine for an hour and a half till a broken generator belt was repaired.

The increase in applications to abandon runs could have something to do with the deterioration in service. Says an ICC official: Railroads always deliberately downgrade passenger service in advance of filing with us for discontinuance.

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

Mr. ADAMS. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, the case which the gentleman mentions, as I understand it, is the one in which the hearing examiner indicated the railroads ought to upgrade the sleeping accommodations and the dining accommodations, in addition to other recommendations?

Mr. ADAMS. Yes, it is.

Mr. BOLAND. From the gentleman's knowledge of the ICC and the laws respecting the ICC and its authority, can the gentleman tell us whether or not the ICC actually has the authority to indicate to a railroad that it must do these things?

Mr. ADAMS. Mr. Speaker, in the opinion of this gentleman the ICC does have that authority. If the ICC should take the position it does not have, then I think this House, and the Committee on Interstate and Foreign Commerce, should immediately take up this statute and be certain this authority does exist.

Mr. BOLAND. Mr. Speaker, I am glad the gentleman highlights this. I agree with the gentleman totally in his assertions.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I would like to commend the gentleman for his position. There has been deliberate downgrading of the passenger service by the railroads of this Nation. It is time either the Interstate Commerce Commission or the Congress took action in order to investigate passenger service in the future.

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

Mr. ADAMS. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Speaker, it is my understanding the Chairman of the ICC announced in September they would issue a statement as to whether or not they felt they had the authority or did not have the authority to compel adequate passenger service.

I am very hopeful that the ICC will determine it does have such authority. I agree with the gentleman, if the ICC says it does not, then we ought to give it to the ICC.

Mr. ADAMS. Yes. I hope we do that this month, if they indicate they do not have that authority.

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

Mr. ADAMS. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, apropos of what the gentleman from Washington says, the ICC was before a subcommittee of the Committee on Appropriations this week with respect to the funding for the ICC for fiscal year 1970.

This matter was brought up. The response from the ICC indicated there would be some decision by the ICC within a matter of a week on this matter.

RAILROAD TRANSPORTATION

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. BURKE of Massachusetts. Mr. Speaker, I should like to commend the gentleman at the microphone (Mr. ADAMS) and to endorse the plea of the Chairman of the Interstate Commerce Commission.

I might also point out, this Nation has been very negligent as far as railroad transportation is concerned. We have expended billions and billions of dollars on the highways and have neglected railroad transportation. In fact, we have jeopardized the security of this country and the entire northeast corridor of this Nation.

I believe the answer lies in this Government taking over the railroad beds of the country, putting them into good modern condition and safe condition, and then leasing these railroad beds back to the railroads and compelling them to operate passenger trains and freight trains.

Mr. ADAMS. I thank the gentleman. I agree with him completely.

FRESHMAN ECONOMICS LESSON NO. 1

(Mr. PODELL asked and was given permission to address the House for 1 minute.)

Mr. PODELL. Mr. Speaker, inflation roars along like a runaway express train, probably something the ICC cannot help.

Joblessness increases along with inflation. The administration implies labor is to blame. A basic lesson in freshman economics is in order because inflation and economics are virgin lands to our administration.

Our largest economic units have most power to affect society. When they act, their employees and the Nation react. Their most recent pricing policies deserve attention.

Start with the utilities. It is rumored most Americans require services of electricity, gas, and telephones. This year, public-spirited utilities have filed a record $1 billion in requests before State regulatory agencies for rate increases. As of June 1, the total was $961,160,505, not including $218 million in increases pending before the Federal Power Commission and the Federal Commerce Commission. We know other increases have been requested. Only eight States have escaped this hail of hikes.

I do not feel such obnoxious demands are wholly motivated by altruism and public service. What is the result? Inflation.

United States Steel just raised prices an average of $8 per ton on certain types of steel pipe. One month ago they led that industry into another round of price increases. Now blame is laid on zinc costs and labor demands. The real reason is lusher profits.

Yesterday Admiral and General Electric raised prices on major appliances. Motorola upped prices on its "Quasar" television sets by $20. Commercial Solvents Corp. and DuPont raised costs on basic chemicals and solvents. Vulcan Materials Co. will follow on chlorine products. Kennecott Copper, industry leader, raised copper prices. Kitchenware and plumbing fixtures, anyone? Carborundum also upped prices. Did their boards of directors do it at gunpoint? What is the result? Inflation. Who is harmed? Consumers. The administration cries "wolf," as America's major industries run amuck like delirious foxes on a chicken farm. Us chickens is gittin' mighty nervous.

Apparently Government wizards require further lectures in freshman economics, and I intend to be on this floor to continue to list industry by name as the true and natural causers of the inflationary spiral.

INVESTIGATION OF SMALL BUSINESS ADMINISTRATION

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, today I am calling on the chairman of the Government Operations Committee to make a complete investigation of the Small Business Administration.

Further, I am introducing a bill that would prohibit the SBA from making and guaranteeing any loans or grants to any person who is not an American citizen, or to any partnership of the majority of whose partners are not American citizens, or to any corporation whose controlling interests are not held by American citizens.

This agency is not performing as it should. It has lost the confidence of the Nation's small businessmen with its record of making loans of a questionable nature to criminals and as political favors to individuals with little assets.

I would like to point out some significant figures to illustrate. There was an acceleration of loans between the November election and the time the Nixon administration assumed office, and some of these loans had strong implication of political consideration.

The SBA, for example, made 1,095 loans for $51,300,000 in November of 1967, and in November 1968 the volume was 1,206 loans for a total of $55,200,000. Loan volume for the month of December 1967 was 1,132 loans for a total of $51,500,000, and for the corresponding month of 1968 a total of 1,243 loans was made for a dollar volume of $61,300,000.

The agency had a loan volume of 869 for a total of $45,500,000 in January 1968, and for the same month of 1969 the loans totaled 1,215 for a volume of $56,-200,000. All of these were regular business loans and did not include disaster loans or SBA's investment program.

Sometime ago it was brought to my attention that a loan had been made to the North American Detergent Corp. of Washington in the amount of $100,000 through the Old Line National Bank and with the SBA guaranteeing 75 percent of the $100,000.

The loan was applied for on December 3, 1968, and was closed on December 10, 1968—less than 7 working days. During the course of my investigation I talked to various people at SBA, and the SBA records reveal that for the year 1967 the company had an operating loss of $60,-000 and also lost money in 1968. Records in the file indicate the company's estimate of its own worth was $46,000 at the time the loan was closed.

The North American Detergent Corp. was chartered in 1967, and started with an authorization of 500,000 shares of common stock at a par value of 1 cent per share.

Paul LaFlamme, corporation president, has been associated with the Mafia, and was arrested along with four other men this past Saturday by the Federal Bureau of Investigation in connection with a conspiracy to transport $150,000 of stolen jewelry.

One of his associates, Salvatore Pieri, has been described in Senate crime reports as a trusted underworld member who with other racketeers in the Mafia organization controls narcotics distribution in Buffalo and Cleveland. He is listed in the U.S. Narcotics Bureau reports and in the 1964 summer session report of the Senate Permanent Subcommittee on Investigation's crime hearings. The report says:

> Pieri is an important interstate trafficker and a trusted member of the Stefano Magaddino crime syndicate which control multiple illicit activities in Upstate New York.

The loan to North American Detergent Corp. should not have been made, es-

pecially to LaFlamme. This man was not a citizen of this country, but came here 2 or 3 years ago from St. Catherine, Canada, having been engaged in the used car business there. His company has been sued in the local courts for nonpayment of obligations. From the above and other published information I think an investigation into SBA is very much in order at this time.

PROGRAM INFORMATION ACT

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, the passage of H.R. 338, the Program Information Act, would make certain that the first time a meaningful catalog of all Federal assistance programs would be readily available to potential recipients of Federal aid. This is obviously not the case now. Witness the comment of an administrator from a college on the west coast:

A comprehensive catalog would be tremendously useful. We would finally have one source document that would allow us to see how the pieces fit together and form a broad picture. At the present time I cannot tell the trees from the forest.

Or the comment of a southern official:

The Office of Economic Opportunity's catalog is very helpful but limited in content. It is difficult to find specific programs; the catalog is not specific enough about available benefits; and it is not detailed enough in scope. Other federal information services are even more limited.

Because the present information system is inadequate, some of our constituents say it costs them time and money.

From a housing official in the East:

By the time new or revised legislation is in the hands of the appropriate administrators, thousands of applications have already been submitted with incorrect requirement data. This prolongs any program immeasurably, thereby creating additional administrative costs.

Perhaps the biggest tragedy is that the people in the system is supposed to help must either fight their way through the jungle maze or be left out in the cold:

Imprecise guidelines or too optimistic releases caused us to spend time on useless preparation of proposals. We know better now, and try to find out on our own what the prospects really are.

A complete, Government-wide catalog, without public relations gimmickry and widely disseminated, would ease the burden on those who turn to the Government for help and find the situation to be absolutely chaotic. Passage of the Program Information Act would make such a catalog possible.

AIR SAFETY AND THE PRIVATE AIRCRAFT

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, Tuesday we saw the horror of another air accident caused by the collision in midair of a commercial airliner carrying 82 persons and a private, single-engine Piper Cub with one man aboard making a practice flight. All 83 persons died needlessly in the resulting crash.

This is not the first time that this has happened. Seventy-nine persons died near Hendersonville, N.C., on July 19, 1967, when a commercial jet collided with a private aircraft. In March of 1967 a DC–9 crashed near Urbana, Ohio, after a midair collision. Twenty-five died in the commercial aircraft and one person in the private plane.

It is interesting to note that in 1968 there were three midair collisions involving commercial and private aircraft. Miraculously, none of the large commercial planes crashed, but all of the occupants of the three different private planes were killed. It is amazing that the deaths from these three accidents in 1968 were not higher.

Next week the Ways and Means Committee begins public hearings on proposed airway user charges. At that time I will seek to add provisions to the legislation providing for separate airport facilities and development funds for commercial and general aviation aircraft.

It is time to demand the separation of commercial airports and commercial airlanes from general aviation and private aviation.

It is ridiculous to provide equal status in the use of publicly constructed airports and publicly monitored airlanes to commercial jets and private passenger planes. A considerable hazard and inconvenience to the general air traveling public results when huge jet passenger airplanes wait in line for take-off or remain caught in holding patterns while small general aviation and hobby planes take off and land.

As a constant biweekly air traveler, I was shocked to learn today from Federal authorities that small aircraft like the one which caused the Indianapolis crash frequently do not appear on the radar systems presently used at major airports.

Disaster is built into our airlanes if we continue to intermix commercial jets and general aviation planes in the same airports and airlanes.

INTRODUCTION OF LEGISLATION TO SUSPEND NUCLEAR TESTING IN THE ALEUTIAN ISLANDS

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, I am introducing legislation today to provide for a study and evaluation of the relationship between underground nuclear detonations and seismic disturbances, and to suspend all nuclear detonations in the region of the Aleutian Islands until the conclusion of this study.

My legislation is similar to legislation which has already been introduced in the U.S. Senate, providing for a study by nongovernmental experts in this field. My measure, however, goes beyond the Senate legislation by suspending nuclear tests until the study is completed.

There is an urgent need for adoption of this legislation, since nuclear tests in the Aleutians are scheduled as early as next month. Yet eminent scientists have warned that not enough attention has been paid to the possibility of an immense disaster resulting from such tests.

The tests in question are planned by the Atomic Energy Commission on Amchitka Island in the Aleutian chain off Alaska. I understand they were originally scheduled for our atomic test site in Nevada, but because of their magnitude the tests were shifted to this remote and uninhabited island in the far northwest.

I believe that there is a grave possibility an underground nuclear detonation could trigger an earthquake with tremendous loss of human life and property damage resulting. Amchitka Island is in one of the earth's most highly unstable seismic areas. Earthquakes occur there frequently, without the benefit of nuclear blasts, and even the Atomic Energy Commission has acknowledged that its tests could cause ground motion along an existing fault which passes within about 1 mile of the test location. Since Amchitka is at the crux of an earth fault running down the Pacific Coast to California, we should take no chances whatever of starting an earthquake along the San Andreas Fault which could destroy highly populous areas.

If an earthquake is touched off by the Atomic Energy Commission tests, another consequence will be huge tidal waves of tsunamis that could devastate coastal regions of California, Alaska, Hawaii, and other areas of the Pacific Ocean.

The AEC has sought to counter discussion of this possibility by noting that the 1965 earthquake at Rat Island near Amchitka did not cause seismic damage or tsunami damage to any populated areas. I should like to call the attention of the AEC to the 1946 earthquake in the Aleutian Island that launched a tsunami which killed 173 people and damaged $25 million of property in Hawaii alone.

Another Aleutians earthquake, in 1957, sent waves which did $3 million in damage to Oahu and Kauai Islands in Hawaii. Fortunately, because of adequate warning, no lives were lost. In 1964, an earthquake in the Prince William Sound area spawned a tsunami which killed 12 and left 400 families homeless in Crescent City, Calif., 2,000 miles away.

The AEC knows that tsunamis created by earthquakes can be highly directional and can race long distances. There is no way of telling where a particular one may strike, until it is on its way. The 1960 earthquake in Chile produced a tsunami that reached Hilo, Hawaii, at midnight 14 hours and 47 minutes later. This May 23 disaster killed 61 and did $25 million damage in Hawaii and later went as far as Taiwan, the Philippines, New Zealand, and Japan, leaving 138 dead in the latter country alone. It swiped at San Diego and other parts of the Pacific coast of the United States as well.

Clearly the force and capability of destruction of tsunamis make it imperative that men do nothing to create such a force.

My legislation calls for the appointment by the President of a 15-member

National Commission on Nuclear and Seismic Safety comprised of experts from the fields of nuclear physics, geophysics, seismology, hydrology, oceanography, structural engineering, architecture, urban planning, economics, biology, and medicine. No member shall be employed by the Government or engaged in research or consultation for the Government in work related to the functions of the Commission.

The Commission would undertake a comprehensive investigation and study of the implications of underground and other nuclear detonations including but not limited to: earthquakes and other seismic disturbances, both subterranean and submarine; ecological contamination; and damage to existing structures. The Commission would transmit to the President and to the Congress a statement of its conclusions and recommendations, not later than 1 year after its first meeting. During this year, no nuclear testing could be done at Amchitka Island or elsewhere in the Aleutians.

My legislation implements the recommendation of Dr. Kenneth S. Pitzer, president of Stanford University, a former research director for the Atomic Energy Commission, and, until January this year, Chairman of the President's Scientific Advisory Committee. While serving as Chairman, Dr. Pitzer submitted a report to the President on the Amchitka Island tests. Unfortunately, his report has never been released by the White House.

Last April, however, Dr. Pitzer told the American Chemical Society at its meeting in Minneapolis that the Amchitka tests and other scheduled in Nevada should not be conducted until evaluated by nongovernmental experts. He noted that the safety of the blasts had "been examined primarily in closed circles with the effective judgment rendered by officials committed to the test program. This sort of problem should be considered by an impartial judge and jury."

According to Dr. Pitzer:

> The risk that a damaging earthquake might be triggered deserves a much more substantial public hearing, before large tests are held at the new sites in Central Nevada and the Aleutian Islands, which are seismically active areas. Then Congressmen, Governors, and other responsible officials as well as the interested public can form their own judgment, balancing this and any other risks against the need for the tests or the extra costs of moving to a non-seismic location.

I strongly concur in this recommendation and hope Congress will take action on my legislation in time to avert a catastrophe.

CONCERNING THE SELECTION OF REVIEW COMMITTEEMEN BY THE SECRETARY OF AGRICULTURE

(Mr. MIZELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIZELL. Mr. Speaker, I wish to take a moment or two to speak about a bill I am introducing today. It concerns what I have learned is an urgent need for a change in the laws concerning the selection of review committeemen by the Secretary of Agriculture.

The existing law, that is section 363 of the 1938 Agricultural Adjustment Act, limits the Secretary to selecting these review committeemen from the "same or nearby counties." Unfortunately, in the past, there have been cases where certain large farm businessmen have been able to apply pressures and influence these committeemen, who were from their nearby communities. An example, of course, would be the famous Billy Sol Estes case.

I want to emphasize that corruption is not the norm, however, the Secretary of Agriculture, Mr. Hardin, has asked that he be able to choose these members on a statewide basis instead, where he would have a better selection and a chance to establish review boards whose decisions would be unencumbered by local influences. My draft bill would amend section 363 and allow the Secretary to select these committeemen from "any county in the State."

The draft bill would also amend section 365 of the Agricultural Adjustment Act of 1938, as amended, to authorize the Secretary to institute proceedings to obtain judicial review of a review committee determination which he believes is contrary to applicable statutes and regulations. Under existing statutes the farmer may institute proceedings to obtain judicial review; however, such authority is not provided for the Secretary. At present there is no way for the Government to pursue its case even when it is obvious that the review committee determination is contrary to law and regulations. Although we forsee relatively few cases where the Secretary would need to request judicial review, we think it important that he have authority to do so.

Enactment of this legislation would not require additional funds and would strengthen the review provisions authorized by the act.

The Bureau of the Budget has no objection to the presentation of this proposed legislation for the standpoint of the administration's program.

SOCIAL SECURITY BENEFITS

The SPEAKER pro tempore (Mr. ECKHARDT). Under previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 30 minutes.

Mr. SAYLOR. Mr. Speaker, there seems to be general agreement that social security benefits need to be increased. The real issue on social security benefits revolves around what sort of increase should be provided and when an increase should become effective.

In our hearts we know the answer to these questions. The increase should be as large as practical and be paid as soon as possible.

One's idea of how large a benefit increase is practical depends to a large degree on the individual's philosophy. We have suggestions which range from President Nixon's 7 percent and former President Johnson's 10 percent all the way up to the AFL–CIO's 50 percent.

The President's proposed 7-percent benefit increase is intended to take into account the rise in the cost of living and seems to be based on the assumption that a bird in the hand is worth two in the bush. An increase of this size would increase the level-cost of the social security program by 0.61 percent of taxable payroll. However, the social security program has an actuarial surplus of 0.53 percent of taxable payroll. Thus, a 7-percent benefit increase would leave an actuarial insufficiency of 0.08 percent of taxable payroll. And, according to the Social Security Administration's Actuary, Robert J. Myers, the allowable margin for error in long-range—75 years—estimates of the type used to evaluate the social security program is about .10 percent of taxable payroll. A 7-percent benefit increase, therefore, can be had at this time with no increase in social security taxes.

I have no reason to believe that the 7-percent benefit increase is the President's total social security program. Rather, I believe that it is no more than a stopgap recommendation and that a fuller program is being developed. We already know that he will suggest increases in the amount that a social security beneficiary can earn while receiving all of his social security benefits.

In his last month in office President Johnson recommended a number of changes in the social security program centering around a 10-percent benefit increase. These proposals, however, were not a solid recommendation for legislative action. Rather, they were an expression of the types of changes he would like to see made in the program.

As for increases such as the 50-percent increase recommended by the AFL–CIO, that is, of course, their long-range goal and not something they expect to have enacted in the near future.

In my own view, a middle course is called for.

A 7-percent benefit increase now would barely keep up with the rising cost of living. The last time Congress considered a social security benefit increase was in December 1967. At that time the Consumer Price Index stood at 118.2. In February 1968, the month for which the last benefit increase was effective, the index was 119.0 and in March 1968, the month in which the last increase was received by the beneficiaries, the index was 119.5. The rise in the index up to April was 6.93 percent above December 1967, 6.21 percent above February 1968, and 5.77 percent above March 1968.

It seems to me that what is needed now is a benefit increase of about 15 percent and automatic cost-of-living increases after that. As a practical matter, we have to admit that by the time the next social security increase shows up in monthly social security checks, the cost-of-living will be approximately 10 percent above what it was when benefits were last increased. Experience with the cost-of-living provisions in the civil service retirement program has shown that we can expect cost-of-living increases of about 4 percent each time—it has actually been

3.9 percent—and that there is an additional rise of about 1 percent before the increased payments are actually made. 10 percent plus 4 percent plus 1 percent equals 15 percent. Thus, a 15-percent benefit increase coupled with a cost-of-living provision would over the long run do little more than keep benefits up to date with changes in the cost of living.

I think more than a simple 15-percent benefit increase is called for. At the present time, about one half of the retired beneficiaries get benefits which are less than $100 a month. And while I am certain that there are many views as to what a reasonable level of social security benefits is, I hesitate to believe that very many people feel that a benefit of less than $100 a month represents a reasonable retirement benefit. Moreover, I think that the number of people who think that a retirement benefit of $100 a month is reasonable would be significantly reduced after it is pointed out to them that Social Security Administration studies have shown that most retired beneficiaries have little or no income in addition to their social security benefits. I believe that $100 a month would be a reasonable minimum retirement benefit.

Mr. Speaker, these benefit increases which I have described are contained in a bill, H.R. 11606, I have introduced which is pending before the Committee on Ways and Means. I realize this is expensive legislation. Without taking into account the cost-of-living provision, it would require an increase in social security income equal to nearly 1 percent of taxable payroll. Even if the taxable earnings were increased from the present $7,800 a year to $15,000 a year, the employer and employee tax rates would have to be increased by about one-quarter of one percent each. The cost-of-living provision, I believe, could be financed out of the additional income which automatically comes about as wage levels rise. However, at some time in the future there would probably have to be upward adjustments in the taxable earnings base, if the program is to remain on a sound actuarial basis.

In looking at data on social security benefits while I was trying to determine how benefit levels could be improved, I was impressed by the fact that about one-half of the people qualifying for old-age benefits now get their first check before age 65—some as early as age 62, the youngest age at which these benefits can be paid. When benefits begin before age 65, a number of things act together to depress the benefit amount. First, benefits are reduced so that on the average the total benefits paid will not be more than would have been paid had payments started at age 65. And second, in the case of a man, the period between the time he qualifies for benefits and reaches age 65 is used in determining the average way which is the basis for determining his benefit amount. For women, average benefits are based on the period ending with age 62. Moreover, studies have shown that a significant number of people who qualify for benefits at age 62 have not been working for several years—for one reason or another they had lost their regular job and had not been able to get another—thus further depressing their average wages and their benefits.

I think the cure for this situation would be to make full social security benefits available at age 60 and to base the benefit on average earnings computed without regard to the period after age 60. Therefore, I have introduced a bill, H.R. 343, to do just this.

I have also become aware of a somewhat similar problem which exists in the railroad retirement program. Under that program a woman with 30 or more years of railroad service can retire on a full annuity at age 60 while a man with the same amount of service cannot retire on a full annuity until age 65; if he retires before age 65 his annuity is reduced. The unfairness of this situation is obvious, and I have introduced legislation, H.R. 11646, to provide men with the same benefits the present Railroad Retirement Act provides for women.

I am very much aware that these are expensive provisions. They are, however, designed to increase the incomes of our older people who now subsist on meager incomes. The age 60 amendment to the Social Security Act would increase the level cost of that program by 2.2 percent of taxable payroll and the change in the railroad program would increase the cost of that program by about 1 percent of payroll.

Mr. Speaker, I would point out that improvements in the social security and railroad retirement programs are not manna from heaven. Rather, they are benefits which have to be paid for through the contributions of workers and their employers. The changes I have proposed are those which I believe should be made. We can make these changes if we are willing to pay the cost, if employees and their employers are willing to pay the increased taxes required. Altogether the changes I have suggested would require an increase in social security income equal to 3.19 percent of taxable payroll and an increase in railroad retirement income equal to 1 percent of payroll. This would amount to about $9½ billion for the social security program and about $50 million a year for the railroad program.

I realize that these are large amounts of money. At anytime they would be large amounts, but in the present fiscal situation they are very large. However, it is the cost we must pay if we are to have these changes. I hope that when the appropriate committees next consider social security legislation and railroad retirement legislation they will give full consideration to the changes I have suggested.

VIETNAM—ONE STEP FORWARD, TWO STEPS BACK

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, the President's June announcement of the withdrawal of 25,000 U.S. troops from Vietnam, coupled with his publicly avowed hope of exceeding the troop withdrawal schedule proposed by former Secretary of Defense Clark Clifford, was a step forward and out of the Vietnam impasse. To be sure, it was a very modest step. It was preceded by 6 months of hesitation, during which many of us wondered if the loud clear message of American voters in November, 1968, had fallen on deaf ears, and feared that the administration would let the limited time for new initiatives slip by without action.

Once committed to the logic and necessity of troop withdrawal, however, it seemed reasonable to assume that the administration would follow one good step with others. Instead the June announcement has stood alone as the steps back have multiplied.

We have been treated to Department of State judgments that the movement of supplies and men from North Vietnam has significantly dropped in scale, closely followed by statements to the contrary from the Pentagon. We have learned of a discernible lull in enemy-initiated action in South Vietnam, but of no discernible response by our forces. We have heard the all too familiar reports from the field: "the enemy is hurting"; "pacification is moving forward"; "we shouldn't let up the pressure now." We have witnessed politics as usual in the Saigon government. And we have waited in vain for an announcement that U.S. troop withdrawals will continue and increase in size.

Mr. Speaker, one small initiative, if not followed closely by others, is no initiative at all.

After 8 years and over 36,000 American men killed, the American people have more than proved their staying power. It is time for the government of South Vietnam to prove its staying power.

President Nixon has a great opportunity during the top-level review of Vietnam policy scheduled for this weekend. I hope that the first business of that meeting will be a decision to resume troop withdrawals—and on a scale that will make crystal clear this administration's determination to end the war to Hanoi, to Saigon, and, above all, to the American people.

PRISONERS OF WAR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, of all the tragedies visited upon our people by the war in Vietnam, possibly the deepest of all hurts and the heaviest of all burdens are borne by the families of soldiers and airmen held as prisoners by the government of North Vietnam.

The families of these men have no way of knowing whether they are alive and well, how they are treated, or even how to learn whether a missing man may be prisoner. Men have simply vanished; some are dead, some are wounded and imprisoned, and still others are well and imprisoned. But few families have any way of knowing what lies beyond the void phrase of "missing in action."

Our Government has no way to account for these missing men; we know

only that they are missing. Our Government has no way of knowing how they are treated. There is no international inspection of prisoner camps, no mail, no outside packages of food or clothing. It seems pointless and cruel that prisoners should be held incommunicado, toward what end one can only imagine.

It is the responsibility of our Government to urge every effort by international agencies, and to seek every means by negotiation, to learn the status of men missing and presumed to be prisoners. Our Government must redouble its efforts to see that these men receive adequate care and treatment. And we must do all that we can to secure their release.

I join my colleagues today in urging the administration to take every possible step to obtain news of American servicemen who are held prisoner, to assure their well-being and early release. I join my colleagues in urging the Government of North Vietnam to observe the requirements of the Geneva Convention. I pray that our Nation, international organizations and the citizens of the world will join in seeking humanitarian treatment for these men.

INHUMANE TREATMENT OF AMERICAN PRISONERS OF WAR

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 20 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, my good friend and colleague, the gentleman from Tennessee, Representative RAY BLANTON, has been deeply concerned, as all of us have, over the statements made by two American servicemen recently released by the North Vitenamese. These men have told of the inhumane treatment they and other American prisoners of war are receiving in Communist prison camps.

Representative BLANTON has recently undergone surgery, and although he had hoped to be here today, his physicians advised against it.

In his behalf I include Representative BLANTON'S comments in the RECORD:

STATEMENT BY MR. BLANTON

Today I have introduced for myself and 98 colleagues, a concurrent resolution formally condemning the government of North Vietnam and their Communist allies in South Vietnam, for the cruel and inhumane treatment of American servicemen who by some misfortune find themselves at the mercy of their captors.

The sponsors of this resolution represent nearly every state in the Union, and varying political persuasions. We are not concerned here with any policy declaration about the United State's participation in the War in Vietnam. Our purpose in sponsoring a resolution of this nature is to clearly express the Sense of Congress that we are sincerely concerned with the plight of several hundred young men who we have good reason to believe are suffering barbaric and uncivilized treatment at the hands of their Communist captors in prisoner of war camps in both North and South Vietnam.

Our goal is to create enough outrage and indignation by the American public to be heard all the way to Hanoi. We know that North Vietnam and the Communist troops fighting in South Vietnam listen, and are heavily influenced, by American and world opinion. We know that if enough clamor is raised, enough pressure will be put on the North Vietnamese and their allies to at least provide elementary and basic care for the prisoners they have interned.

We are fully cognizant of the rejection by the delegation of Hanoi and her allies at Paris of a letter signed by 42 American Senators, deploring the treatment of POWs. We feel that a formal declaration by the Congress of the United States will be an effective way to convey the concern our countrymen feel over the treatment afforded captured members of the American Armed Services.

In 1949, the Geneva Convention set forth some very basic humane rules which signers of the accord would abide by in the event they held prisoners of war. These concepts represent the very minimum of what so-called "civilized" societies were expected to do. North Vietnam signed this accord in June of 1957, and therefore she pledged her word to abide by its provisions.

The four minimum provisions for treatment of captives are as follows: identification of the prisoners they hold, (2) impartial inspection of prison facilities should be periodically allowed, (3) seriously ill or injured prisoners should be immediately released, and (4) the free exchange of mail between families and prisoners should be permitted.

I have been assured by the Department of Defense that the United States abide by these fundamental tenets of humane treatment. But we have learned from the few prisoners Hanoi has released, and from intelligence reports, that American prisoners of war, held in formal POW prisons in the North, and mobile prisons in the South by their allies, are not afforded such treatment. In fact, the American POWs have been subjected to barbaric abuse which mirrors the savagery of ancient days.

North Vietnam holds at least 340 prisoners of war, and possibly as many as 1200. We are not sure of the exact number, because they have not had the humanity to release the names of the prisoners they hold. They have made a few token releases for obvious propaganda reasons, however some families have had servicemen listed as missing or captured for as many as five years. These families do not know whether their sons, husbands or fathers are alive or dead. The cruelty of the Communist treatment to the POWs themselves thus extends to thousands of relatives and friends of those servicemen here in the United States.

Of the few prisoners released to date, they have told of harrowing stories about their captivity. We know the POWs are subjected to physical torture, psychological terror, public display, insufficient medical care and treatment, neglect of health, dietary and sanitary necessities, prohibition of correspondence with families, and forced compliance with propaganda and political exploitation.

What can these people accomplish by such treatment of helpless individuals at their mercy? They can break their will and spirit—all humans have a breaking point. But the condemnation of history and of decency will forever be their legacy. Likewise, the road to any meaningful peace will forever be impeded until such treatment stops, for the American people will not long tolerate such depravity against her sons.

The Congress of the United States, under whose authority millions of young Americans are conscripted for military service, has an obligation to speak out and make its position clear. We have a moral obligation and a legal duty to the families of these American prisoners of war to the men themselves, and to their comrades on the battlefield now and in the future, to deplore the criminal, uncivilized actions of the government of North Vietnam for its inhumane treatment of our servicemen.

I am proud to introduce this resolution on behalf of the many concerned colleagues who feel we must honor our obligation to speak out on this serious and grave matter. I will insert the list of sponsors following this statement.

I would also like to suggest to my colleagues that they take full advantage of the special order my colleague from Alabama, Congressman DICKINSON, has arranged for next Wednesday, A full airing of the POW situation will be made at that time, and I understand members of the families of many of our POWs will be on hand. I commend Mr. DICKINSON for this interest.

POW RESOLUTION SPONSORS

Abernethy, Thomas G. (Miss.).
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O'Neal, Maston (Ga.).
O'Neill, Thomas P., Jr. (Mass.).

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Williams, Lawrence G. (Pa.).
Wold, John (Wyo.).
Wydler, John W. (N.Y.).
Wyman, Louis C. (N.H.).
Zablocki, Clement J. (Wis.).
Zion, Roger H. (Ind.).

COMMUNIST MISTREATMENT OF AMERICAN PRISONERS

Mr. Speaker, it is a privilege to have the opportunity to join with Mr. BLANTON and others in cosponsoring the concurrent resolution condemning the Government of North Vietnam and their Communist allies in South Vietnam for the cruel and inhumane treatment of captive American servicemen.

My concern is, of course, for these men now captive and their families as well as future American men who will become their prisoners.

The Communists have time and again in Vietnam as elsewhere demonstrated they have little regard and concern for human life and no comprehension of the concept of humane treatment.

We have all heard, of course, from the two recently released American prisoners how Hanoi actually treats our captive servicemen. These revelations were shocking.

However, I feel that at least one aspect of Hanoi's cruelty to these Americans and their families has not been fully disclosed. It has to do with the scores of Americans, particularly flyers, who are missing over North Vietnam and considered by the Defense Department to, in all probability, be captives.

A case in point involves a Navy flyer from my district, Metropolitan Nashville-Davidson County, Tenn.

He is Cmdr. William Porter Lawrence of the U.S. Navy. Commander Lawrence was shot down near Nam Dinh, North Vietnam, on June 28, 1967, and no word of or from him has been received since.

It is hoped that Commander Lawrence parachuted to safety and is now a captive. His radarman has been reported as having been seen by another prisoner and his parachute was seen opening as his aircraft went down. The Navy also has stated that his homing-rescue device was active and transmitting signals. He is considered by the Navy to have been captured but there is no substantiating evidence of this.

Mr. Speaker, this is mental cruelty and torture of the most perverse type. Billy Lawrence's family have for more than 2 years lived with only hope and prayer that their son may be alive.

Every conceivable effort has been made to secure information on the whereabouts and condition of Commander Lawrence through neutral nations and indirectly through the North Vietnamese Government but to no avail.

What is to be gained Hanoi by this type of conduct—cold, calculated cruelty? There is little we can do by way of overt action to change this policy in North Vietnam. However, if it is true that Hanoi is responsive to American public opinion then our words here today, hopefully, will initiate a wave of national indignation which will be heard by the North Vietnamese. For us it is just about all that we can presently do, but if public opinion is our only weapon then let us employ it with the maximum of efficiency.

ISRAEL'S RIGHT TO DEFEND ITSELF

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, the 21st summer of the Arab war against Israel has seen an alarming number of unpunished—and therefore undaunted—aggressions from the many quarters of the Arab world. These include—and the list is by no means exhaustive—constant heavy Egyptian artillery barrages and commando raids across the Suez Canal; innumerable attacks launched from Jordan and Lebanon against Israel positions and settlements; the shelling of a Dead Sea beach resort area by Iraqi troops stationed in Jordan, killing a 26-year-old American girl—the first tourist death since the June war; the blowing up by terrorists of a pipeline in Haifa and Aramco's tapline in the Golan Heights; the terrorist explosion of a car on a street corner in Tel Aviv; the terrorist hijacking 2 weeks ago of a TWA plane to Syria, which is still holding two Israel civilian passengers captive; and terrorist attacks on Israel and Jewish establishments in London, Bonn, Brussels, and The Hague.

As if to assure the world of their aggressive madness, Arab government leaders have called for a Moslem holy war and Arab terrorist leaders have vowed a no-holds-barred war against Jews everywhere, including the United States.

Throughout this long hot summer of Arab aggressions—cease-fire violations—the United Nations Security Council and Secretary General U Thant have looked the other way, insisting that Israel do the same and condemning her when she does not.

But unlike the United Nations, Israel cannot afford to ignore the fact that Israel soldiers and civilians are picked off and murdered daily by Arab regular and "irregular" forces. And while she surely appreciates the tongue clucking by Western powers occasioned by some particularly outrageous Arab atrocity, she can hardly rely on that as a means of defense.

In keeping with the time-honored adage that those who play with matches get burned, Israel has finally struck back hard at Nasser's Egypt. Once more, as James Reston observed after the June war, Israel has "had the courage of our convictions."

I am, therefore, both shocked and puzzled by the invectives which have been hurled against Israel this week, branding her counteraction against Egypt as "aggression" and calling upon our Government to cut off arms to Israel.

Israel's strength alone keeps the Middle East from exploding into a new war. That the Arabs would launch a full-scale invasion to destroy Israel and massacre her people if there were any chance of success is readily admitted—no, promised—every day by Arab leaders, Arab terrorists, and the Arab press.

Democratic countries who are both willing and able to stand up for themselves are few and far between in this world, and it is in America's highest interest to support them. Surely we can recognize that rarity, a stable democratic state capable of its own self-defense, when we see it.

Israel has never asked that American troops be sent to her defense, but only that she be permitted to buy from us the military equipment she needs to insure her survival. To deny Israel the means for her self-defense is, by definition, to condemn her and her people to death.

CONGRESS DELAYS WHILE THE STUDENT LOAN PROGRAM COLLAPSES

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

Mr. PODELL. Mr. Speaker, hundreds of thousands of students on the Nation's campuses depend upon student loans at moderate interest rates in order to obtain higher educations. This year, while Congress squats on dead center, several hundred thousand of these young people, whose only crime is that they attend colleges and universities, anxiously and with increasing despair watch time run out on their chances to obtain these loans. More than 200,000 of them will be unable to attend classes if they do not receive them.

In 1965, the Federal Government began guaranteeing student loans and paying the 6 percent interest on them until these students completed their educations. In 1968, Congress raised the ceiling on Government interest payments to banks from 6 to 7 percent. Since then, however, banks have been able to raise the prime interest rate to 8½ percent. Such usurious interest rates make it far more profitable for them to invest in enterprises other than higher educations of America's young people. Therefore, they are refusing to make these loans with available funds.

Banks insist supplemental interest payments are essential. They demand their pound of flesh or no capital for education. Sheepskins be damned, is their motto. The hide of the average small borrower is more lucrative to them.

Even the sweat of overworked parents cannot come up with enough in the way of interest to make them loosen purse-strings. Therefore, a program is now in jeopardy which loaned college money to 750,000 young Americans last year.

A guarantee of more interest from the Congress to banks is therefore called for, and I believe the House must move in this direction. The Senate has already taken affirmative action. The scope of this looming disaster is readily apparent when we realize that 750,000 students who borrowed last year under the guaranteed loan program accounted for $670 million. Loans under the three other major Government loan programs to students came to only $625 million. These latter programs have been cut or held even this year, making action on our part even more imperative.

In addition, we must realize that on almost every campus across the Nation, tuition and other educational fees and costs have risen once again. Students and their families are caught in an impossible bind. Right now the measure which would allow Government to offer a guarantee to banks of an increased interest rate is stalled in a procedural tangle which exposes the worst elements of Congress to the light of day. How can we sit here passively while perhaps a quarter of a million young people helplessly see their eductions placed in jeopardy? How can we daily pay lip service to all the American ideals if we are able to turn around and perpetrate such an act against these youngsters, who are not guilty of a thing save a desire for an education?

There is talk of an antirioting amendment. I say this is nonsense, and most of the Members of this House are in perfect agreement. The vast majority of students on our campuses, and there are going to be 7 million this year, are the finest group of young people this Nation or any other country has ever assembled and produced. They are the hope of our land, and few are guilty of the multitude of sins the ignorant and demagogic among us are fond of accusing them of. On specious grounds of rabble-rousing slogans, we are prepared to deliver a body blow to the hopes of so many. Scandal and national shame are not strong enough to describe this state of affairs.

A time has come for this Congress to reaffirm its hope in the future of this Nation, rather than damn the ills of our past and search for doom in the present. It is time we showed a smidgin of faith in our own ideals and the young people who reflect them, rather than damning them as hoodlums, drug addicts, and professional dissenters. They merely mirror the rest of our society.

PRESIDENTIAL ACTION CAN SOLVE THE HOUSING SHORTAGE

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

Mr. BARRETT. Mr. Speaker, recent newspaper accounts of the confrontation between those employed and those seeking employment in the building trades in Pittsburgh relate a situation which could develop in every city in the Nation. This situation need not exist.

The Congress last year enacted a Housing and Urban Development Act setting forth housing goals for the next 10 years, which if implemented and put into effect by the administration would resolve the dilemma. In fact, a labor shortage could develop in the building trades.

The present situation is a direct result of Presidential determination. The President can act to resolve the problem in Pittsburgh and elsewhere, and at the same time move the programs forward to provide decent, safe, and sanitary housing for all the people of our Nation.

An acute analysis was presented by Michael Harrington in the Washington Evening Star of September 9, 1969, which I include for my colleagues to read:

BLACKS, UNIONS ROW CAN BE SOLVED

There is a simple way to resolve the bitter conflict between blacks and building tradesmen in Pittsburgh. But since it is also expensive the government will almost certainly not act and both the Negroes and the union men will both lose no matter which side seems to win.

The basic problem is that decent work is scarce. The blacks rightly want to break out of the menial, janitorial occupations to which this society assigns them; and those whites who are already employed understandably want to protect their jobs. Under such circumstances there has to be a destructive collision.

But if there were a sudden increase in the demand for construction workers all that would change. The white labor force would be secure and there would be a need for new men, many of them black. And once the fundamental economic quarrel over jobs was settled there would still be personal prejudices between the old antagonists, but the desperate urgency of the current confrontations would be gone.

Such a solution has already been proposed by a Presidential Commission and then, as usual, been filed and forgotten. Less than one year ago Sen. Paul Douglas' National Commission on Urban Problems told the White House and the nation that if the goals of the Housing Act of 1968 were actually put into effect, there would be a labor shortage in the building trades. If that happened then the same economic logic which recently caused auto makers to hire ghetto dwellers would begin to operate: it would be profitable to compete for the talent of the poor, both black and white.

The innocent observer might think that just because a blue-ribbon panel shows that we can get more housing and less racism in one stroke, the society will act. But that, as anyone who has followed the generation of broken promises in this area knows, is not the case. It would take federal money and imagination, and Richard Nixon is stingy with both.

Pat Moynihan's announcement that there would be hardly any new funds for social spending right after the end of the Vietnam war—assuming that the President stops equivocating and ends that tragedy—was a statement of political choice, not economic necessity.

If you assume the administration's particular, and wrong-headed, priorities—like allocating billions to ABM and MIRV—there won't be enough cash around. But if, as Pat Moynihan himself brilliantly pointed out in his last book, the arms race were deescalated and social values became primary, the supply of Federal dollars would grow faster than the demand for them.

So Nixon is not bowing to the economic fates but making his own choice. It is for that reason that there won't be money for housing, or for many other things, and that the war in Pittsburgh between the ex-poor of the Thirties and the now-poor of the Sixties will go on. And the sad fact of the matter is that, under current conditions, neither side can win.

There are union men who have already cheered George Wallace in Pittsburgh and there are blacks who are convinced by these events that labor is indeed racist. In short, two of the key forces in any potential progressive coalition are turning against one another.

Even if the Negroes would win a few jobs, they would lose the political possibility of getting an administration which would open up decent work for all the poor. And even if the whites repulse the blacks, they will be helping forces, like the people behind Wallace, who are the enemies of union security. The overwhelming majority of American trade unionists understood this point when they voted for Humphrey, not Wallace or Nixon, in 1968.

But there is one alternative to the impasse in Pittsburgh which just might work. The nation is filled with people deploring the conflict. Let the union agree that new jobs will be filled without discrimination and with special concern for the poor, of whatever race. Let the blacks understand that the crucial problem is to create new openings and not to displace, and embitter, the employed. And then let them join and call the American bluff. Let them demand that Richard Nixon and George Romney redeem the 1968 pledges about housing and open up new jobs in Pittsburgh in the process.

Farfetched? But the building tradesmen, and particularly the Carpenters, are now accepting the idea of mass produced housing; and as long ago as the great March to Washington of 1963 black America understood that freedom could only come with new jobs. And more to the point, if this society continues to default on its promises, if black and whites fight one another rather than uniting to get work for all, those clashes in Pittsburgh are going to be repeated in every city in the nation.

ASSISTANT SECRETARY PALMBY SPEAKS OUT ON AGRICULTURAL TRADE

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

Mr. MIZE. Mr. Speaker, Assistant Secretary of Agriculture Clarence Palmby has diligently worked and traveled to promote U.S. agricultural exports. His efforts to overcome problems inherited from past years have been appreciated by farmers and by grainmen across the Nation.

His public statements on the difficulties the Nation is experiencing with the International Grains Arrangement have been honest and forthright.

Mr. Speaker, one of the best statements Mr. Palmby has made on the difficult problems of trade was before the September 3 meeting of the Illinois Grain Corp. In that statement, Secretary Palmby outlined some of the steps taken by the administration to keep U.S. products competitive and increase future exports.

There is no more crucial area of trade policy than agricultural trade. Our agricultural plant is the most efficient in the world. Diplomacy and hard-headed busi-

ness tactics must be combined to promote the future prosperity of U.S. agriculture through productive export policies.

Because of the clarity and obvious good sense of the Assistant Secretary's remarks in Illinois, and because a healthy commodity trade helps our entire economy, I insert his statement in the RECORD at this point:

YOUR AGRICULTURAL EXPORTS

(Remarks by Assistant Secretary of Agriculture Clarence D. Palmby)

I am pleased to be with you this evening—to share views with a group so important to the agriculture of this great farming State. My thanks to Barney Adomeit for his invitation—and to all of you for your kindness and hospitality.

Barney is a long-time friend. I don't have to tell you what he has been able to achieve with the Illinois Grain Corporation, in the very few years he has been your General Manager. But I might add that he is highly appreciated throughout the cooperative field—and thoughout agriculture in America.

I want to talk with you about some of the problems that we have before us in world trade. Barney points out to me that Illinois is not only the number one agricultural exporter, but also the leading exporter of manufactured products among the 50 States. Illinois is truly a part of the world community.

The strengthening of American agriculture—through market development here and throughout the world—is a major goal of the Administration. It is one that engages a large measure of my time and energy. It is one that each of you shares in, as a marketer of grain and soybeans.

Our farm exports have fallen off some in each of the past two years—declining more than a billion dollars from the record level of $6.8 billion in 1966–67. The dock strike was, of course, a major contributor—one we'll never fully be able to measure although estimates exceed $200 million of direct loss to farm exports.

I am deeply concerned about the need to strengthen our exports of corn and other feed grains—to resume market growth in these commodities. Prospects are not too bright, and there are a number of reasons for this—none of them easy to resolve.

The current level of world exports of feed grains, including products, is perhaps slightly below the level of the past five years. Utilization is increasing in the traditional importing areas, especially in Europe and Japan, as livestock and poultry industries expand. In Europe, however, grain production for feeding purposes has also increased—even faster than use. The result is a decline in import requirements in recent years.

At the same time, there has been an increase in imports of other—non-grain—ingredients.

The U.S. share of world feed grain trade has actually declined. In recent years, the U.S. had held half of the world feed grain export market. Our share declined in 1968–69 with exports at a level of only 18.2 million short tons—out of total world exports of 44 million tons.

This decline came in the face of stiffening competition from other countries.

While it is too early for reliable estimates of U.S. feed grain exports in the coming year, there are signs of some improvement. South Africa is out of the export market until next April, and Argentina reportedly has already committed its current export availability of corn.

Even so, it will be extremely difficult for the U.S. to supply half of the world total movement this new marketing year.

The export picture would be brighter, were it not for the tremendous oversupply of wheat in the world. The problem with wheat is so great that it overflows into the markets for other grains and feedstuffs throughout the world.

Carryover stocks of wheat in the five principal exporting nations will total around 2 billion bushels at the end of the 1968–69 marketing year—an increase of some 620 million bushels from last season. This is the third straight year that world stocks have increased. Most exporting and some traditionally importing countries have contributed to the increase.

The oversupply of wheat in the world is creating plenty of problems in the international wheat trade. There has been price cutting by all exporters. We have had to make adjustments in our own pricing under the International Grains Arrangement.

The U.S. carryover on July 1 was 811 million bushels—up from the 539 million bushels of a year earlier.

The Canadian carryover is estimated at 830 million bushels, a record high and more than 400 million bushels over the level of 3 years ago.

The French carryover is estimated only slightly up from a year ago. However, France has shipped most of her surplus wheat to West Germany and other countries in the European Economic Community, which will show an increase in carryover of at least 40 million bushels.

The Argentine carryover will be down from the level of a year ago. But the Australian carryover, at 250 million bushels, will be three times the previous high of two years ago and five times what it was last year.

So there is a great deal of wheat in the world. There is also the disruption of traditional wheat and feed grain markets by Nations eager to move wheat at cut-rate prices. We have seen sales of French wheat to Taiwan at prices at or below the levels at which we could deliver feed grains at free market prices prevailing in the United States. We have seen sales of Soviet wheat attractively priced to the United Kingdom—sales that were disruptive of normal trade patterns.

For several years, feed use of wheat overseas has been rising. In Europe, where locally produced wheat consists predominantly of low-quality kinds, the volume has varied considerably according to the quality of each season's crop. But generally, about a fourth of the wheat crop has been fed to livestock, and this has supplied about a tenth of all grain fed.

Recently, however, we have seen the emergence of sizeable soft wheat surpluses, and an increasing use of subsidies and price manipulations to force this surplus wheat into feed use. The EEC, Spain, and the United Kingdom have all shown appreciable increases in feed use of wheat.

This past year, Europe fed a record volume of wheat—probably close to 14 or 15 million tons. The U.K. and the EEC alone are believed to have shown a 2 million ton increase last year, and there may be a further increase this year. The EEC, using import levy revenues, is doling out around 50 cents a bushel to subsidize greater feed-use of wheat. This has, of course, cut sharply into traditional EEC feed grain imports.

Elsewhere, feed use of wheat is not great, but an increase is certainly possible. Recent declines in world wheat prices have caused feed manufacturers in some countries to ask whether it is not cheaper to import wheat rather than corn or sorghum for feed. This is already being tried in Taiwan.

Those are some of the realities that we are up against in promoting the export of U.S. feed grains. All is not black, of course. As we look toward the future, there is every reason to look for a general growth in agricultural trade, provided the world can get its trade policies on some kind of rational basis. Like other world problems, this one won't be easy to solve. Nevertheless, it is difficult not to find encouragement in the general growth in economies that is taking place around the world.

Most West European countries are experiencing substantial growth. Japan had a real per capita growth in 1967–68 of 12½ percent. The lesser developed countries are expanding their economies at an average of about 3 percent.

I have been quite interested in the growth that is taking place in Japan, Korea and Taiwan. We believe that, each year in the foreseeable future, the use of grain for feed in those three countries will go up by one million tons. This will continue to be an opportunity for U.S. grain and soybean producers as those countries expand their livestock and poultry industries.

The extent that we actually share in that market growth may be complicated by grain production and use patterns in Europe, and in other countries where prices are highly protected. The pattern under the EEC's Common Agricultural Policy has been to support internal prices at levels considerably above world prices, thus discouraging utilization, encouraging high-cost production; then export under a high subsidy at prices that undercut the world market.

This kind of pricing is unrelated to prices in other trading countries. It is highly disruptive to the world market.

At this point, I might say a few words about the International Grains Arrangement—the world-wide understanding governing wheat exports. The IGA is a three-year treaty and runs through June 1971. The U.S. is a signatory.

Our frustration in administering the provisions of the IGA goes back to the wheat and grain situation prevailing in the world from 1965 to 1967. The Grains Arrangement came into being at a time when world wheat supplies had been low the preceding two years—thanks in large degree to U.S. production restraints.

By the middle of 1968, when the treaty went into effect, the supply situation had changed and prices were already below the IGA minimums. So there was little or no flexibility from the beginning.

To make things worse, the fact that most prices were built around the Gulf of Mexico as a basing point has forced the U.S. into a rigid pricing position. U S. representatives were placed in a fixed posture relative to other exporters. Prices to other exporters are based on transportation differentials which are widely variable and subject to abuse.

For another thing, the Arrangement set a fixed schedule of minimum prices for 14 major wheats, which has resulted in a rigidity in pricing. This has worked against the United States because our country supplies several classes and finds itself with little or no flexibility to adjust prices between these wheats.

We have made selective adjustments in export prices of certain U.S. wheats to restore them to reasonably competitive levels in the world markets. Announcement of this was made just last week. This was a very restrained action, taken in an effort to bring stability to world wheat markets.

Stability in world wheat markets would be to the advantage of all U.S. grain producers—feed grain as well as wheat. We had come to the point where hardly any wheat in the world was moving at agreed-upon price levels, and this was damaging to our markets for all classes of grain.

Our effort to stabilize world grain markets does not change the fact that there is a large volume of wheat in the world in excess of demand. It does not change the protectionist tendencies being fostered by the European Economic Community. But it does reflect a consistent, patient, reasoned effort on the part of your Government to liberalize and rationalize the world trade in farm commodities.

It is also important that our own com-

modity programs be operated in terms of the real world—and in such a way as to permit our products to compete. All of our efforts to develop markets and to maintain access to those markets will be wasted unless our commodities are competitive in quality, availability, and price. Our experience with soybeans is a case in point.

Soybeans have been a growth factor in American agriculture, particularly during the past 15 to 20 years. Here in Illinois, the harvested acreage of soybeans has increased in 15 years from around 4 million acres to around 6½ million acres.

Historically, Federal policies have been such as to support and encourage this growth. Since 1966 however—when the price support was raised to $2.50 a bushel—it is quite apparent that soybeans and soybean products have lost markets and potential markets to competitive products.

We have lost markets here at home—particularly to synthetic urea and imported fishmeal.

We have lost markets abroad.

The rate of growth in soybean and soybean meal exports definitely slowed down after the 1966 price support decision. In the case of oil, the picture has been even more discouraging. By 1967, soybean oil exports, as oil, began to decline—a decline which continued through the past marketing year ending August 31.

With this background, we had to make a decision this year whether to continue unrealistic and destructive pricing—or to resume a price relationship that would permit growth. You know what that decision was. The determining factor was the longer-term welfare of soybean farmers.

The present policy is one of producing for use—rather than a non-use policy that simply stores problems for the future.

Only 87 percent of the 1968 crop of soybeans has been utilized during the 12-month period just ended. We expect over 97 percent of the 1969 crop to be utilized during the marketing year now beginning. If we assume no change in price support next year, over 100 percent of the 1970 crop should disappear in the subsequent 12-month period. The soybean experience illustrates how, through unwise price fixing, future income may be placed in producers' hands long before the product is used—thereby mortgaging what should be tomorrow's income.

Having made our decision to be competitive in 1969–70, our major export markets are already responding with some improvement.

In Europe, our 1969 crop soybeans and soybean meal are now being sold at prices that are quite competitive with other proteins and oil seeds. Even our soybean oil, which moves to Europe "packaged" in the form of beans, appears to be meeting improved demand, although we are not optimistic about our commercial soybean oil exports in general.

In Japan, essentially a market only for soybeans, our reduced 1969 support price will further stimulate utilization.

Secretary Hardin has formally requested that the Japanese remove their import levy of 33 cents a bushel on soybeans. During the Kennedy Round negotiations under the General Agreement on Tariffs and Trade, the Japanese obligated themselves to remove one-half of this levy by the end of 1971. At the recent Ministerial level meeting with Japan, the Secretary asked that this action be speeded up and that the entire levy be removed—not just 50 percent of it.

We feel that this request is eminently reasonable because of the wide gap that now exists in the trade balance between the two countries. Japan is selling to the U.S. about $100 million in goods *per month* more than we are selling to Japan. This is a discrepancy amounting to well over a billion dollars on an annual basis, and we would like to fill as much of that gap as possible with U.S. farm products.

By removing the 33 cent import levy, Japan would effectively reduce the price of U.S. soybeans to Japanese users. Japan is, of course, our biggest market for soybeans, and we would like very much to see the maximum advantage of our lower price support passed on to the user in Japan. This will tend to discourage the present development of amino acids for feeding, produced synthetically from petroleum products. Price is definitely a factor in this development.

Japan is a country where the livestock and poultry industries have expanded. Still, Japan's per capita meat and poultry consumption remains below 25 pounds a year—which is near the average for East Asia but far below Western Europe and the United States. The average American consumed 228 pounds of meat and poultry last year.

In the long-term future, exports of feed grains—and to a considerable extent soybeans—will be determined by the rate at which we can be instrumental in expanding livestock and poultry production in other countries. If we are reasonably optimistic about the improvement of living standards in the world, this has to represent opportunity.

For example, if Japan's per capita meat consumption were raised just to the 31 pounds now prevailing in Taiwan, this would require an additional 1.1 million tons of meat. In Indonesia, this would translate to 3.3 million tons of additional feed.

It may seem excessively hopeful to talk about increasing meat consumption in India. But to raise India just to the Indonesian level of 12.5 pounds of meat per person would require 3.9 million tons of additional feed grains. The Indians now consume only 3 pounds of meat per capita.

When you compare the more developed countries, the differences are even more striking.

To raise Italy to the present average of 128 pounds in the EEC would require an additional 7.3 million tons of feed. And to increase meat consumption in Spain just to Italy's present level of 68 pounds would require 2.1 million tons of grain.

So it is apparent that a world of rising economies and rising expectations offers at least the long-run potential for a large expansion in the use of feed grains and meals. New varieties and modern technology have shown the way toward increased wheat and rice production in the world. More attention must now be paid to developing the capital and providing the technical know-how to aid the development of modern efficient livestock and poultry economies.

If we are to share fully in such an expanding market for grains and other feeding components in the world, we must continue to work hard at maintaining our lead in production and marketing efficiency. We have the finest agricultural plant in the world; we must be sure that we follow policies allowing the maximum application of improved technology. I have great faith in the world's continuing recognition of the advantages inherent in passing on (to a forever increasing number of people) access to goods produced for the least cost.

I might say here that those of us who are so vitally concerned with export markets have emphasized price to the point where many farmers may find it disheartening. Certainly, I sympathize with this concern, particularly in a time when grain prices are under great pressure.

But if we expect to be in the export market—and we must—then we have to be interested in long-time policies that do not unduly encourage production for export in other countries—either exporting countries or potential exporters.

There are areas like South Africa, which is in and out of the world corn market as conditions warrant. There are areas in Australia, where unrealistic prices on our part may encourage undue application of capital. Australia might conceivably become a serious threat to our market for feed grains in Japan.

In summary—I have mixed feelings about America's present and future role in the world's feed-livestock economy.

There is a great amount of wheat in the world—an increasing amount of it going into feed.

There is a disappointing growth in protectionism—particularly in the European Economic Community.

Domestic policies in some countries favor uneconomic growth in grain production.

Farm exports, generally, are $1.1 billion dollars below what they were two years ago.

U.S. feed grain exports the past marketing year were down about a fourth from 1967–68.

Yet there is the prospect of long-term growth in world feed requirements. The United States, with its magnificent capacity to produce feed grains and other feedstuffs efficiently, should expect to share in this growth.

In order to do so, we must promote sales aggressively. We must use wisdom in developing and administering our own domestic farm programs. And we must work untiringly to bring about increased liberalization of trade policies in the world.

The Administration is committed to these goals. We are committed to policies that will help producers and the trade to maximize the use of American farm products, here and abroad. We look to the future—not with unbridled optimism—but with real determination to strengthen the position of American agriculture in the world economy.

EVERETT McKINLEY DIRKSEN

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

Mr. DEVINE. Mr. Speaker, thousands of words of tribute and respect have been uttered and written following the untimely passing of that great American, Everett McKinley Dirksen.

I am honored to join my colleagues in giving deserved recognition to this outstanding leader of his Nation and his party.

The Columbus, Ohio, Dispatch, published a fitting editorial on September 9, 1969, which is reprinted as follows:

FUNDAMENTALLY A PATRIOT

Senator Everett McKinley Dirksen had the will and determination to pursue whatever course he believed was for the benefit of all Americans. He was fundamentally a patriot.

Death has taken this Illinois Republican from the United States Senate. Both the Republican party and the nation have suffered a loss at his passing. And the Senate, where he pressed the pedals of his organ voice with gusto, never will be the same without him.

Some critics said of Mr. Dirksen that he was wont to change sides on a question and that this was not the attribute of a good leader. But Mr. Dirksen would be the first to admit that he would not be hobbled by a blind consistency. For he described himself as "just an old-fashioned garden variety of Republican who accepts challenges as they arise. This is a dynamic age in which we live and sometimes you have to change your position."

The Illinois senator had a cultivated Olympian aplomb and he never shied from center stage when a political free-for-all loomed in his path.

In the 1952 Republican National Convention, he roundly castigated Thomas E. Dewey of New York for opposing the nomination of Sen. Robert A. Taft of Ohio and for favoring Dwight D. Eisenhower. Yet, after General

Eisenhower's election to the presidency, Mr. Dirksen and Ike became close collaborators.

And when some fellow Republicans mumbled about Mr. Dirksen's seeming collaboration with Democratic Presidents John Kennedy and Lyndon Johnson, the Illinois senator would admonish that an American "should always be willing to trust his president."

As a legislator, Mr. Dirksen considered himself to be a Lincoln Republican and he plugged continually for such diverse proposals as prayer in public schools and a system under which one house of each state legislature could be elected on other than the one-man-one-vote basis.

Underneath Mr. Dirksen's complex political facade was a man who was gentle, patient and kind, a man who could be undeniably cranky with an opponent one moment and unusually sociable with that same critic the next.

He once turned out a "Gallant Man" recording in which he recited American historical background with his honey voice and his gospel-style gush of words. In it he extolled the patriotism of great Americans of the past.

A sequel should be issued to "Gallant Man." It should feature the Americana of Everett McKinley Dirksen.

UTILIZATION OF MEDICAL PERSONNEL WITHIN THE VA

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SAYLOR. Mr. Speaker, in recent months, several distressing events have occurred in the medical and hospital system operated by the Department of Medicine and Surgery of the Veteran's Administration.

I have already introduced two bills to improve the situation. H.R. 12901 provides for the better utilization of scarce medical personnel within, and to improve the efficiency of, the Department of Medicine and Surgery. H.R. 13503 concerns the amount of annual and sick leave which physicians, dentists, and nurses in the Department of Medicine and Surgery may accrue and accumulate. It is surprising and equally disappointing to learn that the Veterans' Administration has filed adverse reports on both of these proposals.

The bill I am introducing today is intended to correct widespread abuses which have been found to exist in the Veterans' Administration system as it relates to several of its medical schools. In essence, my proposal will:

First, bar Veterans' Administration doctors from assuming responsibility for the medical care of anyone other than a patient properly admitted for treatment to a Veterans' Administration facility;

Second, deny the acceptance of payment by Veterans' Administration doctors for treating patients under medicare or medicaid;

Third, prohibit acceptance of travel pay or per diem from any source other than that authorized by the Veterans' Administration;

Fourth, prevent Veterans' Administration doctors from performing professional services for the purpose of generating income for any fund or account in a medical school for the benefit of the school or its employees;

Fifth, bar the transfer of patients to hospitals or medical schools for the purpose of permitting the affiliated institution to collect health care insurance;

Sixth, remove the veto power of medical schools over the appointment of Veterans' Administration medical personnel;

Seventh, provide that all sharing agreements between the Veterans' Administration hospitals and medical schools shall be reviewed by the Comptroller General prior to being placed into effect and will direct an annual audit of the agreement by the same official;

Eighth, permit adjustment of pay, leave, or both, in any pay period in which a doctor spends less than 90 percent of his time at the Veterans' Administration hospital to which he is assigned.

Mr. Speaker, I regret the necessity of having to sponsor legislation of this sort, but it appears to be essential in view of the prevailing attitude in the Department of Medicine and Surgery. Serious questions of abuse have been called to the agency's attention, yet no action of corrective substance has been taken to date.

CONGRESSMAN PATMAN BECOMES FIRST HONORARY MEMBER OF THE FORT KNOX FIRST STUDENT CREDIT UNION

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

Mr. PATMAN. Mr. Speaker, in an attempt to increase economic education available to students in this country, it was my thought that a system of credit unions, run by elementary, junior high, high school, and college students throughout the country, would be the best way to present this education, rather than in a formalized classroom atmosphere.

The first of these student credit unions was opened last spring at Fort Knox, Ky., and is available to the students and faculty of the Fort Knox High School. The early accomplishments of this credit union are outstanding. The credit union has attracted 175 members who have saved a total of $5,500. Thus, not only are the students learning financial management on a firsthand basis, but they are also promoting habits of thrift.

On Tuesday, as part of the annual meeting of the Defense Credit Union Council, I was made an honorary member of the Fort Knox First Student Credit Union. The honorary membership was presented by a group from the Fort Knox Federal Credit Union, which has so greatly helped to form and counsel the student credit union. Participating in the brief ceremony were Sgt. Maj. Leo C. Pike, president of the Fort Knox Federal Credit Union, Col. Donald Kersting, Col. Richard Miller, Mr. Willard Seivert, all members of the board of the Fort Knox Federal Credit Union, Mr. Robert Schaffner, treasurer-manager of the Fort Knox Federal Credit Union, and Gen. Evert S. Thomas, executive secretary of the Defense Credit Union Council and the head of CUNA International's Washington office.

In making the presentation, Mr. Schaffner made a few short remarks, which I include at this point:

I stand before you as a messenger boy tonight, Mr. Chairman—the officials and members of the Fort Knox first student credit union requested that I act in their stead to deliver to you a small token of their sincere appreciation.

Mr. Chairman, the youth of Fort Knox want you to know that they are delighted at having been chosen by you to be the first student group in the Nation to establish a pilot student credit union program. As you know, this program is well under way and is proving to be a most successful venture. As of last week, over 175 students have joined the five-month-old first student credit union. During these past five months, these aggressive young members have deposited nearly $5,500.00 in their share accounts. Several loans have been granted for such purposes as senior prom expense, a new Honda, a new bike, etc. I might add that all loans are being paid as agreed.

Mr. Chairman, through your wonderful years of service to mankind, you have received numerous mementos, many, no doubt, items of tremendous beauty. Tonight, it is my pleasure to present to you a certificate, naming you as the first honorary member of the Fort Knox first student credit union.

This certificate is not an item of particular beauty to the eye, but I contend, Mr. Chairman, that the beauty of this certificate would be extremely difficult to describe for it comes from the beauty of the hearts of the student members of the Fort Knox first student credit union.

Mr. Chairman, I would like to take just a minute to read the inscription on the certificate:

"Be it hereby known to all that Congressman Wright Patman has been designated an Honorary Member of the Fort Knox First Student Credit Union by special action and due proclamation of the Board of Directors.

"Given on this the 21st day of August 1965, A.D. at Fort Knox, Kentucky.

This certificate of Honorary Membership, Issued under the authority of and conferred by the Board of Directors of the Fort Knox First Student Credit Union, is presented in recognition of and appreciation for that person's sincere and active interest in and concern for America's youth, and particularly in the membership of the Fort Knox First Student Credit Union.

"Attested and sealed:

"JO ANN KELLY,
"Secretary of the Board.
"RONALD JAY KARPINSKY,
"President of the Board."

Mr. Speaker, it is, indeed, an honor to be associated with the Fort Knox First Student Credit Union and I hope that other school systems throughout the country will follow the Fort Knox lead and open their own credit unions.

The student concept has already spread to the college campus as reported in the August 18 issue of the American Banker.

The article follows:

STUDENT CREDIT UNION OPENED AT MICHIGAN UNIVERSITY

ANN ARBOR.—A credit union solely for college students has been established at the University of Michigan.

The U–M Student Credit Union will offer educational loans, personal and auto loans, a free check cashing service for all members, savings accounts, and general credit and consumer information.

Membership will be open to all students registered at the university and their immediate families, and continues after graduation.

A temporary office to receive share accounts has opened in the housing office on North Campus. A permanent office will open next week on the first floor of the Michigan Union.

The idea for the student credit union grew out of a student government council committee on consumer unions. A committee was set up last February to study the feasibility of a student credit union and to obtain a charter. In this connection a survey by the U–M Institute for Social Research showed that approximately 17,000 U–M students would support such a union and that there is about $5 million in savings in the student body.

The study committee then sought and received a charter from the state banking commissioner. It had the full support of the U–M Employees Credit Union, the University Hospital Credit Union, the Michigan Credit Union League. U–M president Robben Fleming, and SGC president Marty McLaughlin. The credit union hopes to have approximately $2,000 deposited by late fall. It plans eventually to pay 5% interest on savings and to make small loans without collateral.

I am also including a copy of an article which appeared in the August 20 issue of the Louisville Times concerning the Fort Knox Student Credit Union:

FIRST HIGH SCHOOL CREDIT UNION: FT. KNOX STUDENTS OPERATE OWN "BANK"

(By Herman Landau)

FT. KNOX, KY.—Loans made: For bicycle repairs, to buy a mini-bike, to purchase a Honda, and to finance the senior prom.

This doesn't sound like business, but it could be the first drop in a nationwide reservoir of consumer credit.

It's a summary of the first five loans, totaling $489, made by the new student credit union at Ft. Knox High School. There is a balance of $226.35 due on these loans.

The student credit union will hold its first annual meeting at 6 p.m. Thursday at the school. On the agenda are election of new officers and directors and a talk by Maj. Gen. James W. Sutherland, commanding general of Ft. Knox.

The youngsters' credit union was started in April under guidance of the giant Ft. Knox Federal Credit Union as a pilot project to teach consumer credit at the suggestion of Rep. Wright Patman, D-Tex., chairman of the House Banking Committee.

Owned, operated and managed by the students themselves—all of the students at Ft. Knox are dependents of military personnel—the credit union attracted a membership of 146, who have placed savings of $4,824 in the hands of their fellow students. Borrowers pay 1 per cent a month on the unpaid balance, and credit unions, under the new truth-in-lending law, also must tell borrowers the rate of interest they pay.

OFFSPRING OF POST UNIT

The parent Ft. Knox Federal Credit Union is a 19-year-old organization with assets of nearly $6 million and serves more than 11,000 military and civilian members. Its assistant manager, Guy W. Berry, said it has spent about $250 getting the student organization under way, plus the time spent by Robert Schaffner, general manager, and other members of the staff.

The parent group also will spend another $200 on the first annual meeting, $150 of it in door prizes and the rest for refreshments and incidentals.

But the big credit union considers this a most worthwhile expenditure to further the program suggested by Rep. Patman. The congressman blames the "lack of fundamental consumer education" for rising personal bankruptcies.

"Students, even on the college level, know little about handling money and are financially naive," the congressman said.

The congressman's interest in financial and military matters led him naturally to Schaffner, who is president of the Kentucky Credit Union League. Schaffner in turn took up the pilot-plan proposal with Herschel Roberts, school superintendent.

TWENTY STUDENTS HOLD OFFICE

This led to a plan for a board of directors of seven, a five-man credit committee, a supervisory committee of three, and an education committee of five—involving a total of 20 students in the management.

John Marchese, a senior elected treasurer of the student credit union, is working in the office of the parent credit union this summer.

Working with him is William Raker, high school mathematics teacher and coordinator of the student program. In this way, both are getting practical experience.

Upon organizing, the students also elected Ron Karpinsky, president; David Dayton, vice-president; and JoAnn Kelly, secretary. The credit union officers, along with Jennifer Kimball and Reed Kimbrough, make up the seven-man board of directors.

The students set their own guidelines, but they use the same membership cards, deposit slips and other banking forms as does their sponsor. Some of their rules:

Minimum deposit to open an account, $1; minimum for subsequent deposits, 25 cents.

Board meetings the third Wednesday of each month.

Signature-loan limit is $30, for a maximum of six months.

A secured loan may be up to $500, with 18 months' maximum.

"The objective of this program is educational in nature," general manager Schaffner said. "All of the students involved will reap the benefits of a deeper insight into a portion of the economic and monetary system of our nation. They'll participate in the democratic processes of an open and free election of officers by the members. They'll exercise the right of free expression during annual meetings. And through their participation they'll generate income that will be returned to the student owners."

ABOUT 146 STUDENTS ARE MEMBERS

Schaffner first met with the students last March.

"This is a new bag," he told them. "It's never been tried in any other high school, and it's all yours. You organize it; you plan it; you sustain it; and you maintain it."

The students picked up the challenge, and 133 of them, or a fourth of the school's enrollment, turned out for an organizational meeting April 14. Membership since has grown to 146 in a school that had 550 students for the 1968–69 school year. The membership potential is even higher, because the school expects an enrollment of 660 this fall. Its enrollment varies more than most schools' from year to year because of the constant shuffling of military personnel, and only dependents of military personnel use the school.

"This is a most worthwhile experiment," commented Sgt. Maj. Leo C. Pike Jr., president of the parent credit union and a member of the school board. "Young people today know how to spend money, but they don't know how to manage money. This is an opportunity for them to learn."

The credit union keeps office hours for 25 minutes before classes begin on Tuesday and Thursday mornings. After-school hours are impractical because most of the students depend on bus transportation.

Teacher Raker said of his summertime work:

"I'm learning the inner workings of this credit union and credit unions in general so I can guide the students in the operation. And I write the letters and prepare the brochures to keep interest in the student credit union alive during the summer."

Marchese said he's "learning all I can about how credit union work is done. I'm in everything at the credit union, working with all 17 permanent employes there."

Marchese is under bond and is the only student who handles money. Students may make cash withdrawals up to $3, but larger amounts are drawn on checks.

The "papa" credit union does all the paperwork and accounting, for the student organization would not have the time, equipment or personnel otherwise.

"These people have demonstrated a unique desire to learn how to manage their own financial destiny," Schaffner said. "If we can accomplish one thing—the education of young people in the area of money management—all of our time will have been extremely well spent."

"From the school's standpoint," said superintendent Roberts, "this program is a good way for high school girls and boys to learn the economics of credit, savings, and everyday economic transactions that they'll be confronted with the rest of their lives. It's impossible to teach this as a course in high school and reach as many students as this can. The potential is tremendous."

z The student group's president, Karpinsky, who also was president of the student council, said the credit union "is the biggest challenge I've ever had." He finished school in June and must be replaced as president at the annual meeting.

Karpinsky said he learned a lot about money management in his brief tenure. He plans to enter the University of Kentucky on a four-year Reserve Officer Training Corps scholarship.

WISCONSIN STATE JOURNAL SALUTES J. ORRIN SHIPE

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

Mr. PATMAN. Mr. Speaker, periodically the Wisconsin State Journal publishes sketches of outstanding citizens of Madison, Wis. The August 31 edition of the newspaper carried a sketch about J. Orrin Shipe, managing director of CUNA International, which is headquartered in Madison.

Orrin Shipe is well known in the Congress and, indeed, around the world. He has appeared before numerous congressional committees on behalf of the many worthwhile credit union programs. He is one of the most knowledgeable witnesses to appear before committees of the Congress.

Orrin Shipe has been my close friend for nearly as long as Federal credit unions have been in existence. He is truly one of the individuals who has helped to make the credit union the outstanding success that it is in our Nation.

Mr. Speaker, I am including the sketch from the Wisconsin State Journal on Mr. Shipe, as a very small tribute to a man whose contributions to his fellow men could not be completely covered in an entire edition of the world's largest newspaper.

KNOW YOUR MADISONIAN: J. ORRIN SHIPE

What began as a part-time hobby for J. Orrin Shipe in 1934 became his career and grew to international proportions.

When he was 22, he read an editorial in a hometown (Buffalo, N.Y.) paper describing the new Federal Credit Union Act. This led to his organizing a credit union for fellow insurance company workers. By age 27, between evening classes at Buffalo University and football on weekends, he had organized 40 to 50 credit unions in the state.

In 1939, he married Alice Maloney, also of Buffalo, and decided to make credit unions his profession. He became a CUNA representative in 13 Midwestern states, organizing federal and state credit unions and lobbying for legislation.

He soon was transferred to Madison and became CUNA's education director and editor of the Credit Union magazine. He has lived in Madison for 30 years.

Today, as managing director of CUNA International, he has responsibilities for more than 51,000 credit unions with a total membership exceeding 35 million in 24 countries in the free world.

Shipe was born in 1912 on a farm in Blue Grass, N.D. His family moved to Buffalo after World War I began. He was "a Depression kid," and recalls feeling pretty lucky at earning $65 a month while unemployed classmates were selling apples.

"I was single then and wondering about a lot of things," he said, "just like kids do today." He feels credit unions have moral and social, as well as economic, implications and said 460 credit unions in poverty areas serve persons earning less than $3,000 a year.

His career with CUNA was interrupted by World War II service in the Navy. As managing director of CUNA International, he helped expand credit protection to United States military personnel overseas, often the victims of loan sharks.

Shipe has led drives for consumer protection, truth-in-lending, and model credit union acts at state and federal levels in the U.S. and Canada, and has gone to the White House several times for credit union bill-signing ceremonies.

He believes in international cooperation on a personal level, such as credit union officials in a small town in Peru dealing directly with a Lodi credit union rather than with a large corporation.

He said autonomous credit unions in Latin America help counter cries of "Yankee imperialism" and teach "practical, every-day, shirt-sleeve democracy."

Shipe enjoys sports, but has time for golf only twice a year. He rarely takes a vacation—but estimated his business travels have taken him around the world twice.

Since 1964, he has served on the National Advisory Committee on Rural Areas Development, appointed by former Secretary of Agriculture Orville Freeman. He is a Director of CARE, and member of the Cooperative Advisory Committee of the Agency for International Development, and various Madison organizations.

The Shipes live at 434 S. Owen Dr. with four of their five children. Their daughter, Ann, Mrs. Norman A. Pasold, is the mother of their only grandchild, "Eddie."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. PEPPER (at the request of Mr. BENNETT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SAYLOR, for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. MANN); to revise and extend their remarks and include extraneous matter:)

Mr. REUSS, for 20 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. FULTON of Tennessee, for 20 minutes, today.

Mr. FARBSTEIN, for 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. EDMONDSON in two instances and to include extraneous matter.

Mr. HARVEY immediately following the remarks of Mr. POFF today in the Committee of the Whole.

Mr. PHILBIN in seven instances and to include extraneous matter.

(The following Members (at the request of Mr. DENNIS) and to include extraneous matter:)

Mr. STEIGER of Wisconsin in two instances.

Mr. PETTIS.

Mr. MCCLORY.

Mr. MICHEL in five instances.

Mrs. REID of Illinois.

Mr. WYMAN in three instances.

Mr. BOB WILSON in three instances.

Mr. ASHBROOK in two instances.

Mr. STEIGER of Arizona.

Mr. MIZELL in two instances.

Mr. QUILLEN.

Mr. NELSEN.

Mr. DUNCAN in two instances.

Mr. HOGAN in three instances.

Mr. KEITH.

Mr. ANDERSON of Illinois.

Mr. CONABLE.

(The following Members (at the request of Mr. MANN) and to include extraneous matter:)

Mr. OLSEN in two instances.

Mrs. GRIFFITHS in two instances.

Mr. PURCELL in three instances.

Mr. MATSUNAGA.

Mr. EDWARDS of California in two instances.

Mr. MIKVA in three instances.

Mr. DULSKI in four instances.

Mr. OTTINGER.

Mr. BIAGGI.

Mr. GONZALEZ in two instances.

Mr. RARICK in two instances.

Mr. BROWN of California in three instances.

Mr. BURKE of Massachusetts.

Mr. KOCH.

Mr. DENT in two instances.

Mr. TIERNAN.

Mr. ST. ONGE in two instances.

Mr. DINGELL in two instances.

Mr. RYAN in three instances.

Mr. WOLFE.

Mr. DORN in two instances.

Mr. SATTERFIELD in two instances.

Mr. HAMILTON.

Mr. KASTENMEIER in two instances.

Mr. BOGGS in two instances.

Mr. RIVERS in two instances.

Mrs. SULLIVAN in three instances.

Mr. MONTGOMERY.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2315. An act to restore the golden eagle program to the Land Water Conservation Fund Act; to the Committee on Interior and Insular Affairs.

ENROLLED JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 614. Joint resolution authorizing the President to proclaim the week of September 28, 1969, through October 4, 1969, as "National Adult-Youth Communications Week."

ADJOURNMENT

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until Monday, September 15, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1139. A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting the semiannual report of the stockpile statistical supplement, for the period ending June 30, 1969, pursuant to the provisions of Public Law 520, 79th Congress; to the Committee on Armed Services.

1140. A letter from the Secretary of Commerce, transmitting the 88th Quarterly Report on Export Control covering the second quarter 1969, pursuant to the provisions of the Export Control Act of 1949; to the Committee on Banking and Currency.

1141. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to authorize the commissioner of the District of Columbia to enter into contracts for the payment of the District's equitable portions of the costs of reservoirs on the Potomac River and its tributaries, and for other purposes; to the Committee on the District of Columbia.

1142. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend section 13 of the District of Columbia Redevelopment Act of 1945, as amended; to the Committee on the District of Columbia.

1143. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to provide for the removal of snow and ice from the paved sidewalks of the District of Columbia; to the Committee on the District of Columbia.

1144. A letter from the Chairman, District of Columbia Redevelopment Land Agency, transmitting the annual report for the fiscal year ending June 30, 1968, pursuant to the provisions of Public Law 592, 79th Congress; to the Committee on the District of Columbia.

1145. A letter from the Comptroller General of the United States, transmitting a report on the effectiveness and administrative

efficiency of the Neighborhood Youth Corps program under title IB of the Ecomonic Opportunity Act of 1964, Maricopa County, with emphasis on the city of Phoenix, Ariz., Department of Labor; to the Committee on Education and Labor.

1146. A letter from the Comptroller General of the United States, transmitting a report of the Agency for International Development loan program financial activities, status as of June 30, 1968; 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. PERKINS: Committee on Education and Labor. H.R. 13304. A bill to provide for educational assistance for gifted and talented children; without amendment (Rept. No. 91–485). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 13310. A bill to provide for special programs for children with specific learning disabilities; without amendment (Rept. No. 91–486). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDREWS of Alabama: H.R. 13763. Committee on Appropriations. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes; without amendment (Rept. No. 91–487). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 13742. A bill to protect the public health and safety by amending the narcotic drug laws, and for other purposes; to the Committee on Ways and Means.

By Mr STAGGERS (for himself and Mr. SPRINGER):

H.R. 13743. A bill to protect the public health and safety by amending the depressant, stimulant, and hallucinogenic drug laws, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAPPELL:

H.R. 13744. A bill to provide additional assistance for the reconstruction of areas in the States of Alabama, Florida, Louisiana, Mississippi, Virginia, and West Virginia which were damaged by Hurricane Camille of 1969; to the Committee on Public Works.

By Mr. DUNCAN:

H.R. 13745. A bill to prohibit the Small Business Administration from furnishing financial assistance except to American citizens; to the Committee on Banking and Currency.

By Mr. EDWARDS of California:

H.R. 13746. A bill to establish a national program of assistance to the States with the goal of achieving equalized excellence in schools throughout the Nation over a 10-year period; to the Committee on Education and Labor.

By Mr. GARMATZ:

H.R. 13747. A bill to establish a national program of assistance to the States with the goal of achieving equalized excellence in schools throughout the Nation over a 10-year period; to the Committee on Education and Labor.

By Mrs. GRIFFITHS:

H.R. 13748. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HANSEN of Idaho (for himself, Mrs. CHISHOLM, Mr. ABERNETHY, Mr. ADDABBO, Mr. BLACKBURN, Mr. HORTON, Mr. HUNT, Mr. MONTGOMERY, Mr. REID of New York, Mr. SIKES, and Mr. WIGGINS):

H.R. 13749. A bill to amend title 38 of the United States Code to permit certain active duty for training to be counted as active duty for purposes of entitlement to educational benefits under chapter 34 of such title; to the Committee on Veterans' Affairs.

By Mr. KUYKENDALL:

H.R. 13750. A bill to amend the Uniform Time Act; to the Committee on Interstate and Foreign Commerce.

By Mr. KYROS:

H.R. 13751. A bill to amend the Communications Act of 1934 to provide candidates for congressional offices with certain opportunities to purchase broadcast time from television broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. LOWENSTEIN:

H.R. 13752. A bill to amend the Communications Act of 1934 to provide candidates for congressional offices with certain opportunities to purchase broadcast time from television broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. MIZELL:

H.R. 13753. A bill to amend the Agricultural Adjustment Act of 1938 to provide that review committee members may be appointed from any county within a State and that the Secretary of Agriculture may institute proceedings in court to obtain a review of any review committee determination; to the Committee on Agriculture.

By Mr. MOSS:

H.R. 13754. A bill to amend the Investment Company Act of 1940 to regulate the sales charge on face amount certificates; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 13755. A bill granting the consent of Congress to the Connecticut-New York Railroad Passenger Transportation Compact; to the Committee on the Judiciary.

By Mr. RIVERS:

H.R. 13756. A bill to amend titles 10, 32, and 37, United States Code, with respect to accountability and responsibility for U.S. property, and for other purposes; to the Committee on Armed Services.

By Mr. ROYBAL:

H.R. 13757. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Veterans' Affairs.

By Mr. SAYLOR:

H.R. 13758. A bill to amend title 38 of the United States Code to establish standards of conduct for certain employees of the Department of Medicine and Surgery of the Veterans' Administration, to provide guidelines with respect to arrangements between Veterans' Administration health facilities and affiliated institutions, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 13759. A bill to increase the rates of compensation for certain severely disabled veterans; to the Committee on Veterans' Affairs.

By Mr. WIGGINS:

H.R. 13760. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. WOLFF:

H.R. 13761. A bill to provide compensation for firemen not employed by the United States killed or injured in the performance of duty during a civil disorder, and for other purposes; to the Committee on the Judiciary.

H.R. 13762. A bill to amend title 39, United States Code, to extend to volunteer fire companies, volunteer ambulance and rescue companies, and police benevolent associations the preferred second-class and third-class mail rates for certain nonprofit organizations; to the Committee on Post Office and Civil Service.

By Mr. ANDREWS of Alabama:

H.R. 13763. A bill making appropriations for the legislative branch for the fiscal year ending June 30, 1970, and for other purposes.

By Mr. BROWN of California:

H.R. 13764. A bill to establish a national policy for the environment; to the Committee on Rules.

By Mr. CAHILL:

H.R. 13765. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United Sttaes, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

By Mr. DENT (for himself and Mr. HECHLER of West Virginia, Mr. ABERNETHY, Mr. CLARK, Mr. BYRNE of Pennsylvania, Mr. VIGORITO, Mr. MATHIAS, Mr. CLEVELAND, Mr. WHALLEY, Mr. BRASCO, Mr. EVINS of Tennessee, Mr. JOHNSON of California, Mr. BIAGGI, Mr. DONOHUE, Mr. HALPERN, Mr. GRAY, Mr. ROONEY of Pennsylvania, Mr. SAYLOR, Mr. TEAGUE of Texas, Mr. SIKES, and Mr. GAYDOS):

H.R. 13766. A bill to provide for the orderly expansion of trade in manufactured products; to the Committee on Ways and Means.

By Mr. JONES of Tennessee:

H.R. 13767. A bill to authorize the appropriation of funds for Fort Donelson National Battlefield in the State of Tennessee, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McKNEALLY:

H.R. 13768. A bill to amend the Internal Revenue Code of 1954 to eliminate certain defects and inequities, and for other purposes; to the Committee on Ways and Means.

By Mr. MONAGAN:

H.R. 13769. A bill to amend the act entitled "An act to authorize any executive department or independent establishment of the Government, or any bureau or office thereof, to make appropriate accounting adjustment or reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof," approved June 29, 1966, so as to include within its coverage the municipal government of the District of Columbia; to the Committee on Government Operations.

By Mr. QUILLEN:

H.R. 13770. A bill to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SCHADEBERG:

H.R. 13771. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; on the Committee on Interstate and Foreign Commerce.

By Mr. UTT:

H.R. 13772. A bill to amend title II of the

Social Security Act to permit a State, under its section 218 agreement, to terminate social security coverage for State or local policemen or firemen without affecting the coverage of other public employees who may be members of the same coverage group (and to permit the reinstatement of coverage for such other employees in certain cases where the group's coverage has previously been terminated); to the Committee on Ways and Means.

By Mr. FASCELL (for himself and Mr. MAILLIARD):

H.J. Res. 894. Joint resolution to authorize appropriations for expenses of the U.S. section of the United States-Mexico Commission for Border Development and Friendship; to the Committee on Foreign Affairs.

By Mr. WATSON (for himself, Mr. RIVERS, Mr. FISHER, Mr. DUNCAN, Mr. PRYOR of Arkansas, Mr. HENDERSON, Mr. BLACKBURN, Mr. JONES of North Carolina, Mr. HASTINGS, Mr. MCCLURE, Mr. BURKE of Florida, Mr. LUJAN, Mr. RAILSBACK, Mr. KUYKENDALL, Mr. DENNEY, Mr. BROYHILL of Virginia, Mr. HOGAN, Mrs. MAY, Mr. DONOHUE, Mr. CLEVELAND, Mr. CHAPPELL, Mr. MCEWEN, Mr. COWGER, Mr. POLLOCK, and Mr. RUTH):

H.J. Res. 895. Joint resolution providing for creation of a joint committee to study and make recommendations concerning establishment of a National College Student Congress; to the Committee on Rules.

By Mr. WATSON (for himself, Mr. ROUDEBUSH, Mr. DICKINSON, Mr. DON H. CLAUSEN, Mr. CARTER, and Mr. ANDREWS of Alabama):

H.J. Res. 896. Joint resolution providing for creation of a joint committee to study and make recommendations concerning establishment of a National College Student Congress; to the Committee on Rules.

By Mr. DOWDY (for himself, Mr. POFF, and Mr. DENNIS):

H.J. Res. 897. 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 Mrs. HECKLER of Massachusetts:

H.J. Res. 898. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. LEGGETT, Mr. VAN DEERLIN, Mr. WALDIE, Mr. EDWARDS of California, Mr. HAWKINS, Mr. ANDERSON of California, Mr. REES, Mr. ROYBAL, Mr. TUNNEY, Mr. BROWN of California, Mr. COHELAN, Mr. BURTON of California, Mr. MOSS, Mr. JOHNSON of California, and Mr. HANNA):

H.J. Res. 899. Joint resolution to provide for a study and evaluation of the relationship between underground nuclear detonations and seismic disturbances and to suspend all nuclear detonations in the region of the Aleutian Islands until the conclusion of such study and evaluation; to the Joint Committee on Atomic Energy.

By Mr. BLANTON (for himself, Mr. ABERNETHY, Mr. ADAIR, Mr. ADDABBO, Mr. ANDERSON of Tennessee, Mr. ANDREWS of Alabama, Mr. ANDREWS of North Dakota, Mr. ASHBROOK, Mr. BARING, Mr. BERRY, Mr. BEVILL, Mr. BIAGGI, Mr. BLACKBURN, Mr. BRAY, Mr. BROWN of Michigan, Mr. BROYHILL of Virginia, Mr. BUSH, Mr. CHAPPELL, Mr. DON H. CLAUSEN, Mr. CLEVELAND, Mr. COLMER, Mr. CORBETT, Mr. COUGHLIN, Mr. DELLENBACK, and Mr. DENNEY):

H. Con. Res. 332. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself, Mr. DERWINSKI, Mr. DINGELL, Mr. DONOHUE, Mr. DOWNING, Mr. DUNCAN, Mr. ESCH, Mr. FISHER, Mr. FLOWERS, Mr. FOREMAN, Mr. FOUNTAIN, Mr. FRIEDEL, Mr. FULTON of Tennessee, Mr. FUQUA, Mr. GRIFFIN, Mr. HAGAN, Mr. HAMILTON, Mr. HANNA, Mr. HECHLER of West Virginia, Mr. HOSMER, Mr. HOWARD, Mr. JONES of Tennessee, Mr. JONES of North Carolina, Mr. KYROS, and Mr. LONG of Louisiana):

H. Con. Res. 333. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself, Mr. LUKENS, Mr. MCDADE, Mr. MADDEN, Mr. MANN, Mr. MATHIAS, Mr. MATSUNAGA, Mr. MELCHER, Mrs. MINK, Mr. MIZELL, Mr. MONTGOMERY, Mr. MURPHY of New York, Mr. MYERS, Mr. OBEY, Mr. OLSEN, Mr. O'NEAL of Georgia, Mr. O'NEILL of Massachusetts, Mr. OTTINGER, Mr. PELLY, Mr. PEPPER, Mr. PIKE, Mr. PODELL, Mr. POLLOCK, Mr. PREYER of North Carolina, and Mr. PRYOR of Arkansas):

H. Con. Res. 334. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself, Mr. RARICK, Mr. ROGERS of Colorado, Mr. RUPPE, Mr. ST GERMAIN, Mr. SANDMAN, Mr. SCHWENGEL, Mr. SIKES, Mr. SMITH of New York, Mr. STUBBLEFIELD, Mr. TEAGUE of Texas, Mr. THOMPSON of Georgia, Mr. THOMPSON of New Jersey, Mr. TIERNAN, Mr. TUNNEY, Mr. UTT, Mr. WHALLEY, Mr. WHITEHURST, Mr. WIGGINS, Mr. WILLIAMS, Mr. WOLD, Mr. WYDLER, Mr. WYMAN, Mr. ZABLOCKI, and Mr. ZION):

H. Con. Res. 335. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. BLANTON (for himself, Mr. ALEXANDER, and Mr. SCHEUER):

H. Con. Res. 336. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. FLYNT (for himself and Mr. HAMMERSCHMIDT):

H. Con. Res. 337. Concurrent resolution condemning the treatment of American prisoners of war by the Government of North Vietnam and urging the President to initiate appropriate action for the purpose of insuring that American prisoners are accorded humane treatment; to the Committee on Foreign Affairs.

By Mr. ZABLOCKI:

H. Con. Res. 338. Concurrent resolution authorizing the printing as a House document of hearings on Science and Strategies for National Security in the 1970's by the Subcommittee on National Security Policy and Scientific Developments, and of additional copies thereof; to the Committee on House Administration.

By Mr. FALLON:

H. Res. 538. Resolution to grant additional travel authority to the Committee on Public Works; to the Committee on Rules.

By Mr. STEIGER of Arizona:

H. Res. 539. Resolution establishing a Special Committee on the Captive Nations; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAMILTON:

H.R. 13773. A bill for the relief of Floyd L. Gosnell; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 13774. A bill for the relief of Philip Terranova; to the Committee on the Judiciary.

By Mr. STEIGER of Arizona:

H.R. 13775. A bill to authorize the Secretary of the Interior to waive conditions in three patents issued to Prescott College, Prescott, Ariz.; to the Committee on Interior and Insular Affairs.

By Mr. FEIGHAN:

H. Res. 540. Resolution opposing the granting of permanent residence in the United States to certain aliens; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

264. By the SPEAKER: A memorial of the Legislature of the State of California, relative to immigration; to the Committee on the Judiciary.

265. By the SPEAKER: A memorial of the Legislature of the State of California, relative to Federal-aid primary highway funds; to the Committee on Public Works.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

235. By the SPEAKER: Petition of chairman, the Citizens' Committee for Honesty in Government, Deerfield, Ill., relative to amending the Constitution regarding declaration of war; to the Committee on the Judiciary.

236. By the SPEAKER: Petition of Valdomero Felix, Mexicali, Mexico, relative to entering the United States; to the Committee on the Judiciary.

237. By the SPEAKER: Petition of Mrs. Ella Lemmon Thomas, Philadelphia, Pa., relative to redress of grievances; to the Committee on the Judiciary.

238. By the SPEAKER: Petition of Mrs. William F. Saybolt, Deerfield Beach, Fla., relative to approving the reading of Holy Scriptures during space flights; to the Committee on Science and Astronautics.