Mr. Campbell took on the investigation, which he knew would be controversial; and he called Mr. Udall's hand, and forced him to rescind the contract award and, subsequently, to reinstitute his contractual relationship with Fouke.

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

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

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

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

BLOW TO THE TAXPAYERS

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

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

Mr. Campbell has been on the job since 1954. He heads a staff of around 4,3000 which audits, investigates, and analyzes Government spending. In the 1964 fiscal year, it was estimated the Government saved more than $321 million because of the GAO. The GAO probably saves the taxpayers a good deal more than this, because just the possibility that Mr. Campbell may pounce on a spending project is a useful deterrent.

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

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

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

So GAO operates more or less on a scattershot basis. It follows up suggestions from Congressmen and pokes into anything its nose indicates might be fruitful—and GAO has been enormously fruitful.

Mr. Campbell's successor will be appointed by President Johnson, subject to approval of Congress. If L.B.J. can find another like Mr. Campbell—tough, inquisitive, independent—that's the man to name. This is no job for a hack, or a pliable politician.

ADJOURNMENT TO MONDAY AT 11 A.M.

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I now move pursuant to the order previously entered, that the Senate stand in adjournment until 11 o'clock on Monday morning next.

The motion was agreed to; and (at 8 o'clock and 23 minutes p.m.) the Senate adjourned, under the previous order, until Monday, July 12, 1965, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate July 9 (legislative day of July 8), 1965:

DIPLOMATIC AND FOREIGN SERVICE

Henry Cabot Lodge, of Massachusetts to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vietnam.

David M. Bane, of Pennsylvania, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gabon Republic.

Edward Clark, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

George J. Feldman, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malta.

Parker T. Hart, of Illinois, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkey.

John D. Jernegan, of California, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic and Popular Republic of Algeria.

David D. Newsom, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Libya.

William J. Porter, of Massachusetts, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

Hugh H. Smythe, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Syrian Arab Republic.

HOUSE OF REPRESENTATIVES

FRIDAY, JULY 9, 1965

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

The Chaplain, Rev. Bernard Braskamp, D.D., used this Scripture to preface his prayer:

Luke 6: 46: *Why call ye me, Lord, Lord, and do not the things which I say?*

O Lord, Thou art ever near unto us but we are so slow to recognize the gentle ways of Thy presence and so dim of vision and dull to hear the music and melody of Thy voice.

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

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

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

Hear us in our prayer to become comrades with Him in his holy mission. Amen.

THE JOURNAL

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

CALL OF THE HOUSE

Mr. McCLORY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Illinois makes the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 174]

Ashley	Harvey, Ind.	Passman
Baring	Holifield	Powell
Bonner	Hosmer	Purcell
Bow	Keogh	Resnick
Clark	May	Thompson, Tex.
Frelinghuysen	Moorhead	Toll
Friedel	Morton	

The SPEAKER. On this rollcall, 413 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

VOTING RIGHTS ACT OF 1965

Mr. 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 bill (H.R. 6400) to enforce the 15th amendment to the Constitution of the United States.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 6400, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, there was pending the amendment offered by the gentleman from Ohio [Mr. McCULLOCH] as a substitute for the committee amendment.

It was agreed that all time for debate on the so-called McCulloch substitute and all amendments thereto would be limited to 2 hours, such time to be equally divided and controlled by the gentleman from New York [Mr. CELLER] and the gentleman from Ohio [Mr. McCULLOCH]. Under the unanimous-consent agreement, the Chair recognizes the gentleman from Ohio [Mr. McCULLOCH] in support of his amendment.

Mr. McCULLOCH. Mr. Chairman, I rise in support of the substitute known throughout the general debate as the Ford-McCulloch bill. The provisions of that bill were described accurately and in great detail by the minority during the 10 hours of general debate before the Committee of the Whole House on the State of the Union. I shall therefore only briefly review some of the more important provisions of the Ford-McCulloch bill.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

In the first place, I should like to say that our objection to the approach taken by the Celler-committee bill can be exemplified by an analysis of the many serious deficiencies in the committee-Celler bill.

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

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

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

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

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

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

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

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

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

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

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

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

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

Then, Mr. Chairman, there is a provision in the Celler-administration bill requiring seven States and political subdivisions thereof to come to the Central Government to have validated laws and ordinances respecting any voting qualification or prerequisite to voting or standard practice or procedure with respect to voting different from that in force or effect on November 1, 1964. Mr. Chairman, I call upon any member of the Committee to furnish to the Committee the precedent forcing New York, or Ohio, if you please, or Alaska, if you please, to come to Washington with hat in hand and begging the Attorney General, please validate the law or a Federal court in the District of Columbia or ordinance we have passed, or the rule or regulation in any way affecting voting which we have promulgated. I see many friends on both sides of the aisle who are on the Committee on Interstate and Foreign Commerce. If the Congress writes the Celler-administration bill into law, how long will it be before the States must come to Washington to have their laws and ordinances validated in faraway Washington? Mr. Chairman, I particularly address this question to my colleagues on the Committee on Interstate and Foreign Commerce, but I could address it to almost every Member of the House.

How long will it be until every sovereign State of America and the political subdivisions thereof will be able to enact legislation and pass ordinances without first coming to Washington, hat in hand, to have such acts validated?

Mr. Chairman, I have read and heard much about a coalition. I would like to let you in on a secret. I have joined a coalition with a great southerner—Thomas Jefferson. You know he had something to say about the validation of Colonial and State laws. I read from that great document, the Declaration of Independence:

> The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States.

You see the parallel?

> To prove this, let facts be submitted to a candid world.

I want to submit these facts to the Members of this Committee.

Continuing on, it says:

> He has refused his assent to laws—

And I repeat this is from the Declaration of Independence, written by that southern gentleman with whom I am in coalition—

> the most wholesome and necessary for the public good. He has forbidden his Governors to pass laws of immediate and pressing importance unless suspended in their operations until his assent should be obtained, and when so suspended, he has utterly neglected to attend to them.

I would quote, and thereby repeat, if I had the time the words spoken yesterday by my able colleague on the Committee on the Judiciary, the gentleman from Texas [Mr. DOWDY]. See page 16003 of the CONGRESSIONAL RECORD:

> In this connection, there was a newspaper article by John Henshaw, in April in this year, reporting that President Johnson had some comments about this section of the bill which provides that a State cannot change its existing voting laws, or pass new voting laws, without the approval of the U.S. District Court of the District of Columbia. The article quotes him as saying:
>
> "After reading the section again, I can't believe it is constitutional. That provision is very discriminatory. If a State wants to regulate its own voting registration on the grounds that it has been free of discrimination, it must go to Washington to seek a judgment there. That has never been required before":

And further:

> "If that is going to be in the bill I am sure glad the bill is not going to be known as the Johnson bill."

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

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

So, Mr. Chairman, I shall comment no further on that subject by reason of the very clear coverage had yester-

day. Finally, Mr. Chairman, I should like to say this. The conclusions to be drawn from the language of the bill, the conclusions to be drawn from the presentations that have been made by the able members of the Committee on the Judiciary concerning the two bills, are clear. The Ford-McCulloch bill is a measure that will immediately and effectively promote the ends we seek in any political subdivision where voter discrimination can be found. It will assure relief now and in the future with firmness, with uniformity, and with fairness to all the people, providing a single standard to all of the 50 States. And upon inspection by future generations, when the emotions of today have passed, it will reflect upon us, even as the Declaration of Independence will forever reflect upon that great Southern Democrat and Virginian, Thomas Jefferson—it will reflect upon us as wise lawgivers who in the finest traditions of the Congress of the United States in answer to a pressing present need met the problems with conviction, with speed, and with vision to see beyond the confines of our times.

Mr. Chairman, I suppose the lovable chairman of the Committee on the Judiciary will again give us his quotation on consistency. It is a good quotation until one has had his 39th birthday. After one has had his 39th birthday we should come to some consistent conclusions, especially with respect to the verities of life. And that is what I hope the chairman will do. I first call upon myself and I call upon every Member of the Committee not to steer their course today by the light of each passing ship, but to steer our course by the stars. I urge every person interested in good government, interested in legislation in accordance with accepted standards of more than a century and a half, to join with us in accepting the substitute and doing the job that we are capable of doing.

Mr. CELLER. Mr. Chairman, I yield such time as he may require to the gentleman from Florida [Mr. MATTHEWS].

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

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

There was no objection.

Mr. MATTHEWS. Mr. Chairman, some 16 months ago I stood in the well of this House pleading with the membership to be guided by first principles in accordance with our constitutional oath of office. As I observed then, this is indeed a solemn oath. By it, each and every Member of this House declares before God and the Nation that he will ever repair to and be guided by the fundamental principles embodied in the Constitution in the performance of his legislative tasks. It obligates us in the first instance to take every precaution to insure that the legal cloth we cut conforms in precise detail to the pattern embraced in our organic charter. We cannot—we dare not—distort the pattern to accommodate legislation for any purpose whatsoever. To tinker with a part is to jeopardize the whole. In the words of the Supreme Court in *Ex parte Milligan* (4 Wall. 2 (1866)):

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or depotism, but the theory of necessity on which it is based is false.

In light of the serious issues raised by the pending proposal, I again appeal for a return to fundamental principles. These issues far and away exceed our own personal feeling on racial matters. They go to the very heart of the Constitution itself. The Constitution—"the most wonderful work ever struck off at a given time by the brain and purpose of man"—transcends individual feelings of right and wrong. In resorting to first principles, it is important initially to recall the grand design of the framers as well as existing statutory and judicial precedents. That grand design is embodied in such constitutional doctrines as the doctrine of federalism, the doctrine of the separation of powers, the doctrine of government of laws and not of men, and the doctrine of due process of law and attendant conceptions of liberty. The restraint on governmental action secured by these doctrines will be effectively and irretrievably loosened by the enactment of the pending legislation. This amendment is less punitive than H.R. 6400 and I shall support it.

I realize full well that in opposing enactment of this bill, H.R. 6400, I am going against the current opinion in various quarters of the Nation. However, neither popular opinion nor public clamor is a fit standard by which to measure matters of serious constitutional moment. Let none forget that "a court or legislature which should allow a change in public sentiment to influence it in giving to a written constitution a construction not warranted by the intention of the founders would be justly chargeable with reckless disregard of official oath and public duty," Cooley, "Constitutional Limitations," sixth edition, page 69.

Slightly less unreliable as a basis for legislation is the prevailing practice of constitutional pulse taking. Practitioners of this technique would have us believe that the Constitution does not mean what it says, but what a majority of corresponding law professors say that it means. In one of his more celebrated passages, Thomas M. Cooley, one of the truly great constitutional authorities in the history of our Nation, inveighed against similar transitory standards of constitutional construction. He said:

> A constitution is not to be made to mean one thing at one time, and another at some subsequent time when the circumstances may have so changed as perhaps to make a different rule * * * seem desirable. A principal share of the benefit expected from written constitutions would be lost if the rules they established were so flexible as to bend to circumstances or be modified by public opinion. It is with special reference to the varying moods of public opinion and with a view to putting the fundamentals of government beyond their control, that these instruments are framed.

If past experience is any guide, Mr. Chairman, some proponents of this legislation will interpret these remarks as so many legal niceties. Without offering any apologies to such persons, I would remind them that "the constitutionality of a measure depends not on the degree of its exercise, but on its principle," *The Providence Bank* v. *Billings*, 29 U.S. 514 (1830).

Other less generous critics will doubtless impugn our motives by snide remarks about currying favor with the folks back home. There is no way short of surrendering one's convictions to convince such persons of the sincerity that motivates the opposition. So, I shall simply say that we are not divided on the principle of voting rights for all American citizens, but on the means employed to enforce them. This is not only my view, but the view of every Floridian, we having nothing either to fear or hide in this area or any other area for that matter. The pending proposal would have only a minimal effect, if any, upon local conditions. Look for a moment, if you will, at the bill passed by Members of the Senate. By virtue of an amendment to the leadership substitute version, the bill would permit a Spanish-speaking citizen to vote despite the absence of literacy in the English language. Florida proudly boasts countless thousands of Spanish-speaking citizens whose shortcomings in English have not deprived them of their right to vote. Whatever its effects in other parts of the Nation, this provision conforms to the practice in my State. Similarly, our election processes will not be undermined in any way by the proposed abolition of the poll tax as a condition for voting in State and local election. No such requirement exists in my State. In brief, I have no personal interest to safeguard—no individual ax to grind—save the interest shared by all Americans which is to safeguard the Federal nature of our Government.

That this legislation is inimical to that interest is clear beyond peradventure. Contrary to well-settled principles of law, this bill would interfere with the right of a State to establish voter qualifications by suspending literacy tests and other hitherto legal voter tests; it would ban payment of taxes as a condition for voting; it would place the onerous burdens on the State of both proving nondiscrimination and disproving discrimination; it would punish private individuals for violations perpetuated in connection with the conduct of State and local elections; it would make past actions—innocent when done—the basis for the impositions of present reprisals; it would condemn a handful of States, and parts of others, without a trial.

It is inconceivable to me, Mr. Chairman, that anyone could in all seriousness suggest a more patently unconstitutional package. Despite proponents' assurances on three separate occasions—1957, 1960, and 1964—that the adoption of legislation then proposed would suffice, we are now advised that these statutes are too slow and cumbersome.

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

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

Before the adoption of the 15th amendment, it was within the power of the State to exclude citizens of the United States on account of race, age, property, education, or on any other ground, however arbitrary or whimsical. The Constitution of the United States, before the adoption of the 15th amendment, in no wise interfered with this absolute power of the State to control the right of suffrage in accordance with its own views of expediency or propriety. It simply secured the right to vote for Members of Congress to a definite class of voters of the State, consisting of those who were eligible to vote for members of the most numerous branch of the State legislature. Further than this, no power was given by the Constitution, before the adoption of the 15th amendment to secure the right of suffrage to anyone.

The adoption of that amendment did not confer the right of suffrage upon anyone, nor did it limit the State's acknowledged absolute power except insofar as it touched upon race, color, or previous condition of servitude. It did not vest in the Congress the power to prescribe and regulate voting qualifications.

The language of that amendment is negative, not affirmative, and it carries no mandate for particular measures of reform. Thus in his discussion on the amendment, Mr. Justice Story, in his volume on the Constitution—2 Story on the Constitution 719 (1891)—said:

There was no thought at this time of correcting at once and by a single act the inequalities and all the injustice that might exist in the suffrage laws of the several States. There was no thought or purpose of regulating by amendment, or of conferring upon Congress the authority to regulate, or to prescribe qualifications for the privilege of the ballot.

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

The 15th amendment does not confer the right of suffrage upon any one. It prevents the States, or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption, this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, and so forth, as it was on account of age, property, or education. Now it is not. If citizens of one race having certain qualifications are permitted by law to vote, those of another having the same qualifications must be. Previous to this amendment, there was no constitutional guaranty against this discrimination: now there is. It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress. That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. This, under the express provisions of the second section of the amendment, Congress may enforce by appropriate legislation.

In *United States* v. *Cruikshank*, 92 U.S. 542 (1876), the Court stated:

In *Minor* v. *Happersett*, 21 Wall. 178, we decided that the Constitution of the United States has not conferred the right of suffrage upon any one, and that the United States have no voters of their own creation in the States. In *United States* v. *Reese et al., supra*, p. 214, we hold that the 15th amendment has invested the citizens of the United States with a new constitutional right, which is, exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. From this it appears that the right of suffrage is not a necessary attribute of national citizenship; but that exemption from discrimination in the exercise of that right on account of race, and so forth, is. The right to vote in the States comes from the States; but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States; but the last has been.

The power of Congress under the 15th amendment and the power of the States under article I, section 2, was examined by the Court in *United States* v. *Miller*, 107 F. 913. The Court concluded that:

The 15th amendment does not in direct terms confer the right of suffrage upon anyone. It secures to the colored man the same rights as that possessed by the white man, by prohibiting any discrimination against him on account of race, color, or previous condition of servitude. Subject to that limitation, the States still possess uncontrollable authority to regulate the right of suffrage according to their own views of expediency.

And again in *Pope* v. *Williams*, 193 U.S. 621, the Supreme Court stated:

The privilege to vote in any State is not given by the Federal Constitution, or by any of its amendments. It is not a privilege springing from citizenship of the United States. *Minor* v. *Happersett*, 21 Wall. 162. It may not be refused on account of race, color or previous condition of servitude, but it does not follow from mere citizenship of the United States. In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper, provided, of course, no discrimination is made between individuals in violation of the Federal Constitution.

After noting examples of qualifications that States could and did impose, the Court said:

The Federal Constitution does not confer the right of suffrage upon anyone, and the conditions under which the right is to be exercised are matters for the States alone to prescribe, subject to the conditions of the Federal Constitution, already stated; although, it may be observed that the right to vote for a Member of Congress is not derived exclusively from the State law * * *. But the elector must be one entitled to vote under the State statute * * *. The question whether the conditions prescribed by the State might be regarded by others as reasonable or unreasonable is not a Federal one * * *. The right of a State to legislate upon the subject of the elective franchise as to it may seem good, subject to the conditions already stated, being, as we believe, unassailable, we think it plain that the statute in question violates no right protected by the Federal Constitution.

The reasons which may have impelled the State legislature to enact the statute in question were matters entirely for its own consideration, and this Court has no concern with them.

In *Guinn* v. *United States*, 238 U.S. 347, the Supreme Court examined the 15th amendment and its effect on literacy tests, disposing of the issue almost summarily. It said:

Beyond doubt the amendment does not take away from the State governments in a general sense the power over suffrage which has belonged to those governments from the beginning and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and the organizations of both Governments rest would be without support and both the authority of the Nation and the State would fall to the ground. In fact, the very command of the amendment recognizes the general power by the State, since the amendment seeks to regulate its exercise as to the particular subject with which it deals (id. at 362).

No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision, and indeed, its validity is admitted (id. at 366).

The principle of the Guinn case was reaffirmed in the unanimous opinion of the court in *Lassiter* v. *Northhampton County Board of Elections*, 360 U.S. 45 (1959). It held:

The States have long been held to have broad powers to determine conditions under which the right of suffrage may be exercised, *Pope* v. *Williams*, 193 U.S. 621, 633; *Mason* v. *Missouri*, 179 U.S. 328, 335, absent of course the discrimination which the Constitution condemns. Article I, section 2 of the Constitution in its provision for the election of Members of the House of Representatives and the 17th amendment in its provision for the election of Senators provide that officials will be chosen "by the people." Each provision goes on to state that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." So while the right of suffrage is established and guaranteed by the Constitution (*Ex parte Yarbrough*, 110 U.S. 651, 663–665; *Smith* v. *Allwright*, 321 U.S. 649, 661–662) it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress, acting pursuant to its constitutional powers, has imposed. See *United States* v. *Classic*, 313 U.S. 299, 315. While section 2 of the 14th amendment, which provides for apportionment of Representatives among the States according to their respective numbers counting the whole number of persons in each State (except Indians not taxed), speaks of "the right to vote," the right protected "refers to the right to vote as established by the laws and constitution of the State." *McPherson* v. *Blacker*, 146 U.S. 1, 39.

As to the constitutional authority of States to require literacy tests as a prerequisite to voting, the Court said:

We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record (*Davis* v. *Beason*, 133 U.S. 333, 345–347) are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The

ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous. Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise. Cf. *Franklin* v. *Harper* (205 Ga. 779, 55 S.E. 2d 221, appeal dismissed 339 U.S. 946). It was said last century in Massachusetts that a literacy test was designed to insure an "independent and intelligent" exercise of the right of suffrage. *Stone* v. *Smith* (159 Mass. 413–414, 34 N.E. 521). North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards.

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

This brings us then to the hub of this case, which is whether a State may adopt a requirement that in order for a citizen to be eligible to vote he must read and write the English language. The establishment of standards for voting has been recognized as within the power of States and not subject to Federal supervision. (*Guinn* v. *U.S.*, 1915, 238 U.S. 347, 366, 35 S. Ct. 926, 59 L. Ed. 1340), save as such legislation might contravene the 14th and 15th amendments (*Breedlove* v. *Suttles*, 1937, 302 U.S. 277, 58 S. Ct. 205, 82 L. Ed. 252). States are free to establish standards of eligibility to vote which do not contravene a constitutional prohibition. The following State requirements have been held to be constitutionally valid if equally applied to all who reside within the State: absence of criminal conduct, *Davis* v. *Beacon*, 1890, 133 U.S. 333, 10 S. Ct. 299, 33 L. Ed. 637; residency within the State for a designated period, *Pope* v. *Williams*, 1904, 193 U.S. 621, 24 S. Ct. 573, 48 L. Ed. 817; successful passing of a literacy test, *Lassiter* v. *Northampton Co. Board of Elections*, 1959, 360 U.S. 45, 79 S. Ct. 985, 3 L. Ed. 2d 1072; *Trudeau* v. *Barnes*, 5 cir., 1933, 65 F. 2d 563; *Guinn* v. *U.S.*, *supra*, payment of a poll tax. *Breedlove* v. *Suttles*, *supra*.

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

The case against the statutory abolition of the poll tax rests on equally firm grounds. In this connection let us recall that we recently enacted and ratified the 24th amendment abolishing use of the poll tax as a qualification in Federal elections. If Congress is vested with the power to eliminate the poll tax as a requirement, why in heaven's name did we resort to the amendment process to effect a partial elimination of such qualification? Further reinforcing the conclusion that recourse to the amendment process was unavoidable is the fact that the Supreme Court has consistently rejected all contentions or challenges to the validity of the poll tax as a State imposed voting requirement. See, for example, *Williams* v. *Mississippi*, 170 U.S. 213 (1898); *Breedlove* v. *Suttles*, 302 U.S. 277 (1937), and *Butler* v. *Thompson*, 97 F. Supp. 17 (1951), affirmed without opinion 341 U.S. 937 (1951). In Breedlove against Suttles the Court said:

Exaction of payment before registration undoubtedly serves to aid collection from electors desiring to vote, but, that use of the State's power is not prevented by the Federal Constitution.

To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the 14th amendment. Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the 14th and 19th amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate.

The payment of poll taxes as a prerequisite to voting is a familiar and reasonable regulation long enforced in many States.

I now turn for a moment, Mr. Chairman to the criminal provisions of the bill. The bill would punish private individuals as well as officials who interfere with the right to vote on account of race or color. That the 15th amendment erected no shield against merely private conduct, however discriminatory or wrongful, was at one time a matter of common knowledge. The cases on the point are legion: *Terry* v. *Adams*, 345 U.S. 461 (1953), rehearing denied 345 U.S. 1003; *James* v. *Bowman*, 190 U.S. 136 (1903); *Browner* v. *Irvin*, 169 F. 964 (1909); *United States* v. *Amsden*, 6 F. 819 (1881); *United States* v. *Raines*, 172 F. Supp. 552, reversed on other grounds 362 U.S. 17; *United States* v. *Morris*, 125 F. 322 (1903); *Karem* v. *United States*, 121 F. 250 (1963). In the words of the district court in the recent case of *United States* v. *McElveen*, 177 F. Supp. 355 (1959):

To be appropriate under the 15th amendment, legislation must be directed against persons acting under color of law, State or Federal, and it must relate to the denial, by such persons of citizens' rights to vote because of race. Any congressional action which does not contain these two elements cannot be supported by the 15th amendment.

Mr. Chairman, in view of these precedents, one is constrained to imagine a more ultra vires piece of legislation than the Voting Rights Act of 1965. As has been suggested, this bill does not authorize voting rights; it commands voting wrongs. I do not question the sincere desire of proponents to do good. But zeal and good motives are not enough. As Mr. Justice Brandeis has observed:

The greatest dangers to liberty lurk in insidious encroachment by mean of zeal, well-meaning but without understanding, *Olmstead* v. *United States*, 277 U.S. 438 (1928) (dissenting opinion).

I am for voting rights, but not at the expense of the Constitution.

Mr. CELLER. Mr. Chairman, I yield such time as he may require to the gentleman from Georgia [Mr. DAVIS].

Mr. DAVIS of Georgia. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. DAVIS of Georgia. Mr. Chairman, first, let me say that in the district which I have the honor to represent—namely, the Seventh District of the State of Georgia—there is not the slightest degree of discrimination on account of race or color against persons desiring to register and vote and there has been none now for almost 20 years. In fact, before that time there was none in general elections though it used to be true that primary elections were limited to white persons.

I further wish to point out that there is no poll tax nor has there been since the adoption of Georgia's new constitution in 1945 at which time, incidentally, the voting age was lowered in Georgia to 18 years.

As has been noted earlier in this debate, article I of the Constitution provides that the States have the right to fix the qualifications of voters. The 14th amendment provides, in substance, that there can be no discrimination with respect to the right to vote. The 15th amendment provides that the right of citizens to vote cannot be denied on the grounds of race or color.

I recognize my duty as a citizen of the United States and as a Member of the House of Representatives to uphold the Constitution and to adopt legislative positions which comport with its provisions.

If this bill did no more than to implement the constitutional provisions to which I have referred, then I should be happy to give it my wholehearted support. If it simply in good faith sought to erect safeguards so that it would be effective in all 50 States and would protect citizens in all of the States equally against discrimination, then one of my strongest objections to the bill would be removed.

As the bill stands, however, it is deliberately designed and worded so that it will have application in only six States, to wit, Georgia, Alabama, Louisiana, Mississippi, Virginia, and South Carolina.

However laudable the purpose of this bill may be, the means it provides for reaching its ends must be constitutional themselves before any Member of the House can honorably support it.

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

One of the most flagrant of these provisions is that which would require a citizen or a public official who desires to have his day in court with respect to this bill to come all the way to the District of Columbia and lay his case before a Federal district judge in the Nation's Capital.

If litigation should present a jury question, under this bill, the jury would be made up of citizens of the District of Columbia even though the case might have

arisen in southern Louisiana or in any part of the six States affected.

This particular provision recalls the vengeful spirit of Thaddeus Stevens in the days of Reconstruction. It is punitive legislation—not remedial legislation. It "Balkanizes" Virginia, South Carolina, Georgia, Alabama, Mississippi, and Louisiana. It says to the citizens of those States, "You have no right to have your day in court before a judge whom you elected or even before a judge who was reared in the same State with you. You must go to a particular jurisdiction many miles away from your home if you desire your day in court."

It says to all of the Federal judges who hold office in the six affected States, "Your usual right and your normal function of sitting upon cases involving Federal questions arising in your jurisdiction is in the case abrogated and canceled."

It has been wisely said that the greatest virtue is to possess power without abusing it.

In this instance the temptation is for the Representatives here from 44 States to visit punitive and in some respect ex post facto legislation upon a minority of six States. I beg of you not to support the bill unless it is amended as to remove the objections I have named as well as those others which have been enumerated by my distinguished colleagues from the States which are affected.

Mr. CELLER. Mr. Chairman, storms of discrimination are raging in some parts of our land. This substitute would be like trying to subdue a tempest with a whisper. It fails to realize properly the harsh conditions that exist in certain parts of our Nation against the Negro trying to exercise his inherent constitutional right to vote. Stern measures are needed, not the palliatives, the plasters of the substitute.

I say to my very dear and valued friend from Ohio, we would not have asked, for example, any State to come to a Washington court to be excused if those States were not previously in violation of the 15th amendment for almost 100 years. And while he was quoting from our President, he might also have added the following quotation from President Johnson:

> To those who seek to avoid action by a national government in their home community, who want to and who seek to maintain purely local control over elections, the answer is simple.
>
> Open your polling places to all your people, allow men and women to register and vote whatever the color of their skin.

Indeed, the substitute would continue numerous besetting evils. It would perpetuate the disparity between the Negro and the white registrations in the Deep South. In those States there are large numbers of Negro and white citizens who have not completed six grades of education, and in the substitute tests are only lifted if six grades of education are completed. They apply if the applicant does not have six grades. But almost all whites of voting age, whether educated or not, literate or illiterate, have all been permanently registered—for life—without having been subject to any sort of literacy test or lack of any literacy test.

The substitute retains the literacy test for most of the colored people, but not for the whites. This substitute would continue to emphasize a grave disparity that exists between the blacks and whites, and instead of shortening that gap that exists between the two, it would widen the gap.

In other words, these tests, which are the engines of discrimination, are embedded in the substitute. They are not eliminated from the substitute. They are the core of the mischief.

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

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

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

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

The gentleman speaks of inconsistency. Even though there may be hundreds, even though there may be thousands of white persons on the voting rolls who did not complete sixth grade, and would be totally unable to pass State literacy tests, this substitute would force the Federal registrar or examiner to apply that test strictly to the Negro who had not completed the sixth grade. Meanwhile, State registrars would be free of all restraint—to give the whites the break. A double standard would continue. And the irony is that Federal officials would be the instruments of such results. Think of it. A Federal officer would be compelled to become a coconspirator to violate the 15th amendment.

Under the substitute the States are free to increase even further the degree of harshness or severity of their literacy test requirements so as to make it impossible for anyone to pass these tests, particularly those below the sixth grade whose color of skin may be different from mine. There is no preclearance by Court of new voting laws or standards as required by the Celler bill in certain areas.

Mississippi has passed law after law to circumvent orders of the Court and action of this Congress.

The House committee bill, the Celler bill, avoids all these pitfals by suspending all tests, new and old, in the areas affected.

Many of the State provisions preserved by the substitute are not susceptible of any kind of fair administration by anyone—by any Federal or State official.

A Mississippi test requires the applicant to give a satisfactory interpretation of any one of 285 provisions of the Constitution. This is a subjective test, susceptible of all kinds of capricious denials. This provision is now being challenged in the court.

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

In Louisiana, one must compute his age to the exact year, month and day, failing which he cannot register.

Under the substitute, if a listed person is challenged—and this is highly important—he is allowed to vote only provisionally. His ballot may be impounded pending final determination of his eligibility by the examiner or the court. The effect is likely to make it impossible to determine the outcome for a considerable period of time.

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

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

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

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

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

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

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

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

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

The CHAIRMAN. The gentleman from New York has consumed 10 minutes.

Mr. McCULLOCH. Mr. Chairman, I yield myself such time as I may require.

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

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

Existing provisions of law remain whereby the Attorney General may bring an action against the State to set aside a test either because it is invalid on its face or because it has been discriminatorily applied (*United States* v. *Mississippi*, 380 U.S. 128 (1965); *Louisiana* v. *United States*, 380 U.S. 145 (1965)).

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

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

Mr. Chairman, I now yield such time as he may desire to the gentleman from Michigan [Mr. GERALD R. FORD].

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

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

This is typical of our people. They believe in honesty. They believe in equity. They have a high moral standard.

As a consequence, in this last decade the Congress has taken steps, legislatively speaking three times, to meet the problem which existed in this country.

We had the Civil Rights Act of 1957. We had the Civil Rights Act of 1960. We had additional legislation in 1964. I believe it was the feeling on each occasion that a substantial step forward had been taken. On the other hand, most of those who believed that the legislation was sound realized that new laws will not always solve the problem, that adequate and strong action in the executive branch of the Government would not necessarily solve the problem.

Good will among our people in every State is a major ingredient to insure that everybody has the right to register and to vote, that there will be no discrimination in voting based on race or color.

Most Americans would agree that it takes in large measure the conscience of America to determine that there be honesty in our elections, that fraud not exist in the counting of those votes which have been cast.

So looking at this problem today in its broadest context—the achievement of good legislation and the achievement of good will in every one of our States—it seems to me that the McCulloch substitute is by far the best vehicle.

It is broad in application. It will apply without discrimination to every voting district in every State. No area of our country will be left out as far as this legislative tool is concerned. It is not ex post facto in its application. It looks prospectively at the problem, and this is the way this legislative body today should look at this problem, or at any other problem.

The McCulloch substitute does not degrade a State or a smaller governmental body in a State to the problem of coming to the Nation's Capital and putting itself at the foot of the Federal judiciary in the District of Columbia. The McCulloch substitute does not, as the gentleman from Ohio has so well stated, plant the seeds for elections being decided by people who are unqualified to vote.

In contrast, the committee bill, as I see it, has many reasons why it does not match up to the qualifications of the McCulloch substitute. The committee bill is harsh in its application. The gentleman from New York, the distinguished chairman of the Committee on the Judiciary, conceded that it is harsh in its application. On the other hand, it is a patchwork job. In my judgment it is ill conceived. It is a combination of some new ideas that could not stand on their own. If any one of these new ideas, new provisions, came to the floor of this body on their own, they could not receive approval by the committee.

Also on the other hand, the committee bill picks up, in effect, provisions that are in existing law, with some minor modification, to try to give the committee bill a broader application. It is fair to state that the original proposal that was sponsored by the Democratic administration, which I assume was the bill introduced on March 17, 1965, by the distinguished chairman of the committee, in effect has been abandoned by everybody. It has 11 pages. The committee majority, abandoning the recommendations from the administration, has added 17 or 18 new pages. Their action wiped out the original proposal.

They were wise because the original bill introduced by the distinguished chairman of the committee was extremely limited in its application. The automatic triggering device, as we all know applied only to six or seven States—no more. It ignored those areas of discrimination based on race or color in all of the other States.

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

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

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

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

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

> In other words, the vote could be counted though it may be found later that he did not have the right to vote?
>
> Mr. KATZENBACH. Yes, that is true.

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

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

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

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

The McCulloch substitute approaches this problem constructively. It is broad in its coverage. It is applicable to every State and every political subdivision of a State. It provides for expeditious handling of bona fide contentions on the part of people that they have been discriminated against in registration and voting because of race or color.

Some people have raised the question that it would be difficult to get 25 people to sign a petition that they have been discriminated against on the right to vote because of race or color. Let me make this crystal clear. Under the McCulloch substitute 25 people submit their petition to the Attorney General. There is no public disclosure of the petitioners at this time. As a result, there is no opportunity for coercion or intimidation. I must say that some of the people who have been critical of the McCulloch substitute in effect are nitpicking and thereby being critical of a man who has stood in the well of this House and defended the cause of civil rights, not last year alone, but every time over the last 10 years that this basic issue has been before us.

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

Let me say a word or two about the poll tax provision that is in the McCulloch bill. It is precisely what the Attorney General of the United States in this Democratic administration recommended in 1965. I suspect it was drafted by him. He is the author and the sponsor. It is the provision that was approved in the other body. It will provide an expeditious consideration by the Federal courts of this country as to whether or not poll taxes in State and local elections are unconstitutional.

Let me couple the last statement with this comment. The poll tax provision in the committee bill will be challenged in the courts. There will not be as quick a resolution of the problem of poll taxes under the committe bill as there will be under the McCulloch substitute.

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

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

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

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

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

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

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

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

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

This it seems to me is a very practical reason for opposing the substitute at this time. But, Mr. Chairman, my principal objection to this substitute is that I do not believe it will do the job that we are here trying to do. Both the bill, H.R. 6400, and the Ford-McCulloch substitute are concerned with the abuses in the administration of literacy tests. But there is a fundamental difference in the way in which these abuses are to be remedied under these two bills. The bill reported out by the committee simply suspends literacy tests and similar devices and does not permit them to be applied by anyone in areas where under the formula of the bill discrimination is deemed to exist. This suspension continues until it is shown that the discrimination has ended. This, I submit, is a reasonable yet effective method of dealing with the problem.

The Ford-McCulloch substitute, on the other hand, does not provide for the suspension of literacy tests at all. The substitute bill merely directs that in certain areas tests and devices need not be complied with if the applicant for registration has a sixth-grade education. But what about those who do not have a sixth-grade education? What will be the effect of this provision upon this group?

In the places which would primarily be affected by the Voting Rights Act of 1965 almost all white citizens of voting age, whether literate or not, whether educated or not, have been permanently registered. Their names are already on the books. Most of them have never been subjected to any sort of literacy test. Thousands of them have never completed the sixth grade. Under this substitute all of these persons would, of course, remain registered to vote. At the same time Negroes who did not complete the sixth grade could never become registered without passing complicated and often discriminatory literacy tests. In other words, insofar as persons with less than a sixth-grade education are concerned, the Ford-McCulloch substitute bill permits—indeed contemplates—no effective relief against the effects of past racial discrimination.

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

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

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

Mr. Chairman, I do not blame those who oppose any legislation in this area for supporting the Ford-McCulloch substitute. Some of them have labeled it the lesser of two evils. To those who feel that the time to eliminate discrimination in voting is at hand, that is hardly an acceptable alternative. It is certainly not an acceptable reason. No one can legitimately defend the practices which have come to our attention and which are matters of common knowledge across the land. We must put an end to these practices effectively and decisively.

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

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

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

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

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

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

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

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

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

I. DETERMINATION OF PATTERN OF DISCRIMINATION

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

Under provisions of H.R. 7896, 25 Negroes must subject themselves to the "hazards" of attempting to register with local officials. Under provisions of H.R. 6400 the Attorney General and the Director of the Census may determine whether or not voter discrimination exists in a State if less than 50 percent of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 percent of such persons voted in the presidential election of November 1964.

II. VOTER QUALIFICATIONS

H.R. 7896 retains the requirement of written literacy tests in section 4(c), providing only a presumption of literacy if a registrant can prove completion of at least a sixth-grade education.

H.R. 6400 automatically prohibits literacy tests in States and political subdivisions covered by the 50-percent formula—section 4.

It is believed that retention of literacy tests in a State such as Mississippi will probably mean that about half of all Negroes attempting to register will be required to take such a test. The results will tend to maintain the status quo as regards the number of Negroes registered to the number of white persons registered to vote in such States. Because, as long as economic discrimination is practiced against Negroes, large numbers of Negroes will not be able to remain in school long enough to obtain the sixth-grade education necessary to avoid the literacy tests required by H.R. 7896.

III. REGISTRATION TESTS

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

H.R. 6400 provides the needed protection by requiring that any new tests established after November 1964 must be approved by the District Court of the District of Columbia or be accepted without objection by the Attorney General.

IV. CHALLENGES

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

Empowering such local district courts in most of the discriminatory Southern States to grant injunctions or to permit changes in voting qualifications only invites biased decisions, as they have already done in litigation involving the Civil Rights Act.

H.R. 6400 provides that such requests be brought directly to the District Court of the District of Columbia. This provides the best assurance that there will be no unnecessary delays in the implementation of the bill's protections because, hopefully, here there will be fair-minded decisions issued.

V. FEDERAL EXAMINERS

H.R. 7896 provides that the Civil Service Commission will appoint one examiner per voting district from which 25 written complaints are sent to the Attorney General. These examiners are to be existing Federal employees or officials residing in the State involved.

H.R. 6400 provides for the appointment of sufficient numbers of examiners for the area involved, first, after the court so directs, or second, after the Attorney General receives 20 or more written complaints of denial of the right to vote, or he has reason to believe the 15th amendment is being violated.

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

VI. TERMINATION OF FEDERAL EXAMINERS

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

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

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

VII. ATTEMPTED REGISTRATION WITH STATE/LOCAL OFFICIALS

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

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

VIII. APPLICATION AND PROCEDURE

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

It is conceivable that there could be a lengthy time lapse between registering and voting. It is conceivable that State laws could specify a place of voting which in itself would tend to intimidate Negroes in certain sections of the country.

H.R. 6400 simply refers to the list of those registered by a Federal examiner, stating that "any person whose name appears on such a list shall be entitled to vote" as long as there are "at least 45 days between registering and voting." No mention is made of State law.

IX. ENFORCEMENT

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

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

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

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

H.R. 6400 provides for observers to be sent to view any election held in an area covered by Federal examiners. H.R. 7896 has no such provision.

X. PENALTIES FOR INTERFERENCE WITH ELECTIONS

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

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

XI. POLL TAX

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

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

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

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

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

Mr. WILLIS. Mr. Chairman, I have never failed to take an affirmative position on the floor of the House in connection with any and all civil rights and voting rights bills.

When we considered the Civil Rights Act of 1964, I said this:

If the only thing this bill did was to protect the right to vote, I would be all for it.

In taking a position in opposition to the Celler bill, H.R. 6400, during general debate on the floor 3 days ago, I made the following statement, among other arguments:

I emphasize at the outset that the views I now express on the voting rights bill, H.R. 6400, are not based on racial considerations.

* * * * *

The people of my congressional district believe in the right of all qualified persons to vote. They are against the application of different standards to different people—and they practice what they preach.

* * * * *

If the only thing this bill did would be to prohibit discrimination under the 14th amendment, and to prevent the denial of all qualified persons throughout the United States of their right to vote under the 15th amendment, it would carry out and give effect to the three constitutional provisions under consideration; it would be clearly constitutional and I would vote for it.

* * * * *

I could catalog further instances, at greater length, but the foregoing amply demonstrates that this bill goes too far, cuts too deep and goes beyond its asserted purpose to protect the right to vote.

And I concluded my argument against the Celler bill as follows:

I realize the force of the argument that some areas of the country or some counties or parishes within such areas have not made enough effort to accord all the people the right to vote, and to the extent that the lack of effort is due to a plan to deprive any qualified person of his right to vote, I agree that this is wrong. It is as wrong as the enactment of the provisions I have described, and others. I have always been taught, however, that two wrongs don't make a right and that the end does not justify the means. I can only say that the people I represent do not participate in discrimination and that they want no part of recrimination.

And now what about the pending McCulloch substitute, which is a full-fledged bill, H.R. 7896?

As a member of the Judiciary Committee, I have always taken the position that so-called "Whereas" clauses were appropriate to private agreements or contracts but seldom, if ever, justified in a bill; and I have also taken the position that so-called "findings" were appropriate for the courts but seldom, if ever, justified by the legislative branch of the Government.

The McCulloch bill now under consideration contains a long list of so-called congressional "findings" as follows:

FINDINGS

SEC. 3 (a) Congress hereby finds that large numbers of United States citizens have been and are being denied the right to register or to vote in various States on account of race or color in violation of the fifteenth amendment.

(b) Congress further finds that literacy tests have been and are being used in various States and political subdivisions as a means of discrimination on account of race or color. Congress further finds that persons with a sixth-grade education possess reasonable literacy, comprehension, and intelligence and that, in fact, persons possessing such educational achievement have been and are being denied or deprived of the right to register or to vote for failure to satisfy literacy test requirements solely or primarily because of discrimination on account of race or color.

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

(d) Congress further finds that in any voting district where twenty-five or more persons have been denied or deprived of the right to register or to vote on account of race or color and who are qualified to register and vote, there exists in such district a pattern or practice of denial of the right to register or to vote on account of race or color in violation of the fifteenth amendment.

Under the Civil Rights Act of 1960, separate suits must be filed in the Federal courts in every area involved and it must be alleged and proven to the satisfaction of the Federal judges in every case that "a pattern or practice" of denial of the right to vote exists before Federal voting referees or examiners can be appointed.

But I repeat that under the McCulloch bill:

Congress further finds that in any voting district where twenty-five or more persons have been denied or deprived of the right to register or to vote on account of race or color and who are qualified to register and vote, there exists in such district a pattern or practice of denial of the right to register or to vote on account of race or color in violation of the fifteenth amendment.

And then the McCulloch bill goes on to say that whenever the Attorney General certifies to the Civil Service Commission that he has received complaints in writing alleging that the complainant can satisfy the voting qualifications of the voting district and has been denied or deprived of the right to register or vote, and that the Attorney General believes such complaints to be meritorious, "the Civil Service Commission shall promptly appoint an examiner for such voting district who shall be responsible to the Commission."

Moreover, the McCulloch bill provides that "a certification by the Attorney General shall be final and effective upon publication in the Federal Register."

Having opposed the Civil Rights Act of 1960, which at least requires proof to the satisfaction of a Federal court of the existence of a so-called pattern or practice before voting referees can be installed, I cannot support the McCulloch bill, which makes a congressional finding that a "pattern or practice" exists when 25 or more persons have been

denied the right to register or vote and directs the Civil Service Commission to appoint examiners when the Attorney General certifies that 25 meritorious complaints have been filed with him.

It is no wonder then that an article in today's Washington Post—July 9, 1965—commenting on a so-called Republican and southern coalition contains the following excerpt:

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

For the foregoing reasons, to which I could add others, my position is this:

I have been here long enough to know that unless a miracle happens, neither the McCulloch bill nor the Celler bill can be amended in such a way as to make them acceptable, although I will support whatever amendments we can muster enough votes to pass. Unless a miracle does happen, however, I will vote against the McCulloch bill, and if it is defeated I will then vote against the Celler bill. My guess is that the McCulloch bill will be defeated and then we will see a coalition between Congressman EMANUEL CELLER and his forces and Congressman WILLIAM MCCULLOCH and his forces in support of the Celler bill.

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

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

There was no objection.

Mr. POFF. Mr. Chairman, like many who have addressed the Committee in the last 3 days, I shall vote for the McCulloch substitute in the Committee of the Whole and in the House on a motion to recommit the committee bill. Unlike some, however, I recognize the need for legislation, I honor fully the first section of the 15th amendment which guarantees the franchise against racial discrimination, I honor fully the 2d section of the 15th amendment which grants the Congress specific power to enact appropriate legislation implementing that guarantee, I regard the McCulloch substitute as appropriate legislation and if the McCulloch substitute prevails either as an amendment in the Committee of the Whole or as a motion to recommit, I shall vote for passage of the McCulloch substitute.

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

The 15th amendment to the Constitution says:

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

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

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

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

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

I repeat, I regard the McCulloch bill, while subject to certain infirmities and objectionable in some of its parts, as "appropriate legislation" within the definition of those words as used in the second section of the 15th amendment. I shall not undertake to inventory all of the parts of the Celler bill which I consider to be unconstitutional and which, if left in the bill, make it impossible for me to support. Rather, I will attempt to make a brief, definitive comparison of the Celler bill and the McCulloch bill:

First. The Celler bill is sectionally discriminatory. Its "automatic trigger"—less than 50 percent registered or voting—is aimed at six Southern States. Its "pocket trigger" vests the Attorney General with broad discretionary power to select his own geographical targets for court action.

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

Second. The Celler bill "escape clause" is a deception. A State trapped by the automatic trigger can escape coverage only by journeying to Washington, filing a suit against the United States in the District Court of the District of Columbia and proving its innocence for the last 5 years. This not only reverses the traditional presumption of innocence but abandons the doctrine that trial court cases should be heard in the jurisdiction where the accusation was made or the cause of action arose.

The McCulloch bill has no such provision. Administrative and court appeals are heard locally.

Third. In the Celler bill, State literacy tests are suspended in covered States.

In the McCulloch bill, State literacy tests are honored, except that a sixth grade education is deemed to constitute literacy.

Fourth. Under the Celler bill, no State or locality covered by the automatic trigger can hereafter make any enforceable change in any of its voting laws without the prior approval of the Attorney General or the District Court of the District of Columbia.

The McCulloch bill has no such anti-States rights provision; rather, it preserves the right of States to legislate and fix voter qualifications in harmony with the Constitution.

Fifth. The Celler bill nullifies both poll taxes and all other payments prerequisite to voting in State and local elections and referendums.

The McCulloch bill simply expedites court testing of the constitutionality of poll taxes.

Sixth. The Celler bill grants the right to vote to those registered by Federal examiners and allows the counting of their votes and the certification of election results, even though challenges of their qualifications, unresolved on election day, may later be upheld.

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

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

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

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

The McCulloch bill has no such provision.

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

AMENDMENT OFFERED BY MR. M'CLORY

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

The Clerk read as follows:

> Amendment by Mr. McCLORY to the substitute for the Committee amendment: On page 16, line 9, strike "To assure", and strike lines 10 through 17. Insert in lieu thereof the following language:
>
> "(b) No State or political subdivision thereof shall deny any person the right to register or to vote because of his failure to pay a poll tax or any other such tax."

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

Mr. CELLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from New York will state his parliamentary inquiry.

Mr. CELLER. Under unanimous-consent request, can a Member offer an amendment and speak without the consent of either Mr. McCULLOCH or myself?

The CHAIRMAN. The gentleman from Ohio [Mr. McCULLOCH] yielded the gentleman from Illinois [Mr. McCLORY] 5 minutes.

Mr. CELLER. Oh, I did not know that.

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

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

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

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

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

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

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

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

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

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

In the 80th Congress, the House passed H.R. 29 which was a similar bill to outlaw the poll tax. The vote was 290 to 112 with the Republicans voting in favor of the measure by a margin of 216 to 14.

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

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

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

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

The Ford-McCulloch bill is a valid and comprehensive bill. It will be more comprehensive and have broader general application without the burden of enforcing and collecting a poll tax.

I urge adoption of this amendment to the substitute Ford-McCulloch bill.

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

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

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

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

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

Mr. McCLORY. I yield.

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

Mr. Chairman, I am opposed to this amendment. I stand with Mr. Katzenbach and with Senator MANSFIELD and Senator DIRKSEN.

Mr. McCLORY. Mr. Chairman, let me conclude by saying that I do support the Ford-McCulloch bill with this amendment. This makes the Ford-McCulloch bill a better bill. I urge the adoption of the amendment and, as amended, I urge support for the Ford-McCulloch bill.

Mr. McCULLOCH. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. GERALD R. FORD].

Mr. GERALD R. FORD. Mr. Chairman, I want it clearly understood that I am personally totally opposed to the poll tax in local, State, or Federal elections. And I might add that the gentleman from Ohio [Mr. McCULLOCH] feels exactly the same way. Actually the basic difference between the committee provision and the provision in the McCulloch substitute is not significant. Both will result in litigation, and there will be a determination by, and only by, the Supreme Court of the United States as to whether or not poll taxes in State and local elections are constitutional.

Some might say that the provisions are like tweedledum and tweedledee, as far as the net result is concerned.

I say to my Republican friends if they in their own conscience prefer the amendment offered by the gentleman from Illinois I can perfectly understand the reasons for their choice. But it is my own personal conviction that from an expeditious consideration of the issues the provision in the McCulloch substitute is preferable.

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

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

So the amendment was agreed to.

Mr. CELLER. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Chairman, first of all might I say that I am categorically opposed to the Ford-McCulloch substitute. We saw a moment ago a clear demonstration when the vote was taken on the poll tax amendment which was offered by the gentleman from Illinois why the Ford-McCulloch substitute is deficient and does not meet the issue.

What is the objective which all of us are trying to reach here today? What are we trying to accomplish? Now I understand full well that the gentleman from Ohio, my esteemed colleague on the Committee on the Judiciary, who has made such valuable contributions in the field of civil rights, was sincerely and honestly motivated when he offered the substitute. So are we sincerely motivated in supporting H.R. 6400 and rejecting H.R. 7896. We seek to erase massive discrimination in voting rights in certain areas.

How do we intend to accomplish this objective? We on the majority side seek to accomplish this objective under

the Celler bill with the least delay, and in the most expeditious and most effective way possible. This is why we employ the automatic trigger—to do the job quickly, effectively, and fairly.

Someone arguing for the Ford-McCulloch substitute said that we have employed harshness in making use of the automatic trigger device. There is no harshness in the provisions that we use to set off the automatic triggering device. The only harshness that is employed is the harshness being used by those who are denying the Negro the right to vote on account of color. We are seeking to insure that under the mandate of the 15th amendment we give to the Negro and every qualified citizen the right to vote which he has been denied.

We do it by legitimate means, by appropriate means, by a device which I am sure will not be lacking in constitutionality, and I believe we meet the test of constitutionality when we employ the proper power of Congress as is granted under section 2 of the 15th amendment.

It was Chief Justice Marshall, in the case of McCulloch against Maryland, who said:

> So let the end be legitimate, let it be within the scope of the Constitution and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and the spirit of the Constitution, are constitutional.

Let me add one other thing. As I said before, I do not question the sincerity of the gentlemen who offer this substitute. But I do wonder why, and I find it passing strange to reconcile that the gentlemen who are so sincerely interested in insisting that the right to vote is guaranteed by the Ford-McCulloch substitute are supported in this effort by gentlemen who are and have been opposed to the passage of any civil rights legislation—gentlemen who say in their support of the Ford-McCulloch substitute that it is far more preferable to the Celler bill. Why? The answer is simple, Mr. Chairman. If we were to adopt the Ford-McCulloch substitute we would find ourselves in an impossible situation if we sought through a conference to reconcile the many differences which exist between the Ford-McCulloch substitute and the recently adopted Senate bill on voting rights. We would find as a matter of practical consideration that we would be in an irreconcilable stalemate. Surely this is not what those who are genuinely interested in insuring voting rights are seeking.

Furthermore, the Ford-McCulloch substitute does not provide the automatic coverage which is necessary to do the job. It fails to provide for complete suspension of tests and devices even in those areas where such tests cannot be administered fairly. Thus the substitute gives less relief than was afforded by the Supreme Court in United States against Louisiana.

Literacy tests would continue to be applied to those who had not completed the sixth grade. Even if some of these tests can be administered fairly, after decades of discrimination, when most whites are permanently registered, the McCulloch bill would simply freeze the present registration disparity created by past violations of the 15th amendment. This is not acceptable relief. It falls far short of what the courts already have afforded. H.R. 6400 avoids these defects by suspending tests and devices in the areas affected.

The McCulloch bill does not provide for any preclearance of new voting laws or standards. In those areas where voting discrimination has been the norm, States and localities would be free to further increase the difficulty of Negroes registering to vote. It would require existing judicial remedies to be used to eliminate further discrimination enactments. The evidence amply shows that such relief is inadequate to meet the problem.

H.R. 7896 is fatally deficient in another area. It does not abolish the poll tax. It merely authorizes a suit by the Attorney General and, curiously, confines the Attorney General's constitutional attack on the poll tax to 15th amendment grounds. H.R. 6400, on the other hand, emphatically states that the right to vote cannot be conditioned upon the payment of a poll tax—and H.R. 6400 founds its argument for the abolition of the poll tax on 14th as well as 15th amendment grounds.

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

Mr. Chairman, if we are to carry out the clear mandate of the 15th amendment, if we want to insure and guarantee to our citizens the right to vote regardless of race or color, if we want to act responsibly—effectively and fairly and without delay in this area—let us vote down H.R. 7896.

Only in this way, Mr. Chairman—by enacting H.R. 6400 will we be able to meet our responsibilities and live up to the democratic concepts of our Constitution.

Mr. McCULLOCH. Mr. Chairman, I now yield 5 minutes to the gentleman from New York [Mr. LINDSAY].

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

The substitute that is here proposed is a good bill. It is an extension of what was done in 1957, 1960, and 1964, which bills, in the area of voting, for the first time in 85 years attempted to do what was right and what was commanded by the 15th amendment of the Constitution. It represents in essence an extension of what was done then. But being an extension it represents, in relative terms, an inching forward rather than the giant step that is called for in 1965. Here we are in 1965, 100 years after the country thought it had settled this issue. From there on we have chipped at the edges of the problem but avoided attacking it at the center. It is time to dispose of the outrage of voting discrimination wherever it may occur.

The question is—Which bill is the most effective to do the job that has to be done? I have reservations even as to H.R. 6400. I would have preferred a different kind of administrative machinery to carry out the task, as commanded by us, of wiping away the barriers against voting on the grounds of race. I think the committee has greatly improved the bill as we received it from the administration. We certainly improved it by the addition of the poll tax elimination by statute and I shall speak on that at greater length later. I have a high regard for the Attorney General who is the President's agent in this matter. I have known him for many years. But on this question, he is just plain wrong. Therefore the committee bill was strengthened, I think, as is now the substitute by the elimination of the poll tax.

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

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

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

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

The command to the Congress that it act to secure voting rights was made 100 years ago by the American people in the adoption of the 15th amendment to the U.S. Constitution. It is time we obeyed.

Mr. CELLER. Mr. Chariman, I yield 4 minutes to the gentleman from Florida [Mr. HERLONG].

Mr. HERLONG. Mr. Chairman, I thank the distinguished chairman of the committee for yielding time to me.

Mr. Chairman, I voted for the rule to consider this bill. I hope that, at least, gives evidence of my good faith in approving the idea that every qualified citizen should have the right to register and vote and that none should be subjected to a double standard.

I would hope that the majority of the House would not permit themselves to be caught up in a whirlwind of "South hating" just to curry favor with certain professional civil rights workers.

The day before yesterday the gentleman from California [Mr. CORMAN] suggested to the Republicans that they should follow the philosophy of the founder of their party, Abraham Lincoln, in respect to this bill. I am afraid that the gentleman has his personalities confused. It was not Abraham Lincoln who was vindictive and punitive in his actions. It was Thaddeus Stevens, and I beg of the cooler and wiser heads in this House, those who can and will look into this problem objectively, to support such legislation as is necessary to make it possible for all citizens to register and vote, but do not, for heaven's sake and for the sake of our beloved country, try to drive a wedge between sections of our country and lower yourselves to the level of a Thaddeus Stevens. Just do a little self-appraising. Do a little soul searching. Ask yourselves in all candor, Do you want voting rights or are you seeking revenge?

I hasten to concede that double standards have been practiced in certain areas of our country as far as voting rights are concerned, but certainly not to the extent of the ugly story cited as true yesterday by the gentleman from California [Mr. CORMAN] about requiring a Negro applicant for registration to read a Chinese newspaper. When a Member of Congress makes a statement like this and says that it is, in his words, "too true" it gives responsible, albeit uninformed, people grounds to believe that such things have actually happened when any informed person knows that it is a rank and rash exaggeration.

Again, I concede that some sections of our country have not been faultless but these conditions have been and are being corrected. If further legislation is deemed necessary, I myself will support it. But, who are we to virtually read some States out of the Union?

I have said that I will support necessary legislation in this field, and if a proper substitute is adopted, or if proper changes are made in this bill, I believe a substantial number of Members of Congress from Southern States will vote for it. To me this would be the greatest possible accomplishment in the whole area of civil rights. It would give the entire country a new image, and may I say a truer image, than they have had presented to them in the past.

I am afraid that there are some people who do not want to see that image changed. I have talked to Members of this House who privately confess that they feel that way about it. They want a bill so tough and so vindictive and so vengeful that well-meaning people who are trying to bring peace and order out of chaos cannot possibly vote for it. Then these people can and will still say, although it will not be the truth, that many of us do not want any changes made, and that we are content with what has happened in some areas in the past. They feel they must have a strawman.

I have seen evidences in elections in certain sections of the country where the candidates do not run against each other but seem to engage in a contest of which one hates the South more. I am afraid that the people who engage in that type of campaign are the ones who are the "Thaddeus Stevenses" of the 20th century; who would like to see another period of reconstruction; who would hate to have the South taken away from them as a whipping boy because then they would have to run for office on their own records and against their opponents rather than against the South.

I know there are some who are saying, "If people like SYD HERLONG can vote for the substitute then it must be too weak." I frankly cannot understand that kind of logic. You have been urging us through the years to change, and now when some of us do, you question our motives. I would hope that you would accord to us credit for the same sincerity of purpose that you expect others to give you.

Think about this, please, when you vote. Ask yourselves again the question, What are you seeking—voting rights or revenge? If you seek voting rights, I will join you in trying to obtain them. If you seek vengeance, I want no part of it.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. MCCARTHY].

Mr. MCCARTHY. Mr. Chairman, this august Chamber has been the scene of some of our most treasured historic events. But none need take second place in significance to the debate and vote on H.R. 6400.

For passage of this measure will represent the payment of a moral debt. It was 95 years ago that the 15th amendment was affixed to the Constitution of the United States. That amendment was a promise—a promise of dignity and equality to the Negro people who were then, nearly a century ago, emerging from the humiliation of enslavement.

Section I of the 15th amendment stated clearly that the right to vote "shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

But today, in the 1960's, we find that in some areas of our country the ability to vote, the most basic right of a citizen in a democracy, is flagrantly denied to some people for such an outrageously unconstitutional reason as the color of their skin.

The discriminatory devices used in some States to keep Negroes from voting have been many. Over the years our courts have struck down some of the most offensive of these. But in 1965 we still have with us two weapons, used with unfortunate success, aimed at keeping the Negro in an inferior place in society by preventing him from obtaining the power and self-respect possessed by all freemen through the right to vote. These two remaining weapons are the poll tax and the discriminatory use of a literacy test.

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

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

Section II of the 15th amendment reads:

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

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

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

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

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

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

The distinguished minority leader made reference to the author of the bill [Mr. MCCULLOCH]. I would like to say that I endorse every word that has been said by the gentleman from New York [Mr. LINDSAY], concerning Mr. MCCULLOCH. I hope the prediction made a few minutes ago by another Member—that before this day is over we will see a return of the Celler-McCulloch partnership—will come to pass because I believe that we will pass a better bill because of it.

But I must say the thing that makes it most difficult for me to understand this substitute is Mr. MCCULLOCH's authorship of it, and the only thing that explains it to me is it is really coauthored, it is the Ford-McCulloch substitute.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield to me at this point?

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

Mr. WILLIAM D. FORD. I do wish that you would refrain from referring to the coauthorship of the McCulloch amendment by a Mr. FORD. There is

some confusion in my constituency with respect to the name Ford and to this measure that has the name Ford attached to it. I would like the RECORD to show that I am in no way associated with the amendment now being discussed and, in fact, I would not touch it with a 10-foot "tax poll."

Mr. CORMAN. Some point was made yesterday by the minority leader about the fact that Texas is not covered in this bill. I think a little more careful reading of the bill will indicate that Texas is covered in every section of this bill. It is true under the automatic trigger, where we suspend tests and devices, that if a State has no test or device, we do not try to suspend it. But there is a provision for the appointment of examiners. There is a repeal of the poll tax and there is a prohibition against coercion or intimidation. All of this bill applies to Texas and the other 49 States.

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

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

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

Mr. CORMAN. No, sir.

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

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

I was delighted that we took care of the poll tax ban by the McClory amendment. Should we be saddled with the substitute, it will be better because of it.

Now about the moratorium on State legislation. Much has been said about coming to the Central Government and we have heard a lot from the Declaration of Independence. I would like to say that I have absolutely no difficulty in distinguishing the British Crown of the 18th century from the U.S. Government of the 20th century. I do not think the analogy is very well put.

There is a simple reason for requiring a moratorium on State legislation. If one wants to know what is happening today in Mississippi, I would think it is a reasonable interpretation of the efforts in that legislative body of that sovereign State that they are attempting to pass laws which will take them out from under this bill.

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

Mr. CELLER. I yield the gentleman 2 additional minutes.

Mr. CORMAN. It is my own opinion, if there is no moratorium on State action, there may be no application of this law in Mississippi and possibly none in Alabama and Louisiana.

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

The chronology of the committee's action is this: The President delivered his message on March 15. The Celler bill was introduced on March 17. We held hearings from March 18 to April 9 and considered the bill in subcommittee for a considerable number of days after that. It went to the full committee on April 13, and on May 5 along came the Ford-McCulloch substitute. There was no opportunity to take evidence on it, but it was carefully considered by the full committee and was defeated substantially in that committee.

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

Mr. CELLER. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Chairman, we have a choice here now to make. I come from the State of Louisiana, which has been much maligned during the course of this debate. I doubt there are many who sit here in this House of Representatives today who would take a position much different from the one I take if your State were treated as Louisiana is being treated by this proposed legislation. In fact, many of you have told me so personally. I cannot cast a vote here in this House of Representatives which will discriminate against Louisiana and its people. This legislation does discriminate against Louisiana. It is a matter of record that, for example, the Wall Street Journal and the Washington Post have in their editorials, criticized this bill for discriminating against the South and have said that the least this Congress can do is pass legislation which has equal application to every section of the country, North, East, South, and West. And, I agree. Before we adjourn, this Congress will enact some voting proposal. Believing that this is the case, I think it is incumbent upon me to do the very best I can to see that whatever proposal is enacted into law will be as fair as possible to every individual in the United States.

I am opposed to the so-called Ford-McCulloch substitute, but in spite of the objections that I have to it, it does have universal application. It will treat my people in Louisiana as the people in the other 49 States will be treated. Knowing that some proposal will be enacted into law I am going to do the very best that I can to insure that my people are treated as your people will be treated. And if you represented a State which has been maligned as mine has you would take exactly the same position. I am against the Ford-McCulloch substitute, and I support it only because it has universal application. I add, however, that if it is adopted I will vote against it on final passage. If it is not adopted, I will vote against the committee bill.

I am against discrimination, but equally I am against preferential treatment.

I make no pretense that there has not been any discrimination in Louisiana or anywhere else. But we cannot justify this discriminatory legislation under the guise of erasing discrimination.

The end does not justify the means.

Gentlemen, let us not rend asunder the Constitution of the United States.

Let us forget sectionalism. Let us forget emotionalism. Let us forget politics.

Let us, instead, uphold the Constitution we took an oath to defend.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana, our distinguished whip [Mr. BOGGS].

Mr. BOGGS. Mr. Chairman, I had not intended to talk at this stage of the debate. I am constrained to do so now only because of the remarks made just a moment ago by my distinguished colleague and dear friend, the gentleman from Louisiana [Mr. WAGGONNER]. I love the State of Louisiana. It has been good to me beyond my due. And I love the South. I know it as well as any man in this body knows it. I am part and parcel of it, born and reared there; born in the great State of Mississippi and proud of it. I do not have to establish my southern background or ancestry. For whatever it may be worth, my great uncle—God rest his soul—surrendered the last Confederate Army in the field 6 weeks after Robert E. Lee surrendered at Appomattox. And my grandfather served on the staff of Gen. Robert E. Lee throughout that bloody War Between the States.

I wish I could stand here as a man who loves my State, born and reared in the South, who has spent every year of his life in Louisiana since he was 5 years old, and say that there has not been discrimination, and agree with the gentleman from Louisiana. But unfortunately it is not so. In some areas of Louisiana, when a man has presented himself for the inviolate right to vote, he has been received as a fellow American and he has been registered to vote as he properly should be registered to vote, because to deny that right on the basis of race or creed is to deny a fundamental right of an American.

But there are other areas of Louisiana; there is one directly south of the great cosmopolitan, metropolitan city of New Orleans where out of about 3,000 Negro Americans less than 100 are registered to vote as American citizens.

There are other areas where less than 2 or 3 percent of the nonwhites are registered to vote. Can we say there has been no discrimination? Can we honestly say that from our hearts? I ask the gentleman that question. He knows it is not so.

In my congressional district—and God bless the people there—I have one parish, one county, if you will, in which over 90 percent of the Negro citizens are registered to vote, and the Negro citizenry constitutes a large percentage of the entire population. I have said to my fellow Louisianians in that parish: "Has this reduced the quality of government? Have the Negro citizens been less responsive than the white citizens? Have you had a harder time?" They have come back and they have said to me: "Congressman, we have crossed over that divide. We encouraged all of our citizens to vote and to register."

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

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

I shall support this bill because I believe the fundamental right to vote must be a part of this great experiment in human progress under freedom which is America.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from California [Mr. EDWARDS] 3 minutes.

Mr. EDWARDS of California. Mr. Chairman, I have read with some care the McCulloch-Ford voting rights bill which we are being asked to substitute for the committee bill, and with all due respect to its distinguished author, I must urge its defeat.

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

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

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

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

So, Mr. Chairman, the first great fault in the McCulloch bill is the cumbersome and unwieldy machinery to trigger the Federal registrars, as compared with the easy and fair machinery of the Celler bill that authorizes the Attorney General to trigger the appointment of the registrars where there is in his judgment examiners are required to enforce the 15th amendment.

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

The Celler bill wisely provides that in these areas of discrimination the State voting laws can not be changed unless approved by the Attorney General or by consent of a three-court judge District Court in the District of Columbia. History has proven a thousand times that this is a necessary requirement. The McCulloch bill does not have this safeguard. In those areas where voting discrimination has been the custom, these State and local governments can continue to pass frivilous laws to further keep Negroes from voting. The McCulloch bill offers only the inadequate existing judicial remedies, which history has proven are inadequate.

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

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

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

Second, the McCulloch bill and its impounding procedure is only really talking about impounding the ballots cast by Negroes. It would result in the segregation and identification of ballots cast by Negroes. The secrecy of the ballot would be lost and the public would know for whom the Negro cast his vote.

Third, if ballots cast by Negroes can be segregated and identified it is quite possible that they would not be counted or counted fairly. Picture the polling place with the challenging ballots of Negroes segregated into a single pile.

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

And lastly, Mr. Chairman, the Ford-McCulloch bill is totally irreconcilable

with the voting rights bill passed already by the Senate. If our bill is entirely different from the Senate's, as is the McCulloch bill, the end could well be a stalemate in the conference committee. The possibility of this deadend should have no appeal to those who genuinely desire an effective bill.

I strongly urge the defeat of this motion.

Mr. McCULLOCH. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. WIDNALL].

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

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

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

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

As I read the two bills, the difference between them does not rest with the difference between an automatic triggering device and some slower trigger. The difference lies in the applicability of either trigger. The Committee bill has an automatic qualifying device, by which certain States or subdivisions having a literacy test and less than 50 percent of its electorate registering or voting in the 1964 elections, could be placed under the jurisdiction of Federal registrars. The Republican bill has no such limitation in the employment of Federal registrars.

The key to understanding the real difference between these two bills, as I read them, is the fact that the committee criteria only qualifies a State or political subdivision for Federal registrars. In order to have these registrars appointed and sent into action, the Attorney General must certify to the Civil Service Commission that he has received complaints from 20 citizens that they have been denied the right to vote because of race or color and that he believes enough in the validity of the complaints to see the need for Federal voting registrars. The Republican bill, without the limiting qualification, would provide Federal registrars in any political subdivision when the Attorney General receives 25 complaints of voter discrimination, and an examiner determines that they are valid. Both bills require complaints; both bills require some finding that they are valid before Federal voting registrars are appointed. The Republican bill spells out the procedure for making the finding, the committee bill leaves it to the discretion, apparently, of the Attorney General. The major substantive difference is the broader, fairer, more effective coverage in the Republican bill.

Protecting the right to vote, in my opinion, also means that you must see that the vote is fully and fairly counted. The Republican clean elections amendment does just that, in contrast to the rather vague attempts to meet this problem in the committee bill. Similarly, the Republican bill would impound votes cast that have been challenged while a court action is pending, while the committee bill would allow them to be counted immediately.

Finally, it is my belief that the poll tax, which has been used in a discriminatory manner, should be eliminated. I am aware that the abolition of the poll tax as it applied to Federal elections was submitted as a constitutional amendment to the people for their approval. I think it should be pointed out, however, that the use of the constitutional amendment process is not confined solely to times when the Congress is positive it cannot accomplish the same end by legislation. It may be used at a time when there is some question, not only over congressional authority, but over the acceptance of this approach by the American people.

We have no ability to conduct a binding national referendum on a specific topic other than through the means of the constitutional amendment process. The desire of the people to outlaw the poll tax on Federal elections has been shown, and it is a logical step to outlaw it at State and local levels as well. For those who question its constitutionality as a legislative prohibition, I would suggest that the courts provide a sufficient avenue to test that question.

Mr. Chairman, I intend to work today for the most effective bill possible, and I intend to vote for final approval of voting rights legislation by this House.

Mr. McCULLOCH. Mr. Chairman, I yield to the gentleman from Missouri [Mr. HALL].

Mr. HALL. Mr. Chairman, today the House of Representatives will make a fateful decision on legislation that affects the basic right of citizens to vote. The question is not whether we shall pass legislation, for it is all too clear that some citizens are being denied the right to vote; not because they lack the legal qualifications to do so, but, rather, because of the color of their skin and traditional phobias and doubts based on sociopolitical fears.

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

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

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

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

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

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

The Ford-McCulloch bill has a single simple "trigger" whereby citizens in a voting district, who have been denied the right to register and vote on account of race or color may invoke the Federal remedy to remove the practices and patterns of discrimination by which their right to vote is denied. As amended in the Committee of the Whole House, it eliminated a poll tax.

The key to the Ford-McCulloch bill is that it insures the right of the States, a right guaranteed by the Constitution, by an amendment antedating the 15th, namely the 10th, to establish qualifications for voting. But it insures that no State shall apply those qualifications differently to citizens because of their race or color. It protects both the majority as well as the minority, and is not punitive.

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

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

The Ford-McCulloch bill provides that when complaints are received, that literacy tests are being unfairly applied, Federal examiners will intervene to assure that such tests are fairly given. The Celler bill eliminates them altogether in certain States, but does not eliminate them in others; surely an obvious example of unequal treatment under the law.

It is no more fair to apply the same law differently in these United States than it is to establish different Federal tax codes for different States.

Let us not be so hasty in our effort to correct wrongdoing that we permit this House to be swayed by a label. Let us look behind that label at the bills which are proposed, and let us adopt legislation which puts our house in order without destroying the house itself.

Mr. McCULLOCH. Mr. Chairman, I yield 7 minutes to the gentleman from Minnesota [MacGregor].

Mr. MacGREGOR. Mr. Chairman, I am sure that all in this Chamber who believe deeply in equal rights for all Americans were stirred by the words of the majority whip. It is indeed encouraging when a man of his stature, a man who voted against the Civil Rights Act of 1964, now declares his support for broad voting rights legislation in 1965.

Mr. Chairman, I listened during the debate today to the opinions of the distinguished majority leader and of the learned chairman of the Committee of the Judiciary, in commenting specifically on section 4 of the McCulloch substitute.

It was suggested by the gentleman from New York [Mr. Celler] that under section 4 of the McCulloch bill, Federal registrars would be obliged to be in a conspiracy against the registration of Negroes lacking a sixth-grade education.

The distinguished gentleman from Oklahoma said that Negroes who do not have a sixth-grade education under the McCulloch bill would be required to pass a complicated and discriminatory test.

The gentleman from Oklahoma went further in stating that the McCulloch bill would permit and indeed that it contemplates a continuation of these complicated tests. He must have been referring to "constitutional interpretation" requirements.

Then the gentleman from Oklahoma concluded by saying that in the McCulloch bill there is a built-in perpetuation of discrimination for those who do not have a sixth-grade education.

Mr. Chairman, I have the highest regard for the gentleman from Oklahoma and the gentleman from New York, but they are not correct in their opinions. If you will only look at the language of section 4 of the McCulloch bill, and if you are familiar with the decisions of the Supreme Court this year, you will readily agree with me that the distinguished gentlemen from Oklahoma and New York are mistaken.

Federal registrars under the McCulloch bill would be obliged to administer only simple literacy tests for Negroes who do not possess a sixth-grade education. They would administer—and this is the key point—applicable State law. "Applicable" obviously means State law not inconsistent with the law of the land.

What is the effect, then, in the case of Louisiana, with respect to interpretive tests? Federal registrars would not administer or require any such test in Louisiana. The law of the land has said those interpretive tests are discriminatory, and their use has been enjoined.

I refer you to the case decided March 8, 1965, in the Supreme Court of the United States, entitled Louisiana against the United States. In that case the Court cited the fact that Louisiana in 1921 adopted a constitution requiring that an applicant for registration be able to "give a reasonable interpretation" of any clause in the Louisiana constitution or in the Constitution of the United States. The Supreme Court has struck down that requirement, and the Federal registrars in Louisiana under the McCulloch bill would not be administering that test.

I can tell you what they would be administering. They would be administering only a simple literacy test, such as the ability to read and write; this was specifically approved by the Supreme Court in the Lassiter case in 1959 in North Carolina.

I have referred to Louisiana, but let me add the same will hold true in the States of Alabama and Mississippi. These are the three real offenders—Alabama, Louisiana, and Mississippi—which are of greatest concern to those of us who are greatly interested in ending the denial of 15th amendment rights in a manner consistent with law and our Federal system.

There are cases pending in Alabama and Mississippi, where there are more stringent interpretive tests than in Louisiana. Surely those tests will be stricken down by the Court, and thus would not be applied by the Federal registrars should the McCulloch substitute become law.

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

Mr. MacGREGOR. I am delighted to yield to the distinguished gentleman from Oklahoma.

Mr. ALBERT. I thank the gentleman for yielding. I respect the gentleman as one of the distinguished lawyers of the House.

The bill does state:

> If applicable State law requires a literacy test, those persons possessing less than a sixth-grade education shall be administered such test.

But it seems to me that the gentleman is overlooking the important point. The important point is that Negroes will be required to take literacy tests from the Federal officials, or otherwise, and white voters will not be required to do so.

Mr. MacGREGOR. All will be required, may I say to the gentleman from Oklahoma. All who claim discrimination.

Mr. ALBERT. But in the event that there is no discrimination, as against white applicants, no literacy tests will be required on the part of the white applicants. It seems to me that is the important point here.

Mr. MacGREGOR. Now the gentleman from Oklahoma has brought up what is at the very heart of our debate here. The issue is not, I submit to the gentleman from Oklahoma, what he or I would like to do. It is what we, being a part of a Government of laws and not of men, can do. The law of the land, as enuniciated by the Supreme Court in 1959, says that a simple literacy test is proper. I think it is important at this point that we look at the following language of the Lassiter opinion:

> It was said last century in Massachusetts that a literacy test was designed to insure an independent and intelligent exercise of the right of suffrage. North Carolina agrees. We do not sit in judgment on the wisdom of that policy. We cannot say, however, that it is not an allowable one measured by constitutional standards.

It is the undeniable right of all States to require that voters be able to read and write any section of the Constitution provided that such a test is administered in a racially nondiscriminatory fashion. That is precisely the "applicable State law" pertaining to literacy tests which would be uniformly administered by registrars under the Ford-McCulloch bill.

The argument of the majority leader suggests that illiterate whites have been registered in droves in the South, with local voting registrars ignoring literacy tests as to these whites. If this were the case, you would expect to find almost 100 percent of the whites registered in the so-called hard core States. But this is not the case. The official 1964 figures show white registration in Alabama at 66.2 percent of the white voting age population, in Georgia 57.2 percent, in Louisiana 76.6 percent, and in Mississippi 66.1 percent. Contrast these figures with the 77 percent actual voter turnout. not the higher registration figure, in my own State of Minnesota. We have never had a literacy test in my State, Mr. Chairman, nor any discrimination on the basis of race or color.

Mr. ROGERS of Colorado. Mr. Chairman, I recognize the gentleman from New York [Mr. RYAN] and yield to him such time as he may desire.

Mr. RYAN. Mr. Chairman, I rise in opposition to the substitute bill. This is no time to temporize.

Mr. Chairman, I rise in strong opposition to the Ford-McCulloch substitute. The Republican leadership bill fails to meet the problem head on. This is no time to temporize on voting discrimination. The substitute leaves open too many loopholes through which those States which already discriminate can maintain their patterns of discrimination. These loopholes are attractive to those who are fighting a last ditch effort against an effective voting rights bill.

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

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

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

H.R. 6400 abolishes the poll tax as a requirement for registering or voting in any election, whereas the Republican substitute continues the poll tax unless the Attorney General institutes a suit. The poll tax has been outlawed in Federal elections. It must be outlawed in State and local elections. The poll tax is clearly regressive, operating most harshly among the poorest members of a community. In Mississippi the median income for Negroes over the age of 14 is less than 40 percent of the median income for whites of a similar age. The poll tax is often equivalent to a day or two's pay. Furthermore, the requirement of two or more consecutive years' payment of the tax before an individual may become eligible to vote, which is currently in effect in Alabama, Mississippi, and Virginia, enables a State to continue discrimination for several more years and to have a formidable time barrier against Negro voting. Mr. Chairman, why must there be a price tag on constitutional rights? We must abolish it—completely.

The substitute terminates Federal registration whenever less than 25 individuals have been registered by the Federal examiner within a 12-month period. This says in effect, "If you bring discrimination down to a safe level, there will be no Federal action." Why should we have such a limit? Furthermore, threats of physical or economic coercion may well be the reason for less than 25 applicants. This provision would reward those districts in which deterrents against potential Negro voters have been most effective.

The substitute requires Federal examiners to be residents of the State in which they are assigned. In areas where discrimination is highest there may not be enough nonbiased qualified residents. Certainly policemen should not be recruited from among those who need to be policed.

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

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

Mr. Chairman, another failure of the substitute is the lack of provision for election observers. This omission negates much of the benefit of Federal examiners. If citizens, who are at least registered, are prevented from actually casting their ballots, it would be ironic. Section 8 of H.R. 6400 provides for necessary observers.

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

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

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

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

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

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

Mr. ROGERS of Colorado. Mr. Chairman, I yield such time as he may desire

to the gentleman from Oklahoma [Mr. EDMONDSON].

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

In the times of challenge which confront democratic governments and constitutions around the world, it is imperative that this great citadel of freedom in America put an end for all time to the unfair and unlawful barriers that deny the right to vote to some Americans.

H.R. 6400, incorporating the major provisions of President Johnson's recommendations for legislation to insure that right to vote to all Americans is a bill which should be adopted by an overwhelming vote in the Congress. I hope and trust it will.

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

Mr. REUSS. Mr. Chairman, I rise in support of the committee bill and in opposition to the McCulloch-Ford amendment. It is time that Congress vindicated the right of every American to vote, as guaranteed him by the 15th amendment. We must do this without any ifs, ands, or buts.

Just 100 years ago, President Abraham Lincoln sent Carl Schurz, of Wisconsin, and later of Missouri, to the South to make a study of the problem of the Negro. In his report, made after Lincoln's assassination, Carl Schurz wrote that the right to vote was the heart of the matter:

> Practical liberty is a good school. It is idle to say that it will be time to speak of Negro suffrage when the whole colored race will be educated, for the ballot is necessary to secure his education.

It is now 100 years since Carl Schurz said it. Today, in July 1965, the Congress of the United States is going to do it.

Mr. ROGERS of Colorado, Mr. Chairman, I yield such time as he may desire to the gentleman from Alabama [Mr. GEORGE W. ANDREWS].

Mr. GEORGE W. ANDREWS. Mr. Chairman, the 15th amendment to the Constitution of the United States, upon which the current Federal proposal to alter voting rights is based, provides that:

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

Neither in this amendment nor elsewhere in the Constitution is there any limitation upon the right of the States to determine the qualifications of voters, so long as they do not discriminate on account of "race, color, or previous condition of servitude"—15th amendment—nor on account of "sex"—19th amendment—nor on account of failure to pay any poll tax or other tax in the case of Federal elections—24th amendment.

On the contrary, the Constitution expressly provides that the qualifications of voters shall be determined by the States, subject, of course, to the provisons of the 15th, 19th, and 24th amendments above.

Furthermore under the 10th amendment:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

As a result the States have various requirements for voting, such as length of residence within the State, age limitations, ability to read and write, and so forth. Twenty States, I understand, have some sort of literacy test.

Under the current proposal, all of these requirements in certain States may be swept aside by the Federal Government and Federal voting examiners appointed by it to register people in Federal, State and local elections, with no literacy or other test permitted.

This, I submit, is a clear violation of the Constitution which the Members of Congress have taken an oath to support.

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

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

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

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

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

Article I, section 2, of the U.S. Constitution clearly gives to the States the right to determine the qualifications of voters. This has been the American way since the Constitution was ratified by the States. But if the administration's registration bill is enacted into law, the Constitution will have been breached. The American system will have undergone a totalitarian change. Six States will have been deprived of one of the foundations of republican government and will be in a reconstruction era identical with the military occupation of 1865.

The administration's voter bill is an appalling piece of legislation. Contrary to all American traditions of justice, six States will be presumed guilty. If in 1964 not more than 50 percent of the persons of voting age noted in the 1960 census actually voted, then the Federal Government automatically assumes that people were discriminated against and deprived of the vote. This is a cruel, wicked, and un-American assumption. There are places where voting has been discouraged. But there also are vast areas—entire States—where voter registration proceeds with absolute fairness and equal application of the laws. These areas and States are to be slapped down by the Federal power, and the Federal registrars are to usurp States rights.

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

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

The suspicion is naturally aroused that, in bowing to the street and highway agitators, the administration hopes that powerful new political engines will be created in the South so as to turn the Southern States into captive communities for its reelection.

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

Mr. ROGERS of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ROGERS].

AMENDMENT OFFERED BY MR. ROGERS OF TEXAS

The Clerk read as follows:

Amendment offered by Mr. Rogers of Texas: Page 1, line 5 strike out all of section

2, section 3, section 4, section 5, section 6, section 7, section 8, section 9, section 10, section 11, section 12, section 13; and on page 14, line 21, immediately after the word "law" and before the semicolon, add the following: ", and which person has subscribed to the following oath:

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

And on page 15, line 19, strike out all of subsection (d) and (e) and insert in lieu thereof the following:

"(d) Any person violating any of the provisions of subsection (a), (b), or (c), and any person subscribing to the oath set forth in subsection (a), falsely or with intent to deceive, shall be fined not more than $10,000 or imprisoned not more than five years, or both. Subscription to the said oath set forth in subsection (a), either by swearing or by affirmance by any person holding membership in the Communist Party, or in any organization affiliated with the Communist Party, shall be prima facie evidence of falsification and intent to deceive on the part of the person taking said oath."

And on page 16, line 4, strike out all of section 15.

Mr. ROGERS of Texas. Mr. Chairman, I regret the short time that we have to explain this amendment, but I think if you will get the McCulloch bill and this amendment and study them together, you will find that section 14 of the McCulloch bill is the section that has direct effect on the voting rights of the people of this country. This amendment, if adopted, would preserve in all particulars the voting rights of every citizen of the United States regardless of race, color, or creed, or previous condition of servitude, or anything else except that it would require him to take an oath that he was a citizen of the United States and believed in the Constitution of this country. That is the identical oath that you take when you are sworn in as a Member of the Congress of the United States, except that I have added the provision that the voter swear that he is not a member of any organization advocating the violent overthrow of the Government under which he is asking to be allowed to vote. It provides a penalty for violation of this section; anyone infringing upon the absolute right to vote is subject to criminal penalties.

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

I ask respectfully all Members of this Congress vote aye on this amendment. Who, may I ask, could, in good conscience, oppose such an amendment?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. ROGERS].

The question was taken; and on a division (demanded by Mr. ROGERS of Texas) there were—ayes 65, noes 183.

So the amendment was rejected.

PREFERENTIAL MOTION OFFERED BY MR. WATSON

Mr. WATSON. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Preferential motion offered by Mr. WATSON: "Mr. WATSON, of South Carolina, moves that the Committee now rise and report the bill back to the House with the recommendation that the enacting clause be striken out."

Mr. WATSON. Mr. Chairman, I think it is quite elementary that all of us should face up to the fact that the passage of either the substitute or the Celler bill is not going to satisfy the professional civil rights troublemakers. It sort of reminds me of a story that was told of the little boy who was complaining and pouting at breakfast one morning. His mother said, "What can I do for you, son?" He said, "I want two eggs; I want one scrambled and I want one fried over light." His mother complied with his request and brought in the two eggs. The boy screamed again. The mother again asked, "What is wrong, son?" And he said, "Mother, you scrambled the wrong egg."

That is about the way it is going to be in this particular area. You do this today and you are going to be faced with similar legislation next year, and the year after and on and on.

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

We are, however, in my judgment, establishing a dangerous precedent and may find ourselves in the future regretting what is being done as an expedient.

This gentleman went on further to say:

To change the venue to a more favorable forum while desirable and perhaps even necessary in a given case, establishes a precedent which may yet come back to haunt us.

Mr. CAHILL. Mr. Chairman, will the gentleman yield at that point?

Mr. WATSON. Not at this moment.

Mr. CAHILL. The gentleman has mentioned my name. Will he yield so that I may clarify what he has just said about me?

Mr. WATSON. I shall yield, but in a moment.

The real reason I got this time was to take exception to a last-minute desperate effort made by one of the champions of the civil rights movement to influence this House on this legislation, who would like to subvert and abort our wishes. I got a telegram, and I dare say many of you did, from one Martin Luther King, Jr., saying, "I urge you to defeat the McCulloch amendment." He did not ask us to consider it, but in essence demanded its defeat. His final statement was, "defeat the McCulloch amendment."

This is the man who was referred to by J. Edgar Hoover as a notorious liar.

He is the man who now, while our boys are fighting and dying in Vietnam, is critical of the United States of America for our policy over there.

This is the man who said "Let us defeat the Ford-McCulloch amendment," the substitute.

I am not worried about voter discrimination in my State of South Carolina. Even NAACP leader Roy Wilkins said, back in 1963, at an NAACP meeting in South Carolina:

The only thing that is necessary for Negroes to vote in South Carolina is to present himself and be qualified.

How can you reconcile in your minds that you are not going to have any literacy tests whatsoever in some States to vote, while at the same time you ask the men to pass a literacy test in order to go out and fight and die for their country? Passage of this legislation will mean that you do not have to be intelligent to vote for your representative, to possess any degree of literacy to vote for those who then send our men out to die on foreign battlefields. Yet you have to have a literacy test in order to fight for your country.

This issue is very simple here. I am appealing to every one of you, regardless of the section of the country you come from. This is a moment of decision as to whether or not you are going to have the courage, yes, the guts, of our forefathers of 189 years ago, when they dared to say "I am independent of the King." This is your opportunity, wherever you come from, to say that you are independent of "the King" in the United States.

Mr. CAHILL. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. Chairman, I am very happy in a way that the gentleman from South Carolina spoke, because by his speech he pointed out I think more dramatically than anything I could say or anything anyone else could say the courage that was demonstrated by another gentleman from the South today, the gentleman from Louisiana [Mr. BOGGS].

I disagreed with the gentleman from South Carolina in the field of civil rights when he was on that side of the aisle, and I disagree with him on this side of the aisle.

The gentleman referred to my speech on the floor. He referred to what I said in the committee report. What he said was correct, but regretfully he did not say it all, and his quotes were taken out of the whole context. I said on the floor that I did have reservations about both of these bills, and I said on the floor I had participated in and did write a minority report. But I also said I was for the bill, and I also told you the reasons why I was for the bill. I also pointed out to this committee that the time had come for some leader of the South to recognize

and acknowledge at long last the existence of voter discrimination in that area of our country.

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

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

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

The motion was rejected.

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

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

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

Mr. McCULLOCH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

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

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

Mr. McCULLOCH. Mr. Chairman, I cannot yield.

Mr. Chairman, I hope the final decision will be made upon the merits, of what is in the respective bills and as it was presented to the committee on Tuesday, Wednesday, Thursday, and Friday. I urge you all to vote for the substitute.

Mr. CELLER. Mr. Chairman, I yield the balance of the time remaining on this side to another distinguished member of the New Jersey delegation [Mr. THOMPSON].

Mr. THOMPSON of New Jersey. Mr. Chairman, in opening my remarks I would like to say to the Chairman and Members of the Committee, I command my friend and distinguished colleague from New Jersey [Mr. CAHILL] for a very stirring speech. Especially am I appreciative of the fact that he knows the difference between a scrambled egg and a fried egg.

Mr. Chairman, I oppose the Ford-McCulloch substitute amendment because it does not reach down into the heart of problems we are trying to eliminate.

It is no fiction that "tests and devices," a key phrase in voting and registration legislation, are being used to restrict the franchise.

A serious defect of the Republican leadership substitute is in its requirement that Federal examiners administer tests to applicants with less than six grades of education.

This requirement would serve to continue into the present and the future a double standard of testing—the very evil we are attempting to eliminate. Negroes would be tested by the examiners on the basis of the standard set forth in the substitute amendment—completion of six grades or passing of the State literacy test. At the same time, whites would be applying for registration to the State or local registrar, who would presumably do what he has always done—register whites on the basis of their white skin rather than on the basis of any educational achievement or passage of any test.

The Ford-McCulloch amendment thus invites the registration of relatively poorly educated whites while preventing the registration of Negroes with similar education or literacy. Indeed, under that amendment the States are free to increase even further the degree of difficulty of their literacy test requirements so as to make it impossible for anyone to pass these tests. Any Negro with less than a sixth grade education who applied to a Federal examiner would thus be promptly rejected for his failure to pass the State literacy test while illiterate whites would miraculously pass the same test when it is administered by the local registrar.

On the other hand, those State registrars who took their duties seriously and applied the letter of the State law would test all who came to them on the basis of the complicated provisions of State law, while Federal examiners, at the same time and in the same place, would register those with a sixth-grade education without subjecting them to any interpretation, understanding, or literacy examination. The resulting confusion could be avoided only if all persons—white and Negro—abandoned the State machinery and made exclusive use instead of the Federal examiner system. This is a result hardly to be desired either by those who profess an abiding concern for the strengthening of States rights or by those who wish to promote State responsibility for the fair and equitable administration of their election and registration laws.

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

H.R. 6400 avoids all of these pitfalls by suspending literacy tests in the areas of discrimination and prohibiting their use by either Federal or State officials. I need not repeat here the case which has been made so often and so well in support of the rationality and constitutionality of this approach. The statistical, factual, and legal materials before the Congress fully demonstrate the reasonableness of the suspension formula.

But beyond that—and this, too, is amply documented in the record of hearings of the Committee on the Judiciary—it is clear that in many places the complex literacy and constitutional interpretation and understanding tests have had no purpose other than to provide a tool for discrimination against Negroes. Given that background, it is hardly surprising to find that many of these tests are not susceptible of fair administration by anyone, including a Federal examiner.

For example, some States use the application form itself as a literacy test. They require the applicant to fill out a long, complex, and confusing form without assistance and without errors or omissions. In Alabama, applicants cannot vote unless they know such matters as to which public official one must apply for a gun permit.

Such tests and knowledge requirements are utterly unreasonable. They are simply a part of the obstacle course erected in those areas to prevent Negroes from reaching their goal of full citizenship. I say such tests could not be applied fairly by an examiner. I say they should not have to be applied by a Federal official appointed to rectify voting discrimination. Yet, under the Ford-McCulloch substitute, the Federal examiners would have to do just that.

Let us not enact unsound practices. Instead let us reject the substitute—which has had no hearings and no support from the leadership conference on civil rights—and get on with passage of H.R. 6400, a sound attack on the problem.

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

Mr. THOMPSON of New Jersey. I yield briefly to the gentleman from Minnesota.

Mr. MACGREGOR. Does the gentleman not recognize that the Supreme Court decision in the Louisiana case, throwing out the interpretive tests, is in fact the law of the land, and makes that law in Louisiana inapplicable?

Mr. THOMPSON of New Jersey. That particular law, and not others. The gentleman from New Jersey recognizes more than anything else the resourcefulness of those who would contrive tests even under existing decisions in order to disenfranchise the Negro.

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

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

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

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

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

Mr. Chairman, I conclude by saying that these tests under this double standard are completely and absolutely unreasonable.

I do not question at all the motives of the gentleman on the other side, whom I respect and admire. I question in this case, however, their judgment.

I ask for a complete and enthusiastic rejection of the substitute.

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

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

There was no objection.

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

It is tragic that the right to vote must still be subject to abuse in this Nation. It is tragic that this right has been subject to debate and equivocation for so long a time in our history—that it should require 103 years after the Emancipation Proclamation and 95 years after the ratification of the 15th amendment to insure the rights which were promised and written into our Constitution. Today the national conscience summons us to remove this stain on our history.

The Voting Rights Act of 1965 is a product of that conscience, which at long last has instructed us that our laws have been inadequate to our national ideals. The bill would redress that inadequacy. It was not born easily, as we are well aware. It came to us out of the agony of men and women who attempted to exercise their birthright by registering to vote and who were crudely and even brutally rejected in their attempts. Can we endure another year, another decade, another century, of prostituting the law of the land? Can we continue to ignore the right of citizens to cast a ballot regardless of their race? The answer is a clear and resounding no. Our answer is the Voting Rights Act of 1965.

We are now 4 months removed from the agony of Selma and from those first moving hours of decision to make the right to vote available to all Americans as promptly as possible. We have had time to reflect, to study, to write and rewrite, to debate and amend, and we are finally at the hour of action. It has been an arduous but productive journey.

It is clear, Mr. Chairman, that this bill will not eliminate discrimination in our Nation. But it will do a great deal toward erasing discrimination at the ballot box, and in this it will provide Negro citizens with the most effective tool of their social revolution. The ballot is the most fundamental and the most formidable weapon in the arsenal of democracy.

That weapon has not been available to large numbers of Negro voters in the Southern States. Because of their inability to participate in the basic processes of democracy, they have been confined to second-class citizenship. As a result of their failure to secure this participation—which is guaranteed by the Constitution and taken for granted by nearly everyone in this society—they have been forced to seek other avenues of petition for their grievances. Negroes, like all other Americans, seek the blessings of democracy. They are subject to the laws of the land, yet they have in too many instances lacked the opportunity to participate in the election of those who make and administer these laws. They want no more, no less, than is their just birthright under the Constitution: the right to engage in the election of candidates for public office.

This right was set forth in the 15th amendment, which sought to eliminate distinctions on the grounds of race or color in the right to vote. Yet since the amendment was ratified in 1870, it has been circumvented by various means, some simple and some sophisticated. The literacy test and the poll tax are notorious examples of such discrimination. To a degree, the Civil Rights Acts of 1957, 1960, and 1964 sought to counter these devious abuses. But neither Congress, the Executive, nor the courts have been able to accomplish enforcement of the 15th amendment without defined administrative procedures to insure rapid and widespread registration of persons who have been denied the right to vote on account of their race. President Johnson testified to this dilemma in his memorable address on voting rights when he said:

> Experience has clearly shown that the existing process of law cannot overcome systematic and ingenious discrimination.

In the Voting Rights Act of 1965, the Congress is not only reaffirming the 15th amendment but is providing effective machinery to enforce it. It makes a forthright frontal assault on literacy tests and other devices where they are used to deny the right to vote on account of race or color. The bill authorizes appointment of Federal examiners in these areas to register persons who are qualified under State law to vote in all elections. It empowers the Federal courts to appoint Federal examiners in actions instituted by the Attorney General to enforce the provisions of the 15th amendment. It provides criminal penalties for intimidating, threatening, or coercing any person for voting or attempting to vote or for urging or aiding any person to vote or to attempt to vote.

In this legislation, the machinery of the courts, and of the Federal Government, through the Department of Justice and the Civil Service Commission, are assigned definitive roles in enforcing compliance with the act.

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

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

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

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

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio, as amended.

Mr. McCULLOCH. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. McCULLOCH and Mr. CELLER.

The Committee divided, and the tellers reported that there were—ayes 166, noes 215.

So the amendment was rejected.

The Clerk read as follows:

On page 11, line 19: That this Act shall be known as the "Voting Rights Act of 1965".

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

AMENDMENT OFFERED BY MR. ROGERS OF TEXAS

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

The Clerk read as follows:

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

"SEC. 2. (a) Any citizen of the United States presenting himself to vote in a State or political subdivision in which he is qualified by residence to vote and who subscribes to the following oath:

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

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

"(b) Whoever violates or conspires to violate the provisions of subsection (a) of this section, or who falsely or with intent to deceive, subscribes to the oath prescribed in subsection (a), shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(c) Subscription to the oath set forth in subsection (a), either by swearing or by affirmance, by any person holding membership in the Communist Party, or in any organization affiliated with the Communist Party, shall be prima facie evidence of falsification and intent to deceive on the part of the person taking said oath."

Mr. ROGERS of Texas. Mr. Chairman, this is a very similar amendment to the amendment that I offered previously to the McCulloch substitute. However, this amendment as offered does not change H.R. 6400 in any respect except to add to the provisions of the bill that every person who votes in this country must take the oath, the same oath that you take as a Member of Congress with the further statement in it that the voter does not belong to an organization advocating the violent overthrow of this Government.

It adds one other thing besides that. It adds the provision if a person is a member of the Communist Party or any organization affiliated with the Communist Party, that such membership is prima facie evidence of his intent to deceive and his intent to falsify.

As I said in the discussion a few moments ago in regard to the McCulloch substitute, I do not see how anyone can oppose this amendment conscientiously because the amendment that I have offered contains the very wording that was contained in section 2 of the bill as introduced by the chairman of the Committee on the Judiciary, the gentleman from New York [Mr. CELLER].

If you will read the amendment you will see that it simply changes section 2 by adding the two items I referred to heretofore.

There is no effective way in this country today to deal with communism at the polls in this country. I have heard a number of Members, many who stood up against the amendment when it was offered to the McCulloch substitute, people who have stated unequivocally on the floor of the House that they were opposed to communism in Vietnam, they were opposed to the Vietcong, they were opposed to communism in Korea and in the Philippines, in the Near East and in Africa and every other place. Members who voted for spending billions of dollars to curb communism all over the world. I ask you, are you against communism everywhere in the world except at the polling places in this country?

You can answer that question by voting "yea" on this amendment, and putting into the law of this land a weapon that will be effective in dealing with the most sinister menace this Government has ever been confronted with.

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

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

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

Mr. ROGERS of Texas. I am asking that they take the same identical oath, the people who want to vote in elections who elect you and the President of the United States, the same oath you are required to take when you come to be sworn in as a Member of the Congress of the United States, with one additional proviso: That is, that the person seeking to vote is not a member of any organization advocating the violent overthrow of this Nation or Government, I think this same proviso should be added to the oath we take.

Mr. POOL. I want to say the gentleman is certainly right, and there is nothing wrong with this kind of provision, in my opinion. I support the amendment 100 percent.

Mr. ROGERS of Texas. I thank the gentleman.

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

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

Mr. JOELSON. Would the gentleman's amendment include members of the Ku Klux Klan?

Mr. ROGERS of Texas. If the Klan advocates the violent overthrow of the Government, a Klansman taking the oath would be in violation the same as a member of the Communist Party.

Mr. JOELSON. I hope none of them ever took the oath of office here.

Mr. ROGERS of Texas. The gentleman is more familiar with the Ku Klux Klan than I am. I have no information on the matter.

Mr. JOELSON. I would like to know, if a man is a member of the Ku Klux Klan, and so states, whether he would be forbidden the right to vote?

Mr. ROGERS of Texas. If his organization was advocating the violent overthrow of this Nation, and he took the oath, he would be prima facie guilty of a crime, and he could be subjected to the criminal penalties provided. The same rule would apply to a Communist.

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

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

Mr. FINO. Does the gentleman's proposal have in mind elimination of any literacy requirement?

Mr. ROGERS of Texas. The amendment has nothing to do with literacy requirements, as spelled out in the McCulloch bill. It does not require a literacy test. It requires only a patriotism test.

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

Mr. ROGERS of Texas. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

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

Mr. CELLER. Mr. Chairman, I am constrained to object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. ROGERS].

The question was taken; and on a division (demanded by Mr. ROGERS) there were—ayes 89, noes 152.

Mr. ROGERS of Texas. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. ROGERS of Texas and Mr. ROGERS of Colorado.

The Committee again divided, and the tellers reported that there were—ayes 88, noes 148.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3 (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal examiners by the United States Civil Service Commission in accordance with section 6 to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided*, That the court need not authorize the appointment of examiners if it finds by a preponderance

of evidence that any incidents of denial or abridgment of the right to vote on account of race or color (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of such test or device in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

(c) If in any proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color: *Provided,* That such qualification, prerequisite, standard, practice, or procedure may be enforced if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that the Attorney General's failure to object shall not bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose and with the effect of denying or abridging the right to vote on account of race or color: *Provided,* That no such declaratory judgment shall issue with respect to any plaintiff for a period of five years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff.

An action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color.

If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote an account of race or color, he shall consent to the entry of such judgment.

(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a State which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964.

A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

(c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

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

SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, it may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided,* That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that the Attorney General's failure to object shall not bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

SEC. 6. Whenever (a) a court has authorized the appointment of examiners pursuant to the provisions of section 3(a), or (b) the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b) that (1) he has received complaints in writing from twenty or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be reasonably attributable to violations of the fifteenth amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall appoint as many examiners for such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 9(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i), prohibiting partisan political activity: *Provided,* That the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

SEC. 7. (a) The examiners for each political subdivision shall examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as the Commission may require and shall contain allegations that the applicant is not otherwise registered to vote.

(b) Any person whom the examiner finds to have the qualifications prescribed by State law in accordance with instructions received under section 9(b) shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 9(a) and shall not be the basis for a prosecution under section 12 of this Act. The examiner shall certify and transmit such list, and any supplements as appropriate, at least once a month, to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection on the last business day of the month and in any event not later than the forty-fifth day prior to any election. Any person whose name appears on such a list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with subsection (d): *Provided,* That no person

shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted on such a list to the offices of the appropriate election officials at least forty-five days prior to such election.

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

(d) A person whose name appears on such a list shall be removed therefrom by an examiner if (1) such person has been successfully challenged in accordance with the procedure prescribed in section 9, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

Sec. 8. The Civil Service Commission, at the request of the Attorney General, is authorized to send observers to any election held in any political subdivision for which an examiner has been appointed under this Act. Such observers shall observe all aspects of the vote in all elections conducted by State and local officials within such political subdivision, including the casting and counting of ballots. Observers shall report to an examiner appointed for such political subdivision, to the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

Sec. 9. (a) Any challenge to a listing on an eligibility list shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate, and within ten days after the listing of the challenged person is made available for public inspection, and if supported by (1) the affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review but no decision of a hearing officer shall be reversed unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

(b) The times, places, and procedures for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning (1) the qualifications required for listing, and (2) loss of eligibility to vote.

(c) The Civil Service Commission shall have the power to require by subpena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before it under the authority of this section. In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

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

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

Sec. 11. (a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or for urging or aiding any person to vote or attempt to vote, or initimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6, 8, 9, 10, or 12(e).

Sec. 12. (a) Whoever shall deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, or 10 or shall violate section 11, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot which has been cast in such election, or (2) alters any record of voting in such election made by a voting machine or otherwise, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by section 2, 3, 4, 5, 7, 10, or 11 shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

(e) Whenever in any political subdivision in which there are examiners appointed pursuant to this Act any person alleges to such an examiner within forty-eight hours after the closing of the polls that notwithstanding (1) his listing under this Act or registration by an appropriate election official and (2) his eligibility to vote, he has not been permitted to vote in such election, the examiner shall forthwith notify the Attorney General if such allegations in his opinion appear to be well founded. Upon receipt of such notification, the Attorney General may forthwith apply to the district court for an order declaring that the results of such election are not final and temporarily restraining the issuance of any certificates of election, and the court shall issue such an order pending a hearing on the merits. In the event the court determines that persons who are entitled to vote were not permitted to vote in such election, it shall provide for the marking, casting, and counting of their ballots and require the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.

Sec. 13. Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission (1) that all persons listed by an examiner for such subdivision have been placed on the appropriate voting registration roll, and (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision, and (b), with respect to examiners appointed pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a) of this section.

Sec. 14. (a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

(b) No court other than the District Court for the District of Columbia shall have jurisdiction to issue any declaratory judgment or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of this Act or any action of any Federal officer or employee pursuant hereto.

(c)(1) The term "vote" shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

(2) The term "political subdivision" shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(d) Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SEC. 15. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), and as further amended by section 101 of the Civil Rights Act of 1964 (78 Stat. 241), is further amended as follows:

(a) Delete the word "Federal" wherever it appears in subsections (a) and (c);

(b) Repeal subsection (f) and designate the present subsections (g) and (h) as (f) and (g), respectively.

SEC. 16. Nothing in this Act shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

SEC. 17. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 18. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

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

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

There was no objection.

AMENDMENT OFFERED BY MR. WHITENER

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

The Clerk read as follows:

Amendment offered by Mr. WHITENER: On page 14 after line 6 strike all of section 4 and insert in lieu thereof the following:

"SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any election because of his failure to comply with any test or device in any State with respect to which determinations have been made by a court of competent jurisdiction that such tests or devices have been used for the purpose of denying or abridging the right of an individual to vote on account of race or color. Any political subdivision or State may bring an action in the United States District Court in any Federal district in such State against the United States for the purpose of having the Court determine whether such test or device has been used for the purpose and with the effect of denying or abridging the right to vote of any individual on account of race or color: *Provided,* That no such declaratory judgment shall issue with respect to any plaintiff for a period of two years after the entry of a final judgment of any such court of the United States.

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

"If the Attorney General determines that he has no reason to believe that such test or device has been used during the two years immediately preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote in any election on account of race or color, he shall consent to the entry of a judgment to that effect.

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

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

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

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

Mr. WHITENER. I yield to the gentleman.

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

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

Mr. GROSS. Mr. Chairman, I object.

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

The CHAIRMAN. The Chair will have to advise the gentleman that no such motion is in order until the gentleman from North Carolina has been heard on his amendment. The gentleman from North Carolina is recognized for 5 minutes.

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

I think we can summarize the amendment with two or three sentences. In subsection (a) we provide that a political subdivision or a State may bring an action in the U.S. district court in any Federal district in the involved State. This differs from section 4, subsection (a) of H.R. 6400 in that you do not have that latitude offered in the States and the accused subdivisions in the present section 4.

Another feature of the amendment is that whereas in section 4 of H.R. 6400, a 5-year period is provided for the continuation of the closing of the door of the court to a State, this amendment would only close the door for 2 years. The reason I felt 2 years to be adequate was that this period would embrace an election period because congressional elections must come every 2 years and local elections generally come every 2 years. I am sure there are none of us who are so antilocal government that we would want to recommend that they not have a right to have their case heard within 2 years.

I think the key change which this amendment would provide is one which many of our friends have supported already when they voted for the so-called McCulloch substitute. I know many of those who did not vote for the McCulloch substitute have said to us that they felt that this bill, if enacted, should apply to all States in an equal way. So this amendment would rewrite subsection (b) to provide that the provisions of section 4, and I quote, "shall apply to every State and political subdivision thereof in the United States."

So you see that this would merely bring about a condition which I think should prevail when we legislate; that is, there should not be one law for Massachusetts and another law for Connecticut, one law for North Carolina and another law for South Carolina.

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

Another change that this amendment would bring about in section 4 as written in H.R. 6400 would be that it omits, as one of the factors in determining whether a test or device is used, the one which is designated in the bill as No. 3, which reads "possess good moral character."

There has been a great deal of feeling expressed that as this bill is written it may be difficult to preclude a felon from voting in a local election once that subdivision or State has been brought under the influence, or the regulatory effect, of this proposed legislation. One gentleman sent out a memorandum in which he pointed out that provision would affect, I believe it is, the State of Idaho, or one county. It seems to me that none of us are willing to contend that the State laws should be stricken down in that respect.

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

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

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

Mr. LENNON. Mr. Chairman, I object.

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

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

The question was taken; and on a division (demanded by Mr. LENNON) there were—ayes 100, noes 49.

So the motion was agreed to.

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

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

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

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

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

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

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

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

The bill, H.R. 6400, asserts a statistical presumption of voter discrimination simply because political subdivisions—including 34 counties in North Carolina—among those Bladen, Cumberland, Hoke, Robeson, and Scotland—did not vote 50 percent of the persons of alleged voting age in the presidential election of November 1964. This presumption of guilt of discrimination is made even though there has been no complaint, or any evidence whatsoever, of alleged registration or voter discrimination.

This is the first time in the history of our free country that legislation is being advocated that would abolish the historical concept of "presumption of innocence" and would establish the presumption of guilt in our judicial system. Under the bill, a political subdivision will be forced to bring suit in the Federal court of the District of Columbia, Washington, D.C., and would be required to establish conclusively that no individual acting under color of law had discriminated against any person who had attempted to register and vote for a period of 5 years prior to the institution of legal action. Also, should the Court determine that in the period of 5 years preceding the institution of the action there has been discrimination on the part of any individual, then for an additional 5-year period the presumption of guilt would continue.

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

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

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

The Constitution of the United States gives the States certain reasonable powers to set nondiscriminatory standards for voting. The proposed bill sweeps away State literacy tests to determine qualifications for voters in all elections. This test is not a device in North Carolina to deny voting on the basis of race. It is interesting to note on this point that as late as July 24, 1963, the then Attorney General Robert Kennedy testified before the Senate Committee on the Judiciary as follows:

I think there is no question that it is the power of the State to establish the qualifications of its voters, and the States does have the authority to establish a literacy test. As late as 1958 in *Lassiter* v. *Northampton Election Board* (360 U.S. 45), the Supreme Court validated a requirement in North Carolina, that a prospective voter must be able to read and write any section of the Constitution of North Carolina, in the English language.

The proposed voting bill raises constitutional questions and problems which must be weighed judiciously. I trust that out of the floor debate will come action to effect nondiscriminatory and uniform voting privileges for all qualified citizens.

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

Mr. CELLER. Mr. Chairman, I oppose the pending amendment. The purpose of the amendment is to take the guts out of the bill. It would destroy section 4, which is the trigger provision. It would disembowel the entire bill and its purpose. It throws the issue back to the courts where it is today, adding additional delay. The amendment would remove the administrative procedure, it would eliminate the prompt and speedy remedy the bill is intended to provide. If you want to disenfranchise the Negro, vote for this amendment. If you want to give the Negro a vote, vote down this amendment.

Mr. MACGREGOR. Mr. Chairman, I ask unanimous consent that the pending amendment be reread.

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

There was no objection.

The Clerk reread the Whitener amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WHITENER].

The amendment was rejected.

AMENDMENT OFFERED BY MR. GILBERT

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

The Clerk read as follows:

Amendment offered by Mr. GILBERT: On page 16, line 25, insert a new subection (e) to read as follows:

"(e) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has sucessfully completed an equivalent level of education in a public school, or in a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English."

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

Mr. GILBERT. I yield to the gentleman.

Mr. CELLER. We would be glad to accept the amendment.

Mr. GILBERT. I thank the chairman.

Mr. Chairman, my amendment is designed to correct an inequity that exists in my own State of New York and particularly in New York City, my home. We have in New York an estimated 750,000 Americans of Puerto Rican birth, of which an estimated two-thirds are of voting age. But of those eligible to vote, we know that only a fraction were registered in 1964. The principal reason was that the State of New York requires that its voters be literate in English. This literacy must be demonstrated by a test in reading comprehension, but it is waived if any applicant to vote can submit proof of an eighth grade education in an accredited English-language school.

My amendment, which the other Body approved overwhelmingly on the recommendation of both Senators from New York, provides that any American who has successfully completed the sixth grade in an accredited school under the jurisdiction of the American flag—and this includes Spanish-language schools in the Commonwealth of Puerto Rico—will not be denied the right to vote by a literacy test in English. The amendment makes execption for States, such as New York itself, which currently have a standard other than the sixth grade for presumption of literacy.

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

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

You may ask why New York does not itself correct this situation. My answer is that New York is burdened with a constitutional anachronism, designed for one situation and currently being applied to another. Were it not so onerous a process to amend the constitution, New York might long ago have made the change. But if discrimination exists, however innocuous the intent and the circumstances, I cannot justify it. I, therefore, regard it as important that the amendment currently before us be approved.

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

I think it is pertinent to point out that Hawaii does not require literacy in English for its citizens who use the native Hawaiian tongue, that New Mexico prints its ballot in Spanish as well as English to accommodate its Spanish-speaking citizens, that Louisiana provides interpreters for registrants and voters whose mother tongue is the ancient Acadian French. But do not misunderstand me; I am not speaking in behalf of a multilingual society. I think it is right for New York to ask those born and raised under a foreign flag to read English as a condition of voting. But Puerto Ricans are American citizens by birth, educated under the American flag. They must not be denied the right to vote because the accredited schools they attended were, with the encouragement of Congress, conducted in Spanish.

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

Mr. Chairman, I have worked closely on this amendment with the former Attorney General of the United States, Senator ROBERT KENNEDY, and the present Attorney General, Mr. Nicholas Katzenbach. Senator KENNEDY has called upon the most respected experts of the Harvard and Yale Law Schools to comment on the constitutionality of this proposal. Having won acceptance of this amendment in the other body, he has passed their answers on to me, and I insert in the RECORD at this point the opinions of the distinguished Professors Paul A. Freund and Mark DeWolfe Howe, of Harvard, and Boris Bittker, of Yale. I think my colleagues will agree that their arguments are most persuasive and that little doubt exists that this amendment is both reasonable and constitutional:

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., May 17, 1965.

HON. ROBERT F. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I am glad to respond to your request for an opinion on the constitutionality of a provision that would assure the right to vote, so far as literacy is concerned, to persons who have completed at least six grades of education in an American-flag school. The purpose of such provision is, as I understand, to put graduates of Puerto Rican schools on the same footing as graduates of English-language schools with respect to eligibility for the suffrage.

In my judgment a measure of this kind would be within the power of the Congress under the enforcement clauses of the 14th and 15th amendments.

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

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

I trust that this opinion is responsive to your inquiry.

Sincerely yours,

PAUL A. FREUND.

YALE LAW SCHOOL,
New Haven, Conn., April 19, 1965.

Senator ROBERT KENNEDY,
Senate Office Building,
Washington, D.C.

[The question is] the propriety of a congressional requirement that States employing a literacy test in registering voters must allow applicants to take the test in Spanish. Since the United States officially sponsors the study and use of Spanish in Puerto Rico, I think that a State's refusal to allow Puerto Ricans to take a voter literacy test in Spanish

raises a serious issue under the equal protection clause of the 14th amendment. In effect, their right to vote is impaired by our national policy of encouraging the cultural autonomy of Puerto Rico, a policy that stems in part from the hope of making Puerto Rico a showcase for the underdeveloped countries of South America and elsewhere. Because we have deliberately fostered the use of Spanish by Puerto Ricans, their status under the equal protection clause is quite different from that of immigrants from foreign countries, whose language limitations are not of our making.

Whether or not a court in a case involving a particular individual would hold that the equal protection clause was violated by a State's refusal to allow Puerto Rican citizens to take its literacy test in Spanish, I do not know; but the pending voter registration bill rests on the theory that the power of Congress to act under section 5 of the 14th amendment is not restricted to abuses that would be corrected by the courts without congressional authorization. In my opinion, the power conferred on Congress by section 5 "to enforce, by appropriate legislation, the provisions of this article" is broad enough to warrant a congressional requirement that voter literacy tests be administered in Spanish.

Sincerely yours,

BORIS BITTKER.

LAW SCHOOL OF HARVARD UNIVERSITY,
Cambridge, Mass., April 9, 1965.

Senator ROBERT F. KENNEDY,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: Peter Edelman indicated to me that you would be glad to receive such comments as I might care to make on the constitutionality of a suggested congressional statute outlawing State requirements of literate voters that they be able to speak the English language. Because the attitude which I bring to that question is deeply affected by views which I have sent on to Senator EDWARD KENNEDY with respect to related problems, I am taking the liberty of enclosing a copy of the letter that I have sent to him. I shall not, accordingly, restate opinions developed there at some length.

In my judgment, the Congress is empowered to vitalize and make effective the 14th amendment's assurance of equal protection of the laws. It seems to me clear, accordingly, that if the Congress is persuaded that there is an undesirable inequality in a State's exclusion from the suffrage of literate citizens who do not speak English, the Congress may constitutionally outlaw the discrimination. The fact that the 14th amendment, of its own force, does not create a barrier to such a State requirement, in my judgment, does not mean that the Congress is powerless to define and enforce what must be acknowledged to be a wholly rational principle of equality. It is important to remember, I think, that no special sanctity safeguards State powers to fix the qualification of electors under article I, section 2. Those powers deserve political and constitutional respect, of course, but they have no greater claim to deference than any other State power that must bend to the authority conferred upon the Congress in the Civil War amendments. Were the suggested statute to be given effect in a community where Spanish-speaking Puerto Ricans, enjoying American citizenship, would be its beneficiaries, I should suppose that the Nation's responsibility to secure tranquil and understanding relationships with the Commonwealth of Puerto Rico would provide a special justification for the congressional insistence upon a higher degree of political equality than has been attainable while State discriminations against literate citizens who do not speak English have been in force.

Among the possibilities under consideration may be a statute qualifying literate citizens who do not speak English to vote in Federal elections. I should suppose that such a statute would not only find its justification in the congressional power to enforce the equal protection clause but in its authority to define and secure privileges of U.S. citizenship. I myself would see no constitutional reason to deny the Congress to confer voting rights in State elections on American citizens. Those who believe that constitutional barriers to such drastic legislation exist, would not find it easy, I think, to deny the Congress the power to establish uniform standards for participation in Federal electoral processes.

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

Very sincerely yours,

MARK DEW. HOWE.

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

Mr. GILBERT. I yield to the gentleman.

Mr. RYAN. Mr. Chairman, as debate opened on H.R. 6400 on Tuesday, the distinguished chairman of the Committee on the Judiciary [Mr. CELLER] assured me he would accept this very important amendment.

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

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

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

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

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

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

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

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

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

Mr. GILBERT. I yield to the gentleman.

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

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

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

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

Mr. GILBERT. I yield to the gentleman.

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

barrier. The gentleman is to be commended for offering this very much needed provision.

Mr. GILBERT. I thank the distinguished gentleman from New Jersey.

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

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

Mr. KREBS. Mr. Chairman, I wish to go on record as supporting this amendment that would in effect say, "No American citizen can have the right to vote denied by virtue of a non-English-speaking background."

The non-English-speaking constituents of my district in New Jersey have always been an important segment of our community. And I proudly vote to support this amendment that will guarantee that nowhere in this Nation will anyone's vote be negated because of language. This protection would apply to the Spanish-speaking in the cities of the East and any other non-English-speaking people within the borders of our country.

Our great Nation has gained much since the earliest days of our history. The roles of our early-day explorers are in fact replete with non-English names. A great contribution was most certainly made by those with Spanish surnames. Who can forget the brave Spanish explorers who came into the Southeast and established early governments in Florida, and the same Spanish explorers discovering the wonders of our great Southwest.

Even to this day the Southwest continues to enrich its culture by the presence of Spanish-speaking Americans of Mexican ancestry. The adoption of this amendment would serve as a commitment by Congress in recognition of the contributions of these people to our multi-ethnic Nation.

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

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

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

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

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

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

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

Mr. GILBERT. I thank the gentleman from California.

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

Mr. GILBERT. I yield to the gentleman.

Mr. FINO. I want to thank the gentleman from New York, my good and dear friend, for yielding to me at this time. The gentleman from New York is a very distinguished lawyer and certainly is capable of handling himself on the floor of the House in debate.

I would like to ask the gentleman this question. Does he realize that under his amendment, if it is adopted, a person who is illiterate in English, and this is what it will do—will be qualified to vote? It will permit persons who are illiterate in English to qualify to vote. Does he not realize that such a person who is illiterate in English in New York would be able to qualify as a juror. Is the gentleman prepared to try legal cases in the courts of New York with a jury composed of persons illiterate in the English language?

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

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

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

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

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

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

Mr. GILBERT. As the gentleman knows, all these propositions and amendments are in English. They are numbered. When the person goes to the polls he certainly will know whether he wants to vote "yes" or "no" for a particular number, since he would be conversant with that particular amendment or proposition, as any other American citizen.

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

Mr. GILBERT. I yield to the gentleman.

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

Mr. GILBERT. That is correct. The people who come from these foreign countries to our shores should be conversant with the English language in order to become citizens, whereas with respect to the Puerto Ricans it is entirely different. They are American citizens by birth.

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

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

There was no objection.

Mr. SCHEUER. Mr. Chairman, I wholeheartedly favor this amendment giving the precious privilege and right of the vote to American citizens educated in Puerto Rican schools.

The Members here assembled have the responsibility of discharging, once and for all, our clear duty under the 15th amendment to the Constitution to enact appropriate legislation to secure the right to vote for all citizens without regard to race, color, or previous condition of servitude.

Three times in the past decade we have legislated appropriately but not fully on the subject of voting rights. On each of these occasions we have stopped short of the full exercise of our constitutionally conferred powers in the expectation of universal accession to the spirit as well as the letter of the 1957, 1960, and 1964 civil rights enactments. Time and events amply demonstrate that our restraint and hopeful expectations have not been justified.

In testimony before the Judiciary Committee in March of this year, Attorney General Katzenbach laid bare the record of noncompliance in selected areas of the Nation.

In Alabama, the number of Negroes registered to vote between 1958 and 1964 has increased by 5.2 percentage points to a total of 19.4 percent of those eligible by age and residence. This compares with 69.2 percent of the eligible whites.

In Mississippi, the increase in the number of Negroes registered to vote is even less encouraging. In 1954, about 4.4 percent of the eligible Negroes in this State were registered; today the figure is estimated at 6.4 percent. Approximately 80.5 percent of the eligible whites are registered to vote.

In Louisiana, the Attorney General testified, Negro registration has shown no discernable increase. Thirty-one and seven-tenths percent of the eligible Negroes were registered in 1956. As of January 1, 1965, after almost a decade, the figure had increased by one-tenth of 1 percent to 31.8 percent. The percentage of eligible whites registered is 80.5 percent.

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

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

The amendment, firmly grounded in the 14th amendment authority to safeguard due process and the equal protection of the laws, contains two major subsections. The first part provides that in order to secure these rights in the case of citizens educated in American-flag schools in a tongue other than English, a State may not condition their right to vote on ability to read, right, interpret, or understand any matter in the English languaage. In effect, it prohibits discrimination in the exercise of the franchise against the American-flag educated person who does not speak English.

The second part of the amendment provides that no person who has completed the sixth grade, or whatever other grade the State requires, in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico, in which the predominant classroom language was other than English, shall be denied the right to vote in any election because of his inability to read, write, interpret, or understand any matter in the English language.

In other words, the completion of the sixth grade in an American-flag school, language differences to the contrary notwithstanding, is sufficient evidence of literacy for voting purposes anywhere in the United States or its possessions.

Mr. Chairman, the purpose of this amendment is to accord equal treatment with respect to eligibility for voting to American citizens educated in Puerto Rican schools.

This amendment, while applicable in all States, would cure the present disenfranchisement of Puerto Ricans in my own State because they cannot read or write English. That the New York literacy requirement is responsible for wholesale disenfranchisement of Puerto Ricans is evidenced by the low electoral participation of this population group. In all, there are 730,000 Puerto Ricans living in New York City. Although 480,000 are of voting age, less than one-third of these, or only 150,000, are registered to vote.

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

A great many of these citizens of Puerto Rican origin received their education in Commonwealth schools where the principal language used is Spanish. This practice is authorized and sanctioned by the Federal Government. We could, if we so desired, provide for bilingual instruction or the exclusive use of English in the Commonwealth classrooms. Instead, because of our policy of cultural autonomy and self-determination, we have fostered the present system which allows instruction in the Spanish language. Despite language differences, the Commonwealth system of education is patterned after our own.

The requirement of literacy in the English language is made even more unnecessary and unreasonable by the existence in New York of many and varied avenues of information which keep Puerto Ricans informed on public affairs in the Spanish language. New York has no less than three Spanish language newspapers and a radio station, providing abundant information on public issues.

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

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

> I think that the use of the English language test in New York with respect to Puerto Ricans serves to disenfranchise a great number of intelligent and able people. I think that is all wrong and I have never understood why the State of New York had it and why they didn't do something about getting rid of it. I would think that if this Congress wanted to get rid of that provision, it would be possible to do so. I think that if it did so, it should base that provision on the 14th amendment and be considered really a problem of due process, and I think that this Congress has the power to do it. I think it is sounder constitutionally to put that problem on a 14th amendment basis.

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

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

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

Mr. Chairman, I take this time to ask the gentleman from New York [Mr. CELLER] if this may be construed as New York's amendment?

Mr. CELLER. The gentleman has a perfect right to construe this in any way he sees fit.

Mr. GROSS. I am asking the gentleman if this is the New York amendment. He ought to know.

Up to this point I have been pretty well propagandized with the idea that the Judiciary Committee was omnipotent in all things pertaining to voting rights, that this was supposed to be a perfect bill. Now we find that on one of the first amendments offered to the Committee bill the gentleman from New York [Mr. CELLER] yields with the greatest of ease and accepts an amendment which would change the election laws of New York State.

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

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

I am wondering whether the omnipotent Judiciary Committee gave any consideration to the pending amendment in committee. The majority on the committee has turned down every other amendment which has been offered up to this point, so far as I know, but on this amendment, dealing with New York, the gentleman from New York [Mr. CELLER], very quickly yields and accepts it.

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

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

Mr. GROSS. I should like to have a response from the gentleman from New York [Mr. CELLER] rather than the gentleman from New York [Mr. ROONEY].

Mr. ROONEY of New York. I shall be glad to answer the distinguished gentleman from Iowa.

Mr. GROSS. I will get to the gentleman from New York [Mr. ROONEY] in a minute, if I can get an answer from the gentleman from New York [Mr. CELLER].

Mr. CELLER. Of course, the gentleman from Iowa knows that the Judiciary Committee is not going to make any reports or give any judgments for light and transient reasons. We did consider the Puerto Rican amendment. We had voluminous testimony on it, and no action was taken in the Judiciary Committee.

A Member has a perfect right to offer an amendment concerning this situation. An amendment has been offered.

Mr. GROSS. Did the chairman of the committee support this amendment when it was offered in the committee?

Mr. CELLER. I certainly do support it.

Mr. GROSS. Did you support it in committee?

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

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

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

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

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

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

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

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

Mr. ROONEY of New York. But the gentleman from Iowa voted for this provision here awhile ago on the teller vote on the McCulloch substitute.

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

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

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

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

Mr. CELLER. The matter is quite simple. This provision is contained in the so-called Mansfield-Dirksen proposal. It is contained in the McCulloch-Ford proposal. I do not know what more the gentleman wishes. It has now been offered, and it should be accepted. It is a bipartisan proposition.

Mr. GROSS. Mr. Chairman, the point I am trying to make is that this amendment is a direct invasion of the legislative power of the State of New York. It is my understanding that the gentleman opposed this move when the bill was under consideration in his committee, yet today he readily accepts it while opposing other attempts to improve what is patently a bad bill. I say that in the absence of any evidence that the voter qualification laws of New York are bad, we have no business here today usurping the authority of the legislature of that State.

This so-called voting rights bill—the committee bill—is a delegation of power, an unconstitutional delegation of power to the executive branch of the Federal Government and to the U.S. Attorney General which I cannot support.

I want every citizen who can qualify to have and to exercise the privilege of voting. To that end, I supported the McCulloch substitute bill. I cannot and will not vote for the committee bill if that is the choice I must make, and if the chairman of the Judiciary Committee continues to oppose amendments which would make acceptable the legislation he proposes.

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

Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

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

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. FINO. Mr. Chairman, I am opposed to this amendment offered by the gentleman from New York because it strikes down New York State's requirement that voters have an eighth grade education in an English language school or demonstrate the ability to read and write in English.

I object to both the procedure and substance of this proposed amendment because this proposal is unjustifiable on both counts as an amendment to the voting rights bill.

The voting rights bill properly aims at safeguarding Negro voting rights against denial for reasons of race or color which denial is contrary to the 15th amendment. It is the 15th amendment we are seeking to enforce with this bill. It is the 15th amendment with which we justify this bill. This politically inspired amendment has nothing, I repeat, absolutely nothing to do with denial of voting rights on account of race or color.

This voting rights bill, now before us, must not become the vehicle of a multitude of irrelevant and improperly associated attempts to undermine the legitimate exercise of State power to determine local voter qualifications.

No one—and I repeat that—no one has said that New York's English language literacy requirement has any racial overtones that would justify its destruction by a bill aimed at establishing Negro voting rights under the 15th amendment.

This proposed amendment, offered by the gentleman from New York, which would permit an individual who is illiterate in English to vote if he could furnish proof that he had completed six grades in a school anywhere in the United States including Puerto Rico, without regard to the language in which instruction was carried on, does not belong in this bill.

Let me read to you some pertinent parts of an editorial that appeared in May 22 issue of the New York Times.

Many of you gentlemen on the other side of the aisle follow that New York Times religiously. Let me read to you what they had to say on it. I quote:

> Ever since 1922, the New York State constitution has required that voters in this State must be able to read and write English. Since most political campaigns are conducted in English and the affairs of the State are transacted in English, this is a perfectly reasonable requirement. A voter who spoke or read no English would have great difficulty in knowing whom or what he was voting for.

The editorial continues and concludes by saying:

> Literacy tests have been misused in some Southern States in the past to keep qualified Negroes from voting. To prevent such misuse, Congress wrote into the civil rights bill a year ago a presumption of literacy for anyone with a sixth-grade education in English. This was a sensible and needed move. But the requirement to read and write English imposed by New York State has been fairly and impartially administered. It should not be destroyed by Federal law.

The U.S. Attorney General Katzenbach has already expressed opposition to this proposed amendment because he feels—and rightfully so—that since discrimination against Negro voting rights is the particular target of this bill, it should confine itself to that issue.

This type of amendment is quite distinct and separate and should be considered carefully and very carefully, on its own individual merits.

I believe, however, that this amendment has no individual merit to stand on and for that reason the sponsor is trying to get it through on the back of needed voting rights legislation.

Let me ask you: What is wrong with a State law that requires voters to have a certain reasonable minimum knowledge of the English language? I think that an English language literacy requirement is a perfectly valid and fair State restriction on the franchise—so long as it is not used to deny the right to vote on account of race or color.

Let me make one point crystal clear. We, in Congress, have no right to grant any citizen the right to vote; we have no power or authority or right to control, supervise, regulate or interfere with the right of any State to establish the requirements and qualifications of a voter unless there is reason to believe that these requirements and qualifications are being used to deny the right to vote on account of race or color.

As far as I am concerned, it is no more discriminatory to keep people who are illiterate in English from voting, than it is to keep 17-year-old college students from exercising voting privileges. The

English literacy requirement in New York makes no distinction between Jews, Italians, Germans, Poles, Chinese or Puerto Ricans. The standard in New York State is fair—it is reasonable and it is uniform. It simply states that you must be literate in English and if you are you can vote.

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

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

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

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

There is a good reason for the New York State English literacy requirement. It is difficult for anyone not literate in English to vote intelligently on the numerous propositions and amendments on the ballot. As a matter of fact, our highest court, the State court of appeals as recently as May 27 of this year upheld our State English language literacy requirement.

I have said that this amendment represents pure political opportunism. I also think that it represents pure political and social hypocrisy. I do not have to tell anyone here that the Puerto Ricans to be affected by this amendment—those who are illiterate in English—live in the poorest depressed sections of the New York metropolitan area. Many of them are persons who have long clustered together in ethnic ghettos. The English language is the vehicle of their potential cultural and economic assimilation into full New York life. Other immigrant groups have profitably had to learn English to walk the tenement trail out of the ethnic ghettos.

Today, we are placing more emphasis than ever before on absorption of and help for deprived social groups, and rightfully so. Thus, it is paradoxical to me that we can even talk of catering to the forces of social reaction by disestablishing the English language in favor of the Spanish-speaking inertia of the slums.

English has been a vehicle of ethnic progress in New York. Past generations of Jews, Italians, Irish, Germans and others have shed the speech of the old country in favor of the speech of the new world. English has truly been a ladder to Americanism, an incentive to assimilation and a beacon light to the path leading out of the slums to the tree-lined streets beyond.

I strongly believe it would be socially self-defeating to undermine the cultural position of the English language in New York. It is no instrument of privilege; it is a ladder to equality, and climbing it teaches us an unmatchable lesson in citizenship.

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

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

I urge the retention of English in its tried and true position as an incentive to ethnic self-help and a ladder to full-fledged Americanism. I think that the amendment before us today represents social hypocrisy, political opportunism, legal irrelevancy and a host of other failings.

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

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

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

There was no objection.

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

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

He also overlooks the fact that nothing as now contained in the law of the State of New York or any other State as to an 8-year requirement instead of a 6-year requirement will be affected. They are all excepted by the very language of the amendment.

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

Mr. CONTE. Mr. Chairman, we are nearing the end of our discussion on what certainly ranks with the most significant legislative acts ever undertaken by the Congress with respect to the constitutional rights of our citizens. Throughout the debate, which has at times brushed against some of the most explosive issues of our time, I have been struck by the singularly high plane of our discussion.

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

Like others in this body, I introduced a proposal of my own on voting rights earlier in this session. I introduced H.R. 4549 on February 8. My bill included many of the provisions—or very similar ones—which are contained in both the so-called administration bill, H.R. 6400, and the Ford-McCulloch Republican substitute, H.R. 7896.

I have been able, as we all have, to find strengths and weaknesses in both bills. Just as there are similar provisions in both bills to my own bill, there are also conflicting provisions.

However, on the balance I must concede that the committee bill, H.R. 6400, is the better bill and I intend to vote for it.

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

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

It is far more realistic, far more efficient, far more effective, to have the automatic trigger mechanisms proposed in the committee bill, whereby Federal examiners will move into areas that have such devices written into local law and in areas where the Attorney General can show evidence of discriminatory practices.

A presumption of literacy based on completion of six grades of elementary

school education is also unrealistic. The simple fact is that few of the Negroes in the South ever reach the sixth grade, whether they are able to read and write or not. The right to vote must not be predicated on any test of literacy or educational achievement any more than the obligation to pay taxes can be predicated on such tests.

On the third key point, the poll tax issue, I must support full and complete abolition of this device. My conscience simply will not allow me to compromise on this question of the poll tax. It is unfair, discriminatory, and no matter how it is explained or excused or rationalized, it has no other purpose but to abridge the constitutional right to vote.

No matter what other provision may be contained in the bill we enact here, it cannot reasonably be expected to solve the basic problem so long as the poll tax remains a fact of life.

It is not enough to permit these taxes to exist subject only to the change restraint of due process. They can never be justified on any grounds because if you deny their use as a discriminatory device, you deny the only practical reason for them to exist.

Of course, I agree that the committee bill can and should be improved. I agree that it should be amended to include the title III safeguards for guarantees under the first amendment to the Constitution which were proposed first in 1957. I intend to support the amendment which will secure these vital safeguards which will be introduced by the gentleman from New York.

This amendment goes directly to the heart of this business of intimidation. As we have recalled this week, this body included such a provision in the important civil rights legislation of 1957. It was subsequently knocked out of the final bill and we have seen the consequences. We can ill afford to overlook this important point any longer.

Mr. Chairman, I would like to underscore the remarks made here yesterday by my good friend and colleague from Massachusetts with whom I was pleased to travel to Alabama in March along with other Representatives of the Massachusetts delegation. As my colleague pointed out so graphically in his remarks, we saw with our own eyes how many of the precise devices we are now talking about were being used by State and local officials to deny and frustrate Negro voter registration.

We witnessed the drawn-out procedures, the lines of applicants, the meaningless trumped up requirements which these people had to meet in order to register to vote. They were not illegal devices, of course, because no law specifically ruled them out—that is what we are trying to accomplish right now. They were simple, devilish stumbling blocks intended to so frustrate and so confuse the registrant that he would eventually give up in disgust and despair.

We visited Montgomery and Selma on March 15 and we saw the procedures then being used to register Negro voters. They had to stand in line for hours just to receive a number. On the first and third Mondays of each month, a block of numbers was called and the registrant had to go stand in line again to be interviewed and to take a qualification examination. If he failed to respond when his number was called, he was canceled and, in order to register, had to start all over again in line waiting for a new number.

In addition to the exam results, a registrant was required to have a so-called sponsor vouch for him. The sponsor had to be a registered voter, of course, and in that area this almost automatically meant it had to be a white person. We learned that prior to the registration drive then underway in Selma, there were only 320 registered Negro voters in all of Dallas County out of a total nonwhite voting age population of 15,115.

These are the delaying tactics, the flagrant injustices which we can and must eliminate with the legislation now before us. We must take this further step toward full constitutional equality for all our citizens.

My conscience and my conviction, both of which have been strongly influenced by events and deeds which I have seen with my own eyes, compel me to support H.R. 6400. I have seen the delaying tactics and the redtape spun out like a spider web in the path of these people. I feel H.R. 6400 will best cut down that redtape and it is my hope that H.R. 6400 will prevail.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. O'NEILL].

Mr. O'NEILL of Massachusetts. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

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

There was no objection.

Mr. O'NEILL of Massachusetts. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York. This is not only a New York bill, this would affect the Spanish-speaking population in the city of Boston, which is rising yearly.

I believe that this straightens out an inequity in the present bill. We have had through the years of 1957, 1960, 1964 and 1965 a voting rights bill. We will have voting rights bills in the future.

While this bill was being heard by the Rules Committee they spoke about the right to vote, and the progress of the requirements for voting through the years. I have prepared a record of these rights through the years. I know that the right to vote has not come easy to many peoples or to many races.

THE RIGHT TO VOTE

Mr. Chairman, as of today, all discussions seem to center around civil rights and its twin, the right to vote, all based on the one man—one vote doctrine.

You read about sit-ins, economic boycotts, teach-ins, and freedom marches as well as the fight for liberty. The rights of the Negro must be protected. All lovers of freedom and liberty have been alerted. All the shackles which have hampered the Negroes' right to vote must be struck down.

With all these contentions, I am in complete agreement. However, the right to vote freely did not come easily. At this time, it might be both helpful and informative for a native of Massachusetts to set forth some of the historical facts relative to the formation of a freedom-loving society in the State that has led the parade in the promotion, advocacy, and establishment of those laws, regulations and statutes that have blazed the way. Most of the firsts in progressive legislation, from time immemorial, have come packaged and marked "made in Massachusetts.

As a native son of Massachusetts, I am proud of the record produced by the Old Bay State and will be most happy in recalling the outstanding record of achievement accomplished in colonial times by the pioneer people of the Old Bay Colony of Massachusetts, and in later days by the enlightened electorate of the Commonwealth of Massachusetts. We in Massachusetts, in the course of history, have gone through the experience of having a property qualification for the right to vote; a poll tax provision which necessitated that the tax had to be paid and a receipted tax bill presented before the person assessed a poll tax was allowed to register and vote—this provision was in effect up to 50 years ago and the poll tax itself of $2 was only repealed 2 years ago—residence requirements have always and still have to be met before registering to vote; and the requirements that each person desiring to register to vote in Massachusetts must be able to write his own name in the voting register, and furthermore, the applicant must be able to read intelligently at least five lines of our State Constitution, printed on strips which are then drawn by the applicant from a barrel or box as if from a lottery. Let us run down some of the election procedures from the period when the Province of Massachusetts was governed by its charter of 1691 to the year 1780 when Massachusetts adopted its written constitution which is the oldest written constitution still in effect in the Western Hemisphere if not in the entire world.

VOTING REQUIREMENTS IN COLONIAL TIMES

In 1691—Charter of 1691 governed the Massachusetts Bay Colony. This charter required that a voter possess a 40 shilling freehold; that is real estate that rented for 40 shillings a year, or any property, other than real estate, that was worth 40 pounds sterling, approximately 54 pounds in colonial money.

In 1692—A law passed in 1692, apportioning the number of representatives, referred to voters as freeholders. As a matter of fact, the phrases "qualified voters," "families" and "freeholders" were used interchangeably in the election laws and in references to elections.

In 1726—Another change occurred in 1726 when the words "qualified voters" were struck out and word "families" was inserted in place of "qualified voters." The assumption was that most men were heads of families as well as voters.

In 1731—A law passed in 1731 used the terms "qualified voters" and "families," interchangeably. Town petitions asking for legislation often used the word, "families" when it obviously meant "voters."

In 1763, when Gov. Francis Bernard was in office, he used the word, "freeholders" when the meant "qualified voters." In other words, there were no other requirements, literacy, and so forth, for a freeholder. A freeholder was a voter, ipso facto (Mass. Acts and Resolves IV, 628–639, Apr. 30, 1763).

In 1763, an interesting sidelight appears as of this date. There was a disputed province election in Stockbridge in western Massachusetts. The contest was between the Indians and white voters for the control of the local political machinery. The Indians lost the election by a vote of 32 to 29. The Indians charged improper voting by unqualified whites. A committee of the general court went to Stockbridge and decided that the whites had won but recommended that the whites and Indians vote separately in the future. Probably the first real segregation test in America. Lo, the poor Indian lost out. However, it should be pointed out that in colonial Massachusetts the Indians had definite election rights as individuals, while the U.S. Constitution, article 14, section 2, still provides:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

THE RIGHT TO VOTE IN COLONIAL MASSACHUSETTS

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

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

> In addition to using statistics for determing colonial democracy, we can find out what the people themselves thought at the time. Men are often motivated by what they believe to be true, not necessarily what is true. So we need to know two things: (1) Did colonials believe that most of the people could vote, and (2) did the political machine operate in their interests once they had voted, or was political control in the hands of a colonial aristocracy?
>
> We would be just as mistaken about that period as we would be about our own if we assumed that the actual vote represented the potential vote. As Thomas Paine said, a man who fails to vote can blame only himself for the consequences. Actually, as Boston records show, the people turned out when they thought there was an issue and stayed at home when there was none. Only 192 voted in Boston in 1729, but when paper money became the issue in 1732, the vote jumped to 655. From 334 in 1761, the vote went to 1,089 in 1763; when Samuel Adams' control was at stake in 1772, 723 voted, but only 272 bothered to ballot in 1776.

GOVERNOR SHIRLEY'S VIEWS

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

Undoubtedly Shirley's experience with Boston democracy influenced the advice he gave the British on ways to check democracy in a proposed new government for Nova Scotia. He recommended triennial instead of annual elections because he said the representatives curried the voters' favor by opposing the Governor, especially just before an election. He also advocated limitations on the number of representatives and councilors and preservation of the balance between them—a balance which he said had already been destroyed in Massachusetts. Above all, the King should control the incorporation of towns. Experience had demonstrated the pernicious influence of Boston on other towns and their representatives, he concluded, for in Boston, all points were carried "by the mobbish factious spirit of the populace" in their town meetings. If there was governing merchant aristocracy in Boston, Shirley was not aware of it.

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

GOVERNOR BERNARD'S VIEWPOINT

By 1766, Governor Bernard, declaring that the issue was now subjection to Great Britain, said royal government in the colony could never recover its authority without British aid, for the people had felt their strength and would not submit to anything they disliked. The Colony was democratic in all respects except the appointment of a Governor, and was especially democratic in the appointment of a council.

Bernard was quite right: as fast as a councilor or representative showed his colors as pro-British, out he went. Speaking of the election of 1769, Bernard wrote: "The faction had previously declared that they would clear the council of Tories: by this denomination they signify all those who are disposed to support the King's government, to acknowledge the authority of Parliament, and to preserve the people from a democratical despotism. (Councilors Flucker, Roper, Paine, and Worthington) were flung out by such large majorities, and the others, excepting the new ones and one or two more, elected so nearly unanimously, that it afforded a strong instance of the absoluteness of the faction as well as their disposition to abuse their power. A similar fate had befallen Tory representatives.

GOVERNOR HUTCHINSON'S OPINIONS

In 1767, Hutchinson summarized his view of Massachusetts democracy as follows: "every town is of course a distinct corporation with powers of making bylaws, raising money, etc., and hold their meetings when and as often as they please. All matters are determined by the majority of voices and although the province law provides that a man who does not pay a small tax shall not be deemed a qualified voter yet it is not 1 time in 20 that any scrutiny is made 500 or 600 are upon the floor together upon a level to all intents and purposes one only excepted who pro hac vice only is raised above the rest to put to vote such questions as are called for. The town of Boston is an absolute democracy and I am mistaken if some of the inhabitants don't wish for an independence upon province authority as much as they wish to see the province independent of the authority of Parliament. Every man in the Government being a legislator in his town thinks it hard to be obliged to submit to laws which he does not like and which were made by a house of representatives consisting of 100 men for one or two only of which he could give his vote and it is harder that a council who are still in a more distant relation to him should have a share in these laws and harder still that a governor in whose appointment he had no voice should control or restrain both council and house * * *." As later events demonstrated, the people of Massachusetts were hardly the anarchists Hutchinson depicted them to be.

One episode which aroused intense interest and showed both the nature and workings of Massachusetts democracy was the Land Bank or manufactory scheme of 1740. Thomas Hutchinson, Boston merchant-politican who opposed the bank, said the 700 or 800 partners were "some few of rank and good estate, but generally of low condition among the plebians (sic) and of small estate and many of them perhaps insolvent." "The needy part of the province in general favored the scheme," he continued, but "one of their votes will go as far in popular elections as one of the most opulent."

Thomas Hutchinson also had a taste of Boston democracy. Having made himself unpopular by favoring hard money instead of paper money, Hutchinson wrote plaintively to his friend Israel Williams of Hatfield after the election of 1749: "You have heard my fate. I could make but about 200 votes in near 700. They were the principal inhabitants but you know we are governered not by weight but by numbers."

Still other witnesses lend their weight to the view that colonial Massachusetts was democratic. John Adams said that all an artful man had to do to win the votes of the "rabble" which frequented the taverns was to win the favor of the tavernkeeper. The rabble, he continued, comprise "a very large, perhaps the largest number of voters" in many towns. Governor Bernard complained to the British that it was unfortunate for the council to be elected annually by the people's representatives, for this made the council much too popular to serve as mediator between Crown and people. Councilors were greatly influenced by the desire to be reelected—a fact well known to everyone—and he considered it "highly indecent" that councilors should be publicly threatened with defeat for what they did in the council. Today we consider this the very essence of democratic government. British ministers condemned the popularly elected house of representatives for refusing to obey the King's instruction or to provide adequately for the Governor, and on all occasions affecting "too great an independence on their mother kingdom." Continued the ministers: "The assembly is generally filled with people of small fortunes and mean capacities, who are easily led into any measures, that seem to enlarge their liberties and privileges, how detrimental soever the same may be to Great Britain, or to Your Majesty's royal prerogative."

Time and again Governor Hutchinson lamented both the dominance of democracy and the absurdity of democratic ideas. He

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

A few more examples will suffice to show that whatever present day historians may think about early Massachusetts, men at the time at least considered it democratic. There is the statement by Benjamin Franklin that in New England every man was a freeholder and had a vote in public affairs. There is also the quoted interview of a veteran of the Revolution: "Young man, what we meant in going for those redcoats, was this: we always had governed ourselves and we always meant to."

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

What else could one ask in the name of democracy?

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

NOW COMES THE REVOLUTION

The Boston Tea Party, the Boston massacre, the Battle of Lexington and Concord, the Battle of Bunker Hill, and the evacuation of the British troops from Dorchester Heights on March 17, 1776, all presaged the dawn of the American Revolution and the formal breaking of political ties with England. Success crowned the American efforts to achieve the objectives of the American Declaration of Independence proclaimed July 4, 1775, which stated:

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

With the surrender of the British under General Cornwallis at Yorktown, peace came to the American Colonists.

MASSACHUSETTS CONSTITUTION OF 1780

The Commonwealth of Massachusetts immediately drew up its constitution.

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

Our constitution has been a model for others. Its drafter, John Adams, said with much truth: "I made a constitution for Massachusetts which finally made the Constitution of the United States," as will be seen by comparing our constitution with its 7 years younger sister, the Federal Constitution of 1787. Our declaration of rights is a model for the Federal Bill of Rights, the first 10 amendments, which were added at the express suggestion of the Massachusetts Ratifying Convention of 1788, the first official suggestion to come from one of the States. The words of article XXX of our declaration of rights are considered the embodiment of the American doctrine of the separation of the powers. Indeed, a president of the American Historical Association, Andrew J. McLaughlin, in 1914 stated that the formation of the Massachusetts Constitution was the most significant single event of the American Revolution, because it "answered, in itself, the problem of how men could make a government of their own free will."

THE COMING OF THE UNITED STATES CONSTITUTION

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

The radicals of the day dominated the Nation's politics during the writing of the Articles of Confederation and the Declaration of Independence (both 1776). They saw to it that they were adopted by "delegates of the States" and that the States severally entered "into a firm league of friendship with each other." Each State retained its "sovereignty, freedom and independence." The radicals feared and hated strong government—they were fully convinced that the unwise and arrogant policies of the British Government was the primary cause of the Revolution itself.

Four years after the fighting had ceased, conservative businessmen of the North and planters of the South were still trying to devise some sort of constitutional reform that would meet the needs of the Colonies and make the Confederation of States a going concern.

In 1787, the Constitutional Convention met in Philadelphia. It was dominated by the Nationalists or Federalists of that day. They demanded a strengthened central government. That is what they got. The new U.S. Constitution went into effect in 1787.

U.S. CONSTITUTION

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

The fighting preamble to the new U.S. Constitution satisfied only partially the electorate of the United States. It presaged a long political battle on States rights, slavery, Federal control in derogation of States rights, the 14th amendment on citizenship and congressional apportionment, the 15th amendment on the right to vote which is the big political issue of 1965.

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

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

GOVERNMENTAL TRENDS

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

In the cities, same pattern—the council possessed virtually all authority. It was headed by the mayor, who had no veto power and practically no executive power. He presided over the council and was a ceremonial mayor only.

Almost all of the new States omitted property qualifications for suffrage from their constitutions. In the 1820's and 1830's, the older States dropped their property requirements for voting—requirements that might otherwise have had important connotations for the expanding urban proletariat.

POLITICAL STATUS OF THE NEGRO

The American Negro has been a formidable part of the American scene for more than 200 years. He was brought here as a slave. His forbears toiled on southern plantations. City life was not to their liking. But the great Civil War changed this picture. When the big southern plantations were broken up, most Negroes became sharecroppers in the South.

A study of the percentage figures of the Negroes as compared to the whites in the United States shows some startling contrasts. At the very beginning of the United States of America, in the 1790 census, 20 percent of the population were Negroes.

However, the low economic standard of the Negro plus a higher death rate, combined with a very heavy all-white immigration into the Southern States subsequent to the American Revolution, resulted in the drop of the Negro population down to 14 percent in 1860 and then slipped steadily down to 10 percent in 1930. This last figure of 10 percent has remained fairly stationary since that time on the national population basis.

The Hoover depression in the early thirties temporarily stopped the movement of the Negro from the South to the great northern industrial cities.

The end of World War I and 11 years of unprecedented prosperity that followed it, had caused a shortage of hard-manual laborers which sent thousands of Negroes to northern industrial centers. This movement of Negroes was accentuated by the shutting off of European immigration by the Immigration Act of 1924. Nevertheless, at the end of World War II in 1945, the subsequent extraordinary prosperity that followed it, has caused a tremendous influx of Negroes to certain areas of the North. As of 1957, census figures show that 1 of every 4 persons in Detroit was a Negro, while the percentage in Chicago was 1 Negro for every 5 persons.

The tendency of Negroes to move into the so-called ghettos or blighted areas of the North has produced a situation that will show drastic political changes in such cities as Detroit, Chicago, Cleveland, St. Louis, and Boston in coming campaigns. This Negro concentration in the northern core cities and the higher birthrate, will inevitably create a situation whereby the Negro will become the dominant racial group in many U.S. metropolitan areas in the years ahead.

GROWTH OF FEDERALISM IN UNITED STATES

The story of the centralization of power in the Federal Government is a most interesting one. It starts with elevation of John Marshall to the office of Chief Justice of the United States by President John Adams and continues right down through American history to our present-day voting in Congress on the right to vote law.

The stream of decisions from Chief Justice Marshall frittered away the powers of the States and turned them into the Federal Government. No jurist has left so deep an imprint on the law and government of his country as did John Marshall, Chief Justice of the United States from 1801 to 1835.

Marbury v. *Madison*, 1 Cranch 137 (1803) must be acknowledged as the most fundamental, for here was established, once and for all so far as American history was concerned, the right of the Federal courts to pass on the validity of congressional legislation. This power of judicial review was the foundation on which all the remainder of the Marshall court's constitutional doctrine rested. But once this power was established, it remained to assert the principle that the Federal Government could exercise not only those functions specifically authorized by the Constitution but those implicitly suggested by the language of that document as well. It has seldom since been forgotten by the Court that, as Marshall put it "It is a Constitution we are expounding."

McCulloch v. *Maryland*, 4 Wheat. 316, 407 (1819). The McCulloch case, supra, was a momentous decision. The U.S. Supreme Court ruled that Maryland—hence any other State—could not charter nor tax a Federal bank. The doctrine of implied powers stemmed from this decision. State laws which stood in the way of Federal jurisdiction were null and void.

The inability of the American people to solve the question of slavery, led inevitably to the Civil War. At the end of the war, the 14th amendment was added to the U.S. Constitution on July 23, 1866. Section 2 of the amendment provided: Representatives of each State in the House shall be in proportion to the number of persons in each State, excluding Indians not taxed, and specifically provided for the reduction of representation of any State that deprives any male inhabitant from voting—unless convicted of rebellion or other crime.

The final clincher for federalism came in the decision in the case of Texas against White in 1869 which stated that the "United States was an indestructible Union of indestructible States."

Then came the adoption of the 15th amendment to our U.S. Constitution which is called the right to vote amendment. This was adopted on March 30, 1870. It provided:

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

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

This amendment is practically a substitute for section 2 of article 14 adopted in 1866.

The Federal tide was running strongly and very little resistance was offered to it. For example, in 1927, a law was passed in Texas to ban Negroes from voting. No great stir against this kind of legislation arose in Texas but on appeal to the Supreme Court of the United States the Court threw it out.

Nixon v. *Hernden*, U.S. Supreme Court, 1927. The 1929 financial crash followed by 10 to 15 years of depression and disturbing financial conditions produced a deadlock on social legislation.

THE GREAT AWAKENING

World War II had come and gone, and 84 years had come and gone since the 15th article of amendment had been adopted and no legislation to carry out its obvious intent had been enacted by Congress. A rather innocuous suit of *Brown* v. *Board of Education of Topeka*, 347 U.S. 483 (1954) was being heard by the U.S. Supreme Court.

It was clearly an integration issue. States rights once again became a part of the arsenal of those who in the South opposed the integration of schools before and after the U.S. Supreme Court decided in favor of a single national policy on this delicate but basic question. The U.S. Supreme Court threw down the gauntlet and ordered desegregation on a national scale. This was an earth-quaking decision.

ONE MAN, ONE VOTE

In 1962 in the *Baker* v. *Carr* case, 369 U.S. 186, the U.S. Supreme Court departed quite radically from its previous position on apportionment of congressional districts as well as those of the senate and house on the State level. The 14th article of amendment to the U.S. Constitution was the law of the land and the districts should all conform reasonably to equality of voting or population strength. It stated that its yardstick on apportionment was "one man, one vote" and moved immediately to set aside improper apportionments and set up constitutional ones in their stead.

In 1964, in the case of *Reynolds* v. *Sims*, 374 U.S. 802, the U.S. Supreme Court moved still further on the Federalist trail in ordering all hindrances to voting by Negroes to be struck down. This included poll taxes in several Southern States and literacy tests in all States wherein the conditions indicate that the Negro is not receiving equal rights.

PRESIDENTIAL POINTS

I feel that President Johnson, in his tremendous address before the Houses of Congress on Tuesday, March 16, 1965, stated the need for corrective voting rights in the United States when he said:

It is wrong, morally wrong, to deny any of your fellow Americans the right to vote in this country.

The dignity of man and the destiny of democracy are at stake.

Democracy delayed is democracy denied.

Every American citizen must have an equal right to vote. There is no reason which can excuse the denial of that right. There is no duty which weighs more heavily on us than the duty to insure that right.

No law we now have on the books can insure the right to vote when local officials are determined to deny it.

There is no issue of State rights, or national rights. There is only the struggle for human rights.

There is no moral issue. It is wrong to deny any American the right to vote.

We cannot refuse to protect the right of Americans to vote.

The President of the United States is my leader and I shall follow his challenge and successful leadership.

LESSONS TO BE LEARNED

Now that the right to vote has become a national issue, let us all resolve to do our utmost to insure the greatest pos-

sible number of registered voters in the history of the United States of America. I do hope that the voting rights bill will provide for three salient things:

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

Second. Registration to be made available to all eligibles at all registration places during business hours, except for periods of 30 days before primaries and elections in order to provide adequate time to prepare voting lists by the election officials.

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

MASSACHUSETTS' SUCCESSFUL PROGRAM

In Massachusetts, we have been drafting, filing, speaking in behalf of, and finally have succeeded in passing enough registration bills so as to make our situation here from the point of registration a great success. This work covers a period of 40 years. For the record, I would like to give to this House some suggestions that might be very helpful nationally.

In 1922 all towns under 5,000 population were not obligated to publish or distribute street lists of all persons 20 years of age or older. Street lists in the larger towns and cities were not compiled uniformly. Some would be arranged by streets while others would have the persons listed in alphabetical order. Many times the lists would be separate for the men and women.

There was no requirement in 1922 that street lists should be available to political committees and candidates, free of cost. City and town clerks could ignore Democratic requests for street lists completely. Or they could charge a fee for such lists. The names of aliens were not specially designated and the names of registered voters on the street lists were not starred or noted by an asterisk.

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

VOTING LIST DIFFICULTIES

There was no uniformity or coordination in the preparation and arrangement of the voting lists. The pattern of preparation for the police or street lists in the cities and towns, many times was the exact reverse to the makeup of their voting lists. For example, street lists might be alphabetically arranged while the voting lists appeared by streets. Oftentimes a punitive charge by the city or town clerk, in order to slow down Democratic registration, would be requested. The asking price ranged from $1 to $15 per voting list. In the 1922 Gaston-Fitzgerald campaign, the cost for a partial roundup of this vital registration material exceeded $1,500. Sometimes, no price could produce a voting list for a Democrat.

BASIC REGISTRATION REQUIREMENT

Every person in Massachusetts who desires to register as a voter must be police or street listed. So street lists are a must, and in 1922, voting lists had to be procured for each ward and precinct in all the cities and towns.

AUTOMATION COMES TO REGISTRATION

By persistent, continuous legislative efforts, our registration laws have been made uniform and the work of registration has been simplified as well as amplified by the following procedures:

First. Towns of 5,000 and under were put under general law. Street lists were required.

Second. Law passed requiring street lists and voting lists to be similarly arranged.

Third. Law requiring street lists to be printed annually in all cities and towns not later than July 15 of each year.

Fourth. Comparison law providing that voting lists shall be ready in all cities and towns not later than July 15 of each year.

Fifth. Statute providing that both street lists and voting lists should be available and distributed, free of expense to all political committees and political candidates upon request.

Sixth. Bill passed, requiring registration in every ward of every city before each election following pattern of precinct registration in all towns.

Seventh. Requirement enacted that street lists should contain information as to the nationality of all aliens.

Eighth. Law to provide that registration should take place in all city and town clerks' offices during office hours.

Ninth. Factory and mill registration bill that requires a mandatory registration session in a factory or mill, upon petition of 10 persons 45 days prior to primary and election day.

Tenth. The last and best piece of registration legislation is the law that the street and police lists in all cities and towns shall carry a star or asterisk opposite the name of each registered voter. This means that the expensive and laborious checkoff system has been eliminated and with its elimination, the party workers know on July 15 that the residue of persons listed on the street lists that do not carry a star or a designation as an alien, are the eligible and potential new voters to be registered. And this information is available while there is still plenty of time to take advantage of 2 vital months of harvest this all-important registration.

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

Mr. DOWDY. Mr. Chairman, 1 minute is about all I would expect to use at this time even if I had been recognized for 5 minutes.

I made the statement earlier that this bill is a local bill, and should be considered as such.

If the delegation from New York considers the State legislature of New York is incompetent to legislate on this matter, and if they want the Members of Congress from New York to do so, our New York colleagues ought to get together and write it into the bill the way they think it ought to be, as applicable only to New York. That is the way local bills are written, and is the way they should be written.

The same applies to Massachusetts. If the State Legislature of Massachusetts is incompetent to legislate, let the Members of this Congress from Massachusetts come in here and let us write it into a bill for them. That is the way it should be handled. This is a local bill, and should be considered and handled as such; consider the wishes of the people from the various States affected as to what they think ought to be done in reference to each individual situation and each individual State.

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

Mr. PUCINSKI. Mr. Chairman, I rise in support of this amendment, but I would like the author to clarify one point.

We, in Illinois, have a requirement that a voter must be 21 years of age and he must be a legal resident of the State. There is no minimum academic requirement in the law in Illinois.

Am I correct in assuming this amendment does not impose upon a State a minimum academic requirement?

Mr. GILBERT. The gentleman is absolutely correct.

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

Mr. GILBERT. Mr. Chairman, I refer my remarks to my distinguished colleague from New York [Mr. FINO]. I would like to draw to his attention the fact that the senior Senator from the State of New York, Senator JAVITS, is one of the sponsors of this amendment in the other body, and also that the standard bearer of the Republican Party and other parties in the city of New York sponsoring this legislation just commended me for the introduction of this amendment.

This continues to indicate the divisiveness of the Republican Party on this issue as on other issues affecting the rights of the people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GILBERT].

The question was taken; and on a division (demanded by Mr. FINO), there were—ayes 110, noes 74.

Mr. FINO. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. GILBERT and Mr. FINO.

The Committee again divided, and the tellers reported that there were—ayes 125, noes 94.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. CRAMER

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

The Clerk read as follows:

Amendment offered by Mr. CRAMER of Florida: On page 24, after line 15, insert a new subsection to read as follows:

"(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration or illegal voting, or pays or offers to pay or accepts payment either for registration or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both: *Provided, however,* that this provision shall be applicable only to

general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioners from the Territories or possessions."

Mr. CORMAN. Mr. Chairman, will the gentleman yield for a question?

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

Mr. CORMAN. I do not understand how comprehensive the coverage is to be. I wonder if the gentleman, in his remarks, will let us know whether this covers everyone who seeks to vote, or only those who might come under the provisions of the bill?

Mr. CRAMER. Mr. Chairman, I intend to cover that subject. I believe that those interested in broadening the bill by putting the Puerto Ricans under the bill will be interested in and not disturbed by broadening the bill by protecting everybody in America as to the stealing of votes.

That is what this amendment will cover. It will prevent the stealing of votes. It will prevent the buying of votes.

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

This was done, I might add, after a quite lengthy debate over a 3-day period. Those who have read the debate, relating to fraud, relating to the stealing of votes, and relating to the buying of votes—and I am sure every Member of this body recalls what happended in 1960 and recalls many of the vote-fraud cases and the evidence which has been made available—will agree that a vote fraud amendment of this nature can prevent the stealing of votes and the buying of votes and is absolutely essential.

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

You can register all of the minorities you want, but if you turn around and permit other people to come in and register tombstones, to come in and provide false and fallacious and illegal absentee ballots, to come in and buy and procure votes, to come in to float voters from one voting precinct to another or from one county to another county—who do so intentionally, knowingly, willfully and purposefully to affect an election result—then you will just not give much of a remedy to these people to whom we are attempting to give voting rights today.

This applies to everybody. This provides for relief for everyone as it relates to preventing fraudulent voting. Now you have an opportunity once and for all to go on record as the greatest deliberative body in the world, the U.S. Congress and this House of Representatives, and to put the world on notice that we intend in this Nation to have clean elections, and not fraudulent elections, and not bought votes, and not procured votes, and not fraudulent votes, and not tombstone voting, but clean elections. If we do not do that, then voting rights in our very democratic system on which this Republic is based could be destroyed.

The committee report discusses this. The McCulloch-Ford substitute bill had this amendment in it. The Ford-McCulloch bill had this amendment in it. This was included in the Ford-McCulloch substitute on page 25. It was the same language. Anyone who supported that should support this amendment. Anyone who did not support it and intends to support the committee bill should support this amendment if they intend to do what they say, which is to give everybody an equal right to vote. If you do not support this amendment, you can register all of the minority votes you want to, but their vote can be stolen the next day or in the next election through these devices which have been used throughout this Nation in many places in elections. The RECORD of the debate in the Senate in 1965, on pages 8813 and the pages that follow shows the extent of fraudulent voting in this Nation.

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

Mr. CRAMER. Yes, I yield to the gentleman.

Mr. SENNER. Under your amendment, would it be possible for the Democratic Party or the Republican Party to spend sums of money to encourage people to register and encourage people to vote? By your amendment you would prohibit this lawful activity and make it a crime, do you not?

Mr. CRAMER. No, it would not. It was debated in the other body and it was shown that it would not prevent spending money to encourage properly voting. It is not the intention or the purpose and it would not be a crime.

Mr. SENNER. But that is what your language says.

Mr. CRAMER. It is precisely the Senate language on this point. It was adopted unanimously in the other body. Is everyone in the other body wrong? This same issue was raised there. I do not yield any further.

In our committee report the minority views relating to the substitute version, here is what it says on page 50——

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. HAYS. Mr. Chairman, I object.

Mr. CEDERBERG. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I take this time to call the attention of the House to another area that I believe has been neglected in regard to voting discrimination. In every election we have many millions of the citizens of our country who lose their right to vote because of moving from one location to another. If someone moves from my State of Michigan to another State, he may not be eligible to vote in a Federal election. For the last several Congresses I have introduced legislation which proposes an amendment to the Constitution to take care of this matter. I urge the chairman of the Committee on the Judiciary to give this his serious consideration after this legislation is taken care of.

What I want to ask the chairman is this question: Is an amendment to the Constitution necessary in this area in order to protect the rights of these citizens who now lose their rights to vote in a Federal election because of their moving from one State to another in view of the fact that we have just passed an amendment which I assume the chairman feels is constitutional giving the Spanish-speaking citizens the right to vote regardless of State laws requiring they be able to read and write English. As I understand it, in the State of New York, the existing law now says that you must be able to read or write the English language. The amendment we have adopted is that this is no longer necessary for Spanish-speaking citizens. So the State law is then negated. Now, could we, by an amendment to this legislation, do it in a constitutional manner and provide that the citizen who moves, let us say, from my State of Michigan and is no longer a resident there, but has moved to the gentleman's State of New York, but does not satisfy the State's requirements for voting in a Federal election or a State election—could he, by other than an amendment to the Constitution, be given this right by amending the legislation we are considering today?

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

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

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

Mr. CEDERBERG. I would urge the chairman of the committee to give serious consideration to a constitutional amendment in this area, because the statistics indicate that there are 3 to 5 million people who are denied the right to vote in Federal elections because they have moved from one State to another.

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

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

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

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

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

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

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

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

Mr. CRAMER. Mr. Chairman, I started to read just a few minutes ago, but was prevented from doing so because of objection to my proceeding for a few more minutes, from page 50 of the committee report, the minority views.

The reason for this amendment is stated quite pointedly and unequivocally. The objective is to get the right of every American, and so forth, to be assured of a clean election. That means whether there has been an examiner appointed or not. That means all America. And there are not going to be any examiners, or very few, if any, appointed in any of the 43 States outside of the 7 States, the so-called massive-resistance States, because that has been the experience.

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

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

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

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

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

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

Mr. KASTENMEIER. I yield to the gentleman from Illinois [Mr. YATES].

Mr. YATES. I thank the gentleman from Wisconsin.

Mr. Chairman, I want to respond to the remarks of the gentleman from Illinois [Mr. McCLORY] respecting the election of 1960. President Truman, was once asked by a visitor whether the people where he came from said, "A hen lays or a hen lies." Without hesitation, Mr. Truman replied, "The people where I come from don't say either. They pick up the hen to see."

What are the facts here, Mr. Chairman? The facts are that in 1960 holding office in the city of Chicago was a Republican district attorney, Robert Tieken. Holding office in the city of Chicago at the same time was a Republican States attorney, Benjamin Adamowski.

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

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

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

I urge that the amendment be defeated.

Mr. McCULLOCH rose.

Mr. CELLER. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. The question is on the motion.

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

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

The CHAIRMAN. The gentleman will state it.

Mr. GERALD R. FORD. Does the 10 minutes start following the gentleman from Ohio [Mr. McCULLOCH]?

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

The gentleman from Ohio [Mr. McCULLOCH] is recognized.

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

Mr. McCULLOCH. I yield to the gentleman.

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

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

That goes far beyond the 15th amendment.

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

be raised as a question of germaneness to the bill—which question was not raised.

Mr. McCULLOCH. Mr. Chairman, I rise in support of the Cramer amendment.

Mr. Chairman, I would like to say to the committee that all the tumult and the shouting and all the passing of legislation that will insure nondiscrimination means nothing whatsoever unless the vote is honestly counted, tabulated, and announced.

I am sure that all of those who have exhibited an interest in seeing that people have the right to vote know that before the literacy tests were used in the South, and before the poll taxes were used in the South, that widespread corruption was the method by which the Negro was disenfranchised.

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

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

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

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

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

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

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

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

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

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

Much depends on one's definition of fraud. If coercion is a fraud, it exists in Chicago. If bribery is a fraud, it exists in Chicago.

I see no reason why my colleagues on the Democrat side of the aisle, who have such great respect for the mayor of Chicago, their leader, would wish him to be reelected again and again and again under the cloud of vote fraud. Why not permit this provision to apply? Why not have clean elections in Chicago, and in all of our 50 States?

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

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

That document contains a catalog of abuses which, committed by the English Crown, were found intolerable by those who created our system of government.

Near the heart of the Declaration, one passage appears to state the essence of the grievance. Referring to the "tyranny" exercised by the Sovereign, the authors of the Declaration of Independence made the following indictment:

> He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them and formidable to tyrants only.

Is this not precisely the identical abuse which this bill seeks to end?

In 1856, less than 4 years prior to the outbreak of the Civil War, Robert E. Lee bared his soul and inmost thoughts in a letter to his wife. He wrote:

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

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

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

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

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

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

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

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

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

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

reform would mean the end of constitutional government. But their fears have been proven to be unfounded.

Twenty years have passed since the U.S. Supreme Court abolished the then common practice of the "white primary," which in many of our States was for every practical purpose the actual and decisive election. During those 20 years, neither my State or any other which had engaged in this practice has found any real reason for lamenting its abolition.

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

The right to vote is a sacred right. If we value it for ourselves, we will not willfully deny it to others.

Since the time of Moses, the cry of men and women to be set free from bondage echoes through the long corridors of 37 centuries of upward human struggle.

If America today is in truth the mature and enlightened Nation which we believe it to be and capable still of presenting renewed inspiration to mankind in each succeeding generation, we cannot in good conscience or in true fidelity to our own historic past do other than support this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I wish to commend the gentleman from Florida for his amendment, and I wish to say that it is difficult, if not impossible, to understand the apparent refusal of the gentleman from New York [Mr. CELLER] to accept this amendment with the same dexterity with which he accepted the previous amendment. I cannot conceive of his opposition to an amendment which would provide for the outlawing of fraud and dishonesty in elections.

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

Mr. DOWDY. I thank the chairman.

I should like to ask the author of the amendment, the gentleman from Florida, a question.

Do I correctly understand that the amendment covers the 50 States, rather than 5, 6, or 7?

Mr. CRAMER. It is not discriminatory in nature, I say to the gentleman. It will give everybody relief, in all the States.

Mr. DOWDY. I was hoping that was true. I wonder a little whether the amendment will succeed.

Last year, during the debate on the civil rights bill of 1964, as Members will recall, I offered an amendment which became known as the tombstone amendment. The House, as composed at that time, did not want to prevent dead people from being voted. From the sound of things today, the House, as presently constituted, probably feels the same way as the one of last year. I trust I am in error about this, as I am a strong exponent of honest elections. If we are going to invade the States and take over the election machinery in one respect in a few of the States, then, using the same reasoning, it seems to me we should do what we can to eliminate fraud, dishonesty, tombstone voting, and the other means used to steal elections.

I urge the adoption of the amendment.

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

Mr. MCCLORY. Mr. Chairman, I wish to assure my friend here in the House that I did not win any friends from Dixieland today either by kissing them or by offering my amendment which would outlaw and abolish the poll tax, which is something some of our friends in Dixie seem to revere rather highly.

I should like to say, concerning vote frauds in Chicago, that I have seen them. I have worked there in the polling place, in the first ward in Chicago, and I have seen them buy votes in the polling place.

That was a long time ago, but it is still going on there.

I have in my hand here a document which says, "Let the Record Show." It is prepared by Morris J. Wexler, a special State's attorney for Cook County, about the 1960 election. He was a Democrat. He reported on the voting frauds.

He reported that where 75 votes were cast in one precinct for Mr. Nixon, they were counted as 7. He also pointed out some of the judges who were used in the election could not even count. They threw out all of the cases in 672 precincts. A Democratic judge threw them all out so that they could not have an opportunity for a recount.

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

Mr. PUCINSKI. Mr. Chairman, I strongly resent the unjustified insults being hurled against Chicago by the previous speaker. The gentleman from Illinois reminds me of the pot calling the kettle black. He has been so busy watching the voting in Chicago that we have a right to wonder who has been watching the store in his district.

If the people of Illinois ever got a fair count, an honest count, in our heavy Republican areas, Illinois would be solidly Democratic for generations to come.

The fact of the matter is that in 1956—and our Republican friends do not like to talk about this—they stole the Illinois governorship. President Eisenhower carried Illinois by more than 850,000 votes, and the Republican governor was reelected by a scant 34,000 votes, only after they held up the votes for more than 48 hours in one entire Republican county, because they wanted to see how far behind they were and how much they needed on the Republican side.

Do not let our Republican colleagues kid you here in this chamber. They do a lot of shouting about dishonest elections in Chicago because they don't want the spotlight turned on their own Republican skullduggery throughout the State. Why in some parts of Illinois, Republican officials don't even require their voters to come to the polls. They merely call them on the phone and advise them they're casting their vote for them.

We in Chicago have conducted honest elections and the Republicans know this better than anyone else because they certainly have enough watchers in traditionally Democratic strongholds. In the last election, even though there were thousands of Republican watchers throughout Chicago, there was not a single complaint about dishonesty. They didn't complain because they knew they couldn't make such complaints stick.

Mayor Daley has done an outstanding job in restoring honesty to Chicago elections after the heyday of Big Bill Thompson, a Republican, who made an art of vote thievery.

Finally, Mr. Chairman, I resent the attacks on the election judges in my district which covers the entire northwest corner of Chicago. I have 484 precincts in my congressional district staffed by election judges who would never think of any illegal voting act. They are the most honest women in the world and my colleague insults their honesty and integrity by suggesting any irregularities in Chicago. I defy anyone to show me a scintilla of evidence which would even hint at any wrongdoing in my district.

Now, Mr. Chairman, regarding this amendment. It is now a Federal offense to buy votes under our bribery statutes of the Federal code. Adoption of this amendment would deny the right of interested groups to wage intensive registration drives in the seven Southern States covered by this act. I'm afraid that adoption of this amendment would defeat the purpose of this entire act. I do not believe this amendment is necessary since all the offenses already are covered by Federal law. I don't need to apologize to anyone for my record to promote honest elections. It was my privilege in 1948 to lead the campaign for installation of voting machines in Chicago to prevent vote frauds. I believe present Federal law makes vote frauds a Federal offense and I support such laws.

Mr. RHODES of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. RHODES of Pennsylvania. Mr. Chairman, I support the committee bill to protect the right of all citizens to vote.

This legislation is designed to assure this right where flagrant and blatant methods have been used to refuse the vote to some of our citizens. The Voting Rights Act of 1965 has become necessary because some State and local officials have refused to carry out the mandate of our constitution. States' rights carry with them States' responsibilities. Not all State governments, however, are accepting the responsibility of insuring that local elections will be handled in an honest and above board manner.

Much has been said about the denial of voting rights in Southern States, but too little has been said about efforts in Northern States to thwart the will of the majority by unethical and illegal practices in election contests.

In my own congressional district of Pennsylvania, we have recent examples of such practices which have been completely ignored by local and State authorities. I refer to the handling and voting of absentee ballots and the many abuses which can determine the outcome of the election in close contests.

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

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

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

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

But equally important is the need of a probe of voting practices in the case of absentee ballots which have been peddled in various hospitals and institutions. Regardless of the outcome of the State senatorial contest, steps are essential in protecting the majority decision from being reversed by dishonest election practices. No action has been taken by the State attorney general or the Governor of Pennsylvania to investigate and expose these evils and to take necessary steps to prevent a reoccurrence.

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

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

I have read with a great deal of interest your article in Sunday's Patriot News of May 30 concerning the senatorship from Schuylkill and Lebanon Counties involving Wagner, Republican, and Nagle, Democrat.

I have been engaged in this contest since November 18, 1964 when the counting of absentee ballots began. I am sure your voters would be interested in knowing what this contest is all about. For some reason, no news media has really publicized the big question here involved. The real questions here are the fraud practiced, the illegal voting committed, the conspiracy of election officials, and the violations of every section of the absentee voting law.

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

For some reason, best known to themselves, the public officials of Pennsylvania—the Governor, the attorney general, and the legislative committee set up to investigate absentee voting, and the Republican district attorney of Schuylkill County have not taken the trouble to make an investigation of what took place in Schuylkill County. The record and the testimony is here for these officials to see and read and to act if they want to. To my knowledge, no one in authority, the district attorney, the attorney general, or the legislative committee has taken time to investigate the record or to interrogate the many attorneys and watchers involved in this contest. I frankly say that the testimony is an indictment of illegal absentee voting in Schuylkill County.

Mr. Wagner would like all of the illegal ballots counted in Schuylkill County even though his own lawyers agreed that the violations involving about 80 absentee ballots cast from the county home known as Rest Haven and from the Dunlap Homes, a home for the aged, were so evident that they agreed to the challenges made by the attorneys for Mr. Nagle, and these violations were sustained by the county board.

I would like to invite you and to challenge other reporters to make a real investigation of the acts complained of so that the people would know the real basis for the contest here in Schuylkill County.

You should know that in the whole of Philadelphia, there were only 8,000 absentee ballots cast yet here in Schuylkill County there were 3,100 absentee ballots cast in the November election. You should know that Nagle carried the county by over 6,500 votes, but the civilian absentee ballots vote went against him 2 to 1. This does not make any sense.

You should know that even the hospitals were canvassed and some 80 emergency absentee ballots were cast by patients undergoing critical treatment and operations at the hospitals.

You should know of these further violations of the absentee ballot act.

In over 100 cases, no certificate, as required by the act, was signed by the attending physician on the declaration.

There were many cases where electors, not residents of the voting precinct, signed the declaration in violation of the act.

There were many cases where no elector or attending physician signed the declaration as required by the act.

The county home known as Rest Haven in the testimony shows many violations of the voter registration law, and the absentee ballot law. Inmates of the county home were registered at the courthouse but the inmates were not present. Their affidavits were taken although they were not present. Many of these inmates were confined to their bed or to wheelchairs and could not have traveled to the courthouse. The signatures were obtained—not in the presence of the registrar. An examination of the applications and declarations purporting to be made by the absentee inmates at Rest Haven were either filled out in writing or filled out in printing, and the writing and the printing are in the same handwriting, and made by the same individual—not the inmate. These violations have been shown, the attorneys for Wagner agreed that the challenges to these votes should be sustained.

At Locust Mountain Hospital, three absentee voters swore that they did not vote their absentee ballots. There were many affidavits made—not in the presence of the absentee voter. The ballots mailed to Locust Mountain Hospital were intercepted in violation of Federal law.

Many nonresident voters cast absentee ballots.

Assistance was given wholesale to voters in violation of the act.

Names of persons were added to the applications after they were filed at the courthouse.

In Valley View, Pa., applications of many absentee voters were all filled out in the same handwriting and the supporting declarations whether signed by a Mr. Underkoffler or a Mrs. Underkoffler, are in the same handwriting. Mr. Underkoffler is a superintended of highways in Schuylkill County.

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

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

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

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

These are some of the reasons there is a contest for Senator in Schuylkill County, and I believe it to be important that the people in Pennsylvania know what this contest is about.

Mr. Chairman, the Sunbury Daily Item published an excellent editorial recently pointing to this evil in Northumberland County.

This editorial which I include with my remarks follows:

MISUSE OF ABSENTEE BALLOT

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

While only 300 applications for absentee ballots had been received in the offices of the Northumberland County commissioners at last report, the belief was expressed that before the May 11 deadline the total will exceed the 1,700 mark set in the general election of November 1963. On that occasion the close contest for the third county commissionership was decided on the basis of the absentee vote with the balance of power wielded by guests and employees at the County Institution District Home and patients and personnel of the Shamokin State Hospital as well as countless citizens whose physical disability or absence from home on election day were not properly certified.

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

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

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

It seems, however, that Federal action may be necessary in cases such as I have mentioned when local and State officers ignore these illegal practices.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. CRAMER].

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

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

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

Mr. ARENDS. I come from a downstate area, so I do not always know what goes on in Chicago. I do know what was said by one of my good constituents on one occasion, when I visited with him after he had spent several years working in Chicago.

I asked him, "Did you register in Chicago and vote?"

And he replied, "Yes, I registered."

I then asked, "Did you vote?"

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

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

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

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

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

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

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

Mr. CRAMER. Mr. Chairman, I demand tellers.

Tellers were ordered and the Chairman appointed as tellers Mr. CRAMER and Mr. RODINO.

The Committee divided and the tellers reported that there were—ayes 136, noes 132.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. M'CULLOCH

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

The Clerk read as follows:

Amendment offered by Mr. McCULLOCH: On page 22, line 10, after "erroneous", to strike the remainder of the line, strike lines 11 and 12, and insert in lieu thereof:

"Any person listed, whose eligibilty is challenged pursuant to this section, shall be entitled and allowed to vote provisionally and in any case in which the number of ballots cast provisionally is sufficient to affect the results of any election, the U.S. court of appeals for the circuit in which the challenge is pending shall make appropriate provision to impound such ballots until the issue of eligibility has been finally determined."

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

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

The chairman asked Mr. Katzenbach:

Is it true that an individual registered by a Federal examiner can vote and have his vote counted even if after the election, (a) this act is found to be inapplicable to the State or political subdivision in an action instituted under section 3(c), page 2, or (b), the individual is found to be ineligible to vote under section 6(a)?

Mr. Katzenbach answered, "Yes."

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

Mr. Chairman, in 1960 we provided for provisional voting, and impounding the ballots, and I am happy again to say that my fine friend from Chicago, BARRATT O'HARA, ably and effectively supported me. So did the chairman of the committee, the gentleman from New York [Mr. CELLER]. That remains the law of the land.

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

Support this amendment.

Mr. Chairman, by such omission in the Celler-administration bill, without precedent in any State of the Union, may be found the seeds for possible revolution.

I urge you to support the amendment.

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

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

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

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

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

Mr. McCULLOCH. Yes.

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

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

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

Mr. Chairman, we have discussed this before, but to set the record straight I do not believe that the 1964 act provides for provisional voting. My memory is we considered and rejected it in the 1964 act.

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

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

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

Mr. CORMAN. The gentleman from Florida [Mr. CRAMER] said that.

Mr. McCULLOCH. I referred to the 1960 act.

Mr. CORMAN. Mr. CRAMER said 1960 and 1964. We considered and objected to provisional voting in 1964.

There are some inherent dangers in this proposal. First of all the gentleman is concerned about people voting who are not qualified. Let us see what happens to this Negro who wants to register and vote. He comes to a Federal examiner, he has to establish to that Federal examiner he is qualified. A determination is made. That decision is made public. Any one may challenge that decision within 10 days. If they do, that adversary proceeding goes to a hearing officer appointed by the Civil Service Commission. Then the Negro must prove in an adversary proceeding he is qualified to vote. The matter is determined a second time, and that decision must be reached within 15 days. The person doing the challenging has an additional 20 days to convince a Federal court that the individual is disqualified.

Now the second possibility is that the Federal examiner himself might be held to be disqualified because of the inapplicability of the law. But as the Attorney General pointed out, on that issue we are

not deciding the qualification of the voter. We are deciding the validity of the appointment of the examiner himself. There is no reason to deny a qualified voter the right to vote just because at a subsequent proceeding the examiner himself is held to be not constitutionally appointed.

I suggest to you that there are two possibilities. One is that a person who is not qualified to vote may somehow slip through all of these tedious proceedings and vote. The other possibility under provisional voting is that on election day every Negro who comes down to vote will be challenged and then his ballot cannot go into the box. But it must have his name on it and go upon the shelf. He will not be permitted to participate in that election on that day.

If enough ballots are set aside so that they would affect the outcome of an election, then the election is held up. But unless there are a sufficient number of challenges, then they are never counted.

I suggest to you that in some areas in this Nation it takes a fair amount of bravery for a person to go through the process necessary to get up to that ballot box. And if he has done that much, if he has survived the scrutiny of an examiner and the challenge before a hearing officer, we ought to let him vote and we should count his vote.

I suggest if you take the law of Michigan and the law of Alabama, you will find that challenged votes are counted and we are not aware of any revolutions taking place in any of those sovereign States. I suggest to you that if there are any seeds of revolution, it is not because of the possibility that somebody who is disqualified may vote but rather because tens of thousands of qualified voters are denied access to the ballot box.

Mr. Chairman, I urge the defeat of this amendment.

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

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

Mr. McCULLOCH. If the gentleman is indicating that he has made a careful search of the law of Alabama and has concluded that an Alabama voter may vote after his vote has been challenged, and before the challenge has been decided and his vote is counted, then I did not read the Alabama law correctly.

It is my information, subject to the correction of the Members from Alabama, that the challenges in Alabama in State elections are decided on the day of the election. If the challenge is rejected the vote is counted.

Furthermore, Mr. Chairman, I say this to my very good friend who is such a hard worker on the committee, that if the Attorney General does his duty seldom, if ever, will a challenge come to a board of elections on election day. The challenge will have to have been made long before that time.

Mr. CORMAN. I will say to the gentleman that I have not researched the law, but was repeating what was told to me by a Representative from the State of Alabama. I will research the point and put it in the RECORD.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

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

Mr. WILLIAM D. FORD. I fully expect that my beloved colleague from Michigan, the distinguished minority leader, will join me in opposing this amendment because it would do violence to a long standing rule of law or tradition in the State that we both represent. For in the State of Michigan and other States having similar laws concerning challenges, a person challenged for reasons covered by this legislation would become a second-class voting citizen. For example, if I challenge the right of a person at the polls in Michigan to vote on the ground that he is not in fact a resident of Michigan or does not have any of the other qualifications, his vote nevertheless is counted in that election and it does determine the outcome of the election. His ballot is identified for possible later attack in the event of a recount.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio.

Mr. Chairman, I want to state that even in Alabama, one of the so-called hard core States, there is no impounding of the ballot. An oath is taken when a voter is challenged and then the voter is allowed to cast his ballot. Perhaps the most important reason why provisional voting and impounding is unnecessary is that since the bill would abolish those qualifications upon which any serious dispute will arise, there is an extremely small likelihood that any but an insignificant number of ineligible applicants will be registered, if any.

Practically the only remaining qualifications which an examiner would apply are residence, age, nonconviction of a crime, and mental competency.

These are objective factors and not subjective factors. They are hardly ever questioned. But the subjective factors now in use in affected areas such as mental competency and the like would all be suspended by the bill. There is every reason to believe the number of actually unqualified persons to come up and inadvertently register, if any, would be so small that it would not be expected to affect the outcome of any election.

But beyond that, under the amendment if a listed person is challenged and allowed to vote only provisionally, his ballot may be impounded pending the determination of his eligibility by the court. The effect is likely to make it impossible to determine the outcome of an election for a considerable period of time.

Any proposal which contemplates the impounding of ballots of Negroes means just what? It means segregation of Negro ballots.

This in turn creates the serious risk that such ballots, once segregated and identified, will not be counted or not be fairly counted. The secrecy of the ballot will be lost.

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

In addition, we can see what the prospects would be for a Negro voting for the first time. There would be fear and trepidation that his ballot would be impounded, that he could not vote; and that he would be left high and dry.

For these reasons I hope—and I say this reluctantly because of the affectionate regard I have for the gentleman from Ohio—the amendment will not be agreed to. For these reasons I must, perforce, ask for rejection of the amendment.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield for an observation and a question?

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

Mr. McCULLOCH. Is it not true that in Alabama, when a challenge is made, it is decided on election day and does not go over thereafter? Does not the ballot count, if it is decided under oath that it has been properly cast?

Mr. CELLER. The information I have here came from the Library of Congress, with respect to Alabama.

Mr. McCULLOCH. I believe I have the same information.

Mr. CELLER. It requires an oath only. After the oath is taken, then the ballot by the person seeking to vote is received and deposited. That is what the Library of Congress tells us. There is no impounding.

Mr. McCULLOCH. Will the gentleman yield for an observation?

Mr. CELLER. I yield.

Mr. McCULLOCH. In addition to what the Chairman has said, the voter must prove his identity and he must prove his residence in the State and county and precinct in which he offers to vote. I should like to call to the attention of the House that was the very thing of which Senator JOHN WILLIAMS complained, as to which he laid the facts on the record with respect to double and triple voting in his State.

Mr. CELLER. I say to the gentleman that the examiners determine those very factors something like 45 days in advance of election. And hearing officers will complete their review of the examiners' decision 20 days before the election.

The fact remains that there is no impounding of the ballot in Alabama, one of the hard-core States. Why should we put this in the bill?

The gentleman had his amendment in the so-called Ford-McCulloch substitute, which we turned down. We turned it down then, and we should turn it down now.

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

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

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

Mr. McCULLOCH. Mr. Chairman, in response to what the chairman of the committee has just said, he apparently did not get the impact of my statement to what our research indicated the Alabama law to be. I said that the challenge was made the day of the election and

the decision was made on that day. Then the vote either was cast, or it constituted an illegal attempt to register and no vote was cast or counted.

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

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

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

Mr. McCLORY. Mr. Chairman, I do not believe that any of us can predict how the Celler administration bill is going to operate if it becomes the law. We know that section 7(a) of the Celler bill indicates that the Federal examiners are going to register every person who claims to be qualified, and who applies to them, and who alleges that he is not already registered. In my opinion there is a serious question as to whether there will be election contests over illegal votes. This is a question which will have to be determined at some later time.

We have all had experience in our States, I am certain, with respect to challenged votes, with respect to people who apply for ballots and whose votes are challenged.

This will not invade the secrecy of the ballot in any way. A challenged ballot will be placed in an envelope or folder and put among challenged ballots. Then the challenged ballots will be removed from the folder and will be recorded separately. The identity of the voter will not be disclosed under any circumstances, so the integrity of the ballot will not be involved in this amendment in any way at all.

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

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

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

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

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

In another race in which over 20,000 votes were cast, I won by 12. So a few votes do count a lot in these elections.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I believe this amendment would only subvert the purposes of this bill. We are attempting through this legislation to guarantee and insure the right of the citizen who is qualified to vote, and to vote without unnecessary delay. It would seem to me that the impounding of the ballot, whether provisional or not, would only give cause for further delay. It would be necessary to segregate the ballot and identify the person who had cast the ballot. This would only serve to put the Negro voter under an unnecessary scrutiny.

Furthermore, Mr. Chairman, I think that this provision would violate the secrecy of the ballot—there is the likelihood of foul play with the identification and segregation of ballots cast by Negroes.

This provision would be an open invitation to specious challenges—to undue delay and to protracted litigation. This is what we want to avoid. The procedure provided for in H.R. 6400 insures that persons listed could vote without further delay, without the fear of protracted litigation in order to have a vote tabulated and it would do this without endangering the integrity of the electoral process.

For all of these reasons I oppose this amendment.

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

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

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

Mr. CRAMER. Mr. Chairman, I rise in support of the amendment. Mr. Chairman and Members of the House, I will say very briefly the need for this amendment is that without the amendment there can be numerous people registered through the examiner system and purposely, for the intent of their voting in that election, shortly before the election without any regard as to whether a discrimination is later proved. It would not make any difference. The vote would have been cast, whether that particular voter was challenged or his registration challenged successfully or not. Even if the local officials challenge a person registered by a examiner and it is successful the vote counts. Through the court and otherwise, that party's vote will already have been cast. The result of the casting of the vote, unless it is impounded, could affect the result of the election. If you want to set up procedure whereby illegal voting can take place, where somebody who is not properly qualified and proven subsequently not to be properly qualified can still vote and have that vote counted, and even a challenge by a local official would not have any effect on it, that is what you will do if you do not adopt this amendment.

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

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

Mr. McCULLOCH. Mr. Chairman, I demand tellers.

Tellers were ordered and the Chairman appointed as tellers Mr. McCULLOCH and Mr. RODINO.

The Committee divided and the tellers reported that there were—ayes 115, noes 166.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BOGGS

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

The Clerk read as follows:

Amendment offered by Mr. BOGGS: On page 26, delete lines 23 through 25.

On page 27, delete lines 1 through 10, and insert in lieu thereof a new section 13, to read as follows:

"SEC. 13. Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote (1) that all persons listed by the examiner for such subdivision have been placed on the appropriate voting registration roll, (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision; and (b) with respect to examiners appointed pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a) of this section and may petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall

require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable."

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

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

Mr. CELLER. Do I understand this is the so-called Long amendment that was accepted in the Senate?

Mr. BOGGS. That is correct. If my information is correct, it was submitted in a different form by my colleague, the gentleman from Louisiana [Mr. WILLIS]. It was accepted unanimously in the U.S. Senate.

Mr. CELLER. I understand also the following: The amendment provides that the examiner procedure shall be terminated, among other things, whenever in an action brought by a county or parish with more than 50 percent of the Negroes of voting age registered, the district court for the District of Columbia determines (1) that the persons listed by the examiner have been placed on the State voting roll, and (2) there is no longer reasonable cause to believe that there will be discrimination. Those sections are presently contained in the so-called Celler bill, H.R. 6400. It is not unreasonable to permit a county in which the majority of the Negro citizens of voting age are registered to bring suit to remove the Federal examiner. Presumably, the Civil Service Commission would very rarely appoint an examiner in such a community, and when one has been appointed and there is no likelihood of a recurrence of discrimination, the examiner may safely be removed.

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

Mr. BOGGS. I thank the gentleman.

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

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

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

I have no objection to the amendment. It does not penalize people who have committed no sin.

Mr. BOGGS. I thank the gentleman very much. May I point out to the gentleman and to my colleagues that this applies equally to many other places in the South. For instance, there are counties in Georgia and I will name one or two of them—Appling County has 97 percent of the total Negro population of voting age registered. White County has 100 percent. There are many places. Dodge County has 93 percent. Candler County has 83 percent. There are others in Alabama, South Carolina, and a great many in Virginia.

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

Mr. BOGGS. I yield to the gentleman.

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

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

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

As I pointed out during the general debate 3 days ago, the people of the Third Congressional District of Louisiana believe in the right of all qualified persons to vote. They are against the application of different standards to different people—and they practice what they preach. Thus, in my congressional district, 57 percent of all colored people of voting age are registered. Yet, under the Celler bill as it now stands all the parishes in my congressional district would be covered and would have no escape valve to get out of the bill, just because other areas of the State are not according similar rights to colored people.

The Willis-Long-Boggs proposal follows a county-by-county or parish-by-parish approach and permits counties and parishes to be completely exempted upon persuading a court that at least 50 percent of colored people of voting age are registered and that there is no reason to believe that discrimination will be practiced in the future.

I might point out that another one of my amendments, which was approved by the full Judiciary Committee and which is already contained in the Celler bill before us, provides that in making a judgment on whether a voting referee should be appointed in any particular political subdivision, the Attorney General shall consider "whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the 15th amendment."

In explaining this amendment the committee report states:

> The committee recognizes that is some areas in which tests or devices are suspended, the appointment of examiners may not be necessary to effectuate the guarantees of the 15th amendment. This could be the case where local election officials and entire communities have demonstrated determination to assure full voting rights to all irrespective of race or color. Accordingly, the bill expressly directs the Attorney General, before certifying the need for Federal examiners in a particular area, to consider, among other factors, whether substantial evidence exists that bona fide efforts are being made to comply with the 15th amendment. The committee contemplates that where such substantial evidence is found to exist, the Attorney General will not certify the existence of a need therefor.

In short, this amendment and the committee's explanation of it assure that under conditions obtaining in the Third and Seventh Congressional Districts of Louisiana, Federal voting examiners will not be appointed. To be sure, so-called literacy tests will not be employed for the reason that the entire State of Louisiana, as such, is brought under the force of the formula of the bill. But the point is that under my amendment, which is now part of the bill, local registrars will continue to do the job of registering all qualified voters, and Federal voting examiners will not be installed in these areas. This, at least, is as it should be because Federal voting examiners are unnecessary and unneeded in such areas.

I have referred to the Third and Seventh Congressional Districts of Louisiana only because I am personally familiar with them, but my amendment will apply to other areas, counties or parishes, to which the local community and its elected officials are similarly determined that the voting rights of all will be protected irrespective of race or color.

In other words, under the present provisions of the bill, pursuant to my amendment adopted in the full Judiciary Committee, it is intended that the Attorney General will not appoint voting examiners when substantial evidence exists that bona fide efforts are being made to comply with the 15th amendment, even when less than 50 percent of the colored people of voting age are registered; and now, under the Willis-Long-Boggs amendment, counties or parishes will have the right to take the initiative and set in motion procedures to have a Federal judge determine that voting examiners shall not be installed, or those installed shall be removed when at least 50 percent of the colored people of voting age are registered and produce evidence to satisfy the judge that no discrimination will be practiced in the future.

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

Mr. BOGGS. I yield to the gentleman.

Mr. CELLER. I want to take this opportunity to offer the greatest praise to the gentleman from Louisiana who is now addressing us from the well of the House for his most statesmanlike pronouncement which he gave us in the early part of the day.

I would be derelict if I did not make favorable comment on what he said. That speech, to my mind, will go ringing through the ages because it sounded the tocsin of uttermost fairness, equity, liberty and freedom. I thank the gentleman for having uttered it.

Mr. BOGGS. I thank the gentleman very sincerely for his kind statement.

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

Mr. BOGGS. I yield to the gentleman.

Mr. CABELL. May I take the pleasure of associating myself with you, sir, on this amendment. May I also say that

since there have been several derogatory references made about voting practices in the State of Texas in the last few days, it is a matter of record that in my State of Texas there are 3 percent more Negroes registered, and this is with the provision for a poll tax, in proportion to their population than there are whites registered. We are proud of the fact that we have under no condition ever interfered with the right to vote.

Mr. BOGGS. I thank the gentleman from Texas.

Mr. Chairman, all this amendment seeks to do is to say that where there has been compliance, in the spirit of this proposal and the proposal of the gentleman from Ohio and in the spirit of the President's address last March, that these people shall be praised rather than to have a burden placed upon them.

Mr. MATHIAS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is with some diffidence that I must differ with the opinion of the distinguished chairman of the Committee on the Judiciary and with my leader on the minority side of the committee as to this amendment when they say it is a good amendment because I think it is a weakening amendment.

I think this amendment very definitely vitiates the thrust and strength of this bill. It could establish a double standard in the communities where it would strike home. A community that had virtually 100 percent of white voters registered, but barely 50 percent of Negroes registered, would be coming into the courts and cluttering up the dockets to get out from under the provisions of the bill. I think it could be a provision which establishes a double standard and I must oppose it and oppose it strenuously. I think it very definitely impairs the effectiveness of this bill. The automatic trigger of the committee bill is inoperative in the sector from 100 percent to 50 percent of possible Negro registration. This amendment defuses the bill in the same sector and robs Negroes in the 51st percentile of the protection given the 49th percentile.

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

Mr. MATHIAS. I yield to the gentleman.

Mr. LINDSAY. I think it has to be clearly understood before we vote, that this is a real sleeper amendment and could undo much of what has already been done. We defeated this amendment in committee. It was defeated on the grounds that it would gut the bill. The amendment, I assure you, will substantially weaken the committee bill and I urge Members to vote against it.

Mr. Chairman, we have debated this bill for 3 days. We have gone up a tall mountain. We are trying to put together a good bill. Even Members who disagree with the concept of this bill should at least join in trying to make it effective. Therefore, I would again strongly urge the Members to vote against this amendment.

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

Mr. MATHIAS. I yield to the gentleman.

Mr. McCLORY. There is no question but what the thrust of this legislation, whether it is the Ford-McCulloch bill or the Celler-administration bill, is going to be directed at a number of Southern States. However, I cannot help but feel that this amendment is definitely in favor of the Southern States against which we are trying to direct the legislative thrust. Regardless of the merits of the amendment, there cannot be any question but that it favors the very area that the legislation is intended to operate and where the conditions are such that the legislation is going to correct them.

Mr. MATHIAS. I thank the gentleman.

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

Mr. MATHIAS. I am delighted to yield to the distinguished chairman.

Mr. CELLER. The gentleman misinterprets this, and so does the gentleman from New York, when he says that this amendment is a "sleeper." That is an ill-advised word to use. The gentleman knows that the District Court in the District of Columbia must make the determination. The court must determine first that at least 50 percent of all eligible Negroes are registered. That is the minimum.

In addition, there is something which is far more important. That is the fact that the court must find compliance with two other provisions already in the bill before it orders the termination of the listing procedures under the act: First, that "all persons listed by the examiner for such subdivison have been placed on the appropriate voting registration roll"; and second, "that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision." The court must determine these facts. That is the important point.

Mr. MATHIAS. I would remind my distinguished chairman that this very amendment was discussed in the Judiciary Committee and it was rejected in the Judiciary Committee on the theory that it would "gut" the bill.

Mr. CORMAN. Mr. Chairman, I move to strike the requisite number of words.

I rise only to ask the chairman what effect this amendment will have? I understand that if the criteria are met—that 50 percent of the Negroes are registered and there is a showing that there will not be further discrimination—that will terminate the appointment of an examiner. Does this make it possible to reinstate the tests or devices which may have been suspended for the whole State?

Mr. BOGGS. No.

Mr. CELLER. No; it does not.

Mr. CORMAN. The gentleman assures me it does not, and the law will be uniform in the whole State as to tests and devices. I shall support the amendment.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

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

Mr. GERALD R. FORD. May I ask whether the chairman of the committee is satisfied if only half of the Negroes are registered in any voting district?

Mr. CELLER. At least 50 percent. It is a minimum amount.

Mr. GERALD R. FORD. But you are satisfied with 50 percent?

Mr. CELLER. The court must determine first that these other criteria which are in the bill are satisfied. In addition, if there are 50 percent of the Negroes eligible who are registered, then the court could make the finding.

Mr. CORMAN. The gentleman did not ask me, but I would not be satisfied if only half of the Negroes were registered. I would be satisfied if the court found there was no discrimination or threat of future discrimination and if the tests and devices continued to be suspended, then I believe we could trust the State machinery.

I believe it is safe.

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

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

Mr. THOMPSON of New Jersey. I should like a further explanation of the 50-percent provision. Is that 50 percent of the total population of Negroes or 50 percent of the eligible Negroes of voting age?

Mr. CELLER. It is 50 percent of those who are of eligible voting age.

Mr. EDWARDS of California. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment.

I should like to point out that in the Celler bill there are procedures set up under section 13 to terminate at any time the Federal registrar system. Whenever the Attorney General notifies the Civil Service Commission that all persons listed by the examiner have been placed on the appropriate voting roll and that there is no longer reasonable cause to believe that people will be deprived of or denied the right to vote, then the Attorney General can remove the area from the effect of the act.

This was discussed in detail in the Judiciary Committee, and a proposal nearly identical to the one here today was turned down. It is a weakening amendment.

Mr. Chairman, I am not about to play the numbers game with the constitutional rights of American citizens. The proposed amendment would permit political subdivisions to seek the removal of Federal examiners when the nonwhite potential vote reaches 50 percent. Why 50 percent? Is the colored citizen a 50-percent citizen? Is the one-man, one-vote concept to be watered down to one-half vote if the voter is a Negro? How can we be satisfied with a registration figure of 50 percent of Negro voters in any political subdivision when the record made on this floor shows that in some areas whites are registered in excess of 100 percent of the eligible voting population?

The purpose of this legislation is to correct the abuses in the electoral process that have persisted for over 100 years. This will not be accomplished if we allow ourselves to be satisfied with a registration figure of 50 percent, 40 percent, 60

percent, or any other arbitrary figure. It will be accomplished when all citizens are permitted to register free of discrimination because of race or color. This legislation in its present form holds out the potential that this objective can be reached. Let us not water it down by withdrawing Federal support for potential voters when 50 percent of their fellow citizens are fortunate enough to get on the registration lists.

I shall vote for 100-percent citizenship for Negro voters and against the amendment.

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

Mr. EDWARDS of California. I yield to the gentleman.

Mr. WILLIS. The gentleman misses the point when he says every examiner will be removed just because 50 percent or more have been registered. That is only half of the amendment. The other proof before a Federal judge must be, not only that over 50 percent are registered, but the Federal judge must find there is no reasonable ground to expect that there will be any discrimination of any kind in the future as to the others. This is a judicial proceeding.

Mr. EDWARDS of California. I appreciate the point of my distinguished friend from Louisiana but I point out again in section 13 of the Celler bill it provides adequate measures for eliminating the Federal registrar system.

Mr. RYAN. Mr. Chairman, after a week of debate on the voting rights bill a general consensus has been reached that effective legislation must be enacted to secure the fundamental right to vote. As I have said during the debate, H.R. 6400, although I would have preferred a different approach, is the strongest bill we have had before us on the floor.

It should not be weakened. The pending amendment would terminate Federal examiners when the U.S. District Court for the District of Columbia finds that more than 50 percent of eligible nonwhite persons residing in the political subdivision are registered. In other words, once a county, parish, or other subdivision, registers 50.1 percent of its nonwhites, it may ask for removal of the Federal examiners.

The purpose of Federal examiners is to safeguard human rights. The need is clear. This amendment would have them removed as soon as a political subdivision registers over half of its nonwhites. Then future applicants would have to pursue the same old system, applying to local registrars and encountering many of the obstacles which have brought Congress to the point of enacting this bill.

This amendment really says that discrimination should not be practiced against more than half of the population. This is contrary to the whole spirit of the bill. We are not trying to do a halfway job. We are trying to end voting discrimination for all time, for all citizens.

If 50 percent of Mississippi's Negroes are registered, are the others to be forgotten? Does not the 14th amendment guarantee the full protection of the laws? I say that, even if 50 percent are registered, if one person, just one person, is discriminated against, that is one too many.

The other body, no doubt debate-weary, agreed to the proposed amendment. The House should not fall into the same trap. I am opposed to this amendment.

H.R. 6400 provides in section 13 a procedure for terminating Federal examiners. An effort to weaken that procedure was defeated in committee, and it should be defeated now.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate now cease on the amendment offered by the gentleman from Louisiana [Mr. BOGGS].

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

Mr. MATHIAS. I object.

Mr. CELLER. Mr. Chairman, I move that all debate on the amendment offered by the gentleman from Louisiana [Mr. BOGGS] now cease.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York [Mr. CELLER].

The question was taken; and on a division (demanded by Mr. MATHIAS) there were—ayes 116, noes 83.

Mr. MATHIAS. Mr. Chairman, I demand tellers.

Tellers were ordered and the Chairman appointed as tellers Mr. SENNER and Mr. MATHIAS.

The Committee again divided, and the tellers reported that there were—ayes 142, noes 104.

So the motion was agreed to.

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

Mr. DIGGS. Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BOGGS and Mr. MATHIAS.

The Committee divided, and the tellers reported that there were—ayes 123, noes 77.

So the amendment was agreed to.

AMENDMENTS OFFERED BY MR. WHITENER

Mr. WHITENER. Mr. Chairman, I offer a series of amendments, and ask unanimous consent that they be considered en bloc, and also I ask unanimous consent to proceed for an additional 10 minutes.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. WHITENER: On page 17, commencing with line 1 and continuing through page 18, line 4, strike all of section 5, and renumber each succeeding section of the bill accordingly.

On page 18, commencing with line 5 and continuing through page 19, line 16, strike all of section 6 and insert in lieu thereof the following:

"SEC. 6. (a) Whenever a court of competent jurisdiction has authorized the appointment of examiners pursuant to the provisions of section 3(a), and the court has found as a fact that persons within a political subdivision or a State have been denied the right to vote on account of race or color and that the appointment of examiners is necessary to enforce the guarantees of the fifteenth amendment, the said court shall appoint a reasonable number of examiners for such subdivision to prepare and maintain lists of persons eligible to vote in Federal elections.

"Such examiners appointed by the court shall be compensated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 118i) prohibiting partisan political activity, provided, that the compensation of such examiners as fixed by the court shall be subject to the approval of the Administrative Office of the Courts of the United States. Such examiners shall have the power to administer oaths and any false statement or any material fact made by any person under such oath to such examiner shall be punishable as perjury."

On page 19, line 20, strike out the word, "Commission," and insert in lieu thereof the word "Court".

On page 19, line 17, through and including page 21, line 4, strike out all of section 7 and insert in lieu thereof the following:

"SEC. 7. (a) The examiners for each political subdivision shall examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as the court may require and shall contain allegations that the applicant is not otherwise registered to vote. Such examination of applicant shall be conducted by the examiner after administering an oath to such applicant.

"(b) Any person whom the examiner finds to have the qualifications prescribed by State law in accordance with instructions received from the court shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 9(a) and shall not be the basis for a prosecution under section 12 of this Act. The examiner shall certify and transmit such list, and any supplements thereto, at least once a month, to the offices of the appropriate election officials, with copies to the Court and to the Attorney General. Notwithstanding the action of the examiner in certifying and transmitting the name of any applicant as hereinabove provided, such applicant shall still be subject to challenge as to his vote, and no vote cast by said applicant may be counted in any election unless the court has overruled the challenge asserted against the applicant. Any person whose name appears on such a list shall not be entitled to cast a vote unless the appropriate election officials of the State or political subdivision involved have been served with such list at least forty-five days prior to the election in which the applicant seeks to vote.

"(c) Any person whose name appears on such a list of eligible voters as hereinabove provided shall be removed therefrom by an examiner or by the court if (1) such person has been successfully challenged in accordance with the procedure herein prescribed, or (2) he has been determined by an examiner or by the court to have lost his eligibility to vote under State law not inconsistent with the Constitution of the United States."

On page 21, after line 4 strike all of lines 5 through 14, the same being the entire section 8 of the bill, and renumber each succeeding section accordingly.

On page 21, line 15, through page 23, line 13, strike all of section 9 and insert in lieu thereof the following:

"SEC. 9. (a) Any challenge to a listing on an eligibility list shall be heard and deter-

mined by a hearing officer appointed by a court of competent jurisdiction under such rules as the court shall prescribe. Such challenge shall be entertained only if filed with the hearing officer or in the office of the Clerk of the United States district court of the district in which the applicant resides within ten days after the listing of the challenged person is made available for public inspection, and if supported by (1) the affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his last known place of residence or the place of residence set out in the application. Such challenge shall be determined by the hearing officer within fifteen days after it is filed. A petition for review of the decision of the hearing officer may be filed in the United States court which appointed said hearing officer within fifteen days after service of such decision by mail on the person petitioning for review. Any person listed shall be entitled to vote provisionally pending final determination by the hearing officer and by the court, but said vote shall not be counted or recorded in any election unless the challenge to the person so listed shall have been denied.

"(b) The hearing officer appointed by the court shall have the power, if authorized by the court, to require by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before such hearing officer. In case of contumacy or refusal to obey a subpena, any court of the United States within the jurisdiction of which said person guilty of contumacy or refusal to obey is found, or resides or is domiciled, or transacts business, or has appointed an agent for the receipt of service of process, shall have jurisdiction to issue to such person an order requiring such person to appear before the court or the duly appointed hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof."

On page 23, after line 13, strike all of section 10, the same being lines 14 through 25 on page 23 and lines 1 through 3 on page 24, and renumber each succeeding section accordingly.

On page 24, after line 3, strike all of section 11 and insert in lieu thereof the following:

"SEC. 11. (a) No person acting under color of law shall willfully fail or refuse to permit any person to vote whose name has been duly certified by the court, or an examiner appointed by the court under the provisions of this Act, as being qualified to vote nor shall any person willfully fail or refuse to tabulate, count, and report such person's vote.

"(b) No person shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any person from exercising any rights or duties or powers provided for in this Act"; and renumber each succeeding section accordingly.

On page 24, line 16, after the word "shall" insert the words "fraudulently, maliciously, or willfully".

On page 25, lines 10 and 11, strike out the words "by sections 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section," and insert in lieu thereof the words "this Act".

On page 26, line 7, immediately following the word "merits", strike out the period and insert the following: "if the court finds that the vote of such person or persons would be likely to change the results of said election."

On page 26, line 9, immediately following the comma insert the words "if the court finds that the vote of such person or persons would be likely to change the results of said election."

On page 27, line 1, strike out the words "Civil Service Commission and insert in lieu thereof the word "Court".

On page 27, line 9, strike out the words "Attorney General" and insert in lieu thereof the word "Court".

On page 27, line 11, strike out all of section 14(a), and insert in lieu thereof the following: "All cases of criminal contempt arising under the provisions of this act shall be tried by a jury in the district court of the United States in the jurisdiction in which said contempt is alleged to have occurred, if either party requests such a jury trial."

On page 27, lines 14 through 19, strike out all of subsection (b) of section 14 and insert in lieu thereof the following: "Exclusive jurisdiction shall reside in the United States courts for the State or subdivision involved to issue any declaratory judgment or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of this act or any action of any Federal officer or employee pursuant hereto."

On page 28 strike out all of section 15 and renumber each succeeding section accordingly.

Mr. WHITENER. Mr. Chairman, we have heard a great deal here this afternoon about cleaning up Illinois and had an amendment to that effect. Then we were going to clean up Michigan for a while, I believe. Then we were going to clean up some other things.

Now that we come toward the end of the day, I have offered some amendments which I think will clean up this package of legislation. I think if these amendments are adopted we will have a bill which will see that justice is done to all of the people of the country and you will have it done without promoting discrimination but, rather, will be eliminating discrimination. I say that because the burden of these amendments, among other main burdens, is that of equal application throughout the country. I am sure that notwithstanding some of the unfortunate remarks that we have heard here today where someone has been accused of kissing Dixie, and they did not say just where Dixie got kissed—some of you are probably in the mood of kicking Dixie—still we do not believe that many of you are in that mood.

These amendments which I have prepared, while they may have seemed lengthy to you, are not really lengthy in their meaning and in their purpose. In addition to promoting fairness and equality of application of the law among the States, they promote the administration of justice along the lines which have been typically American since the beginning of the country in that they put the responsibility for adjudicating the law in the courts. That question lies with the courts rather than with a bureaucratic official of the Government.

These amendments also have another main focus, that is, they recognize and cause the Congress to recognize the validity of the statements of our Supreme Court in the Lassiter case, and in innumerable other cases, in which it has been unequivocally held that the determination of the qualifications of voters is properly and constitutionally within the province of the several States.

So that is the main purpose of the amendments which I have offered. They have some side purposes, one of which has been discussed earlier today. One of them is that a vote should not be counted unless it is a legal vote.

One of these amendments would provide that there must be an adjudication by the court upon the validity of the individual vote before that vote would be counted. And, yes, they go beyond that. One of the amendments would say that you would not suspend the certification of the results of an election unless the court found that those votes in question are likely to change the outcome of the election.

Now how silly can we get? Under the language of the bill, H.R. 6400, you can visualize the situation where it is apparent to the court and everyone else that a candidate has won the election by 30,000 votes. Yet, if there is one of these challenged votes lying around, there can be some question raised as to whether the candidate has been elected until they have been passed upon one challenged vote. This proposed amendment would get us away from that type of situation.

Another significant provision in one of the amendments is this: You will note in the bill, H.R. 6400, that the language merely take us back to previous civil rights bills when they deal with the trial of persons charged with criminal contempt. That is for the purpose of getting around the jury trial right of the accused. One of the amendments I have offered, amendment No. 15, provides that in all cases of criminal contempt which arise under this act that they shall be tried by jury in the district court in the jurisdiction where the contempt is alleged to have occurred if either party requests a jury trial.

We have been uphill and downhill on this jury trial business and the people who stand here normally and inveigh against the concept of the jury trial in civil rights legislation are the ones who contend for it loudest in every other type of legislation.

Those of us who ask for it in this type of legislation are consistent in our feeling that the right to a jury trial is something sacred and something which should be preserved.

Mr. Chairman, there are many other provisions in these amendments which we could discuss. I know that you have noted already that one of them would strike out the entire reference to the poll tax situation. I have mentioned this before in comments; I have mentioned it in the minority report written in the committee. And, I say again, that notwithstanding the alleged finding in this bill, to the contrary there is no evidence in the record before the Judiciary Committee which would sustain the finding by the Congress that the poll tax requirement has been used to discriminate between the races.

No one has ever testified that any man, whether he was colored or white, who wanted to pay a poll tax was denied

that privilege by any tax collector anywhere. So, there is no reasonable relationship between the poll tax requirement, which we do not have in our State, North Carolina, and this question of discrimination between the races. No one has yet testified, including the Attorney General, that any man who wanted to pay his poll tax has been denied that privilege anywhere.

The poll tax is a necessary part of the laws of several of the States. In North Carolina, while it is not a prerequisite to voting, it is required that each male citizen between certain ages pay a poll tax, and this is in no way connected with discrimination.

The poll tax originated as a device through which the county governments derived funds with which to carry on their elections, just as in the old days in my State there was a requirement that every able-bodied man give 1 day a year to his local county to work the public roads, or if he did not want to do that, he could pay $5 and not work. So there is no discrimination about it. It is a creature of the law which is quite ancient, and you find the poll tax in many States today where it is not connected in any way with voting.

Mr. Chairman, I know that the hour is late and that there is not much sympathy on the part of many for thinking about what we are doing here in a very serious way, because many have said that they have confidence in the great Committee on the Judiciary.

As a member of that committee I certainly am not here to criticize it. But I will say this to you, that sometimes in our zeal, all of us—in our zeal to accomplish what we consider to be a worthwhile purpose, do not always exercise the same sound and solid judgment that we do when we are looking at things more objectively. All of us are alike in that respect.

Sometimes when we think we are legislating in a way that affects somebody away off from us we may be inclined to be a little careless and not as attentive to what we are doing. But I say to you that, trying to be as objective as I can about this, and certainly without one scintilla of prejudice against any race or any human being, I believe that the amendments which I have drafted and offered to you today will improve the legislation we have before us. I would not stand here and urge you to follow me blindly. I would urge you to at least think with me upon these thoughts which I have expressed in a rather quick manner, because of the lateness of the hour.

This is a serious thing we are about. We are not just punishing somebody. We are today dealing with constitutional government.

All of us who have served here any length of time have seen bad laws which the Congress has written before held up here to us again as justification for our doing it once more.

Some of these principles that we are putting in this legislation will be destructive of more rights than they protect in their overall language.

I hope you will give thought to this subject. I urge you, if you can possibly do so, to join with us in adopting these amendments, which are numerous, but not too lengthy, because they will make this a piece of legislation we can live with, and that people throughout the Nation can vote for and support and be proud of.

Mr. SELDEN. Mr. Chairman, I rise in support of the amendments offered by the gentleman from North Carolina [Mr. WHITENER] and urge their passage. You will note, Mr. Chairman, that section 10 of H.R. 6400 states:

> The Congress hereby finds that the requirement of the payment of a poll tax as a prerequisite to voting has historically been one of the methods used to circumvent the guarantees of the 14th and 15th amendments to the Constitution.

Mr. Chairman, contrary to what this section states as its premise, I have been unable to locate testimony of a substantial nature given in either the House of Representatives or the Senate that the poll tax has been used to discriminate against citizens who desire to register and vote. When the Attorney General of the United States was testifying before the Senate Judiciary Committee he had this to say on the subject:

> My difficulty on this, on the elimination of poll taxes, is that I do not believe that I have the facts to make a record that poll taxes have been abused in violation of the 15th amendment.

I would like to remind the Members of the House that a legislative declaration is not a casual thing, and Congress should act on facts and on facts alone. This very proposition, a legislative finding that the poll tax has been applied in violation of the prohibition of the 15th amendment, was rejected by the Attorney General as not supported by the evidence. Consequently, such a declaration should not be included in the legislation we have before us today.

Also, Mr. Chairman, it was only recently that an amendment to the Constitution was passed by the Congress, submitted to and ratified by three-fourths of the States, that prohibited the States from making the poll tax a prerequisite to voting in Federal elections. Congress fully recognized at that time that the power of the Federal Government over the poll tax was limited to constitutional action, and Congress and the States acted accordingly.

I submit that if it was necessary yesterday to have a constitutional amendment to abolish the poll tax in Federal elections, why is it unnecessary to follow the same procedure today? In the same connection, if Congress has the power to abolish by simple statute the poll tax in State and local elections, as the chairman of the House Judiciary Committee says it has, why was it necessary for Congress to pass the 24th amendment?

Mr. Chairman, it is perfectly obvious that an attempt is being made in this legislation to accomplish by a majority vote what both the Congress and the courts have always considered requires a constitutional amendment. The adoption of the amendments offered by the gentleman from North Carolina [Mr. WHITENER], among other important and constructive changes, will eliminate section 10 of H.R. 6400. I urge their favorable consideration.

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

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

There was no objection.

Mr. KORNEGAY. Mr. Chairman, it is reprehensible and indefensible to deprive any qualified citizen of his right and obligation to vote. Any citizen and every citizen, regardless of his race, his color, sex, or political suasion, should be guaranteed the choice to register and to vote—if he or she meets valid and equitable qualifications such as age, residence, and other requirements, applied equally and indiscriminately.

The voting privilege and responsibility should be available to 100 percent of our qualified citizenry—not 50 percent, not 99 percent. Although I feel that every person should exercise his voting franchise in an informed and intelligent manner, I feel also that in a free, democratic society a citizen has the right not to vote if he so chooses and should not be compelled to vote against his wishes and desires.

It is my privilege to represent a congressional district in North Carolina that is completely devoid of any vestige of discrimination in the voting process.

However, under the weird and complicated 50 percent formula basis of H.R. 6400, my home county of Guilford comes dangerously close to being placed under the supervision of Federal vote examiners.

Using the figures presented in subcommittee hearings, Guilford County, N.C., has 144,040 persons of voting age—21 or older—in November 1964—based on the 1960 census report. The hearing report reveals that 75,604 votes were cast in the 1964 general election. This represents but 52.5 percent of the voting age population. I want to point out that the official figures supplied to me by the Guilford County Board of Elections show that 77,160 persons voted last November, a much higher figure than that supplied the subcommittee, but still only 53.1 percent, a shocking percentage. But, although this poor record at the polling place was in no wise related to racial discrimination, my home county was in jeopardy of having the Federal Government take over our local voting procedures. In fact, a militant civil rights leader in my home county has stated publicly that "there has been no discrimination whatsoever."

Yet, if a few more had cared less last November, then Guilford County would have been penalized—under this proposed law. Because a number of our registered voters—white and nonwhite—were apathetic or were not enthusiastic enough to go to the polls and vote, Guilford County would have come under the aegis of Federal vote control—even though there is not a scintilla of evidence that voting discrimination was practiced. If this had occurred, we would have to bear the trouble and expense of coming to Washington and prove in the District court here that we

are innocent. We would not be allowed to file a suit in the Federal District Court in Greensboro, the jurisdiction where the cause of action allegedly arose. I can think of no other law which requires the accused first to file a law suit to declare his innocence and secondly to remove the jurisdiction to a foreign court.

Speaking of the figures supplied to the subcommittee in their hearings, it occurs that they could be misleading if not fallacious. At the least, they are certainly interesting. For example, a county in Wyoming last November cast more votes than it had people of voting age. The record shows that 113.38 percent of the voting age population went to the polls there. Another county, in New York, had 109.4 percent. Curious.

Mr. Chairman, H.R. 6400, in addition to being a measure which would insure equal justice by the half measure—or 50 percent, is not a national law, one which would apply equally throughout our 50 States. Does it not seem ironic that a measure which was conceived to abolish discrimination is in itself discriminatory in nature?

The law offered to us today would overlook and thereby permit discrimination in some States and in some counties but not in others. Why is it considered equal justice to apply the measure to 7 States and 34 counties in the State of North Carolina and exempt some of our other sister States, even though they voted less than 50 percent in the last election?

I am proud that my home county is not alone in my congressional district of North Carolina in administering rights and privileges to all, equally. The other three counties in my district also dispense justice in the same amount from the same spoon to all its citizens. In the 4 counties of the 6th district, there are 222,977 registered voters. Of this amount, 162,655 voted in the last general election—not good, but enough to escape from the provisions of the proposed law. I cannot tell you the breakdown of the total Negro and white voters in my district, for the simple reason that one of the four counties—Orange—does not request or require that the registrant identify himself by race or color. Three of the counties, Alamance, Durham, and Guilford, do keep such records. In these 3 counties, there are 167,733 registered white voters and 36,295 Negro voters on the books—in about the same proportionate ratio as the total white and nonwhite population.

In the year 1964, in the 6th district, some 14 Negro persons failed to pass our so-called literacy tests. Only one of the four—Guilford—retained figures on the number of Negroes who passed such tests. The number of those who did pass the test there amounted to 3,718 and it is reasonable to assume that thousands of others passed simple registration requirements in the other 3 counties last year. I might add that there were seven white persons who failed during the same period.

The literacy tests administered in my district are not designed as discriminatory devices. In Alamance County, for example, a registrant is required to copy the simple statement:

> Article I, section 10 of the constitution of North Carolina. All elections ought to be free.

One could hardly allege that this attempts to bar any qualified person from voting.

The other three counties require that the registrant must read and sign an oath, which says:

> I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the constitution of the State of North Carolina, not inconsistent therewith; that I have been a resident of the State of North Carolina for 1 year and of the precinct for 1 month; that I am ——— years of age; and that I have not registered for a coming election in any other precinct. So help me God.

Could this oath be considered a device to preclude voting on the basis of race or color?

There are several very disturbing provisions of H.R. 6400. One of these is section 5, which would require the legislation of the State to first get permission of the U.S. Attorney General or the Federal District Court in the District of Columbia, before it could change the election laws, in any manner, if one of its counties falls under the 50-percent provision of the proposed act. This section would in effect give to the Attorney General of the United States the power to veto or nullify an act passed by the legislature of the State of North Carolina. No doubt, before a county could even change a precinct line, it would have to go through a time consuming and costly legal procedure with either the U.S. Attorney General or the Federal District Court in the District of Columbia.

Mr. Chairman, because of these and other objections I have to H.R. 6400, I cannot in good conscience support this measure.

I can and would gladly, however, support and vote for a truly equitable and nondiscriminatory voting rights act, which would be uniform in application, one which would apply equally—anywhere discrimination in voting is practiced, and only where discrimination—and not just apathy—is found.

I would prefer an act which would provide for appeals arising from such a measure to be heard in the original jurisdiction and not limited to Washington, D.C. I would prefer a bill which would preserve the rights of the States to administer proper and equitable tests of qualifications and eligibility to vote.

I would prefer a bill which is consistent with the Constitution. I would prefer a bill which forever will insure equal justice in the voting process.

Mr. Chairman, I ask unanimous consent that the gentleman from North Carolina [Mr. FOUNTAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FOUNTAIN. Mr. Chairman, I have hesitated to speak on this legislation during this debate. It so seriously questions the integrity and fairness of my people and so dangerously flouts the Constitution—that I become emotional about it. We have already observed the dangers that follow some types of emotionalism. In fact, I think it is quite obvious to the Nation that this legislation is the product of emotionalism. Then, too, on highly controversial legislation of this kind, I have discovered that few positions are changed by the debate. More votes are changed in a variety of other ways well known to all of us. Then too, I am told that the outcome of this legislation is already known—that it will become the law of the land in substantially its present form. This thought is certainly no incentive for speaking out.

Beyond any question, the virus of unreason which has so pathetically infected some areas of the country has obviously descended upon us here. As someone has said, "Congress is down with the heaves and strangles, and ordinarily sound men are puffing and rolling their eyes." Even if the virus of unreason and madness, as well as rightly motivated reasoning, have predestined that this bill will pass, I must have my say. In view of all that I have heard on this floor during this debate, I cannot longer remain silent.

Whatever may be the outcome here today, history will record H.R. 6400 as a bad bill, a dangerous bill, a vindictive bill, a bill which, however motivated, perverts the Constitution. If this bill becomes law, it will pile wrong upon wrong. It will strike "with the brute and clumsy force of a wrecking ball at the very foundations of American federalism."

As some writer has said, "Our body politic suffers, it is true, from a few tumors, but the condition is operable and may be cured by careful surgery. This bill is a bill for disemboweling."

H.R. 6400 is described as "A bill to enforce the 15th amendment to the Constitution." The 15th amendment provides, of course, that the right of citizens to vote "shall not be denied or abridged on account of race, color, or previous condition of servitude."

Of course, the 15th amendment does not grant anyone the right to vote. It was not so intended. The purpose of the 15th amendment is to prevent discrimination on account of race or color in the exercise of voting rights. Such discrimination has existed in the past and pockets of it doubtless may still exist in every section of the country—not just certain areas of the South.

At this point, permit me to express my deep and sincere concern that such discrimination still exists today at any place. I have made many speeches in my home State about the right to vote. I have not talked about the right of a particular race to vote. I have talked about the right and the duty of all qualified citizens to express their views at the ballot box. Fundamental to our democracy and our way of life is the right of each qualified citizen, regardless of his race or color, to participate in the selection of those who will serve him in places of public trust. As the committee report pointed out:

> Our Nation, born of a mighty struggle to secure representation to its citizenry, has

grown and prospered in freedom through self-government. Our history unfolds at every chapter the story of rededication to a belief in Government by and for the people.

Certainly, therefore, the right to vote is basic and essential among the many rights and responsibilities of citizens in any democratic society. I cherish this concept for all our people of all creeds and colors. I will always defend it in a proper way.

Wherever the right of a qualified citizen to vote is denied him such denial can be effectively enjoined and the names of such citizens placed on the rolls. If the Congress feels that such discrimination is so widespread that action on the national level is needed, the Congress has the power to enact "appropriate legislation" toward this end.

The very serious question before this body is whether or not the administration's bill is appropriate. This leads to other important questions such as: Is it within the scope of the Constitution? Is it consistent with the letter and spirit of the Constitution? Or is it an unconstitutional—invalid exercise of powers which the Congress does not have but which are reserved to the States?

These are extremely important questions—transcending questions—rising, as someone has said, "above the sweaty little tricks and gimmicks" of any registrar. Surely we cannot command respect for the Constitution in any given State by subverting it on Capitol Hill.

I believe that the arguments which have already been offered in opposition to H.R. 6400 lead to the inevitable conclusion that it is not appropriate, that, in its present form, it is not within the scope of the Constitution, and it is inconsistent with the letter and spirit thereof.

Never before in all of my experience here have I seen so many Members take a frozen position in support of a piece of legislation so patently vicious, discriminatory, and unconstitutional. Have we forgotten that we are dealing here today, through this legislation, with something as precious as life itself—a system of government "obedient to a written Constitution." If this Congress sacrifices this high principle to the emotional and political pressures of such a turbulent hour, we may lose for all of us far more freedom than we will seemingly gain for some.

I have not heard during the course of the debate on this legislation a single voice denying that the power to fix qualifications for voting is a power reserved to the States. Of course, such a position would be untenable, for article 1, section 2, spells it out in words a child can understand. Time after time, the Supreme Court has reaffirmed this reservation of the power to the States.

Just 6 years ago, in the case of *Lassiter* v. *North Hampton County Board of Elections* (360 U.S. 45 (1959)), the Supreme Court reaffirmed an unbroken series of opinions when it said:

> The States have long been held to have broad powers to determine the conditions under which the rights of suffrage may be exercised, absent, of course, the discrimination which the Constitution condemns * * *. The right of suffrage is subject to the imposition of State standards which are not discriminatory * * *. We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record, are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. * * *
>
> The ability to read and write likewise has the relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show * * *. In our society, where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise.

In the final paragraph of its opinion in the Lassiter case, the Supreme Court condemned trumped-up literacy tests that had been employed in some cases as a "device to make racial discrimination easy." No such charge, however, could be fairly brought against North Carolina's requirement that a prospective voter "be able to read and write any section of the constitution of North Carolina in the English language."

> That seems to us to be one fair way of determining whether a person is literate, not a calculated scheme to lay a trap for the citizen—

Said the Court.

It's interesting to note that the Lassiter case came up from the Superior Court of Northampton County, in North Carolina, in the Second Congressional District which I have the honor to represent. Notwithstanding that decision, however, this legislation, H.R. 6400, would have the effect of reversing the impact of that decision in Northampton County, N.C., by presuming the existence of discrimination there.

As late as March 8, 1965, in the case of Carrington against Rush, the Supreme Court again stated:

> There can be no doubt either of the historic function of the States to establish, on a nondiscriminatory basis, and in accordance with the Constitution, other qualifications for the exercise of the franchise. Indeed, "The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised." * * * In other words, the privilege to vote in a State is within the jurisdiction of the State itself, to be exercised as the State may direct, and upon such terms as to it may seem proper, provided, of course, no discrimination is made between individuals in violation of the Federal Constitution.

The proponents of this legislation now ask the Congress of the United States to disregard these fixed constitutional principles. This whole body of long established law would be violated by this legislation. In fact, this legislation would establish through Federal law new "qualifications for voting" in certain States and in certain counties of other States.

It is true that this power of the States must be exercised in accordance with other provisions of the Constitution. But it is the 15th amendment, and only the 15th amendment, that concerns us here in this legislation. By its own terms, the pending bill is a bill "To enforce the 15th amendment to the Constitution of the United States." If the bill cannot be sustained under this provision, then the Attorney General is out of court. As has been pointed out so many times, the power vested in the Congress by the 15th amendment is a power to enforce the amendment by "appropriate legislation." This is not "appropriate legislation."

If H.R. 6400 proposed the use of clearly constitutional methods to meet demonstrated abuses in a fair and impartial manner, it would merit sympathetic consideration by all of us. But H.R. 6400 does not do this. Instead, it proposes the establishment of arbitrary and discriminatory restrictions upon areas in my State and elsewhere which have not only not been proved guilty of practices which violate the 15th amendment, but have not even been accused of such practices.

Many States including my own State of North Carolina, prescribe literacy tests for voters. So far as I know, no evidence has been presented—or even allegations made—that North Carolina is administering the literacy tests in a discriminatory manner. Information provided to me by county election boards in my district clearly demonstrates that the literacy test is not being used to prevent or discourage registration of qualified persons.

In Lenoir County, N.C., for example, only 10 Negroes failed the literacy test in 1964, while 942 Negroes passed. Three white persons also failed the literacy test in that county. The chairman of the Lenoir County Board of Elections, Mr. F. E. Wallace, Jr., and two prominent Negro citizens of Lenoir County, Mrs. Alice P. Hannibal and Mr. George B. Lane, furnished for the records of the committee hearings on this legislation, affidavits attesting to the lack of discrimination in voter registration there.

In Wilson County, N.C., in 1964, only 6 Negroes failed the literacy test while 919 passed. Two white persons also failed the test. Three more white persons declined to take the test after stating that they could not read.

In a much smaller county, Greene, five Negroes failed the literacy test in 1964, and 82 of them passed. Seven white persons failed, while 140 passed. These, of course, are just a few examples of the extent to which qualified persons are being registered in our congressional district.

If the pending bill were aimed like a rifle at discriminatory applications of the literacy test; if its provisions were designed solely to prevent a State or locality from using some test or device to deny voting rights on account of race or color, no objection could be taken on constitutional grounds. The obvious vice of this legislation is that it is not so aimed and it is not so limited. As the distinguished gentleman from North Carolina [Mr. WHITENER], pointed out yesterday, this bill is triggered by a phony formula, a numbers game—a slick little testing device that relies not upon proof of discrimination but rather on certain statistics.

It applies only in States which as of November 1, 1964, maintained a "test or device" as a qualification for voting. By "test or device" this bill means, among

other things, any requirement that a registrant possess good moral character or demonstrate "the ability to read, write, or interpret any matter." But regrettably the bill does not apply to all States that maintained such tests or devices in November 1964. It applies only in those States or parts of States in which less than 50 percent of the adults were registered, or less than 50 percent of the adults voted in the Presidential election of 1964.

The discriminatory and unfair nature of H.R. 6400, there again can be clearly seen from the fact that it proposes outlawing literacy tests not throughout the United States or even throughout North Carolina but in just a few Southern States and in 34 selected counties of my own State of North Carolina, including all of the 9 counties which I have the honor to represent. As I have previously indicated, these counties would not be selected on the basis of evidence of violations of the 15th amendment or even on the basis of allegations of such violations. Instead they would be selected through an arbitrary mathematical formula based on the percentage of citizens voting, without regard to whether or not discriminatory practices were involved in any way. After being selected on the basis of such an arbitrary formula, the counties chosen would, in effect, be presumed guilty of discrimination until they proved their innocence before a three-man court in the District of Columbia.

It may be of interest to note that while this carefully rigged trap catches the States of Louisiana, Mississippi, Alabama, Georgia, South Carolina, Virginia, 34 counties in North Carolina, and a county in Arizona and 1 in Maine, and possibly in a few others, it does not catch the State of Texas, where fewer than 50 percent voted, because Texas has no "test or device." Neither does it catch the State of New York which maintains a "test or device" but voted better than 50 percent.

Note again that this key provision of the bill has nothing to do with discrimination as such or with Negro voting as such. The Attorney General's feeble explanation is that "the coincidence of such schemes and low electoral registration or participation is usually the result of racial discrimination in the administration of the electoral process."

As a matter of fact, while these so-called coincidences may sometimes be the result of discrimination, there are many other factors, not subject to the will of Congress under the 15th amendment, which have contributed to these low voting percentages in my part of the country. I think the reasons are so well known that they need not be repeated again.

Mr. Chairman, the height of paradox is presented by the formula proposed in this legislation which establishes a presumption that the 15th amendment has been violated. New York, which uses a literacy test—and which will continue to have a literacy test notwithstanding this legislation—had 74.5 percent of its citizens registered, while North Carolina, which uses a simple literacy test, had 76 percent of its voters registered. Now, would it not be reasonable to expect that a voting bill designed to secure the right of citizens to register and to vote would touch both North Carolina and New York alike? This is not true, however. New York State is not touched by this legislation, while 34 counties in my State are, by this law, presumed guilty of voter discrimination under the 15th amendment. This is rank discrimination of the worst sort.

Almost 52 percent of all North Carolinians of voting age voted in the last general election. Had the percentage fallen below 50 percent, then every one of our 100 counties would have been subjected to the sanctions of this bill. Since only 34 counties are said to have voted less than 50 percent in the 1964 elections. only these 34 counties are presumed to have violated the 15th amendment. In other words, in my home State, to show how ridiculous this legislation is, 34 counties will be subjected to Federal jurisdiction with no literacy test required, while the remaining 66 counties of North Carolina will still use a literacy test for voting applicants.

Arkansas has no literacy test. In 1964 only 49.9 percent of the voting-age population voted. It would not be covered by this bill, but North Carolina, which voted 51.8 percent of its voting-age population would be covered.

The absurdity of the percentage formula is further illustrated by comparing North Carolina, which has a literacy test, with its neighbor, Tennessee, which has none. North Carolina's voting percentage was 51.8 percent while that of Tennessee was 51.1 percent. In North Carolina, 34 out of 100 counties had a percentage of less than 50 percent. In Tennessee, 22 out of 95 counties had a voting percentage of less than 50 percent. Can it be demonstrated by any law or logic that North Carolina is guilty of discrimination under the 15th amendment, while Tennessee is not, simply because Tennessee has no literacy test.

In Louisiana, 47.3 percent of the people voted. In Texas only 44.4 percent voted. Under H.R. 6400, these statistics would be used to justify the conclusion that there were violations of the 15th amendment in Louisiana but none in the State of Texas. Why? Because Louisiana has a literacy test and Texas does not.

Let us take another example. Again, 34 counties in North Carolina, under this bill, would be presumed in violation of the 15th amendment. Yet there are 137 counties in Texas which voted less than 50 percent, but these counties are not covered by this bill. The State of Texas, which voted only 44.4 percent, is deemed not guilty of discrimination simply because it had no literacy test. Get this: 19 of North Carolina's condemned counties actually had a higher voting percentage than the "guiltless" State of Texas.

According to statistics submitted by the Attorney General, 75 percent of the voting-age population in North Carolina is registered. This is a greater percentage than in at least 13 States that are not covered by this bill and, yet, one-third of my home State, under the terms of section 3(a) of this bill, are singled out and pronounced guilty of violating the 15th amendment.

In other words, by using the phony numbers game employed in this bill, an illiterate person may register and vote in one county of my State while another illiterate person is prohibited from voting in an adjoining county. A Federal registrar will set in one county and a local State registrar in another, applying different rules for the same elections—rules that are not provably related to discrimination but to 1964 registration and voting statistics.

And, unfortunately, no locality or State may adopt the very simplest ordinance or law affecting election procedure without clearing it first with the three-man district court in Washington.

Any potential voter in a covered area could complain to Washington of discrimination if he is turned down when he seeks to register to vote. This would bring an investigation by the Attorney General. If he decides there has been discrimination, Federal examiners or registrars will be named to register individuals in the given State.

I wonder how many Members realize that this bill grants the right to vote to all who are registered by Federal examiners and allows the counting of their votes and the certification of election results, even though challenges of their qualifications, unresolved on election day, may later be upheld. How undemocratic and unfair can this Congress become in its attitude toward a particular section of the country.

The late Samuel Jones Tilden, an American statesman, who ran for the Presidency of the United States on the Democratic ticket against Rutherford B. Hayes, delivered an address at the Democratic State Convention in Albany, N.Y., in 1868 which, though then used in connection with another situation, is extremely pertinent today and to this legislation in particular. Let me read it to you:

> Hitherto the great right of the citizen to a voice in choosing his rulers has been safely intrenched in the constitutions of the several States. No legislative power in the land, Federal or State, could touch it. No temporary political ascendancy, no fluctuation of parties, could endanger it. The State constitution could be changed only through slow processes—imposing delays insuring deliberation, and generally requiring several submissions to a vote of the people. To effect a change throughout the Union would require that these processes be carried through in each State separately. But once abdicate this rightful authority of the people of the several States, acting in their organic capacity; once allow Congress to usurp jurisdiction over the suffrage of the people of the States; once admit that this fundamental right may be changed by a mere enactment of Congress, without submission to a vote of the people—and no man in any State can tell how soon his vote may be rendered worthless, or how soon it may be taken from him. Mr. Sumner avows that his object is to control the next presidential election. Adopt his theory; establish the precedent; accustom the people to acquiese in the usurpation; and you will have a congressional majority changing the suffrage wherever it may be a convenient means of keeping themselves in power. An ambitious

President, with a subservient majority in Congress in possession of the machinery of the Federal Government; our political system centralized * * * until the moral force of the States to restrain is gone—and a supreme control over the suffrage is all that is wanting to complete and consummate a practical revolution in our government. Your future masters may indulge you a while in the forms of election, if they be allowed to make over the constituent bodies as often and as much as they please, letting in and shutting out voters to maintain their ascendancy.

Mr. Chairman, I have been a member of the Democratic Party all of my life. Even before I was old enough to vote, I supported every Democratic ticket from the courthouse to the White House. At times when I could more easily have remained silent, I have gone out and fought for the entire ticket. My district gave an overwhelming vote to our late beloved President John F. Kennedy. It did the same thing for President Johnson. I made speeches all over my congressional district for the entire Democratic ticket during the last general election.

I do not expect any special consideration because of my party loyalty. However, I would not be honest if I did not say that I have never been more disappointed than I was when our President recommended this vicious piece of legislation to this Congress. I am hurt by it. So are the people I represent. We expect to be treated only as equals with the rest of the Nation. I have been just as disappointed over the support of this legislation by the leadership of this House. As strongly as I believe in the right of every qualified citizen to vote, without regard to his race or color, I sincerely hope that this legislation will not be passed.

As skeptical as I am about our present Supreme Court and its thinking, and notwithstanding the applause given the President's message to the Congress by the members of that Court present when the President told the Congress what it had to do, I sincerely believe that this bill, if it passes in substantially its present form, with its presumption of guilt formula, will be declared unconstitutional. I am confident that we could adhere to the guarantees of the 15th amendment without ignoring the legitimate and constitutional rights of the States as this bill does. If it wanted to, this Congress could pass a piece of legislation providing a very simple and fair method for solving the problem of voting rights and disputes wherever they may arise without violating the fundamental constitutional principles which, time and time again, have been stated here on the floor of this House during this debate—principles largely upon which this Nation was founded.

The majority of you appear to have made up your minds to pass this legislation. You have indicated an unwillingness to even moderate it by making it applicable to all our people and all States alike. This you now have the power to do.

I may be wasting words, but I still respectfully appeal to you to rewrite this legislation in such a way that it will serve to eliminate discrimination against any voter because of his race or color, without laying the foundation for political dictatorship, as this bill does, by whatever political party may be in power at a given time.

Mark my word, this is dangerous and far-reaching legislation. If it is passed, and later sustained by the Supreme Court, in my opinion, it offers great potential for a very substantial and undesirable change both in our form of government and in our way of life.

I am reminded of the Biblical injunctions "What doth it profit a man if he gain the whole world and lose his own soul."

Likewise, what will it profit us to win all our wars abroad, if we lose our freedom at home.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendments offered by the gentleman from North Carolina, [Mr. WHITENER].

Mr. Chairman, these amendments have various effects on the bill before us. One amendment would delete section 5, the provision requiring preclearance of new voting laws.

Another amendment would limit the appointment of examiners under the bill to the courts, and would take the Civil Service Commission out of the picture completely.

Another amendment would delete section 8, which provides for observers which we believe are necessary to insure that the provisions of the bill are enforced.

Another amendment drastically amends section 9 dealing with the challenge procedure, which is vital to this bill.

One of these amendments deletes section 10, the poll tax provision, which is fundamental in this bill.

Another amendment would amend section 11, eliminating the section which provides for the protection of voters from intimidation, threats, and violence.

Mr. Chairman, I believe I have said enough to demonstrate why these amendments should be defeated. In general they would severely damage the bill, and I ask for rejection of the amendments.

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

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

There was no objection.

Mr. HARDY. Mr. Chairman, I am a strong supporter of the proposition that no citizen of the United States should be denied the right to vote because of his race or color. When the President presented his views to the Congress on this subject earlier this year I applauded the position which he took. It is with deep regret that I am unable to support the measure before us but it goes far beyond the President's message and it makes presumptions which are highly discriminatory against sections of the United States.

As I read the bill and as I understand the debate which I have followed, the automatic triggering provision, section 4, would immediately bring Virginia and my congressional district under the terms of the bill and would cause to be established in my own district Federal examiners which would not necessarily be local people, or even Virginians, and the citizens of my district would be registered by these examiners instead of the duly constituted local registrars.

Mr. Chairman, it is the presumption of the 50-percent provision in section 4 (b) which would have this effect. According to the figures published in the committee's hearing record only 42.7 percent of the population of voting age in the city of Norfolk, the largest city in my district, are registered. From these figures printed in the hearing record, I observed that although the percentage of white persons registered is slightly higher than the percentage of nonwhites, they are both well below the 50 percent and the differential is not great.

Mr. Chairman, I wish I knew the entire reason why the percentage of registered voters in my district is as small as it is. I think undoubtedly a part of it is due to the fact that a high percentage of our total population consists of military personnel and their families. For a variety of reasons, these citizens frequently are reluctant to register and to vote at posts where they are stationed.

But let me say this, Mr. Chairman, this problem of stimulating interest in registering and voting in my district is one that we have worked on diligently for many years. Various organizations have put on drives to increase the percentage of registrants. Additional registrars have been appointed and additional places for registration have been established, but none of these has been sufficient to bring the percentage of our registered citizens above the 50-percent mark, according to figures published by the committee.

Yet, Mr. Chairman, during the entire 20 years of my service in the House, I have never seen any evidence of voter discrimination in my district because of race or color, nor have I heard it charged that discrimination has been practiced in my district because of race.

And so, Mr. Chairman, I say that this bill is unfair and that it ought not to be passed. I wish that the committee had brought in an equitable bill which I could support, and I regret that this is not so.

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

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

There was no objection.

Mr. DOWNING. Mr. Chairman, I supported the McCulloch voting rights bill, rather than the Celler bill, sincerely believing that it would have accomplished the same purpose without placing a stigma on six Southern States, including Virginia.

The Celler bill is sectionally discriminatory while the McCulloch bill was sectionally uniform applying equally, North and South, anywhere discrimination in voting is practiced and only where it is practiced.

I am and always have been unalterably opposed to any form of discrimination at the polls because of a man's color, or because he is of a different race. This is a right given to every American under the terms of our Constitution and when and where it becomes necessary, it should be enforced.

On the other hand I do not believe that the right to vote is automatic; it is a privilege which is given to those who can meet certain minimal requirements and this is as it should be.

In my opinion, the McCulloch bill would have rectified the problem of voter discrimination more equitably than the Celler bill.

The CHAIRMAN. The question is on the amendments offered by the gentleman from North Carolina [Mr. WHITENER].

The amendments were rejected.

AMENDMENT OFFERED BY MR. LINDSAY

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

The Clerk read as follows:

Amendment offered by Mr. LINDSAY: On page 27, line 11, insert the following new section 14 and renumber the succeeding sections accordingly:

"Section 14(a) Congress finds that recent events have demonstrated that effective exercise of the right to vote as guaranteed by the 15th amendment requires that citizens of the United States be protected in their rights of freedom of speech, press, the right peaceably to assemble, and to petition the Government for a redress of grievances; and that State and local officials have often reinforced denials of the right to vote by suppressing such rights through the use of threats, intimidation, and brutality.

"(b) Whenever any person acting under color of law has engaged, or there are reasonable grounds to believe that such person is about to engage, in any act or practice that intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce the exercise by any other person, in connection with voting, of his right of freedom of speech or of the press, or his right peaceably to assemble, and to petition the Government for a redress of grievances; or whenever any person, acting under color of law, knows or, with reasonable diligence, should know that any other person is being intimidated, threatened, or coerced for the purpose of interfering with the enjoyment of the above rights by such other person and abstains from, fails, or refuses to protect such other person in the enjoyment of such rights, the Attorney General may institute for the United States, or in the name of the United States, a civil action or other proper proceeding for preventive relief including an application for a permanent or temporary injunction, restraining order, or other order."

Mr. CELLER. Mr. Chairman, however much I may agree with the grand purpose of the amendment I nonetheless for pragmatic reasons make a point of order that the amendment is not germane to the text of the bill. Mr. Speaker, the subject matter of H.R. 6400 deals exclusively with voting rights. The amendment proposed deals with rights under the first amendment to the Constitution. This refers to freedom of speech, of the press, peaceable assembly and petition to redress grievances. It is very obvious that this violates the rule of germaneness. Although we are dealing with constitutional rights, specifically the right to vote under H.R. 6400, the rule is that one individual proposition may not be amended by another individual proposition even though the two may belong to the same class. The same class here would be constitutional rights. However, H.R. 6400 deals with rights under the 14th and 15th amendments. The amendment deals with rights under the first amendment. Therefore, Mr. Chairman, the amendment is not germane to the bill.

The CHAIRMAN. Does the gentleman from New York [Mr. LINDSAY] desire to be heard on the point of order?

Mr. LINDSAY. Yes, Mr. Chairman, I should like to be heard on the point of order.

I had understood, because the distinguished chairman of the Committee on the Judiciary said the other day when I gave notice that I would be offering this amendment, that he would raise a point of order against it.

Mr. Chairman, I fail to see any merit or substance in this point of order. My research has discovered no precedent at all that supports the point of order. Nowhere is the principle better stated, however, than in the language which opens the chapter on germaneness in Cannon's Procedure Manual:

That an amendment be germane means that it must be akin to or relevant to the subject matter of the bill. It must be an amendment that would appropriately be considered in connection with the bill.

Mr. Chairman, the subject matter of this bill is the protection of voting rights. That term must be understood broadly, in keeping with the broad intent of this legislation. All my amendment does is recognize that there are related rights which must also be guaranteed to make the exercise of an individual's voting rights complete and meaningful.

This amendment, Mr. Chairman, is relevant to the subject matter of the bill. It should be considered in conjunction with the bill.

I submit the amendment is germane, Mr. Chairman, and very necessary if we are to make this voting rights bill all that the American people expect it to be.

The CHAIRMAN (Mr. BOLLING). The Chair is ready to rule.

The Chair has had an opportunity to study the amendment and precedents relating to this bill.

The Chair calls attention to language in the amendment offered by the gentleman from New York [Mr. LINDSAY] under paragraph (b) where it is made quite clear by the phrase "in connection with voting" that the purpose of this amendment deals only with the voting aspect. In other words, with the 15th amendment.

Therefore, the Chair overrules the point of order and recognizes the gentleman from New York [Mr. LINDSAY] for 5 minutes in support of his amendment.

Mr. LINDSAY. Mr. Chairman, this amendment is a narrowing and a condensation of the old part 3—or sometimes called title III—that has been before the Committee on the Judiciary of the House many times and has been before this body on several occasions.

Members will recall that a much broader, so-called part 3 than this one was presented to the Congress in 1957 by the Eisenhower administration, and was reported out by the Committee on the Judiciary of the House and passed the House of Representatives with the support of Members from both sides of the aisle and with the endorsement of the then administration and with the vote of the distinguished chairman of the Committee on the Judiciary.

That part 3 dealt with the protection of Bill of Rights guarantees from A to Z. In other words, it provided that if at any time there was a threat to the equal protection of the laws of any individual, the Attorney General had the right to bring a civil injunctive action in order to protect that right.

Since then it has been demonstrated again and again in the country that of all the Bill of Rights provisions and guarantees that have been threatened, it is the first amendment rights and guarantees that have been threatened most frequently—that is to say, those that have to do with the exercise of free speech, peaceable assembly, and the right of the people to petition their government for redress of grievances.

Now it may be argued that section 11 of the committee bill already contains some protection against invasion of voting rights and threats against the right to vote or the exercise of the right to vote.

The weakness here is that that provision is too narrow in scope in respect to freedom of speech and the right to assemble peacefully and to petition the Government for a redress of grievances.

The protection in section 11 is tied very closely and narrowly to the actual mechanics of voting and does not cover fully the right of Americans to come together and to ask for the right to vote and, if necessary, to hold a meeting or rally or even an orderly parade.

I submit, Mr. Chairman, that this part 3 or title III amendment will guarantee this most important right of Americans as delineated and set forth in the first amendment, which many scholars and civil libertarians call the bulwark of the Republic.

I would remind Members also that it is the duty and responsibility of the Federal Government to safeguard Bill of Rights protection. It is also the responsibility of the Congress to pass such laws as are necessary in order to make it possible to safeguard Bill of Rights protections, and most particularly the first amendment. In the absence of such implementing legislation we have merely a paper protection.

Mr. Chairman, if this amendment in much broader scope was appropriate in 1957 and was accepted by this body in 1957, only to be buried in committee in the other body, then surely it is appropriate in 1965.

I ask that the Members give this their support.

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

Mr. Chairman, this indicates clearly how difficult it is to write a bill as comprehensive as this on the floor of the House. Here we get from left field—or from right field or center field—an

amendment very comprehensive and very difficult to comprehend which would in a certain sense, in common parlance, "gum up the works."

There are in the bill now sufficient safeguards to cover all the contingencies mentioned by the gentleman from New York. I read from page 24, commencing on line 9. Mark you well the following:

No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6, 8, 9, 10, or 12(e).

I do not know what more the gentleman would want in this regard. It is ample. It is full. I do not see what additions we could possibly make to it. It covers Federal elections. It covers State elections. It covers intimidation, threats, or coercion by a State official or by a private person. It covers, as I said, local elections and Federal elections.

It is an extension of the 1957 act, 42 U.S.C. 1971(b), which prohibited such violence by private individuals in Federal elections, to all elections.

There is involved in here private violence as well as official violence at any election.

I do not know what more we should add to this situation.

Originally, in respect to the 1957 act, I was in favor of the so-called part 3, which covered the molestation of anyone, any action to bereft a person of his constitutional rights on all levels of American life.

Now the gentleman from New York is trying to curb it by limiting it to voting.

This very question as to whether there should be this amendment offered by the gentleman from New York was asked of Mr. Katzenbach, the Attorney General, when this matter was before the Judiciary Committee. The gentleman from New York [Mr. LINDSAY] said:

We have been up and down the mountain on it many times. The House passed it once, in very broad form.

What would be your opinion of an addition to this bill of that limited form of part 3?

Mr. Katzenbach—listen to this, gentlemen—said as follows:

Mr. KATZENBACH. My opinion on it, Congressman, would be the same opinion that was stated by my predecessor. When you give us that power, then you also give us the power for an appropriation to hire the police force that it is going to take to do it. Don't give us the responsibility without the capacity of fulfilling it. Don't put me in the box where you say the law tells you to do this and I have nobody to do it. Give me the national police force that it may take.

I repeat, "Give me the national police force that it may take." We do not want the national police force. The Attorney General does not desire a national police force. For that reason, I do hope that the amendment of the gentleman from New York [Mr. LINDSAY] will not prevail.

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

Mr. Chairman and members of the Committee, I am, I guess, quite surprised today by several developments. One is that the chairman of the committee, a man for whom I guess I have more respect than perhaps any man in the House because he has been my chairman since I have been a Member, would not accept this amendment. I say that because certainly this amendment has been refined substantially since 1957. All this amendment does, really, is to guarantee first amendment rights in their relation to voting rights.

I would say to my very distinguished and respected chairman that if Mr. Katzenbach says he needs funds to give the American citizens their constitutional rights, and if it requires additional employees to do so, then it seems to me we ought to give the funds to him and we ought to guarantee all Americans the rights we say in this hall of Congress they should receive.

Let me say parenthetically, if I may, although it is not quite on point, that I was regrettably called out of the Chamber a short while ago on some other congressional business. When I returned I found to my dismay that a gentleman for whom I demonstrated a great degree of admiration for his courage as a southerner in supporting what I thought was 100 percent the administration bill, had offered an amendment identical to one that was presented to the Committee on the Judiciary and which was rejected because "it would gut the bill." Now I praised that gentleman and I sincerely meant it. I regret therefore that he did not announce his intention to submit his amendment when he agreed to support the bill and I hope that his amendment is finally rejected, and he will vote for the bill on final passage.

I want to go on record as saying I am against his amendment. I hope every Member of this Chamber, be he Republican or Democrat, who is interested in giving to the Negroes of this country the right to vote, will support the Celler bill without the amendment. If this amendment is not defeated, the value and effect of the Celler bill has been greatly diminished. I find it difficult indeed to understand how a man can represent that there is in fact discrimination, that there is in fact disenfranchisement of American voters, and then come in and say, "Well, if 50 percent of them are registered, you can forget about the other 50 percent." I think we ought to make certain that 100 percent vote. If my friend is sincere, and I continue to believe he is, he will vote for the Celler bill on final passage even without his amendment. Now let me close by saying, that my experience over 7 years' time has convinced me that the gentleman from New York [Mr. LINDSAY], in all of the time he has spent in this House, has been truly a champion of the rights of all the people. This amendment is another indication of his sincere interest in bringing all Americans the guarantee of all of their constitutional rights. I hope the Lindsay amendment will be adopted.

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

Mr. CAHILL. I yield to the gentleman.

Mr. CRAMER. Just to make sure the record is clear—the gentleman mentioned an amendment that was adopted—I did not want it to be assumed by anybody that the gentleman was talking about the Cramer amendment. He was talking about another amendment?

Mr. CAHILL. I am talking about the amendment offered by the gentleman from Louisiana [Mr. BOGGS].

Mr. MATHIAS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I rise to support the amendment which has been offered by the gentleman from New York. I think it is a splendid amendment. I do not think it duplicates anything which is already in the bill. I think it is a necessary amendment. I think that its offering here is consistent with the constructive and positive record in this House of the gentleman from New York, its sponsor [Mr. LINDSAY].

If there is one thing that Americans have held dear from the time that they first were known as Americans it is personal and individual liberty. If there is one thing that this House should stand for it is the protection and the guarantee of personal and individual liberty. The Revolutionary War started out to protect individuals in their liberties as freemen. It was only later in that struggle that it became a war of national independence. Abraham Lincoln, in preserving the Union during the Civil War, did not preserve it because of the fact that it was a revered structure of government, but because the Union was the means by which the personal liberties of Americans could be secured and preserved through the ages.

When our Constitution was written, personal liberties were considered so basic to Americans that it was not thought initially necessary to enumerate personal liberties and to specify their guarantees. It was not until the Constitution had been adopted that it was felt better to identify the primary personal liberties and to guarantee them by the Bill of Rights.

That is what we are talking about in the Lindsay amendment—the personal liberties that are basic to Americans. My distinguished chairman has said that it is a complex amendment and hard to understand. For the second time this afternoon I regret that I have to differ with him because in broad strokes this House, certainly the senior Members of this House, certainly everybody who has been interested in civil rights legislation, has been thoroughly familiar with part 3 and what it means. It is not complex, it is not difficult. This is a very narrow, specific portion of part 3 dealing with voting and dealing with the first amendment.

Then my distinguished chairman has thrown into this discussion the proposition that the Attorney General casually referred to a police force. I have a higher regard for Mr. Katzenbach than to think that he would have to resort to

police to enforce the provisions of this amendment. I do not think the chairman really thinks he would, either. Police are not involved in this. It is lawyers and courts and judicial procedures to protect Americans in their historic, traditional liberties that are contemplated by the Lindsay amendment.

This is a good amendment. It is a great amendment, worthy of the name it bears. It deserves the support of all the Members of his House.

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

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

Mr. REID of New York. Mr. Chairman, I rise in strong support of the amendment of the gentleman from New York [Mr. LINDSAY] to uphold first amendment rights in connection with voting. Those of us who have lately been in Selma, and all Members of this House, know clearly and unmistakably and sorrowfully that there have been threats, intimidation, brutality, and, indeed, murder, in connection with voting rights.

As the gentleman from Maryland has so eloquently said, there is a clear need for the Federal Government to be able to take appropriate action to guarantee constitutional rights and to uphold first amendment rights.

If I am not mistaken I attended a meeting with the gentleman in the Justice Department, following a very tragic day in Selma on Sunday, March 7; this was Monday, the following day. It was very clear the Attorney General could have used additional powers provided by the basic amendment. I hope it is strongly supported by both sides of the aisle.

Mr. MATHIAS. I thank the gentleman.

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

Mr. MATHIAS. I yield to the gentleman.

Mr. BURTON of California. Mr. Chairman, I commend the distinguished gentleman from Maryland [Mr. MATHIAS], and the gentleman from New York [Mr. REID], as well as the sponsor of the amendment [Mr. LINDSAY], who have on many occasions past, accepted suggestions from this side of the aisle because of their sincere interest in this field. I think those of us on this side of the aisle have no less responsibility. I applaud the amendment and urge its adoption.

Mr. RYAN. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I hope that this amendment will be approved. It has been perfectly clear to me through my firsthand experience with the civil rights activities of a courageous civil rights movement that there is a need for this kind of protection and guarantee.

It does not go far enough, but it goes farther than anything we have now. In my experience in Alabama, Georgia, and Mississippi, I have seen clear and abundant evidence of the most shocking kind of deprivation of freedom of speech, freedom of assembly and freedom of the press. This includes harassment, intimidation and even brutal murder.

I have urged time and again that the Attorney General use all of the powers of his office to provide protection to citizens exercising constitutional rights in connection with civil rights activity. We have been told he does not have sufficient power to meet the problem. If a Federal force is needed to deal with civil rights violations, this should be accomplished. We have waited too long to provide the Federal Government with the necessary power to protect the rights of citizens in this area.

This amendment is one that has been before the House for a long time. In 1961 I introduced H.R. 9323, which gave the Attorney General the power on his own initiative to go to court to protect first amendment rights. I introduced a bill (H.R. 6031) in the last Congress to accomplish the same purpose as the part III amendment which was before Congress in 1957. I testified before the Committee on the Judiciary in support of this amendment, this year and last year. This will protect those who are working for civil rights, those who are responding to the highest traditions and ideals of our Government, and it would insure them that the Federal Government will not sit idly by while their constitutional rights are trampled on. It would place the Federal Government squarely behind the effort.

We must realize the passage of the voting rights bill today is not enough. It is not enough simply to provide protection for the right to register and vote. We must realize it is necessary to provide for those dedicated Americans, who risk their lives in the civil rights movement, protection of all their constitutional rights. Everyone knows that those dedicated Americans who are engaged in voter registration work have been subjected to the most blatant deprivations of their constitutional rights.

If we are to achieve full and complete equality which the Constitution promises, then this amendment will help to take us along that road.

I might point out that, when part III was debated in the U.S. Senate in 1957, Senator CLARK, of Pennsylvania, said:

> Either we repeal the 14th's equal protection clause or we give the Department of Justice all appropriate means of enforcing it, whether those means be criminal or civil.

At the same time Senator John F. Kennedy, later our President, said:

> It is a moderate provision, lending itself to intelligent implementation.

I believe very strongly this should be included in the voting rights bill.

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

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

Mr. OTTINGER. The gentleman from New York held an excellent hearing a while back in reference to people who were put in virtual concentration camps at Jackson, Miss., in connection with demonstrations for their right to vote. The Federal Government had to stand by, helpless to redress heinous violations of their rights by the very local police authorities that should have offered them protection. This is a very clear demonstration that we need additional tools at the Federal level to deal with intimidation in connection with the right to vote. Certainly the gentleman from New York [Mr. LINDSAY] has helped us out on many key issues in which we believe, and I think it is time for us to support him in this excellent and meritorious measure. I ask that the amendment be agreed to.

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

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

Mr. HALPERN. Mr. Chairman, I rise in support of the Lindsay amendment. It is consistent with legislation I have sponsored in this House, and in my testimony before the Judiciary Committee I urged that it be incorporated into the bill. Regretfully it was not and I am delighted my able colleague from New York [Mr. LINDSAY], who sponsored similar legislation, is offering it as an amendment on the floor today.

I agree with the gentleman from Maryland [Mr. MATHIAS], that it is a great amendment. It provides teeth—necessary tools—in this voting rights legislation. I trust it will prevail overwhelmingly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LINDSAY].

The question was taken; and on a division (demanded by Mr. LINDSAY) there were—ayes 89, noes 91.

Mr. LINDSAY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. LINDSAY and Mr. SENNER.

The Committee again divided, and the tellers reported that there were—ayes 119, noes 134.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I should like to ask my good friend, the gentleman from Ohio [Mr. MCCULLOCH], and my good friend, the gentleman from Michigan, the minority leader [Mr. GERALD R. FORD], whether we can at this juncture possibly agree upon when we might terminate all debate on the committee amendment and all amendments thereto?

Mr. GERALD R. FORD. May I ask the distinguished chairman of the Committee on the Judiciary if he knows of other amendments besides the three which I understand are at the desk; one amendment by the gentleman from Minnesota, an amendment by the gentleman from Georgia, and one other?

Mr. CELLER. I do not know of any others.

Mr. DOWDY. I have an amendment, for which I have been trying to get consideration for an hour.

Mr. GERALD R. FORD. I knew there were three, but I had forgotten the sponsor of the third. So far as I know, there are three at the desk.

Mr. CELLER. Can we agree to close debate in about 20 minutes?

Mr. GERALD R. FORD. Would 30 minutes be more satisfactory?

Mr. CELLER. Very well. I ask unanimous consent, Mr. Chairman, that all debate on the committee amendment and all amendments thereto conclude at 7:20 p.m.

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

There was no objection.

AMENDMENTS OFFERED BY MR. MAC GREGOR

Mr. MACGREGOR. Mr. Chairman, I offer the two amendments I have at the desk and ask unanimous consent that they be considered en bloc.

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

There was no objection.

(By unanimous consent, Mr. LAIRD yielded his time to Mr. MACGREGOR.)

(By unanimous consent, Mr. GOODELL yielded his time to Mr. MACGREGOR.)

(By unanimous consent, Mr. GROSS yielded his time to Mr. MACGREGOR.)

The CHAIRMAN. The Clerk will report the amendments offered by the gentleman from Minnesota.

The Clerk read as follows:

Amendments offered by Mr. MACGREGOR: On page 14, strike lines 15 through 25, and on page 15, strike lines 1 through 14. Insert in lieu thereof: "a court of three judges, in accordance with the provisions of section 2284 of title 28 of the United States Code, in an action for a declaratory judgment brought by any such State or subdivision against the United States has determined that the effects of denial or abridgement, if any, of the right to vote on account of race or color have been effectively corrected by State or local action and that there is no reasonable cause to believe that any test or device sought to be used by such State or subdivision will be used for the purpose or will have the effect of denying or abridging the right to vote on account of race or color: *Provided*, That a final judgment heretofore or hereafter rendered by any court of the United States, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of any such plaintiff, may be introduced in any such declaratory judgment action brought within five years of such final judgment as prima facie evidence of the facts found by the court, except that notwithstanding this provision the judgment shall retain whatever legal effect it would have under existing law.

"The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color. Any appeal of an action pursuant to this subsection shall lie to the Supreme Court."

Strike all of page 17 and on page 18, strike lines 1 through 4. Insert in lieu thereof:

"SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, the Attorney General may institute an action in a court of three judges, in accordance with the provisions of section 2284 of title 28 of the United States Code, for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure has the purpose or will have the effect of denying or abridging the right to vote on account of race or color. The hearing and determination of such case shall be in every way expedited, and appeal shall lie to the Supreme Court. Upon the entry of such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure."

Mr. MACGREGOR (interrupting the reading of the amendments). Mr. Chairman, I ask unanimous consent in view of the agreement to terminate the debate, and so as not to infringe upon the rights of others, that the amendments may be considered as read.

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

There was no objection.

The CHAIRMAN. The gentleman from Minnesota is recognized for 4 minutes.

Mr. MACGREGOR. Mr. Chairman, these amendments pertain to the section of the committee-Celler bill which deals with attempts by a State or political subdivision caught by the automatic trigger to alter, by statute or administrative act, voting qualifications or procedures in effect on November 1, 1964. As the bill now stands, any action for a declaratory judgment of nondiscrimination must be brought before a three-judge District Court for the District of Columbia. Now, Mr. Chairman, many of us have felt that this entirely novel procedure, whereby before a State or political subdivision may exercise the legislative authority granted it under the Constitution and the laws of the United States, it must come, hat in hand, to a three-judge court in the District of Columbia, will be very bad law indeed. The effect of my amendments would be to make applicable in these two important sections the provisions of existing law, title 28, section 2284, providing for a three-judge district court in the district where the particular cause of action has arisen. The adoption of my amendments would make it unnecessary for those States and political subdivisions caught in the automatic trigger to come to the District Court for the District of Columbia, but they could appeal to a three-judge district court established pursuant to existing law in the Federal district involved.

Mr. Chairman, I am aware that the majority report claims that the bill provides a means for a State or a political subdivision to show it is not in violation of the 15th amendment. The majority report claims that there is ample precedent for this procedure. The majority report states that Congress has also previously established a single forum for determining questions of national concern and the Supreme Court approved this action, but it is well to note that the majority report contains no explanation for limiting the means in H.R. 6400 to the exclusive jurisdiction of the District Court for the District of Columbia. The clear answer to that question is, there are no adequate precedents for this extraordinary procedure. There is absolutely no statutory precedent for requiring a State or political subdivision to come into any court, much less the District of Columbia, to seek validation of laws duly enacted in their constitutional and sovereign capacity. The statutes cited by the majority report concern the review of the administrative regulation of commercial affairs. As will be seen, they have nothing to do with statutory limitations on the basic constitutional powers or the rights of people acting through their State governments. This presumption of invalidity of State laws has no precedent, and none of the majority's examples even suggests the desirability of making a State or a subdivision a litigant in court seeking the license to operate in its sovereign capacity.

The majority cites as its principal precedent the Emergency Price Control Act of 1942.

The Emergency Price Control Act of 1942 provided an administrative remedy whereby a person subject to a regulation, order, or price schedule promulgated by the Administrator of the Office of Price Administration might file a protest containing objections to the regulation, order, or price schedule. The act empowered the Administrator to prescribe regulations for the filing of such protests.

The Emergency Price Control Act created a new court. It did not pick out one court, out of all the existing courts and require people throughout the country to come to it. Not only is the Price Control Act bare of limitation of this court's location to the District of Columbia—the court to be created by the act—but history shows that the court actually sat in 65 cities in hearing 401 cases throughout the entire country.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. MACGREGOR] has expired.

Mr. MCCULLOCH. The Chairman, I ask unanimous consent to yield my time to the gentleman from Minnesota [Mr. MACGREGOR].

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

There was no objection.

Mr. MCCULLOCH. Mr. Chairman, will the gentleman yield for a question?

Mr. MACGREGOR. I yield for that purpose.

Mr. MCCULLOCH. The legislation which created the Office of Price Administration was not State legislation; it was Federal legislation, was it not?

Mr. MACGREGOR. It was.

Mr. MCCULLOCH. This provision which the gentleman is criticizing is aimed at the destruction of the rights that have been exercised by States and political subdivisions thereof since we became a union?

Mr. MACGREGOR. The distinguished gentleman from Ohio is entirely correct.

Mr. MCCULLOCH. And could this not well be the beginning of the onslaught for the destruction of the Federal system?

Mr. MACGREGOR. It could, Mr. Chairman. If, indeed, we establish this precedent by rejecting the amendments which I have offered here we will be embarking on a course which could lead to

the reduction of every State and every political subdivision thereof to the status of a begging supplicant of the Federal court in the District of Columbia.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield for one more question?

Mr. MacGREGOR. I yield.

Mr. McCULLOCH. Is not this a rash case of discrimination among the Federal courts?

Mr. MacGREGOR. It is certainly that, Mr. Chairman. And it is a ringing expression of "no confidence" in the integrity of our Federal district court structure throughout America.

Mr. CORMAN. Mr. Chairman, I rise in opposition to the amendment. The moratorium provision in this bill is a most important part of the bill, because unless we have that we potentially frustrate the purpose of the bill. We need it urgently. You will not have to come hat in hand to the court here, but just with clean hands. We are not taking away the exercise of right, but the exercise of wrong.

Mr. Chairman, I urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Minnesota [Mr. MacGregor].

The question was taken; and on a division (demanded by Mr. MacGregor) there were—ayes 64, noes 92.

Mr. McCULLOCH. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Senner and Mr. MacGregor.

The Committee again divided, and the tellers reported that there were—yeas 125, nays 141.

So the amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. Bennett].

Mr. BENNETT. Mr. Chairman, I yield to the distinguished majority whip, the gentleman from Louisiana [Mr. Boggs] one-half of my time.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

AMENDMENT OFFERED BY MR. BENNETT

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

The Clerk read as follows:

Amendment offered by Mr. Bennett: On page 15, strike out line 21 and all that follows down through the period in line 8 on page 16 and insert in lieu thereof the following:

"(b) Subsection (a) shall apply in any State or political subdivision of a State which the Attorney General determines maintained on November 1, 1964, and maintains at the time of his determination any test or device. A determination of the Attorney General under this section or under section 6 shall not be reviewable in any court and shall be effective on publication in the Federal Register."

Mr. BENNETT. Mr. Chairman, I have introduced an amendment, which you have heard read. It eliminates the 50-percent trigger prerequisite provision. The purpose is to broaden the voting rights bill to include States on a more fair basis than the present legislation, which seems to many to unfairly discriminate against certain States of the South. The debate has brought out that many southern legislators feel this to be so.

Further, I am sure that the constitutionality of this bill would be strengthened by this amendment.

Finally, I would like to point out that nothing that was allowed to be done under this bill prior to this amendment would be in any way reduced or prohibited by this amendment, as it clearly only eliminates one of the prerequisites for the triggering mechanism.

So it would be my belief that liberals as well as conservatives would feel that this would be an improvement on this legislation.

Before I close, I would like to make a few remarks about the actual experiences that we have had in Florida in a broadened franchise.

Florida in the 1937–47 decade abolished the poll tax and fully met the decision of the Supreme Court in the 1942 Texas case, thus opening its Democratic Party primaries to all races. These primaries were the deciding elections of that era and they are substantially so today. Since then in Florida there were and are no qualifications required of voters except being an adult.

The nonwhite population of the district I represent, according to 1960 figures is 105,655. The white population according to that year's figures is 349,-033. Of course both figures are much larger today but the ratios are about the same. The principal city I represent is Jacksonville and the Negro population of it is 41 percent.

Negroes today participate fully in elections in Florida and have for many years. For instance in the district I represent, Duval County, the 1960 figures show that 63 percent of all Negroes of voting age were registered to vote and the comparable percentage for whites was also 63 percent.

What have been the results? It would be unfair to claim that this broadened electorate is responsible for the tremendous forward strides that have been made in this area in the ensuing years. No period in our history has in fact experienced better government or greater civic strides and progress. It has been truly miraculous.

I hasten to repeat that the broadened electorate cannot be given the credit for all of these improvements, but it was certainly not a deterrent. No radical or unfortunate results have been observed by anyone—none at all. In addition, I think most people would admit that our election processes are in fact less criticized for corrupt practices than they were formerly.

Our experience has been one of satisfaction and pleasure that our electorate has been broadened. I urge my southern colleagues to throw away their fears about the broadening of the franchise and join with me to see to it that the perfected enactment, which this debate will produce, gains the substantial Southern support that it is indeed entitled to.

I discussed on Tuesday certain constitutional questions involved in this legislation so I will not repeat what I said then. Suffice it to say, the purpose of this legislation is to do what the Constitution in fact makes the national purpose of our country, that the right to vote shall not be impaired because of racial discrimination. Surely we can bring out a bill to accomplish that purpose. Every southerner should lend his shoulder to accomplish that objective.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. Bennett].

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. Callaway).

AMENDMENT OFFERED BY MR. CALLAWAY

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

The Clerk read as follows:

Amendment offered by Mr. Callaway: On page 16, line 1, after the word "age" insert ", other than persons not residents of the political subdivision, persons in penal institutions, aliens, and persons in active military service and their dependents not registered to vote in such State or political subdivision,".

Mr. CALLAWAY. Mr. Chairman, this is an extremely simple amendment and yet it brings into focus one key, in my judgment, that we have been talking about all week. That is the question as to whether this bill was designed to pick out certain Southern States and punish them and pick them out by State or whether it is designed to pick out a formula that actually discriminates.

The people exempted from the formula in this bill may be people in my State who are ineligible by law to vote, yet they are now included in the number of people by which we determine by percentages whether we discriminate or not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. Callaway].

The amendment was rejected.

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

AMENDMENT OFFERED BY MR. DOWDY

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

The Clerk read as follows:

Amendment offered by Mr. Dowdy: On page 13, strike lines 3 through 5, and insert in lieu thereof: "it may enjoin the use of such test or device in such State or political subdivisions in those respects as the court shall determine the same has been used for purposes of denying or abridging the right of any such citizen to vote on account of race or color."

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

Mr. DOWDY. I yield to the gentleman.

Mr. SELDEN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks immediately following the remarks of Mr. Whitener.

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

There was no objection.

(By unanimous consent, the time allotted to Mr. Selden was granted to Mr. Dowdy.)

Mr. DOWDY. Mr. Chairman, the pending bill provides that the law of a sovereign State shall be suspended. My amendment would provide for injunction if a law were not uniformly enforced.

The suspension of laws might come about under martial law, or under a tyrant as Mussolini, Hitler, or Stalin, but it would not be expected in a land of liberty.

In my study of law, precedent and the Constitution, I find it is the duty of a court to see that laws are uniformly enforced, but that it has no authority to suspend the operation of a law duly enacted.

The signers of the Declaration of Independence had something to say about suspension of laws. In setting forth the abuses of the people by the King, which evidenced a design to reduce the people to despotism, they wrote that one of the abuses was that the King had suspended the operation of their laws. John Hancock and those other patriots, loving liberty as they did, wound up that part of their Declaration by alleging that a prince—a government—whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Mr. Chairman, this provision which I would amend, is one of the provisions which is tyranny. The people who elected us have a right to expect better of their Congress than to deliver this despotic power, in effect, into the hands of a political appointee, the Federal Attorney General. I urge the adoption of my amendment, which I previously touched upon in my remarks during general debate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOWDY].

The amendment was rejected.

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

(By unanimous consent, the time allotted to Mr. WRIGHT was granted to Mr. PICKLE.)

Mr. PICKLE. Mr. Chairman, if time would have permitted I wanted to submit an amendment which I shall submit and have submitted to the chairman with reference to the poll tax.

I would like to have had the House consider the language which in essence was passed by the Senate and says that the poll tax would be a matter which ought to be decided by the courts as to its constitutionality.

I ask the chairman when the bill goes to conference that you consider the fact that the poll tax ought to be ruled on by the courts and that the language of my proposal provides for a court action. I believe that must be done in respect to the poll tax.

We have listened to 3 days of debate about my State. The poll tax is not a matter of unfair discrimination there. The constitutionality of such a matter ought to be left for the courts to decide. The House ought to adopt in principle, the language of the Senate.

In all fairness, when this bill goes to conference, I ask the chairman whether he will keep those thoughts in mind?

Mr. CELLER. I have no objection to a court test, I assure the gentleman.

Mr. PICKLE. I am going to give this language to the gentleman.

It is:

SEC. 10. (a) To assure that the right to vote is not denied or abridged in violation of the Constitution because of the requirement of the payment of a poll tax, the Attorney General shall forthwith institute in States having such a requirement in the name of the United States actions for declaratory judgment or injunctive relief against the enforcement of any poll tax, or substitute therefor enacted after November 1, 1964, if, as a condition of voting, such requirement has the purpose or effect of denying or abridging the right to vote.

(b) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

(c) During the pendency of such actions, and thereafter if the courts declare the requirement of the payment of a poll tax to be constitutional, no citizen of the United States who is a resident of a State or political subdivision with respect to which determinations have been made under subsection 4(b) and a declaratory judgment has not been entered under subsection 4(a), during the first year he becomes otherwise entitled to vote by reason of registration by State or local officials or listing by an examiner, shall be denied the right to vote for failure to pay a poll tax if he tenders payment of such tax for the current year to an examiner at least forty-five days prior to election, whether or not such tender would be timely or adequate under State law. An examiner shall have authority to accept such payment from any person authorized by this Act to make an application for listing, and shall issue a receipt for such payment. The examiner shall transmit promptly any such poll tax payment to the office of the State or local official authorized to receive such payment under State law, together with the name and address of the applicant.

Mr. Chairman, the Attorney General of the United States has said that inclusion of the poll tax ban would make this bill unconstitutional. If the language of the Celler bill is retained in its present form with regard to the poll tax aspect, this bill may go down the drain. Indeed, as late as 1959, the U.S. Supreme Court has held that States have the right to establish their own voter qualifications. The question of whether a State should or should not have a poll tax should be left to the particular State.

In my own State of Texas where we have a poll tax, I want to assure you that little or no discrimination is allowed—or no more than any other State. Let me point out to you information taken from the Congressional Quarterly based on a survey by the Southern Regional Council:

As of November 1, 1964, a total of 57.7 percent of the voting age Negroes in Texas were registered to vote. This compares with 53.2 percent of the voting age whites who were registered to vote.

So it does not follow that a poll tax in itself offers that kind of discrimination. It was argued that we have white primaries in our State—and nothing is further from the truth. I will admit that the poll tax has seen better days, and is or probably will be outlawed in the four remaining States. But that is a matter for the State to decide. Indeed, my State of Texas passed a constitutional amendment last month which will be submitted to our voters to do away with the present poll tax, and substitute therefor a registration system.

My plea is not a sectional plea. It is not a partisan plea. This is a request for simple constitutional law. It is not even a matter of being for or against the poll tax per se.

This whole poll tax ban was started in the Senate by certain individuals who thought it attractive to propose such a measure because it would make a person appear to be riding a white horse of purity against the alleged evils of the poll tax States. It is not a national matter—only four States have the poll tax. I say it was submitted to cause confusion and prejudice. It casts reflections of littleness on the authors of such a measure. It is a spiteful proposal that has the audacity to propose that this body has the right to repeal a State law. Someday, those who advocate it will regret that they have chosen current prejudicial sentiment to obtain personal satisfaction and some questionable attention. It is demagoguery at its worst.

Mr. Chairman, I favor a voting rights bill. But let us do it in a constitutional way.

Mr. DORN. Mr. Chairman, again Congress is being forced to bow and subvert itself to the will of the mob. This is the second time in approximately 1 year that the Congress and the country are being blackmailed and stampeded by threats of violence to pass ill-advised, ill-conceived, and unconstitutional legislation. This bill would make a mockery of the rights of the States, the local governments, the Constitution, and due process of law. This legislation would make a sham of our Democratic ideals in favor of mobocracy. This is punitive legislation. It is vindictive and sectional. It is evil legislation conceived in the minds of those who would vote masses of our people rather than permit them the choice of a free ballot. This bill would make it possible for many of our people to be voted. When freedom is involved, there is a vast difference in voting and being voted. We cannot escape the fact that this legislation is being railroaded through the Congress by mob action in the streets and highways of our country. Apparently, legislation will no longer be considered in the cool, calm, deliberative, intelligent atmosphere as envisioned by the Founding Fathers. I never thought this Congress would seriously consider such reactionary legislation.

This bill would turn the wheels of progress back to thought control, nationalized elections, and stark, central-

ized power. The Armed Forces of the United States, representing the forces of freedom for almost 25 years, have been constantly engaged with the reactionary forces of totalitarianism. We have destroyed many and are continuing to oppose the remaining reactionary regimes who boast of their democracy, voting nearly 100 percent of their people, but with only one ticket on the ballot.

This un-American legislation would permit registrars appointed by the Federal Government to go into a few Southern States only and sit in judgment of registration boards, local officials, and the voting public. They will be empowered by the Federal Government to register voters and then return on election day to see that those they registered voted or were voted. These registrars, examiners, and "commissars" could be sent into South Carolina, the Deep South States, or Alaska, from California, Detroit or New York City. Mr. Chairman, this would be democracy—Russian style.

Under this bill a person unable to read or write the English language could be placed on the registration books in South Carolina under the order of the Attorney General sitting in Washington. Under the same bill, however, in New York a person could be denied the right to vote if he could not read and write this same English language. This is the most sectional and vindictive legislation ever proposed in the history of our country. The law would apply to certain States and not apply to others. It would establish a dangerous precedent of partiality and favoritism to the chosen States and certain pampered pressure groups. Under this legislation, those who could not even read the ballot could be hauled in and voted without regard to the constitutional rights of the States to set certain qualifications protecting and preserving the right to vote.

Under this Federal vote control legislation, any State or local registration laws passed since November 1, 1964, would have to be approved by a three-judge court in Washington, D.C. Mr. Chairman, why Washington, D.C.? Any local official or registrar or citizen accused by the Federal Government under the provisions of this vindictive legislation could be subjected to 5 years in a Federal prison or $5,000 fine, or both.

Rather than this constant harassment and intimidation by the Federal Government, South Carolina has earned and deserves the commendation of the country and the Congress. South Carolina is making fantastic progress in the field of human relations. We are making great progress in extending the full blessings of citizenship, economic opportunity and educational advantages to all of our citizens. We are urging and making it possible for our citizens who desire to do so to register and vote. We are protecting their right to vote, and Mr. Chairman, we are protecting their right not to vote.

In 1924 only 6½ percent of the adult people of South Carolina voted in the national elections of that year. In 1948, only 13 percent of the adult population of South Carolina voted in the important national elections of that year. In 1964, the last national election in November, 38 percent of our adult population in South Carolina voted, an increase of 300 percent over 1948—a greater percentage of increase than in any State in the American Union. In South Carolina, we are proud of this record. Without this legislation, in a very few short years, voter participation in all elections in South Carolina will be equal or higher than the national average. I hope you will help me tell the world about this amazing progress in a Deep South State. Let us accentuate the positive and not always dwell on the negative. No wonder the United States does not have the best image around the world. We are simply not telling the world the true facts.

Yes, South Carolina comes under the provisions of this legislation while the overwhelming majority of the rest of the States are exempted. Yet, in Anderson County, the largest and by far the most populous county in my district, 78 percent of the adult Negro population is registered to vote, while only 63 percent of the white population in Anderson County is registered to vote. Mr. Chairman, is this discrimination? Is this trickery and fraud to prevent nonwhite citizens from voting?

Pickens County, in my congressional district, is the second most populous county. Pickens County has 72 percent of its adult nonwhite citizens registered to vote, while only 63 percent of the white adults of that county are registered to vote. Let us look at Oconee County, the third most populous county in my district. The percentage is 63 percent Negro registration and 62 percent white registration. I know of no discrimination against nonwhite voters in my area of the country. None has been proven in any court. No charges of voter discrimination have even been brought into the courts. No sworn affidavits of discrimination in voting or registration have been presented to the Civil Rights Commission. The inescapable conclusion is that there is a desire by someone here in Washington to register and vote large segments of our people. This legislation is a reflection on the splendid accomplishments and earnest desires of the people of South Carolina to encourage good citizenship. It is a reflection on the great Negro people of South Carolina who know when and where to register and how to vote. The nonwhite citizens of South Carolina do not need Federal registrars, armies of invasion and examiners to tell them how to register or vote.

Mr. Chairman, every time I speak here of civil rights, which has been very frequently in the last few years, the distinguished committee chairman will bring up McCormick County in my congressional district. Before you reach in the files and ask about McCormick County, let me tell you about this fine little county in the lower part of my congressional district. I called an honest, forthright member of the board of registration in McCormick County, the Honorable Julius Baggett, a distinguished attorney and a Christian gentleman, who is concerned about the misinformation and distortion of the facts concerning McCormick. Next to my own county, I am more familiar with the situation in McCormick than in any other county in the United States.

Mr. Baggett informed me that the registration board meets in McCormick County the first Monday in every month. They meet at the courthouse to register any potential voter who desires to have his name placed on the registration books. The prospective voter is required to fill out a simple application blank. Before his name is placed on the book, he is only asked his name, age, address, and occupation. You do not have to be listed on the registration books by race. There is no discrimination in the registering of voters in McCormick County. Before registering, an applicant is handed a copy of the Constitution of the United States and asked to read any portion of it. If they cannot read one part of the Constitution, the board of registration will even suggest another part, such as the preamble, familiar to virtually every elementary school child. This is only required in order to demonstrate the ability to read. Even teachers of both races often are required to read a few words from the Constitution.

In McCormick County, if they cannot read any portion of the Constitution and are therefore denied registration, the applicant can become registered if he has an assessed personal property evaluation of $300. This includes automobile, house, land, personal belongings, etc. If the applicant pays taxes on this assessed personal property evaluation of $300, he is permitted to register whether or not he can read or write. If an applicant in McCormick County cannot read or write or does not have an assessed personal property evaluation of $300, the applicant can still appeal under the State voting laws of South Carolina to the court of common pleas. The right of appeal to the court of common pleas is guaranteed by State law. The State court could order the applicant's name placed on the registration books even though he cannot read and write and even though he does not have the assessed personal property evaluation of $300. This simple requirement is not discrimination. Anyone in McCormick County who genuinely has the desire to register and vote can do so.

Several years ago the FBI made a thorough investigation of registration and voting in McCormick County and no action was taken against anyone. No evidence of discrimination was found. No sworn affidavits from McCormick County alleging discrimination have been submitted to the Civil Rights Commission. Nonwhites are voting in McCormick County in increasing numbers. Ninety-five percent of all those registered in McCormick County voted in the last election. One reason for the overall smaller percentage of the total adult population voting in McCormick County is that a good number of the nonwhite adults in McCormick County work in the large cities of the country such as Philadelphia, Washington, Baltimore, and Atlanta while their children go to school in McCormick. These children stay with guardians, grandparents, relatives, and friends. This is a recommendation of

the splendid school system of McCormick County. Many of these parents have frankly confessed to me that they prefer that their children go to school in McCormick because of the better discipline and emphasis upon courtesy and good manners—an environment free of juvenile delinquency, teenage gang warfare, riots, and school boycotts.

Mr. Chairman, I am alarmed and concerned about legislation being considered and passed as a result of recurring demonstrations, violence, and disrespect for local law and order. These demonstrations are a strange phenomenon which is on the increase throughout the world. They have caused the overthrow of friendly allied governments. Demonstrations and student riots are an ever-increasing threat to our own democratic society and even our national security whether they occur at the University of California, Philadelphia, Saigon, Ankara, or Panama. Democracy can only survive as a restrained, disciplined society. Even the House of Representatives that we all love as a great institution requires discipline for orderly deliberative consideration. We have a Sergeant at Arms to enforce the rules of the House and the orders of the Speaker. No legislation is possible in Congress without restraint and discipline.

Mr. Chairman, I think the greatest contribution we can make today for freedom, brotherhood, and the rights of all of our citizens is to reject this legislation. Let emotions cool, permit reason to replace prejudice. Let us make no decision here in the Congress during this session that will encourage power-mad, dues-paying pressure groups. Let us take no action that will lead to more demonstrations, more demand, and more so-called civil rights legislation. Let us digest what we have.

This legislation, if adopted, will be no more successful than the Civil Rights Acts of 1957, 1960, and 1964. This bill, as the other legislation, would only whet the appetites of mob leaders for more attention, more money, and publicity.

It is my hope that the conscience of this committee and the conscience of the people of the United States will awaken to the need of withholding a self-righteous judgment of other sections of our great Nation. It is my hope that our conscience will awaken to the urgent need of discipline, individual restraint, and respect for law and order so that freedom might not "perish from the earth."

Mr. WELTNER. Mr. Chairman, it is said that this bill is a drastic measure. Perhaps it is. Yet the problem is drastic, and the need is drastic.

It is said that this bill is not of uniform application. Yet candor compels us to admit that voter discrimination is not uniform.

Finally, it is said, and with some justification, that this bill affects more areas than might be necessary. Yet, it is better that the measure be too broad than too narrow.

And so we come to the final vote. There are those who wish to restrict the franchise. That is their prerogative. I stand with those who would extend the right to vote. Hence, I will support this bill.

Mr. BROYHILL of North Carolina. Mr. Chairman, for 5 days this week the House of Representatives has been engaged in major debate on what type voting rights bill will be enacted. Unfortunately, much of the debate has been filled with emotional overtones, and many of the details of the two bills before us have been overlooked or misunderstood.

The right to vote is the most basic of all rights. It is through the exercise of the franchise that all popular government is obtained.

Now, in this debate, and in these two pieces of legislation before us, we come to the question of what should be done about abuses of this right. The arguments are all concerned with what is appropriate but yet effective legislation.

It seems to me that the administration bill (H.R. 6400) is aimed solely at a few States. The President's bill would send in Federal officers to register voters where any test or device was used as a prerequisite to voting, and if less than 50 percent of the voting age population was registered to vote or voted in the November 1964 election. This arbitrary formula automatically points an accusing finger at all States which require some form of literacy test for all voters.

It is true, according to evidence presented to the Judiciary Committee, that literacy tests have been used in some areas as a means for denying Negroes the right to vote. Wherever this occurs, it is wrong and in clear contravention to the Constitution itself. By no means, however, is this true in most States where literacy tests are required, and not one shred of evidence was presented that it is true in North Carolina.

Each State has its own constitutional responsibility to determine what its voting requirements shall be. I feel that knowing how to read and write the English language ought to be required of all voters. I feel that the laws and the constitution of North Carolina are right and proper in requiring this. When these tests are applied fairly with no favoritism because of race or color, they are perfectly proper.

With its tortuously contrived formula of percentages, the administration bill seems to be saying that discrimination is all right where no literacy test is applied, or if over 50 percent of the people are registered and voting.

I feel strongly that a voting rights bill should be constructed on the following basis:

First. Any such law should apply to all 50 States regardless of where they might be. The administration bill applies only to 6 States and 34 counties in North Carolina.

Second. All States should be encouraged to register all citizens to vote and not be presumed guilty for something they have not done.

Third. Any group of persons or individuals should have the right of immediate appeal to the Federal Government if they feel they have been unfairly treated in their efforts to register and vote.

Fourth. Any Federal action to determine voter qualifications should respect the right of the people of the States, through their elected representatives, to determine those same qualifications.

Such a bill has been developed by the Republican leadership in the House of Representatives and I had the privilege of helping to write it. It is, in my opinion, a good bill that will deal fairly, quickly, and effectively with voter discrimination problems, wherever they might occur.

Though I can not support the administration bill, I can and strongly support the Ford-McCulloch bill. This bill will be offered as a substitute on the motion to recommit. I will support this motion, and hope that it carries. If so, I will support it on final pasage of the bill.

Mr. STRATTON. Mr. Chairman, I was glad to have supported this important and historic legislation. The need to implement the provisions of the 15th amendment to the Constitution is long overdue. The troubles earlier this year in Selma, Ala., and elsewhere made it crystal clear to all of us that as long as the constitutional right to vote is still being abridged in many sections of our country we have not yet fully lived up to our American heritage that all men are created equal. Even the sweeping civil rights legislation we passed here last year did not go far enough to meet the need on full voting rights.

President Johnson called on Congress last winter to move with dispatch in adopting corrective legislation. At that time I joined in introducing the administration's bill, the one we have now passed by an overwhelming vote. I am glad to have had a share in making this achievement possible. While Congress has not moved as swiftly as we had originally hoped, I feel sure that this legislation will meet the need we uncovered last winter and will help to provide our country with a fuller, more meaningful democracy.

Mr. WALKER of Mississippi. Mr. Chairman, I come before you as humbly as I know how, well aware of the fact that it has long been the custom within this legislative body for freshmen Congressmen to be seen and not heard, but this matter today is of such great importance to the future welfare of not only the people of the State of Mississippi, but also of this entire Nation of ours, that I must, in all good faith, oppose it with every means at my disposal.

It is not my will to take away the rights of my fellow man, nor do I want anyone to take my rights away from me. We have heard about discrimination and the way that certain groups have been discriminated against, but I would like to raise this question: Where do the civil rights of one individual end and the civil rights of another begin? We in Mississippi and the great Southland are not expecting any special treatment. All we ask is to be put on an equal basis with our sister States.

There has been more progress on all fronts made in the State of Mississippi and throughout the entire Southeast in the last 15 years than in the past 100

years. Since reconstruction days the one-party system of politics prevailed in my State. As the first Republican Congressman to be elected since that time, and with the more recent election of Republican mayors, aldermen and councilmen, there is no doubt that the two-party system is now established in Mississippi. Certainly, we have had our problems—many types of problems, but the God-fearing, freedom-loving Americans in Mississippi of every race, color, and creed are honestly and diligently trying to resolve these problems in a way that will benefit every citizen of the State.

It is my firm belief that this resolution, H.R. 6400, as promoted by the administration, is one of the most unconstitutional pieces of legislation ever to come before the Congress of the United States. I make this statement because of two overwhelming facts:

First. The 15th amendment to the Constitution protects the rights of citizens of the United States to vote, regardless of race, color, or previous condition of servitude. But the 15th amendment does not provide authority for the Federal Government to set voting qualifications.

Second. In the 1st article of the Constitution, and again in the 17th amendment there are statements which provide that Members of the House of Representatives and Members of the Senate shall be elected by the people of the several States, and the "electors of each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

This statement removes any question as to how voter qualifications are determined. To paraphrase, the voter qualifications shall be the same as those set by the State for the electors of the largest body of each State legislature.

The 24th amendment to the Constitution is evidence that the Federal Government cannot legislate voter qalifications nor can it restrict the sovereign States from setting voter qualifications. The mere fact that Congress, and Mr. Chairman, many of my colleagues were then present, saw the necessity for a constitutional amendment to abolish the poll tax in national elections and not in State elections is evidence enough to support my claim that any restriction by the Federal Government regarding voter qualifications is purely unconstitutional.

Mr. Chairman, there is a statement that George Washington made in his farewell address that dictates the proper procedures for Congress to take in matters such as this; and I quote:

> If in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the Constitution designates, but let there be no change by usurpation. Through this, in one instance, there may be the instrument of good, it is the customary weapon by which free governments are destroyed.

If the administration and the Congress see a need that Federal voting standards be uniform, then let there be no doubt as to the legality of the process—propose a constitutional amendment. All we ask is to be put on an equal basis with our sister States in a manner befitting the Constitution of the United States.

I will be the first to admit that the Constitution is not infallable, by nature, as our society progresses, our basic governmental structure must be modified to conform but as a member of this great governmental body, I plead with you, follow the course provided by our Founding Fathers. Thomas Jefferson once made a statement that now is inscribed upon the wall of the Jefferson Memorial. He said:

> I am not an advocate of frequent changes in laws and constitutions, but laws and institutions must go hand in hand with the progress of the human mind.

The Constitution clearly provides that each State have the right to set its own voting standards—except with regard to race and color restrictions as provided in the 15th amendment and with the prohibition of the use of the poll tax in national elections as provided in the 24th amendment.

I do honestly feel that every citizen in our State should receive equal treatment—the same treatment as citizens in our sister States.

Mr. Chairman, this bill in addition to being unconstitutional is most obviously a punitive measure aimed at a few States—to take away the right of the State of Mississippi to have literacy tests as a prerequisite to voting, and not to take that right away from the State of New York or Texas—is committing the very same injustice that the proposed bill is supposed to prohibit.

Mr. George Meany, president of the AFL–CIO, recently appeared before the House Judiciary Committee to speak in behalf of the voter rights bill. In his testimony, he made the following comment, and I quote:

> A citizen who is denied the right to vote is not a citizen at all. And a nation which extends the franchise to some citizens but denies it to others solely on artificial grounds such as race, is not truly democratic.

Mr. Chairman, does not this bill remove from the States so affected, their citizenship, since the bill is an obvious attempt to extend to some States the right to establish their own voter qualifications and denies this right to others?

The most dangerous effect of the passage of this bill is the precedent which would be established. Once Congress passes this bill and it is signed into law, we may as well completely abandon the remainder of the Constitution, because at any given time, any bill could be introduced and passed, stripping the citizens of this great land of any liberties they may have remaining.

I am reminded here of a piece of scripture from the great book of Isaiah which says:

> Come now, let us reason together, saith the Lord.

In closing, I ask, Mr. Chairman, Can each of my colleagues who supports this legislation, say to himself that he is honestly reasoning, can he honestly say to himself that such a piece of legislation is fair to every State, could he honestly say that this bill is constitutional if he were representing one of the States that would be affected by this bill, and could he support it? I beseech my colleagues: Please, do not under the guise of legality, allow this bill to bring forth an injustice that could mean the moral decay of our entire Government.

VIOLENCE OUTSIDE THE SOUTH

Mr. Chairman, during this debate on H.R. 6400, several of my colleagues from northern and eastern States have attempted to degrade my State with references to some unfortunate incidents of racial violence which have occurred in my State. This violence, usually encouraged by outside agitators, is certainly not condoned by the average citizen of my State, nor is it tolerated by our law enforcement agencies.

These unexcusable acts can and do happen in most every State, but it seems, at least according to the actions and statements of some of my colleagues, that violence is wrong only when it occurs south of the Mason-Dixon line. When acts such as these occur in Mississippi and the law enforcement agencies attempt to keep the peace, cries of police brutality are made on the floor of this great body, but when similar incidents occur in the Northern States, we hardly ever hear about it.

However, I would like to point out a few of these incidents which have occurred outside the South to point out to some of my colleagues that Mississippi and the South is not the only place which has to use legal means to protect its people from these far-left extremists. I will merely cite a few articles from certain publications that support the fact that some of my good colleagues might concern themselves with cleaning their own house before condemning others.

The first carried this headline: "Eleven Are Arrested in Harlem Clash: Police Brutality Is Alleged," New York Times, May 20, 1964, page 33. Next, "Looting: The High Cost of Race Violence," U.S. News & World Report, September 14, 1964, page 36, refers to racial incidents in Philadelphia, Pa. The same article refers to another incident on July 18 that started in Harlem and spread to Brooklyn and took officers 5 days to bring under control.

In Jersey City, N.J., in early August of 1964, 46 people were injured in a nearly uncontrollable race riot, after an officer arrested a Negro woman.

Another incident, according to the New York Times, February 19, 1965, occurred in Brooklyn on February 18 and 19 of this year in which 300 participated in a riot where policemen were attacked. Mounted troops were called in to quell the riot.

And finally on May 23 of this year, the Washington Post reported an incident in the Bronx, N.Y., invoving 200 Negroes who surrounded a white policeman and forced him to release a Negro prisoner.

These are but a few of the many cases which have taken place in some of the very same States represented by the critics of Mississippi. I wonder if they are as concerned with these problems of racial violence in their own States? This also leads me to question these colleagues as to their interest in achieving equal voting rights within their own States as

well as in the six Southern States affected by H.R. 6400.

In the Gospel according to St. Matthew, there is a passage in the seventh chapter, verse 3, that reads:

> And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye? Or how wilt thou say to thy brother, let me pull out the mote out of thine eye: and, behold, a beam is in thine own eye? Thou hypocrite, first cast out the beam out of thine own eye: and then shalt thou see clearly to cast out the mote out of the brother's eye.

I would suggest that these critics might go to this Scripture for guidance.

Mr. ANNUNZIO. Mr. Chairman, I rise in support of H.R. 6400.

For more than 100 years the American people have been striving to obtain the most basic right of a democracy—the right to vote and the responsibility for the election of their public officials. As legislators it is our duty to protect and to insure every citizen the right to vote. The forefathers of this great country created certain basic ideals which were designed to give meaning and purpose to our Nation, but these were not just written or spoken words which would pass unnoticed. Rather, 200 years later they represent the image of Americans who fought and died, not in vain, but for such principles as "all men are created equal."

I have come to only one conclusion with regard to the so-called bona fide voter qualification tests; they have been used and continue to be used as instruments intended to deprive citizens of the right to register and vote.

The problem is indeed complex, but it can be simplified. If democracy is to flourish it must do so in a climate which affords respect, dignity, and equal protection under the law to all of its citizens regardless of race or color. A hungry mouth must be fed, an eager mind must be educated, and all America must be assured the right to vote. Unless there is a comprehensive approach to these problems, frustration, discrimination, and the destruction of the American way of life will result as a byproduct of a confused society. We, as legislators, must face these problems and search for answers which accomplish the goals and principles outlined in the Constitution of the United States.

Mr. Chairman, H.R. 6400 provides that answer. The brutalities and violence which have existed in the past, and are continuing even now, are damaging to our image abroad in connection with civil rights.

Even while we are administering our expensive foreign aid programs, we Americans sometimes find the very nations that are benefiting from the programs are exhibiting indifference and even ingratitude toward us—and this, even while we are continuing to perform these friendly acts.

But what has motivated these apparently unjustified attitudes of indifference or lack of appreciation, if you will? What do the emerging, underdeveloped countries of the world witness taking place within the democratic government of the United States? We must not forget that the martyrdom of the Reverend James J. Reeb and Viola Gregg Liuzzo made headlines in many countries of the world. Those, and other unfortunate incidents, have caused world leaders to question the leadership of a country which is supposed to exemplify the best in the democratic form of government. Leaders of those countries have mixed feelings regarding the policies we are following in our own country.

Mr. Chairman, must we continue to use meaningless words and phrases which circumvent the problems of racial discrimination?

To insure the basic rights of every American, to foster leadership which will have the genuine admiration and approval of the emerging democracies, and to strengthen the foundations of the American way of life, I strongly urge the passage of H.R. 6400.

Mr. FINDLEY. Mr. Chairman, effective Federal legislation to guarantee to all Americans the fundamental right of equality in voting has been long needed. Had action to implement the 15th amendment to the Constitution been taken years ago, in my view, the need for other Federal action to assure equal opportunities and rights for Negroes would have been sharply diminished and perhaps eliminated. Diminished also, hopefully, would have been racial unrest, disturbances and violence.

Given the right of franchise, Negroes could have participated in bringing about needed reforms at the local level. Therefore, I consider this a historic moment that has been too long delayed.

This legislation has special significance for me because I have the privilege of representing what is known as the Lincoln district—much of the area once represented in the House of Representatives by Abraham Lincoln.

Lincoln's hometown, Springfield is in my district, as are many of the places he visited as an itinerant lawyer. Springfield and Quincy, Ill., where one of the celebrated Lincoln-Douglas debates occurred, recently observed the 100th anniversary of Lincoln's death and the end of the Civil War.

Lincoln's two great contributions were saving the Union and emancipating the slaves. Emancipation still remains an ideal without substance in some areas where Negroes have been denied the most significant expression of freedom—the right to vote. This legislation hopefully will give greater substance to this ideal, and bring closer the true American brotherhood for which Lincoln lived and died.

In this year, filled with significance for human rights, I rejoice that a constituent of mine, a young student of Springfield—Lincoln's hometown—has the honor to serve as a page of the House of Representatives. He is Frank Mitchell, the very first Negro to serve in that capacity in the long history of this body.

He serves the House today when a bill important to the Lincoln heritage is being considered. Frank was appointed to this position by the distinguished minority leader [Mr. FORD], who heads the party of Lincoln in this body.

Frank has done a good job. He is a credit to the State and to the party of Lincoln. We are all proud of him, and glad that he could be present and serve in an official capacity on this historic day.

Mr. DICKINSON. Mr. Chairman, my colleagues on both sides of the aisle have pointed out the many, many reasons H.R. 6400 should not be enacted into law. I can only endorse their statements.

I stand before the House today to urge all Members as fairminded men to examine their motives—to look inward and ask themselves one question—the very question to be voted upon today. The question is not shall we have a new voting rights bill—that question is now moot. The question before the House today is shall we have a fair, constitutionally sound voting rights bill that governs everyone in the United States equally, or shall we have a bill that applies to only part of the United States?

Mr. Chairman, is it possible that a majority of the Members of a majority of the States will voluntarily surrender to the executive branch of the Federal Government one of the last rights reserved to and exercised by the States? To me, this is incredible.

Mr. Chairman, H.R. 6400 is not an antidiscrimination bill. It is an anti-South bill—politically inspired and contrived and aimed at the only section of the country the administration did not carry in the last election and cannot control today.

How can any man vote for a law that is designed to prohibit voter discrimination in only 6 States and impliedly sanction discrimination in the other 44 States? The very bill the administration claims will abolish discrimination will, in fact, set up discrimination against six States of the Union. Under the guise of civil rights, six Southern States are being punished for having voted wrong. H.R. 6400 is not a just bill—and it was not designed to be just. How can any bill that creates two classes of people or States be considered just or fair? Are we in the South now second-class citizens?

If we are to have a bill, let us treat everyone alike. The passage by this House of H.R. 6400 will be one more giant step toward a totalitarian government. Only by passage of a bill affecting all Americans equally will we continue to have a nation of laws—not of men—with equal justice for all.

Mr. VANIK. Mr. Chairman, today we approach the climax of strenuous and lengthy debate which has ranged over the past week and, more accurately, the past century on the matter of equal voting rights and opportunity for every American citizen.

As the distinguished chairman of the Judiciary Committee, the gentleman from New York, indicated at the opening of this debate, it has taken a century for us to infuse the 15th amendment with legal and moral strength. There has been little doubt in the minds of many members of Congress and citizens of this Nation that no matter how clever and subtle the modes of discrimination have become, the desire of Negroes in this

country to vote freely in every State has remained unstinted. The 15th amendment and the entire Constitution can have little meaning for any citizen of this country if 1 citizen, or 10 million, find no solace or protection in the words of this great document.

In this last-gasp effort, our Republican colleagues have tried once again to reinstate themselves as the party of Lincoln by attempting to broaden the voting rights measure to all the States of the Union. This effort is shallow. These attempts distort the true intent of this legislation, to reach areas of this country in which many rightfully entitled to citizenship in the United States have been disenfranchised in great numbers.

It is no longer possible to question whether there has been discrimination in the matter of voting in the South. To fabricate defenses of the existing franchise is to deny the basic precepts of equality in the United States and, thereby, deny the Constitution as the basis of our form of Government. Those who would perpetuate such a system and, therefore, vote against this legislation subvert the very purpose for which all of us are here, are sworn to uphold.

In those areas of the Nation which Republicans attempted to cover under their substitute amendment, legal machinery exists and recourse is allowed when there has been illegal disenfranchisement.

As we pass this great legislation today, I wish to pay tribute to the great gentleman from Louisiana, our beloved Democratic whip, for his brilliant presentation in behalf of this bill. He persuades me of the positive and progressive change which is now surging forward in the new South. As the history of his life in public can easily prove, he is a true statesman and leader of men; he is, above all, a great and devoted American. Nothing greater can be said of any man. I am proud to join in support of this vital legislation, the Voting Rights Act of 1965.

The broadened electorate of the South will provide new vigorous support for essential programs in the North and throughout the Nation in our common effort to fight against poverty, unemployment, and neglect. A total electorate—embracing all Americans—will serve the total needs of America—too long suppressed. As this voting rights legislation serves the individual—it will also serve the Nation, providing new dignity for both.

Mr. BINGHAM. Mr. Chairman, I rise to express my enthusiastic support for H.R. 6400, as amended by the Judiciary Committee, and to pay tribute to the superb work that has been done by that committee under the distinguished leadership of the dean of the House, the gentleman from New York, Chairman EMANUEL CELLER.

I am highly gratified that the House rejected the Republican substitution for the Celler bill. This substitute would have been a far weaker measure, particularly with respect to the abolition of literacy tests in those States where discrimination has been rampant, and in regard to the application of an automatic formula for the appointment of Federal examiners in certain States and areas where there is a clear history of discrimination.

I am particularly pleased that the original H.R. 6400 was amended in the committee to include the abolition of poll taxes as a prerequisite for voting in State and local elections, in accordance with the recommendations that I and others made in testifying before the Judiciary Committee.

The failure to insert such a prohibition in the bill passed by the Senate is a serious weakness in that bill and I hope the bill ultimately enacted by the Congress will preserve the prohibition.

In my testimony before the Judiciary Committee on March 25, 1965, in addition to urging a flat prohibition of poll taxes, I recommended the addition of language which would extend the protections of the bill to the type of situation which arose last year when the regular Democratic delegation from Mississippi to the Democratic National Convention was chosen through a series of Party caucuses and conventions from which Negroes were excluded.

It is a source of intense gratification to me that this suggestion of mine was accepted, first by the subcommittee, and later by the full committee. The method chosen of reaching the problem was to add to the definition of the word "vote," in section 14(c)(1), the concept that voting for party office was covered as well as voting for public office. The Judiciary Committee report made clear that the intention was to include within the protections of the bill election of such party officers as delegates to conventions. No attempt to amend this language was made in the Committee of the Whole House, and it will be in the bill presented to the House for final passage. It appears to me to be most important that this protection be provided and I hope that it will be retained in the bill as ultimately enacted by the Congress and signed by the President.

This is a great day in the history of the House of Representatives, and I am proud to be a part of it. The voting rights bill of 1965 is another giant step in the march of the American people toward the realization of the ideal stated in the Declaration of Independence that "all men are created equal." In the achievement of equal opportunities, nothing is more important than the guarantee of the franchise, and this bill should, if properly administered, do that job once and for all.

Mr. BALDWIN. Mr. Chairman, I rise in support of H.R. 6400, the voting rights bill. In my opinion, it is absolutely essential that every citizen be treated equally in his right to register and vote. Unfortunately, this is still not the case in some of the States. It is intolerable that discrimination in some States is continuing to occur on the grounds of race. The purpose of H.R. 6400 is to eliminate such discrimination and to insure that all citizens be given equal treatment in registration and in voting. They are fully entitled to such equal treatment. Therefore, I hope this House will pass H.R. 6400 by an overwhelming vote.

Mr. GOODELL. Mr. Chairman, I rise in support of the Voting Rights Act of 1965. This country has reached a juncture where it can no longer postpone truly effective action to guarantee the right to vote to all of our citizens regardless of race, creed, or color. I strongly prefer the Ford-McCulloch substitute to the committee bill. I had a direct hand in developing the Ford-McCulloch substitute and I am proud that the House Republican Task Force on Voting Rights, under the leadership of Representative WILLIAM MCCULLOCH, of Ohio, called for voting rights legislation before any proposal was advanced by the administration. The members of that task force are our distinguished colleagues: the gentleman from Indiana, Congressman WILLIAM G. BRAY; the gentleman from California, DEL CLAWSON; the gentleman from New York, JOHN LINDSAY; the gentleman from Minnesota, CLARK MACGREGOR; the gentleman from Maryland, CHARLES MCC. MATHIAS; the gentleman from Wisconsin, VERNON THOMSON; the gentleman from Oregon, WENDELL WYATT; and the gentleman from Minnesota, ANCHER NELSEN.

Mr. Chairman, in many respects I must admit reservations with reference to the Celler-committee bill as now written. It is an unnecessarily punitive measure. Its deficiencies have been inadequately covered over with a patchwork of clumsy devices. Forty-three States in our country are not subject to the automatic triggering device in the Celler bill. This leaves out the State of Texas where fewer than 50 percent of the people voted in 133 counties in 1960. Texas, Arkansas, Florida and other States are left out because discrimination there is accomplished by means other than a literacy test or device. I fear that the cumbersome court procedures, which will be the only resort in these 43 States, will be inadequate. In addition, the seven States automatically covered and frozen in by the Celler bill are being subjected to what Chairman CELLER himself called, a cruel and harsh measure. Cruelty, harshness and extremism in matters of this nature seldom serve the ultimate cause of justice. This was well illustrated by the extremism of the Reconstruction Era, which boomeranged upon the Negro with such vehemence that we still have not accomplished many elementary guarantees of citizenship for the Negro in the South. The most damaging discrimination is the subtle, indirect discrimination which emanates from fear, hatred, and emotional upheavals. I am unhappy that we are not passing the very best legislation today to guarantee voting rights of all our citizens now. I fear we shall have to return to this task in a short time to increase the effectiveness of this law in areas exempted from the automatic triggering device and, on the other hand, to alleviate the harshness of the law in other respects.

Certainly, areas complying in full faith and honesty should be released from heavy-handed intrusions as soon as possible. I believe the Ford-McCulloch substitute is a far better piece of legislation than the Celler-committee bill.

In view of the critical need for voting rights legislation in this country today, however, I shall vote for the Celler bill in the event the Ford-McCulloch substitute is rejected on the recommittal motion.

Mr. MOORHEAD. Mr. Chairman, I rise in support of this legislation in general, and particularly in favor of section 10 which abolishes poll taxes as a prerequisite to the exercise of the privilege of voting.

The right to cast a meaningful vote is the most important right which distinguishes a democracy from other forms of government.

Therefore, Mr. Chairman, I submit that the Congress should go as far as the Constitution allows to secure this right for all citizens. The 15th amendment provides that the right of citizens to vote shall not be denied or abridged by any State on account of race or color and authorizes the Congress to enforce this amendment by appropriate legislation.

By enactment of section 10(a) of H.R. 6400 the Congress would make a congressional finding as follows: The Congress hereby finds that the requirement of the payment of a poll tax as a prerequisite to voting has historically been one of the methods used to circumvent the guarantees of the 14th and 15th amendments to the Constitution, and was adopted in some areas for the purpose, in whole or in part, of denying persons the right to vote because of race or color; and that under such circumstances the requirement of the payment of a poll tax as a condition upon or a prerequisite to voting is not a bona fide qualification of an elector, but an arbitrary and unreasonable restriction upon the right to vote in violation of the 14th and 15th amendments.

In the light of this explicit congressional finding, if the constitutionality of section 10 were raised, the question which a court would have to decide would not be whether or not poll taxes were discriminatory, but merely whether there was sufficient evidence so that Congress could reasonably believe that poll taxes were discriminatory.

The economic evidence presented to the Congress alone would be sufficient. It is clear that the poll tax places a far heavier burden on Negroes than on whites. According to the 1960 census, for example, the median family income for white families in Alabama was nearly 2½ times greater than for nonwhite families. Similarly, the median income for white families in Mississippi is 3 times greater than for nonwhite families.

The Congress could justifiably base a finding that the poll tax was conceived in discrimination in *Ratliffe* v. *Beale*, 74 Miss. 247 (1896), in which the Mississippi supreme court frankly admitted that the poll tax was purposefully dedicated to restricting Negro suffrage.

The Congress could reasonably find that the poll tax is by its very nature discriminatory. For just as literacy tests discriminate against the victims of a segregated educational system, so poll taxes discriminate against the victims of a segregated economic system.

I share with Mr. Justice Black the belief that "no right is more precious than the right to vote," and that "other rights are illusory if the right to vote is undermined" *Wesberry* v. *Sanders*, 376 U.S. 1, 17.

Mr. Chairman, it is our constitutional responsibility and our moral duty to end these poll taxes which have been used to discriminate against certain American citizens.

I urge the enactment of H.R. 6400.

Mr. DADDARIO. Mr. Chairman, I rise to support the bill to secure voting rights to all Americans. This legislation would give full force and effect to the 15th amendment to the Constitution, adopted in 1870 to pledge that the right to vote shall not be abridged on account of race or color.

This debate is a test of democracy. It is a test of whether we truly believe the goals which were set when the Americans of the 18th century wrote the historic documents by which we sought freedom and by which we governed our course. It is a test of whether we can truly make progress toward the national goals which have been stated, which have been examined and reexamined throughout the years. We are approaching the third century of the Nation's existence, and we must make every effort to secure those rights for all Americans.

It is fitting that this debate began in a week which opened with the Nation's most honored and revered celebration—the celebration of its independence on the Fourth of July. Whenever the Congress considers a measure dealing with the full attainment of rights for all Americans, it provokes strong emotional feelings. Yet measures to secure the full recognition of human dignity that we have pledged to our people fall directly among the national goals of this country. We need to assure ourselves that we are not wasting our people by denying to some the full use of their capabilities.

At the base of this question lies the assurance of an effective, working democracy. The right to vote is a precious one, and it is basic to the privileges of American citizenship. The systematic exclusion of some Americans from the polls in certain areas of the country has been documented by the necessity to press this issue in the courts, and it has aroused the indignation of many Americans throughout the country.

It is the responsibility of Congress to insist that its will and the will of the majority in this country—the will that all Americans receive equal treatment under the law and be given the right to vote when they are qualified—be respected.

Mr. GLENN ANDREWS. Mr. Chairman, I rise in opposition to H.R. 6400, the so-called voting rights bill. In the name of abolishing discrimination, it offers discrimination itself. It allows all but seven States in America to keep literacy tests and qualifications for voting, and denies it to those seven States.

In the name of defending rights under the Constitution, it violates the Constitution itself. Article II, section 1, clause 2 of the Constitution gives to the States legislatures the power to set voter qualifications. This is absolute and specific. In no subsequent part of the Constitution or amendment is this power revoked. It is beyond the power of Congress to revoke, no matter how laudable the end may be. The Congress and the legislatures of three-quarters of the States informed the American people clearly over a year and a half ago by the passage of the 24th amendment that setting voter qualifications was a State and not a Federal responsibility. All the constitutional authorities in America cannot erase this reaffirmation of basic principle recognized and accepted for the entire history of the Republic by all courts and by all men.

The main contention of the lawyers and the Attorney General in the matter of constitutionality seems to rest on the John Marshall decision in *McCulloch* v. *Maryland*, 4 Wheat, 316, 321, and it said:

> Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adopted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

But the "letter and spirit" of the Constitution are clearly violated by this bill: the "letter" of article II, section 1—quoted above—is violated; and the "spirit" of the 15th amendment is violated ruthlessly by discriminating against seven States.

What profit the Negro if he gains everything, if in doing so, he further destroys the very charter of his own liberties or rights? What discipline will any law have which is beyond the power of the lawmakers to enact?

Mr. JONES of Alabama. Mr. Chairman, in the last 15 years this Congress has been called upon to discuss and weigh and approve or reject a variety of so-called civil rights legislation. Over the years, I have vigorously opposed all such legislation on the grounds that it was derisive, punitive, and unconstitutional.

However, never have I been confronted with a proposal—and I refer to H.R. 6400—that would inflict such arrant discrimination on my own State of Alabama and on her southern neighbors. Under H.R. 6400 and companion proposals, Alabama and five other Southern States are classified—if you will—as lepers, as something apart from the other 44 States of our Union. The so-called Voting Rights Act of 1965 was drafted, and is being processed, to affect just six States of this Nation.

Is this a vendetta, Mr. Chairman? It has been called that. Is this a program to coerce the South, to whip it into line with powerful regional blocs of the North and West?

H.R. 6400 would appear to have just that purpose. And, further, H.R. 6400 would appear to be devised to inflict punishment on six Southern States for alleged sins of the past.

H.R. 6400, Mr. Chairman, is a harsh measure and we of the South must go back almost 100 years to its equal in oppression and injustice.

The legislation seems to have been fashioned to settle old scores.

This legislation will do nothing but incite turmoil and discord in the South. It will bring law and order into contempt.

It will lay the groundwork for further public demonstrations and will breed further civil disobedience and pit race against race.

This legislation will reopen old wounds because, patently, it is based on prejudice and a cruel spirit of retribution. It represents a cruel and gratuitous slap in the face to the moderate South which has been moving forward in recent years to insure the equality of the Negro.

I assure you, Mr. Chairman, that the majority of the white citizens of Alabama believe firmly in the principle that all qualified persons—white or Negro—have the right to register and vote.

We have been making steady progress in the field of Negro voter registration. Left alone, freed of outside interference, we could do better. But, certainly, we cannot satisfy intemperates who come from afar seeking to overturn in a few months a way of life rooted in years and years of historical and social development.

If we approve a Voting Rights Act of 1965, it will mean the denial of steady progress under time-honored constitutional processes. It will mean a triumph for intemperates and the pressure groups they represent.

It will mean, Mr. Chairman, new dictatorial powers for the Attorney General of the United States, who holds an appointive office. It will mean in Alabama, and her five sister States singled out for punishment, an invasion by a flood of Federal agents and snoopers, who, ostensibly, will have the duty of accelerating the rate of Negro registration. Literacy tests will be suspended in these six Southern States, but not in any other State now employing them.

Under a Voting Rights Act of 1965, the voter registration process in six States of the Union will become subject to Executive decree. Provisions of our Constitution will be ignored, or vetoed, by the Attorney General all down the line, whether Federal, State, or local elections are concerned.

The legislation we have under consideration, Mr. Chairman, would make a mockery of the Constitution. Through a single Federal statute, it would wipe out the constitutional rights of our States.

Certainly, this legislation ignores the fact that our Constitution reserves to each State the right to establish its own voting laws. Further, it ignores the fact that we already have laws under which discrimination in voting may be eliminated through the courts.

This legislation is a direct and vicious assault on States rights and our precious and time-tested democratic processes.

Mr. Chairman, I am utterly opposed to this legislation and I shall fight it with all the strength I have.

Mr. BUCHANAN. Mr. Chairman, I am proud to represent the people of the Sixth District of Alabama in the Congress. On their behalf, I assert my support and their support of the 15th amendment to the Constitution of the United States.

Notwithstanding which I reassert my opposition to H.R. 6400 as a bill which I consider to be unnecessary, unconstitutional, and discriminatory.

This bill is unnecessary because sufficient remedy already exists to protect American citizens against discrimination as to race or color in registration and voting. Not only the Constitution itself, but seven addition statutes offer such protection, the most recent of which, the Civil Rights Act of 1964, is just now making its effect felt in areas of alleged discrimination.

In describing the present situation in Dallas County of Alabama during the subcommittee hearings, Attorney General Katzenbach said, regarding the district court decision of February 4, 1965:

> This time the court substantially accepted our contentions and the relief requested by the Department was granted. Specifically, the court enjoined use of complicated literacy tests and knowledge-of-government tests and entered orders designed to deal with the serious problem of delay. Whether this most recent decree will be effective only time will tell. We hope and expect it will be.

Thus, the Attorney General indicated there was effective relief available in the 1964 act. He might have added that immediately upon receiving the decision of the court the local officials announced their intention to comply.

This bill is unnecessary also because it is the will of the people within my State and in other Southern States to themselves make sure there is no discrimination in registration and voting because of race or color. The people of Alabama have been much maligned and are much misunderstood.

They are in fact in overwhelming majority decent, law-abiding, God-fearing Americans as fine as any citizens of this land. They are willing and fully competent to put their own house in order without further Federal statutes in this area.

This bill is also, in my considered judgment, unconstitutional. Yesterday I introduced a resolution calling upon this body to reaffirm its support of the 10th amendment to the Constitution. I did so for good reason. This amendment reserves to the States all powers not specifically given by the Constitution to the Federal Government. In recent years, however, it has increasingly become the habit of both the Congress and the courts to apparently assume the opposite, to wit, that all powers rightfully belong to the Federal Government unless specifically reserved to the States. This measure, however, goes even beyond this. It strikes down without constitutional amendment powers specifically reserved to the States in article I of the body of the Constitution itself.

Last year, in 1964, distinguished constitutional lawyers of this House agreed in floor debate on the poll tax amendment that a constitutional amendment was required for such a change. This year, it has suddenly become acceptable to revise the Constitution in precisely the same area through an act of Congress, according to these same gentlemen. With this strange reasoning I cannot and do not concur.

Finally, this bill discriminates against certain specific States, predetermined by use of a magic formula. As I indicated earlier in listing some of the areas of its inequity, H.R. 6400 gives these States no opportunity to comply and relieves all others of such necessity. As in John Calvin's theology, some are predestined to be damned and others foreordained to be spared according to the terms of this legislation. The rights of the affected States are abrogated, seriously and for an indefinite period of time, thereby threatening all the rights of all the States for all future time.

The greatest discrimination, however, is against the citizens of the 43 States not covered by this bill. For it creates a double standard of law in which an illiterate citizen could be registered by Federal mandate in Alabama, move to New York and immediately be disenfranchised, with Federal sanction, for so doing.

This bill is unnecessary, unreasonable, and unconstitutional. Its passage is, therefore, to my mind unthinkable. I urge that it be defeated, and that this body pass no further legislation which does not honor all the Constitution and protect equally, the consitutional rights of all the people of this Republic.

Mr. MATSUNAGA. Mr. Chairman, I rise to join my colleagues who support H.R. 6400, the Voting Rights Act of 1965.

I have listened to the debate on the floor during the past several days with mixed feelings of regret and optimism—regret that in this great Nation of ours conditions are such as to require the passage of a legislative measure as that which we are now considering. I do not know whether the scheduling of this bill as the first order of business after the 189th anniversary of our country's Declaration of Independence was by design or not, but in my judgment some significance should be attached to that fact.

It was not by pure chance that under Thomas Jefferson's able draftmanship the Declaration of Independence should state that "all men are created equal." These were not hollow words. Rather, they reflected the serious thinking of a people whose courage, sacrifice, and sense of justice provided the proud heritage which we now call ours. During the course of nearly two centuries since our country's birth, many Americans dared to pay more than lipservice to the fundamental principle that was penned by Jefferson. They did so in order to preserve the democratic principles upon which this Nation was founded and the Constitution which created the framework for a government which would practice these principles without regard to race, color, creed, or economic status.

Against such a background, we have voiced our views, for or against, the measure which is now on the floor. The expressions of some are tinted with party considerations; those of others reflect geographic consideration and social origin. And those of still others show undue attention to the minutiae of the bill. However, I am convinced that all of my colleagues are genuinely concerned with the circumstances which have given rise to this legislative proposal.

And therein, Mr. Chairman, lies the basis of my optimism. Whatever may have been the expressions of my colleagues with respect to the bill as reported by our Committee on the Judiciary, and whatever may have been the nature and extent of amendments proposed on the floor, I know that all of the Members of this great body are motivated by a desire to do the right thing in accordance with our oath of office and the proud heritage that is ours.

Americans may differ in their views of the applicability, initially, of constitutional principles to a given set of circumstances. Having decided that such applicability exists, we may again differ as to the nature and extent of the application of such principles. We are confronted today with a situation in which a large segment of our population is deprived, for one reason or another but chiefly because of the accident of birth, of the right to vote. Can anyone seriously and sincerely argue that this is not in contravention to the guarantees of the 15th amendment of the Federal Constitution? The amendment states the fundamental principle that the right to vote shall not be denied or abridged by the States or the Federal Government on account of race or color. Can anyone seriously and sincerely deny that there exists today both a denial and an abridgment of the right to vote to a large segment of our Negro American population?

Mr. Chairman, the eyes of the Nation and the world are upon us today. After we close our legislative debate, which in and of itself is a great manifestation of our democratic principles, I urge that we carry out our obligation and responsibility to support the U.S. Constitution and its amendments. This we can do by providing the urgently needed implementation of the guarantees of the 15th amendment to the Constitution. This we can do by voting in favor of H.R. 6400.

Mr. LINDSAY. Mr. Chairman, I should like to speak now about section 10 of the bill. Section 10 deals with poll taxes. It has two subsections: The first contains a congressional finding that the tax is an arbitrary and unreasonable restriction upon the right to vote in violation of the 14th and 15th amendments. The second subsection prohibits denial of the right to vote because of failure to pay a poll tax.

As submitted to the Congress by the Department of Justice, H.R. 6400 contains no bar against poll taxes. Indeed, the Department has taken the position that such a provision would be of doubtful validity. Nevertheless, both the House and Senate Committees on the Judiciary overruled the Department and inserted antipoll tax provisions. While I have known the Attorney General for many years and have the highest regard for him and his judgment, on this one he is wrong. Indeed, I find it rather odd that in a bill which has provisions as sweeping as this one has—and properly so—the Department becomes faint of heart when it comes to the poll tax.

Now, I do not dismiss the objections which have been raised to the constitutionality of this section cavalierly and without considerable thought. But after looking at the cold, hard facts I am persuaded that the poll tax operates to abridge the right to vote on racial grounds. The reason, of course, is an economic one.

Let us assume that the various subjective tests barred by this bill are eliminated in Alabama, Mississippi, Texas, and Virginia, a Negro will still have to pay a poll tax before voting. Any analysis of the comparative economic positions of whites and Negroes in these States will show that the poll tax is harder on Negroes than it is on whites.

In Alabama, the median annual income of white families is almost 2½ times that of Negroes; in Mississisppi, almost 3 times; in Texas, twice; and in Virginia twice. When conditions in rural counties in those States are considered, the relative burden upon the Negro is even greater. In Tate County, Miss., the median annual income for white families is $3,500; for Negroes, $900; in Jefferson County, $4,180 for whites, for Negroes, $890; in Issaquena County, $3,500 for whites, $960 for Negroes. In each of these counties, the income of white families is thus at least 3½ times that of Negroes. In circumstances like these, it is perfectly clear that a poll tax will systematically be harder on Negroes than on whites.

Certainly, the slightest degree of discrimination, even if only theoretical, is distasteful. But here we are talking about more than theory. For a man who is trying to bring up a family on $900 a year, scraping up $4 to vote is more than theory; it is, in fact, more than a day's pay. Furthermore, the figures I have cited, believe it or not, are medians. Half of the Negroes in these areas are earning even less.

The relationship between the poll tax and the relative ability of Negroes to pay it, is no accident in the South. The legislative history of the poll taxes in that area shows that we are not the first to discover that if a certain portion of the population is poorer than the rest, the prededitioning of a right upon the payment of a fee will discourage that group from exercising the right. In Ratcliff against Beale, for example, the Supreme Court of Mississippi conceded that the Mississippi poll tax was designed to impede Negro voting. Or take the remarks of the president of the Alabama constitutional convention that adopted the poll tax. As he put it:

> The purpose of the convention was, within the limits imposed by the Federal Constitution, to establish white supremacy.

The Senate Judiciary Committee in 1942, issued a report summing up its study of the poll tax. It stated:

> We think a careful examination of the so-called poll tax constitutional and statutory provisions, and an examination particularly of the constitutional conventions by which these amendments became a part of the State laws, will convince any disinterested person that the object of these State constitutional conventions, from which emanated mainly the poll-tax laws, were moved entirely and exclusively by a desire to exclude the Negro from voting.

Mr. Chairman, I see no need to labor this point. The plain fact is that in this country there is a disparity in the economic status of Negroes and whites. This is starkly apparent in the poll tax States. Poll taxes were designed to take advantage of this disparity; there can be no doubt that they have been successful.

To be discriminatory a provision need not say "this is directed at Negroes." The poll tax does everything short of this.

Mr. Chairman, I have no doubt that upon the record which is before this Congress, the elimination of the poll tax on the basis of the responsibilities placed upon Congress by the 14th and 15th amendments is necessary, it is wise, and it is constitutional. In taking up the voting rights problem, we have directed ourselves at eliminating those devices which have made a mockery of the rights so proudly proclaimed in our Constitution.

It is an ancient principle of equity that one may not do indirectly what one is prohibited from doing directly. I believe it would be a tragedy if this Congress eliminates the devices that directly deprive Negroes of their franchise, only to find that the same end is being achieved indirectly through the poll tax.

Mr. MONAGAN. Mr. Chairman, I have staunchly supported making real the right to be a complete citizen in the United States in 1965. This citizenship includes the privilege of becoming a voter and casting one's ballot without governmental obstacles being placed in the way.

With this in mind, I introduced a bill to provide for the implementation of voting rights on March 15, 1965—H.R. 6254. This bill preceded the filing of the administration bill which in changed form we are discussing today.

On March 17, 1965, I told the House that qualified Americans were being prevented from voting because of the color of their skin and that the guarantees of our Constitution concerning the political rights of citizens of the United States were being flaunted.

I pointed out that the Civil Rights Act of 1964 provided legal sanctions which would help the Nation to move toward the goal of equal treatment for all citizens, but I also said that it was necessary to take further steps to guarantee access to the polls without impediment.

I am happy that this legislation has completed the long route and now is before us for final action. I consider it a vitally important step in bringing the benefits of democracy to all our citizens and as such to be of particular significance in today's turbulent times when we are trying to show the validity of democracy to a frequently dubious world.

Mr. Chairman, I do, however, wish to express my opposition to the proposed amendment to waive the English language requirement for voting.

It seems to me to be a reasonable requirement that a voter should be able to read and write English. This has long been the custom in my State, as well as in other States. Political campaigns are conducted in English and affairs of state are transacted in English. As the New York Times in an editorial of May 22, 1965, said:

> A voter who spoke or read no English would have great difficulty in knowing whom or what he was voting for.

In the Meriden (Conn.) Journal of June 3, 1965, it was said:

A voter not equipped with a knowledge of English would be poorly prepared to make a reasoned choice of candidates. He could not read newspapers printed in English containing reports of the candidates' claims and information about their backgrounds and political records. He could not understand television programs in English beamed at the voter.

The obvious course is for the prospective voter to learn English. Our public facilities have long been available and have been extensively used by those seeking citizenship.

This amendment has no place in this bill. It touches only local interests and it should be opposed in principle.

Mr. TENZER. Mr. Chairman, during the course of the debate on this bill, reference was made to the laws of the State of New York as requiring ownership of real property and the payment of taxes thereon, in order to be entitled to vote in school board and school bond elections. I rise Mr. Chairman to straighten the record on this point and to inform my colleagues on this point.

Not only is there no requirement that one be an owner of real property—or that the taxes on such property be paid in order to be entitled to register and vote—but provides that one who occupies property under a lease as a tenant is also entitled to vote.

The complete text of section 2012 of the education law, of the State of New York is as follows:

QUALIFICATIONS OF VOTERS AT DISTRICT MEETINGS

A person shall be entitled to vote at any school meeting for the election of school district officers, and upon all other matters which may be brought before such meetings, who is: (1) a citizen of the United States; (2) 21 years of age; (3) a resident within the district for a period of thirty (30) days next preceding the meeting at which he offers to vote; and who, in addition thereto, possesses one of the following three qualifications: (a) owns or is a spouse of an owner, leases, hires, or is in the possession under a contract of purchase of, real property in such school district liable to taxation for school purposes, but the occupation of real property by a person as lodger or boarder shall not entitle such person to vote, or (b) is the parent of a child of school age, provided such a child shall have attended the district school in the district in which the meeting is held for a period of at least eight (8) weeks during the year preceding such school meeting, or (c) not being the parent, has permanently residing with him a child of school age who shall have attended the district school for a period of at least eight (8) weeks during the year preceding such meeting.

No person shall be deemed ineligible to vote at any such meeting, by reason of sex, who has the other qualifications required by this section.

Mr. WATSON. Mr. Chairman, the chairman of the House Judiciary Committee and author of this legislation stated earlier that "This is no time for a Thaddeus Stevens," but, unfortunately, his actions speak louder than his words. This legislation is the most vindictive and vicious ever, aiming at the South.

Many references have been made to the various "mathematical trigger devices" in this bill, and all are equally reprehensible and indefensible. Yet, while we are discussing the various triggers of this legislation, I care not whether these triggers are pulled by the President, the Attorney General, the Civil Rights Commission or the District Court of Washington, it should be equally evident to all that the gunbarrel of this legislation is aimed at the heart of the South. It is lamentable, but equally evident, that many of our citizens in the North are willing to forgive all former enemies except those south of the Mason-Dixon line.

It is difficult to state with complete accuracy when it began. Nor can we know when it will end. We can, however, say without fear of successful contradiction that it is now at the highest point in our history. I refer to the rape of our Constitution for political expediency. No other rational explanation exists for the proposal known as H.R. 6400.

Within the past few days I read the following in a national magazine:

A workable definition of a functional illiterate is the man who believes the proposed legislation of Lyndon Johnson is constitutional.

The setting of voting standards is a legitimate exercise of the power of the sovereign States. This power is theirs alone, being clearly and succinctly stated in article I and amendment XVII of the Constitution. Amendment XV is essentially negative or prohibitive in nature. It does not represent an enlargement of Federal authority, but merely restricts State action. Merely saying that the bill is constitutional, as I understand the Attorney General has done on several occasions, does not make it so.

I know that the manifold constitutional shortcomings of this measure have been called to the attention of this body by others. I know also that you are aware that as recently as 1959, the Supreme Court upheld the power of the States to impose literacy requirements for voters. If these were valid in 1959, it is inescapable that they are valid in 1965.

All of us know, Mr. Speaker, that the support of this measure is primarily the result of mass hysteria created and nurtured by the national press. An excellent example of this is the highly prejudicial and incendiary cartoon which appeared in a recent issue of the Washington Post, depicting a State trooper in Selma, Ala., with blood dripping from his fingers and the caption:

I just got him before he reached the church door.

Admittedly, we have little control over irresponsibility on the part of some of the press, but certainly we are responsible for our own actions. While the above is about what one would expect from the Washington Post, it ill becomes the membership of this body when it abandons its own responsibility, surrenders its own judgment, and succumbs to mob rule.

It is most disheartening, Mr. Chairman, but also very true, that passage of this measure may make political points for many of you. The more you abuse the South, the higher your stock rises in the North. And you have probably wondered many times, "When will these Southerners learn that this House is not going to give them any consideration? Why do they persist always in cluttering our minds with talk about the Constitution?" Well, in all honesty, Mr. Chairman, it is frustrating. You have the votes to do just about as you please and the comfort of knowing that the more you castigate the South, the greater your political reward will be. But frustrated and despaired though we be, we must appeal to you, hoping ultimately that the Constitution, which all of us have sworn to uphold, will survive the assault upon it.

Where else can we turn? We see some of the members of the Supreme Court sitting on the House floor wildly applauding the President's legislative recommendations in this field. Can we expect impartial examination of these proposals by that body if they become law?

We see the President of the United States take his stand before the Nation on the side of those who create and thrive on disorder, chaos, and even violence, albeit in the name of nonviolence. Instead of picking up the chant of the professional agitator, "We shall overcome," it would have been more appropriate for him to say, "I have been overcome." And let no man be misled into believing that passage of this measure will end their activities.

Their very existence depends upon continuation of domestic upheaval and their own words tell us not only that they intend no letup, but that they plan to expand their operations.

A former President of the United States, Harry Truman, stated recently that these activities were "silly". He added:

They can't accomplish a darned thing. All they want is to attract attention.

Mr. Truman is not looking for votes. His position frees him from the pressure of making politically motivated statements. His right of free choice led him to disassociate himself from those who have chosen to make their beds in the temples of the lawless.

Mr. Chairman, if the bill is fair, why not let it apply to all the States? Surely the States not covered must be clamoring to enjoy its benefits. Why does it not embrace the District of Columbia, the only area where Congress actually has authority to provide voter qualifications? I notice that the District is not covered, and yet I also observe that only 38.4 percent of its estimated eligible voters participated in the presidential election of 1964. These figures are from the table prepared by the Civil Rights Commission, which I assume is the basis for selection of those States and subdivisions subject to coverage by H.R. 6400. The 38.4 percent is only 0.4 percent higher than the figure given for South Carolina in the same chart. Is voter discrimination so widespread in the District of Columbia? I would assume not, when I am told that one precinct here gave Senator Goldwater only 14 votes to his opponent's more than 3,700. I cannot match that in South Carolina

although I can offer one from my hometown where Goldwater got 55 votes and his opponent received 2,203. And there was a rural box in my county where the Senator received 21 votes and the other candidate collected 301. In fact, Mr. Chairman, is it not strange that five of the seven States against whom this bill is directed voted against President Johnson last November? Perhaps you can convince yourselves that H.R. 6400 is not motivated by vindictiveness, but it will be difficult to convince the open-minded citizen of this.

I do not ask you to take my word for the fact that there is no voter discrimination because of race in South Carolina. Roy Wilkins, executive secretary of the NAACP, stated sometime during 1963 in Charleston, that any Negro not registered in South Carolina had only himself to blame. Within the past several weeks the State leader of the voter education project, the drive to register Negro citizens, has stated publicly that his only, repeat, only, difficulty is apathy. Two Attorneys General of the United States have sent investigators into my State and on neither occasion was any substantial evidence of discrimination uncovered.

I would like also to call your attention to an article which appeared in the Monday, March 22, issue of the Washington Post, on page A–8. The author is Robert E. Baker. Neither the Post nor Mr. Baker are widely heralded for their conservative views. Mr. Baker wrote in part, as follows:

> The plain fact of the matter is that Negroes in the South who fail to vote because of apathy outnumber those who do not vote because of discrimination.

You may ask then, "Why do you object to this bill when you have nothing to fear? If you are not guilty of discrimination, the bill provides a method of relief from its provisions." Mr. Chairman, if you point a loaded gun at my head, surely you would not expect me to take much comfort by any words assuring that you did not intend to fire it.

From time immemorial we have found that good government depends upon informed voters. We have seen in our personal experience that the pattern of voting in the Negro precincts does not reflect an independent or individually considered vote as noted in examples given above. We know the pattern of the block vote, slips of paper with numbers or names given to each voter as he enters the polling place, to be returned upon leaving so that they may be passed on to others. Voting for numbers. Herded through like sheep. And you propose to increase this practice by eliminating literacy tests in those States which prevented the President's election by acclamation. I strongly oppose the denial of the right to vote to any qualified citizen, but, at the same time, I oppose as strongly measures which can serve only to lower the quality of voting. We cannot hope to improve the quality of voting by eliminating all literacy tests.

Quality nearly always suffers when quantity occupies the focal point of one's thinking. No exception will follow if H.R. 6400 is enacted into law.

Mr. Chairman, this bill repudiates the golden thread of American justice by striking down the presumption of innocence until proven guilty. It would require a State or board of registration to bring an action before a three-judge Federal panel, not at home, but in the District of Columbia, to prove that they are not guilty of discrimination, even though there has never been an allegation by anyone that they had been discriminated against. This bill defies all judicial reason and robs the people of far more rights than it purportedly seeks to confer on some.

In short, Mr. Chairman, this so-called voting rights bill is the most irresponsible and unconstitutional hodgepodge of legislative nonsense ever penned by man. I urge its defeat.

Mr. MORSE. Mr. Chairman, I rise in support of H.R. 6400 as reported by the House Judiciary Committee. It is a sad commentary that after the Civil Rights Acts of 1957, 1960, and 1964, and after Supreme Court decision after Supreme Court decision outlawing the white primary, the club primary, the grandfather clause and other discriminatory devices, we are still debating on the floor of the U.S. House of Representatives whether or not we are to put an end to second-class citizenship in this Nation.

This time we must do the job once and for all.

We are witnessing a revolution—a revolution that is one of the most hopeful and exciting things that could happen to this Nation. For its successful conclusion will effectively bring 20 million American citizens into the political process.

Last February, I visited Selma, Ala., with two of my colleagues on this side of the aisle, the gentleman from Maryland [Mr. MATHIAS] and the gentleman from New York [Mr. REID]. I was awed by the determination and conviction of the men and women whom we met. This determination survived intimidation and inhumanity and I have every confidence that it will continue to survive these conditions until full citizenship is guaranteed. A respected and dedicated clergyman from Boston, James Reeb, lost his life in Selma. His death shocked and saddened millions of Americans who knew that somehow we were all responsible for this senseless tragedy.

Speaking in Boston, soon after his death, I said that there can be no first-class citizens anywhere in this country so long as there is second-class citizenship for one group of Americans.

In my judgment we have reached the end of the line. If we do not enact the strongest possible legislation here, we make a mockery out of the democratic process.

Three days after our visit to Selma, eight Republican Members of Congress introduced a voting rights bill. We were subsequently joined by more than 20 of our Republican colleagues. Later in the session we introduced a second bill, prepared under the leadership of the gentleman from New York, Congressman LINDSAY, providing for the elimination of the poll tax, and protection for citizens in exercising their first amendment and voting rights. While the bill before us does not include completely adequate protection for citizens in casting their ballots, I think that is an effective piece of legislation that should be enacted.

By invalidating tests for voting that have been used time and time again to bar citizens from the polls, we can halt the public evasion and irresponsibility that has led so often to private violence.

In the recent report of the U.S. Civil Rights Commission on voting in Mississippi, there is quoted an exchange between Commission Member Dean Griswold of the Harvard Law School and a Mississippi registrar. When Dean Griswold asked the registrar to interpret a complicated provision of the Mississippi constitution involving corporation taxation, which had been given to several Negro applicants, the registrar was unable to answer. Dean Griswold said:

> I find it a little hard to see how citizens of Mississippi are expected to interpret the section if the registrar is unable to do so and he is the person who grades the interpretation which is made by a citizen of Mississippi.

This bill will meet that need.

I was pleased to see that the House Judiciary Committee has called for the outright prohibition against any State or political subdivision denying any person the right to register or to vote because of his failure to pay a poll tax or any other tax. Throughout its history the poll tax has been inevitably linked with discrimination. The noted historian of the South, C. Vann Woodward, tells us that regardless of the variety and complexity of constitutional provisions to disfranchise the Negro in the latter part of the 19th century, "they all contained the poll tax." Other States added this device to their existing constitutions.

Just as do literacy tests, moral character tests, and voucher requirements encourage administrative arbitrariness and avoidance, so does the poll tax. The Civil Rights Commission report on Mississippi is replete with examples of the failure of Mississippi sheriffs to accept the proffered tax payments. Since the law requires that the tax be paid in 2 successive years, it is obvious how effective this tactic can be in continuing to disfranchise a significant number of citizens.

Failure to eliminate the poll tax here and now would merely throw it up as a last line of defense for those now deprived of literacy and similar tests.

H.R. 6400 also effectively prevents the enactment of new and potentially discriminatory voting requirements by requiring prior approval by the district court, or the failure of the Attorney General to disapprove.

Congressional power to enact H.R. 6400 is clear. As far back as 1939 the Supreme Court in Lane against Wilson declared that the language of the 15th amendment "nullifies sophisticated as well as simple-minded modes of discrimination."

The devices at which this legislation is aimed are both simple minded and sophisticated: simple minded in their unalterable purpose to continue the disfranchisement of thousands of Negro citizens, and sophisticated in the ingenu-

ity with which the mechanisms of denial have been developed.

I will not belabor the specific provisions of this measure as they have been thoroughly covered by other Members. In my judgment, this legislation confronts us with a clear test of our democracy. We must open the doors of the democratic process to all our citizens. For without participation there can be no progress; without involvement there can be no initiative. H.R. 6400 must pass.

Mr. EDWARDS of Alabama. Mr. Chairman, in order to fulfill our constitutional responsibility at the National Legislature, we should consider very carefully the bill that the President has recommended to us despite his urging that we enact it against an early deadline and with no compromise.

The bill would, in general, eliminate literacy tests in any State or county where less than 50 percent of those of voting age were registered or voting in the presidential election of 1964.

Let us consider for a moment the question of literacy tests. The Supreme Court has on several occasions defended the right of States to establish literacy tests as a voter qualification. As recently as 1959, in the Lassiter case from North Carolina, the Court said:

> The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show.

The Attorney General has indicated that the President's proposal would not flatly abolish literacy tests. But it certainly would outlaw them for a period of 5 years in the few States and counties affected by the bill. We should consider whether or not the country is prepared to set aside constitutional provisions for a temporary period of whatever duration.

Literacy tests themselves are not evidence of discrimination. The application of them can be. And so corrective legislation should not be aimed at literacy tests unless we are ready to prohibit them everywhere in the country, and unless we disregard constitutional principles.

With regard to other deficiencies of the bill the gentleman from Georgia [Mr. CALLAWAY] ably demonstrated the problem which is presented in attempting to segregate States where the 1964 presidential vote or registration was more than 50 percent of the persons of voting age from those States where the vote or registration was less than 50 percent.

He pointed out the factors other than discrimination which may lead to a low voting percentage in a general election or to a low registration. He demonstrated that in States with a history of political domination by one party, the vote may be greater in primary elections than in general elections, or the registration may be low because of the lack of contested elections. And he showed that substantial numbers of persons of voting age may not register to vote for reasons having nothing to do with discrimination: transients, noncitizens, military personnel, or persons who simply want nothing to do with voting for personal reasons.

The bill gives the Attorney General power to appoint Federal examiners simply on the basis of "his own judgment." And it prescribes no tests or rules for selection of the examiners and specifies no methods of operation. It gives the examiner power to register voters as he sees fit.

There is nothing in the bill to prevent an Attorney General from appointing a county political party chairman as voting registrar with power to register or refuse to register voters as he wishes. This would be an extraordinary authority.

How can we justify the feeling that punitive Federal action must be taken against States which record a voting registration or participation of less than 50 percent while we pay no heed to places where the percentage might be 51 or 60 percent? Surely in the light of cool analysis some months in the future this arbitrary proposal will appear to be artificial and contrived to many who may not see it now. How soon would the Congress again be called on to enact new voting legislation all over again?

And if this kind of action can be taken against a few selected States, then it appears that some other punitive action can be taken against some other group of States for some other apparently worthy objective. But we should consider that a central government with this kind of authority can proceed another time with less regard to the real or suggested merits of the objective, and with less regard to an informed popular will.

This is how the National Socialist movement of the Germany of the 1930's was brought to prominence: Greater government authority on a wave of emotional fever followed by the loss of individual political expression. The stage preceding acquisition of absolute power by Adolf Hitler was the period during which the national legislature allowed itself to be intimidated by executive authority into putting its stamp of approval on measures eliminating the potence of representative government. Today's popular demand for centralization of power is tomorrow's dictatorship.

If we now are to approve voting rights legislation we should do so in the light of cool analysis and reason, not on the basis of emotion. We should not put the Federal Government in the position of dictating a State's voting laws on the basis of arbitrary percentages in an arbitrarily selected selection.

What we should do is retain State authority to determine its voter qualifications in accord with the Constitution, but assure that each State's qualifications are applied without discrimination to all individuals regardless of race, color, religion, or national origin.

I wonder if many Members of Congress today do not fear within themselves that many persons feel so strongly in favor of a voting right law that just any voting rights law will do without regard to its real merits. I have the distinct impression that it takes courage today in a northern State to publicly declare oneself in favor of taking a close look at the President's bill or to suggest that there may be improvements that can be made. In that connection, I want to make note here of some of the comments we have seen recently in nationally respected newspapers.

First. Arthur Krock in the New York Times, March 16, 1965:

> The administration's bill * * * would reverse precedents deeply embedded in the constitutional and political history of the United States. And care must be taken lest the backswing prove too wide for the conscience of the Supreme Court and the obligation of Members of Congress to the people of the several States.

Second. Arthur Krock in the New York Times, March 22, 1965:

> The more time that is allowed to point out the flagrant constitutional and procedural flaws in the draft submitted by the administration, the more plainly these flaws will be exposed.

Third. Richard Wilson in the Washington Evening Star, March 24, 1965:

> The question that the advocates of the [President's] new voting rights bill have as yet failed to answer adequately is this: Why should literacy tests as a qualification for voting be perfectly all right in 45 of the 50 States, but invalid in the other 5? This is another example of the devious legislative tactics in the Johnson administration to achieve results by legal circumlocution. Literacy requirements have validity both in reason and in law. It makes sense that a voter should have at least an elementary ability to read and write the language of the country in which he resides. It hardly needs to be argued, also, that a Federal law should apply equally to the citizens of all States. The strange, awkward, and unequal nature of this new legislation shows how wrong it is to try to legislate on such complicated matters in an atmosphere of violence-provoking public demonstrations. The Johnson administration was rushed into the presentation of a law that has so many obvious flaws that it can immediately be challenged in the courts.

Fourth. John Chamberlain in the Washington Post, March 25, 1965:

> The law should be limited to sending in registrars to provide evenhanded justice in enforcing any given State's own election standards. The Federal Government has no right to substitute standards of its own. What impresses honest and decent southerners about all this is that it [the President's proposal] actually denies equal protection of the law under the pretense of providing this protection. It penalizes the just along with the unjust. So let's have a Federal law that will guarantee fair enforcement of local election laws without telling States what their own standards shall be.

Fifth. James Kilpatrick in the Washington Evening Star, March 25, 1965:

> This is a bad bill; bad in ways that need to be understood if something precious is to be preserved. This precious something is a system of government obedient to a written Constitution. If the Congress sacrifices this high principle to the pressures of a turbulent hour, the Congress may succeed in redressing some palpable wrongs, but a fearful price will be paid in the loss of ancient values. The bill undertakes to prohibit in these States the imposition of those very qualifications, when used without discrimination, that the Supreme Court repeatedly has approved.

Sixth. David Lawrence in the Washington Evening Star, March 25, 1965:

> The 15th amendment to the Constitution * * * now is being construed as giving to

Congress the power to control the whole election process by passing a few laws. This could mean the removal of all qualifications for voting except those that happen to suit the party in power. Never in American history has so much power been concentrated in the Federal Government which is now virtually directed by the one man who occupies the highest office in the land.

Finally, Mr. Vermont Royster in the Wall Street Journal for March 25, 1965, writes of the mood in Congress for hasty action on the bill—a mood set by ultimatums for this committee to complete its work by a certain date.

He writes:

In such a mood, who but a brave man could stand up and say, "Wait. Let us see what we are doing before we do it." Who but a brave man could ask now about constitutionality or property or the wisdom of the means to a wise end. What weighs heavily on the mind is that men in Congress should have doubts and fear to speak them.

Mr. Chairman, in my judgment, Congress has the choice today of acting in a responsible fashion, or allowing itself to be propelled into an irresponsible act. I join with many others in hoping that our choice will be the former.

Mr. ROYBAL. Mr. Chairman, I want to join with my colleagues from both sides of the aisle in urging the adoption of H.R. 6400, the Voting Rights Act of 1965, to enforce the 15th amendment to the Constitution, in order to guarantee that the full and free exercise of the right of citizens of the United States to vote will not be denied or abridged.

Events in many parts of the country in recent months have again clearly shown the need for additional Federal legislation to guarantee this right for all Americans.

No one can deny that the safety, and even the lives of our fellow citizens are at stake. In my opinion, the full majesty and full resources of the United States must be exerted to preserve and protect the precious heritage of freedom and equality we all are entitled to enjoy.

President Johnson, in his eloquent address to the joint session of Congress, voiced a deeply moving and forceful call to action on this vital legislation.

I urge that the Members of the House now answer that call with speed and determination—to assure, once and for all, the unrestricted exercise of the right to vote, possessed by every American by virtue of his citizenship in this "land of the free."

Certainly, 95 years after ratification of the 15th amendment is not too early for the Nation to make good on its promise to protect the elementary right of all its citizens to full suffrage.

This bill provides for automatic suspension of literacy or any other tests or devices used to discriminate against would-be voters where less than 50 percent of the voting-age population was registered or voted in the 1964 presidential election.

In addition, it authorizes use of Federal examiners to register and assure the right to vote for all citizens previously unable to exercise that fundamental right.

Another strong feature of this legislation is its outright ban on the poll tax as a requirement for voting in State and local elections, in the same manner as the 24th amendment to the Constitution, ratified in January 1964, outlawed the poll tax in Federal elections.

All in all, the measure represents a clear, practical, effective, and legislatively responsible way to enable citizens to vote without the fear or threat of discrimination.

For that reason, I hope the Members of this House will pass the Voting Rights Act of 1965 without further delay, so that the Congress may again take a leading part in the noble crusade to create a better America, to banish the phrase "second-class citizen" from our vocabulary, and to fulfill the revolutionary dream of freedom and equality for all Americans.

Mr. DICKINSON. Mr. Chairman, many colleagues on both sides of the aisle have pointed out the many, many reasons why H.R. 6400 should not be enacted into law. I can only endorse their reasoning and their statements.

I stand before the House today to urge all Members as fairminded men to examine their motives—to look inwardly and ask themselves one question—the key question in our debate today. The question is not, "Shall we have a new voting rights law"—that question is by now moot. The question before the House today is, "Shall we have a fair, constitutionally sound voting rights law that governs everyone in the United States equally, or shall we enact a law that applies to only part of the Nation?"

Mr. Chairman, is it possible that a majority of the Members from a majority of the States will voluntarily surrender to the executive branch of the Federal Government one of the last rights reserved to and exercised by the States? To me, this would be incredible.

Mr. Chairman, H.R. 6400 is purported to be a bill to abolish discrimination. It is an anti-South bill—politically inspired and contrived and aimed at the only section of the Nation which the administration did not carry in the last election and cannot control today.

How can any man vote for a bill designed to prohibit voter discrimination in only 6 States and thus impliedly sanction discrimination in the other 44 States? The very bill the administration claims will end discrimination will, in fact, set up a form of discrimination against six States of the Union. Under the guise of voting rights, six Southern States are being punished for having voted wrong. H.R. 6400 is not a just bill, nor was it designed to be just. How can any bill creating two classes of people or States be considered just or fair? Are we in the South to become second-class citizens?

If we are to pass a bill, let us treat everyone alike and apply its provisions equally. The passage by the House of H.R. 6400 will be one more giant step toward a totalitarian government. Only by passage of sound legislation affecting all Americans equally will we continue to have a nation of laws—not of men—with equal justice for all.

The CHAIRMAN. All time has expired.

Mr. GERALD R. FORD. Mr. Chairman, I was on the list, but the time has expired. I have a preferential motion.

The CHAIRMAN. All debate is concluded even with a preferential motion. The agreement was that all debate would conclude at 7:20 p.m. The hour is now 7:20 p.m. There is no further time.

The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

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

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. At what point in this process will we have an opportunity to ask for separate votes on the Cramer vote-fraud amendment and on the Boggs amendment?

The CHAIRMAN. In the House, after the previous question has been announced by the Speaker.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 6400) to enforce the 15th amendment to the Constitution of the United States, pursuant to House Resolution 440, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment?

Mr. GERALD R. FORD. Mr. Speaker, I demand a separate vote on the Cramer vote-fraud amendment and on the Boggs amendment.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. FINO. Mr. Speaker, I demand a separate vote on the Gilbert amendment.

The SPEAKER. The Clerk will report the first amendment on which a separate vote has been demanded.

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALL. Mr. Speaker, is the Clerk going to read the Cramer amendment first?

The SPEAKER. The amendment about to be read is the Cramer amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER: On page 24, after line 15, insert a new subsection to read as follows:

"(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration or illegal voting, or pays or offers to pay or accepts payment either for

registration or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both: *Provided, however,* That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioners from the Territories or possessions."

The SPEAKER. The question is on the Cramer amendment.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 253, nays 165, not voting 16, as follows:

[Roll No. 175]

YEAS—253

Abbitt	Dwyer	McEwen
Abernethy	Edmondson	McMillan
Adair	Edwards, Ala.	MacGregor
Anderson, Ill.	Ellsworth	Mackay
Andrews, George W.	Erlenborn	Mahon
	Evans, Colo.	Mailliard
Andrews, Glenn	Everett	Marsh
	Feighan	Martin, Ala.
Andrews, N. Dak.	Findley	Martin, Mass.
	Fino	Martin, Nebr.
Arends	Fisher	Mathias
Ashbrook	Flynt	Matthews
Ashmore	Foley	Michel
Ayres	Ford, Gerald R.	Minshall
Baldwin	Fountain	Mize
Baring	Frelinghuysen	Moeller
Barrett	Fulton, Pa.	Monagan
Bates	Fulton, Tenn.	Moore
Battin	Fuqua	Morris
Beckworth	Gathings	Morse
Belcher	Gettys	Mosher
Bell	Gibbons	Murray
Bennett	Goodell	Natcher
Berry	Green, Oreg.	Nelsen
Betts	Green, Pa.	O'Konski
Boland	Griffin	O'Neal, Ga.
Bolton	Gross	Patman
Bray	Grover	Pelly
Brock	Gubser	Pickle
Brooks	Gurney	Pike
Broomfield	Hagan, Ga.	Pirnie
Brown, Ohio	Hagen, Calif.	Poage
Broyhill, N.C.	Haley	Poff
Broyhill, Va.	Hall	Pool
Buchanan	Halleck	Quie
Burleson	Halpern	Quillen
Burton, Utah	Hamilton	Randall
Byrne, Pa.	Hansen, Idaho	Redlin
Byrnes, Wis.	Hardy	Reid, Ill.
Cabell	Harris	Reid, N.Y.
Cahill	Harsha	Reifel
Callaway	Harvey, Mich.	Reinecke
Carter	Hébert	Rhodes, Ariz.
Casey	Hechler	Rhodes, Pa.
Cederberg	Henderson	Rivers, S.C.
Chamberlain	Herlong	Roberts
Chelf	Horton	Robison
Clancy	Hull	Rogers, Fla.
Clausen Don H.	Hungate	Rogers, Tex.
	Hutchinson	Roncalio
Clawson, Del	Ichord	Roudebush
Cleveland	Irwin	Roush
Collier	Jarman	Rumsfeld
Colmer	Jennings	Satterfield
Conable	Joelson	Saylor
Conte	Johnson, Pa.	Schneebeli
Cooley	Jonas	Schweiker
Corbett	Jones, Ala.	Scott
Cramer	Jones, Mo.	Secrest
Culver	Keith	Selden
Cunningham	King, N.Y.	Shriver
Curtin	King, Utah	Sikes
Curtis	Kornegay	Skubitz
Dague	Kunkel	Smith, Calif.
Davis, Ga.	Laird	Smith, N.Y.
Davis, Wis.	Landrum	Smith, Va.
de la Garza	Langen	Springer
Derwinski	Latta	Stafford
Devine	Lennon	Stanton
Dickinson	Lindsay	Stephens
Dole	Lipscomb	Stratton
Dorn	Long, La.	Stubblefield
Dowdy	McCarthy	Talcott
Downing	McClory	Taylor
Duncan, Oreg.	McCulloch	Teague, Calif.
Duncan, Tenn.	McDade	Teague, Tex.
Thomson, Wis.	Watkins	Williams
Trimble	Watson	Willis
Tuck	Watts	Wilson, Bob
Tupper	Weltner	Wolff
Tuten	Whalley	Wright
Ullman	White, Idaho	Wyatt
Utt	White, Tex.	Wydler
Vigorito	Whitener	Young
Waggonner	Whitten	Younger
Walker, Miss.	Widnall	

NAYS—165

Adams	Gilligan	Nix
Addabbo	Gonzalez	O'Brien
Albert	Grabowski	O'Hara, Ill.
Anderson, Tenn.	Gray	O'Hara, Mich.
	Greigg	Olsen, Mont.
Annunzio	Grider	Olson, Minn.
Ashley	Griffiths	O'Neill, Mass.
Aspinall	Hanley	Ottinger
Bandstra	Hanna	Patten
Bingham	Hansen, Iowa	Pepper
Blatnik	Hansen, Wash.	Perkins
Boggs	Hathaway	Philbin
Bolling	Hawkins	Price
Brademas	Hays	Pucinski
Brown, Calif.	Helstoski	Race
Burke	Hicks	Resnick
Burton, Calif.	Holifield	Reuss
Callan	Holland	Rivers, Alaska
Cameron	Howard	Rodino
Carey	Huot	Rogers, Colo.
Celler	Jacobs	Ronan
Clark	Johnson, Calif.	Rooney, N.Y.
Clevenger	Johnson, Okla.	Rooney, Pa.
Cohelan	Karsten	Roosevelt
Conyers	Karth	Rosenthal
Corman	Kastenmeier	Rostenkowski
Craley	Kee	Roybal
Daddario	Kelly	Ryan
Daniels	King, Calif.	St Germain
Dawson	Kirwan	St. Onge
Delaney	Kluczynski	Scheuer
Dent	Krebs	Schisler
Denton	Leggett	Schmidhauser
Diggs	Long, Md.	Senner
Dingell	Love	Shipley
Donohue	McDowell	Sickles
Dow	McFall	Sisk
Dulski	McGrath	Slack
Dyal	McVicker	Smith, Iowa
Edwards, Calif.	Macdonald	Staggers
Evins, Tenn.	Machen	Stalbaum
Fallon	Mackie	Sullivan
Farbstein	Madden	Sweeney
Farnsley	Matsunaga	Tenzer
Farnum	Meeds	Thompson, N.J.
Fascell	Miller	Todd
Flood	Minish	Tunney
Fogarty	Mink	Udall
Ford, William D.	Moorhead	Van Deerlin
	Morgan	Vanik
Fraser	Morrison	Vivian
Friedel	Moss	Walker, N. Mex.
Gallagher	Multer	Wilson, Charles H.
Garmatz	Murphy, Ill.	
Giaimo	Murphy, N.Y.	Yates
Gilbert	Nedzi	Zablocki

NOT VOTING—16

Bonner	May	Purcell
Bow	Mills	Steed
Harvey, Ind.	Morton	Thomas
Hosmer	Passman	Thompson, Tex.
Keogh	Powell	Toll

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Passman for, with Mr. Keogh against.
Mr. Toll for, with Mr. Powell against.
Mr. Bonner for, with Mr. Steed against.

Until further notice:

Mr. Purcell with Mrs. May.
Mr. Mills with Mr. Bow.
Mr. Thomas with Mr. Hosmer.
Mr. Thompson of Texas with Mr. Morton.

Mr. BYRNE of Pennsylvania and Mr. BROOKS changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the Boggs amendment.

The Clerk read as follows:

On page 26, delete lines 23 through 25.

On page 27, delete lines 1 through 10, and insert in lieu thereof a new section 13, to read as follows:

"SEC. 13. Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote, (1) that all persons listed by the examiner for such subdivision have been placed on the appropriate voting registration roll, (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision; and (b), with respect to examiners appointed pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a) of this section and may petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable."

The SPEAKER. The question is on the amendment.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 155, nays 262, not voting 16, as follows:

[Roll No. 176]

YEAS—155

Abbitt	Evins, Tenn.	McFall
Abernethy	Farnsley	McMillan
Albert	Fascell	Mackay
Andrews, George W.	Fisher	Mackie
	Flynt	Mahon
Andrews, Glenn	Foley	Marsh
	Fountain	Martin, Ala.
Ashley	Fuqua	Matthews
Ashmore	Gathings	Meeds
Bandstra	Gettys	Miller
Beckworth	Gibbons	Moeller
Belcher	Gilligan	Morris
Bennett	Gray	Morrison
Boggs	Griffiths	Moss
Brock	Hagan, Ga.	Multer
Brooks	Haley	Murphy, N.Y.
Broyhill, N.C.	Hardy	Murray
Broyhill, Va.	Harris	O'Brien
Buchanan	Hays	O'Hara, Mich.
Burleson	Hébert	Olson, Minn.
Cabell	Hechler	O'Neal, Ga.
Callan	Henderson	Patman
Callaway	Herlong	Pepper
Carter	Hicks	Pickle
Casey	Hull	Poage
Celler	Hungate	Poff
Chelf	Ichord	Pool
Colmer	Jarman	Redlin
Cooley	Jennings	Rhodes, Ariz.
Corman	Jonas	Rivers, Alaska
Craley	Jones, Ala.	Rivers, S.C.
Cramer	Jones, Mo.	Roberts
Davis, Ga.	Kee	Rogers, Fla.
de la Garza	Kelly	Rogers, Tex.
Delaney	King, Calif.	Roush
Dickinson	Kirwan	Satterfield
Dorn	Kornegay	Scott
Dowdy	Landrum	Selden
Downing	Lennon	Senner
Duncan, Oreg.	Long, La.	Sikes
Edwards, Ala.	Love	Sisk
Evans, Colo.	McCulloch	Slack
Everett	McDowell	Smith, Iowa

Smith, Va.	Udall	Whitener
Stephens	Van Deerlin	Whitten
Stubblefield	Waggonner	Williams
Sweeney	Walker, Miss.	Willis
Taylor	Walker, N. Mex.	Wilson, Charles H.
Teague, Tex.	Watson	Wright
Tenzer	Watts	Young
Trimble	Weltner	Zablocki
Tuck	White, Idaho	
Tuten	White, Tex.	

NAYS—262

Adair	Fraser	Murphy, Ill.
Adams	Frelinghuysen	Natcher
Addabbo	Friedel	Nedzi
Anderson, Ill.	Fulton, Pa.	Nelsen
Anderson, Tenn.	Fulton, Tenn.	Nix
	Gallagher	O'Hara, Ill.
Andrews, N. Dak.	Garmatz	O'Konski
	Giaimo	Olsen, Mont.
Annunzio	Gilbert	O'Neill, Mass.
Arends	Gonzalez	Ottinger
Ashbrook	Goodell	Patten
Aspinall	Grabowski	Pelly
Ayres	Green, Oreg.	Perkins
Baldwin	Green, Pa.	Philbin
Barrett	Greigg	Pike
Bates	Grider	Pirnie
Battin	Griffin	Price
Bell	Gross	Pucinski
Berry	Grover	Quie
Betts	Gubser	Quillen
Bingham	Gurney	Race
Blatnik	Hagen, Calif.	Randall
Boland	Hall	Reid, Ill.
Bolling	Halleck	Reid, N.Y.
Bolton	Halpern	Reifel
Brademas	Hamilton	Reinecke
Bray	Hanley	Resnick
Broomfield	Hanna	Reuss
Brown, Calif.	Hansen, Idaho	Rhodes, Pa.
Brown, Ohio	Hansen, Iowa	Robison
Burke	Hansen, Wash.	Rodino
Burton, Calif.	Harsha	Rogers, Colo.
Burton, Utah	Harvey, Mich.	Ronan
Byrne, Pa.	Hathaway	Roncallo
Byrnes, Wis.	Hawkins	Rooney, N.Y.
Cahill	Helstoski	Rooney, Pa.
Cameron	Holifield	Roosevelt
Carey	Holland	Rosenthal
Cederberg	Horton	Rostenkowski
Chamberlain	Howard	Roudebush
Clancy	Huot	Roybal
Clark	Hutchinson	Rumsfeld
Clausen, Don H.	Irwin	Ryan
	Jacobs	St Germain
Clawson, Del	Joelson	St. Onge
Cleveland	Johnson, Calif.	Saylor
Clevenger	Johnson, Okla.	Scheuer
Cohelan	Johnson, Pa.	Schisler
Collier	Karsten	Schmidhauser
Conable	Karth	Schneebeli
Conte	Kastenmeier	Schweiker
Conyers	Keith	Secrest
Corbett	King, N.Y.	Shipley
Culver	King, Utah	Shriver
Cunningham	Kluczynski	Sickles
Curtin	Krebs	Skubitz
Curtis	Kunkel	Smith, Calif.
Daddario	Laird	Smith, N.Y.
Dague	Langen	Springer
Daniels	Latta	Stafford
Davis, Wis.	Leggett	Staggers
Dawson	Lindsay	Stalbaum
Dent	Lipscomb	Stanton
Denton	Long, Md.	Stratton
Derwinski	McCarthy	Sullivan
Devine	McClory	Talcott
Diggs	McDade	Teague, Calif.
Dingell	McEwen	Thompson, N.J.
Dole	McGrath	Thomson, Wis.
Donohue	McVicker	Todd
Dow	Macdonald	Tunney
Dulski	MacGregor	Tupper
Duncan, Tenn.	Machen	Ullman
Dwyer	Madden	Utt
Dyal	Mailliard	Vanik
Edmondson	Martin, Mass.	Vigorito
Edwards, Calif.	Martin, Nebr.	Vivian
Ellsworth	Mathias	Watkins
Erlenborn	Matsunaga	Whalley
Fallon	Michel	Widnall
Farbstein	Minish	Wilson, Bob
Farnum	Mink	Wolff
Feighan	Minshall	Wyatt
Findley	Mize	Wydler
Fino	Monagan	Yates
Flood	Moore	Younger
Fogarty	Moorehead	
Ford, Gerald R.	Morgan	
Ford, William D.	Morse	
	Mosher	

NOT VOTING—16

Baring	May	Steed
Bonner	Mills	Thomas
Bow	Morton	Thompson, Tex.
Harvey, Ind.	Passman	Toll
Hosmer	Powell	
Keogh	Purcell	

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Thomas for, with Mr. Toll against.
Mr. Steed for, with Mr. Powell against.

Until further notice:

Mr. Keogh with Mr. Bow.
Mr. Mills with Mrs. May.
Mr. Bonner with Mr. Hosmer.
Mr. Passman with Mr. Harvey of Indiana.
Mr. Purcell with Mr. Morton.
Mr. Thompson of Texas with Mr. Baring.

Messrs. GARMATZ, DYAL, ANDERSON of Tennessee, and RODINO changed their votes from "yea" to "nay."

Messrs. ROGERS of Texas, and KING of California, changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment on which a separate vote has been demanded, the Gilbert amendment.

The Clerk read as follows:

On page 16, line 25, insert a new subsection (c) to read as follows:

"(c) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education is presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English."

The SPEAKER. The question is on the amendment.

Mr. FINO. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 202, nays 216, answered "present" 1, not voting 14, as follows:

[Roll No. 177]

YEAS—202

Adams	Burke	Delaney
Addabbo	Burton, Calif.	Dent
Albert	Byrne, Pa.	Denton
Anderson, Tenn.	Callan	Derwinski
	Cameron	Diggs
Annunzio	Carey	Dingell
Ashley	Celler	Donohue
Aspinall	Clevenger	Dow
Baldwin	Cohelan	Dulski
Bandstra	Collier	Dyal
Barrett	Conyers	Edmondson
Bingham	Corman	Edwards, Calif.
Blatnik	Craley	Erlenborn
Boggs	Culver	Evans, Colo.
Boland	Daddario	Fallon
Bolling	Daniels	Farbstein
Brademas	Davis, Ga.	Farnsley
Brooks	Dawson	Farnum
Brown, Calif.	de la Garza	Fascell
Feighan	King, Calif.	Resnick
Flood	King, Utah	Reuss
Fogarty	Kirwan	Rhodes, Pa.
Ford, William D.	Kluczynski	Rivers, Alaska
	Krebs	Rodino
Fraser	Leggett	Rogers, Colo.
Friedel	Lindsay	Ronan
Fulton, Pa.	Long, Md.	Roncalio
Fulton, Tenn.	Love	Rooney, N.Y.
Gallagher	McCarthy	Rooney, Pa.
Garmatz	McClory	Roosevelt
Giaimo	McDowell	Rosenthal
Gibbons	McFall	Rostenkowski
Gilbert	McGrath	Roush
Gilligan	McVicker	Roybal
Gonzalez	Machen	Ryan
Grabowski	Mackie	St Germain
Gray	Madden	St. Onge
Green, Oreg.	Matsunaga	Scheuer
Green, Pa.	Meeds	Schisler
Greigg	Miller	Schmidhauser
Grider	Minish	Senner
Griffiths	Mink	Shipley
Halpern	Moeller	Sickles
Hamilton	Moorhead	Sisk
Hanley	Morgan	Smith, Iowa
Hanna	Morris	Stalbaum
Hansen, Iowa	Morrison	Stratton
Hansen, Wash.	Mosher	Sullivan
Harvey, Mich.	Moss	Sweeney
Hathaway	Multer	Tenzer
Hawkins	Murphy, Ill.	Thompson, N.J.
Helstoski	Murphy, N.Y.	Trimble
Hicks	Nedzi	Tunney
Holifield	Nix	Udall
Holland	O'Brien	Ullman
Howard	O'Hara, Mich.	Van Deerlin
Hull	O'Hara, Ill.	Vanik
Hungate	Olsen, Mont.	Vivian
Huot	Olson, Minn.	Walker, N. Mex.
Irwin	O'Neill, Mass.	Weltner
Jacobs	Ottinger	White, Tex.
Joelson	Patman	Wilson, Charles H.
Johnson, Calif.	Patten	
Johnson, Okla.	Pepper	Wolff
Karsten	Philbin	Yates
Karth	Price	Young
Kastenmeier	Pucinski	Zablocki
Kee	Race	
Kelly	Redlin	

NAYS—216

Abbitt	Cooley	Herlong
Abernethy	Corbett	Horton
Adair	Cramer	Hutchinson
Anderson, Ill.	Cunningham	Ichord
Andrews, George W.	Curtin	Jarman
	Curtis	Jennings
	Dague	Johnson, Pa.
Andrews, Glenn	Davis, Wis.	Jonas
	Devine	Jones, Ala.
Andrews, N. Dak.	Dickinson	Jones, Mo.
	Dole	Keith
Arends	Dorn	King, N.Y.
Ashbrook	Dowdy	Kornegay
Ashmore	Downing	Kunkel
Ayres	Duncan, Oreg.	Laird
Baring	Duncan, Tenn.	Landrum
Bates	Dwyer	Langen
Battin	Edwards, Ala.	Latta
Beckworth	Ellsworth	Lennon
Belcher	Everett	Lipscomb
Bell	Evins, Tenn.	Long, La.
Bennett	Findley	McCulloch
Berry	Fino	McDade
Betts	Fisher	McEwen
Bolton	Flynt	McMillan
Bray	Foley	Macdonald
Brock	Ford, Gerald R.	MacGregor
Broomfield	Fountain	Mackay
Brown, Ohio	Frelinghuysen	Mahon
Broyhill, N.C.	Fuqua	Mailliard
Broyhill, Va.	Gathings	Marsh
Buchanan	Gettys	Martin, Ala.
Burleson	Goodell	Martin, Mass.
Burton, Utah	Griffin	Martin, Nebr.
Byrnes, Wis.	Gross	Mathias
Cabell	Grover	Matthews
Cahill	Gubser	Minshall
Callaway	Gurney	Mize
Carter	Hagan, Ga.	Monagan
Casey	Hagen, Calif.	Moore
Cederberg	Haley	Morse
Chamberlain	Hall	Murray
Chelf	Halleck	Natcher
Clancy	Hansen, Idaho	Nelsen
Clark	Hardy	O'Konski
Clausen, Don H.	Harris	O'Neal, Ga.
	Harsha	Pelly
Clawson, Del	Hays	Perkins
Cleveland	Hébert	Pickle
Colmer	Hechler	Pike
Conable	Henderson	Pirnie
Conte		

Poage	Secrest	Tupper
Poff	Selden	Tuten
Pool	Shriver	Utt
Quie	Sikes	Vigorito
Quillen	Skubitz	Waggonner
Randall	Slack	Walker, Miss.
Reid, Ill.	Smith, Calif.	Watkins
Reid, N.Y.	Smith, N.Y.	Watson
Reifel	Smith, Va.	Watts
Reinecke	Springer	Whalley
Rhodes, Ariz.	Stafford	White, Idaho
Rivers, S.C.	Staggers	Whitener
Roberts	Stanton	Whitten
Robison	Steed	Widnall
Rogers, Fla.	Stephens	Williams
Rogers, Tex.	Stubblefield	Willis
Roudebush	Talcott	Wilson, Bob
Rumsfeld	Taylor	Wright
Satterfield	Teague, Calif.	Wyatt
Saylor	Teague, Tex.	Wydler
Schneebeli	Thomson, Wis.	Younger
Schweiker	Todd	
Scott	Tuck	

ANSWERED "PRESENT"—1

Michel

NOT VOTING—14

Bonner	May	Purcell
Bow	Mills	Thomas
Harvey, Ind.	Morton	Thompson, Tex.
Hosmer	Passman	Toll
Keogh	Powell	

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Passman against.
Mr. Toll for, with Mr. Bonner against.
Mr Powell for, with Mr. Bow against.
Mr. Thomas for, with Mrs. May against.

Until further notice:

Mr. Mills with Mr. Hosmer.
Mr. Purcell with Mr. Morton.
Mr. Thompson of Texas with Mr. Harvey of Indiana.

Mr. ADAMS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

MOTION TO RECOMMIT BY MR. COLLIER

Mr. COLLIER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. COLLIER. In its present form I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. COLLIER moves to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith, with the following amendment: Strike out all after the enacting clause, and insert: "That this Act shall be known as the 'Voting Rights Act of 1965'.

"DEFINITIONS

"SEC. 2. (a) The phrase 'literacy test' shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, or (2) demonstrate an educational achievement or knowledge of any particular subject.

"(b) A person is 'denied or deprived of the right to register or to vote' if he is (1) not provided by persons acting under color of law with an opportunity to register to vote or to qualify to vote within two weekdays after making a good-faith attempt to do so, (2) found not qualified to vote by any person acting under color of law, or (3) not notified by any person acting under color of law of the results of his application within seven days after making application therefor.

"(c) The term 'election' shall mean any general, special, or primary election held in any voting district solely or in part for the purpose of electing or selecting any candidate to public office or of deciding a proposition or issue of public law.

"(d) The term 'voting district' shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

"(e) The term 'vote' shall have the same meaning as in section 2004 of the Revised Statutes (42 U.S.C. 1971(e)).

"FINDINGS

"SEC. 3. (a) Congress hereby finds that large numbers of United States citizens have been and are being denied the right to register or to vote in various States on account of race or color in violation of the fifteenth amendment.

"(b) Congress further finds that literacy tests have been and are being used in various States and political subdivisions as a means of discrimination on account of race or color. Congress further finds that persons with a sixth-grade education posses reasonable literacy, comprehension, and intelligence and that, in fact, persons possessing such educational achievement have been and are being denied or deprived of the right to register or to vote for failure to satisfy literacy test requirements solely or primarily because of discrimination on account of race or color.

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

"(d) Congress further finds that in any voting district where twenty-five or more persons have been denied or deprived of the right to register or to vote on account of race or color and who are qualified to register and vote, there exists in such district a pattern or practice of denial of the right to register or to vote on account of race or color in violation of the fifteenth amendment.

"APPROPRIATION OF EXAMINERS; PRESUMPTION OF PATTERN OR PRACTICE

"SEC. 4. (a) Whenever the Attorney General certifies to the Civil Service Commission (1) that he has received complaints in writing from twenty-five or more residents of a voting district each alleging that (i) the complainant can satisfy the voting qualifications of the voting district, and (ii) the complainant has been denied or deprived of the right to register or to vote on account of race or color within ninety days prior to the filing of his complaint, and (2) that the Attorney General believes such complaints to be meritorious, the Civil Service Commission shall promptly appoint an examiner for such voting district who shall be responsible to the Commission.

"(b) A certification by the Attorney General shall be final and effective upon publication in the Federal Register.

"(c) The examiner shall examine each person who has filed a complaint certified by the Attorney General to determine whether he was denied or deprived of the right to register or to vote within ninety days prior to the filing of such complaint, and whether he is qualified to vote under State law. A person's statement under oath shall be prima facie evidence as to his age, residence, and prior efforts to register or otherwise qualify to vote. In determining whether a person is qualified to vote under State law, the examiner shall disregard (1) any literacy test if such person has not been adjudged an incompetent and has completed the sixth grade of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico, or (2) any requirement that such person as a prerequisite for voting or registration for voting (i) possess good moral character unrelated to the commission of a felony, or (ii) prove his qualifications by the voucher of registered voters or members of any other class. If applicable State law requires a literacy test, those persons possessing less than a sixth-grade education shall be administered such test only in writing and the answers to such test shall be included in the examiner's report.

"(d) If the examiner finds that twenty-five or more of those persons within the voting district, who have filed complaints certified by the Attorney General have been denied the right to register or to vote and are qualified to vote under State law, he shall promptly place them on a list of eligible voters, and shall certify and serve such list upon the offices of the appropriate election officials, the Attorney General, and the attorney general of the State, together with a report of his findings as to those persons whom he has found qualified to vote. Service shall be as prescribed by rule 5(b) of the Federal Rules of Civil Procedure. The provisions of section 8(d) and 8(e) shall then apply to persons placed on a list of eligible voters.

"(e) A finding by the examiner under subsection (d) shall create a presumption of a pattern or practice of denial of the right to register or to vote on account of race or color.

"CHALLENGES

"SEC. 5. (a) A challenge to the factual findings of the examiner, contained in the examiner's report, may be made by the attorney general of the State or by any other person upon whom has been served a certified list and report of persons found qualified to vote, as provided in section 4(d). Such challenge shall be made by service upon the Attorney General and upon the Civil Service Commission as prescribed by rule 5(b) of the Federal Rules of Civil Procedure. Such challenge shall be entertained only (1) if made within ten days after service of the list of eligible voters as provided in section 4(d), and (2) if supported by the affidavit of at least two persons having personal knowledge of the facts constituting grounds for the challenge.

"(b) Upon service of a challenge the Civil Service Commission shall promptly appoint a hearing officer who shall be responsible to the Commission, or promptly designate a hearing officer already appointed, to hear and determine such challenge. A challenge shall be determined within seven days after it has been made. A person's fulfillment of literacy test requirements, if not disregarded by the examiner as provided for in section 4(c), shall be reviewed solely on the basis of the written answers included in the examiner's report required by sections 4(c) and 4(d).

"ESTABLISHMENT OF A PATTERN OR PRACTICE

"SEC. 6. A pattern or practice of denial of the right to register or to vote on account of race or color is established (a) if a challenge to a finding under section 4(d) has not been

made within ten days after service of the list of eligible voters on the appropriate State election officials and the attorney general of the State, or (b) upon a determination by a hearing officer that twenty-five or more of those persons within the voting district, who have been placed on the list of eligible voters by the examiners, have been denied or deprived of the right to register or to vote and are qualified to register and to vote. The listing of additional persons prescribed in section 8 shall not be stayed pending judicial review of the decision of a hearing officer.

"JUDICIAL REVIEW

"SEC. 7. A petition for review of the decision of a hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review, but no decision of a hearing officer shall be overturned unless clearly erroneous.

"LISTENING OF PERSONS FOUND ELIGIBLE

"SEC. 8. (a) Upon establishment of a pattern or practice, as provided in section 6, the Civil Service Commission shall appoint such additional examiners for the voting district as may be necessary who shall determine whether persons within the voting district are qualified to register and to vote. In determining whether such persons are so qualified the examiners shall apply the same procedures and be subject to the same conditions imposed upon the initial examiner under section 4(c), except that a person appearing before such examiner need not have first attempted to apply to a State or local registration official if he states, under oath, that in his belief to have done so would have been futile or would have jeopardized the personal safety, employment, or economic standing of himself, his family, or his property. Such examiner shall in the same manner as provided in section 4(d), certify and serve lists of eligible voters and any supplements as appropriate at the end of each month, upon the appropriate election officials, the Attorney General, and the attorney general of the State, together with reports of his findings as to those persons listed.

"(b) Challenges to the findings of the examiners shall be made in the manner and under the same conditions as are provided in section 5.

"(c) The Civil Service Commission shall appoint and make available additional hearing officers within the voting district as may be necessary to hear and determine the challenges under this section.

"(d) Any person who has been placed on a list of eligible voters shall be entitled and allowed to vote in any election held within the voting district unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with section 10. If challenged, such person shall be entitled and allowed to vote provisionally with appropriate provision being made for the impounding of their ballots, pending final determination of their status by the hearing officer and by the court.

"(e) Examiners shall issue to each person placed on a list of eligible voters a certificate evidencing his eligibility to vote.

"(f) No person shall be entitled to vote in any election by virtue of the provisions of this Act unless his name shall have been certified and transmitted on such list to the offices of the appropriate election officials at least forty-five days prior to such election.

"APPLICATION AND PROCEDURE

"SEC. 9. (a) Consistent with State law and the provisions of this Act, persons appearing before an examiner shall make application in such form as the Civil Service Commission may require. Also consistent with State law and the provisions of this Act, the times, places, and procedures for application and listing pursuant to this Act and removals from eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission. The Commission shall, after consultation with the Attorney General, instruct examiners concerning the qualifications required for listing.

"(b) Notwithstanding time limitations as may be established under State or local law, examiners shall make themselves available every weekday in order to determine whether persons are qualified to vote.

"(c) Times, places, and procedures for hearing and determination of challenges under sections 5 and 8(b) shall be prescribed by regulation promulgated by the Civil Service Commission, provided that hearing officers shall hear challenges in the voting district of the listed persons challenged.

"REMOVAL FROM VOTER LISTS

"SEC. 10. Any person whose name appears on a list, as provided in this Act, shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list. A person whose name appears on such a list shall be removed therefrom by an examiner if (1) he has been successfully challenged in accordance with the procedure prescribed in sections 5 and 7, or (2) he has been determined by an examiner (a) not to have voted or attempted to vote at least once during four consecutive years while listed or during such longer period as is allowed by State law without requiring reregistration, or (b) to have otherwise lost his eligibility to vote: *Provided, however,* That in a State which requires reregistration within a period of time shorter than four years, the person shall be required to reregister with an examiner who shall apply reregistration methods and procedures of State law not inconsistent with the provisions of this Act.

"QUALIFICATIONS OF EXAMINERS AND HEARING OFFICERS

"SEC. 11. Examiners and hearing officers appointed by the Civil Service Commission shall be existing Federal officers and employees who are residents of the State in which the Attorney General has issued his certification. Examiners and hearing officers shall subscribe to the oath of office required by section 16 of title 5, United States Code. Examiners and hearing officers shall serve without compensation in addition to that received for such other service, but while engaged in the work as examiners and hearing officers shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from their usual place of residence, in accordance with the provisions of sections 835 to 842 of title 5, United States Code. Examiners and hearing officers shall have the power to administer oaths.

"TERMINATION OF LISTING

"SEC. 12. The listing provisions of this Act shall be applied in a voting district until, within any twelve-month period, less than twenty-five persons within the voting district have been placed on lists of eligible voters by examiners.

"ENFORCEMENT

"SEC. 13. (a) Whenever a person alleges to an examiner within twenty-four hours after the closing of the polls that notwithstanding his listing under the provisions of this Act he has not been permitted to vote or that his vote was not properly counted or not counted subject to the impounding provision, as provided in section 8(d), the examiner shall notify the United States attorney for the judicial district if such allegation, in his opinion, appears to be well founded. Upon receipt of such notification, the United States attorney may forthwith apply to the district court for a temporary or permanent injunction, restraining order, or other order, and including orders directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote, (2) to count such votes, or (3) for such other orders as the court may deem necessary and appropriate.

"(b) No person, acting under color of law, shall—

"(1) fail or refuse to permit to vote any person who is entitled to vote under any provision of this Act; or

"(2) willfully fail or refuse to count, tabulate, and report accurately such person's vote; or

"(3) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any such person entitled to vote under any provision of this Act for voting or attempting to vote; or

"(4) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any person for urging or aiding voting or attempted voting by persons entitled to vote under any provision of this Act.

"(c) No person, acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any person for exercising any powers or duties under section 4, 5, 6, 7, 8, 9, or 10 of this Act.

"(d) No person shall in any matter within the jurisdiction of an examiner or a hearing officer, knowingly and willfully falsify or conceal a material fact, or make any false, fictitious, or fraudulent statement or representation, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry.

"(e) Any person violating any of the provisions of subsection (b), (c), or (d) shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(f) All cases of civil and criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

"(g) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether an applicant for listing under this Act shall have exhausted any administrative or other remedies that may be provided by law.

"INTERFERENCE WITH ELECTIONS

"SEC. 14. (a) No person shall, for any reason—

"(1) fail or refuse to permit to vote in any State any person who is qualified to vote under the provisions of the law of such State which are not inconsistent with the provisions of Federal law; or

"(2) willfully fail or refuse to count, tabulate, and report accurately such person's vote; or

"(3) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any such person for the purpose of preventing such person from voting or attempting to vote; or

"(4) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any person for the purpose of preventing such person from urging or aiding voting or attempted voting.

"(b) No person shall, within a year following an election, (1) destroy, deface, mutilate, or otherwise alter the marking of a paper ballot cast in such election, or (2) alter any record of voting in such election made by a voting machine or otherwise.

"(c) No person shall knowingly or willfully give false information as to his name, address, or period of residence in a voting district for the purpose of establishing his eligibility to register or vote, or conspire with another individual for the purpose of encouraging his false registration to vote, or illegal voting, or pay or offer to pay or accept payment either for registration to vote or for voting.

"(d) Any person violating any of the provisions of subsection (a), (b), or (c) shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(e) The foregoing provisions of this section shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing presidential electors, Members of the United States Senate, Members of the United States House of Representatives, or Delegates or Commissioners from the territories or possessions.

"RELIEF FROM ENFORCEMENT OF POLL TAX

"SEC. 15. (a) Congress hereby finds that the constitutional right to vote of large numbers of citizens of the United States is denied or abridged on account of race or color in some States by the requirement of the payment of a poll tax as a prerequisite to voting in State or local elections.

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

"APPROPRIATIONS

"SEC. 16. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

"SEPARABILITY

"SEC. 16. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby."

Mr. COLLIER (interrupting the reading of the motion). Mr. Speaker, since the instructions in the motion to recommit are the identical language of the Ford-McCulloch bill, together with the language of the McClory amendment which was adopted in Committee of the Whole, I ask unanimous consent that further reading of the motion be dispensed with and that it be printed in the RECORD.

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

There was no objection.

The SPEAKER. The question is on the motion to recommit.

Mr. GERALD R. FORD. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 171, nays 248, not voting 15, as follows:

[Roll No. 178]

YEAS—171

Abbitt	Buchanan	Dole
Abernethy	Burleson	Dorn
Adair	Burton, Utah	Dowdy
Anderson, Ill.	Byrnes, Wis.	Downing
Andrews, George W.	Callaway	Duncan, Tenn.
	Carter	Edwards, Ala.
Andrews, Glenn	Cederberg	Ellsworth
	Chamberlain	Erlenborn
Andrews, N. Dak.	Clancy	Everett
	Clausen, Don H.	Findley
Arends	Clawson, Del	Fisher
Ashbrook	Cleveland	Flynt
Ashmore	Collier	Ford, Gerald R.
Baring	Colmer	Fountain
Bates	Conable	Frelinghuysen
Battin	Cooley	Fuqua
Belcher	Cramer	Gathings
Bennett	Cunningham	Gettys
Berry	Curtin	Goodell
Betts	Curtis	Griffin
Bolton	Dague	Gross
Bray	Davis, Ga.	Grover
Brock	Davis, Wis.	Gubser
Broomfield	Derwinski	Gurney
Brown, Ohio	Devine	Hagan, Ga.
Broyhill, N.C.	Dickinson	Haley
Broyhill, Va.		Hall

Halleck	Martin, Ala.	Smith, N.Y.
Hansen, Idaho	Martin, Mass.	Smith, Va.
Hardy	Martin, Nebr.	Springer
Harsha	Matthews	Stafford
Harvey, Mich.	Michel	Stanton
Hébert	Minshall	Stephens
Henderson	Mize	Stubblefield
Herlong	Moore	Talcott
Hull	Murray	Taylor
Hutchinson	Nelsen	Teague, Calif.
Jarman	O'Neal, Ga.	Teague, Tex.
Jennings	Pelly	Thomson, Wis.
Johnson, Pa.	Pirnie	Tuck
Jonas	Poff	Tupper
Jones, Ala.	Quie	Tuten
Keith	Quillen	Utt
King, N.Y.	Reid, Ill.	Waggonner
Kornegay	Reifel	Walker, Miss.
Laird	Reinecke	Watkins
Landrum	Rhodes, Ariz.	Watson
Langen	Rivers, S.C.	Watts
Latta	Robison	Whalley
Lennon	Roudebush	Whitener
Lipscomb	Rumsfeld	Whitten
Long, La.	Satterfield	Widnall
McClory	Schneebeli	Williams
McCulloch	Scott	Wilson, Bob
McEwen	Selden	Wyatt
McMillan	Shriver	Wydler
MacGregor	Sikes	Younger
Mailliard	Skubitz	
Marsh	Smith, Calif.	

NAYS—248

Adams	Ford, William D.	Mackie
Addabbo		Madden
Albert	Fraser	Mahon
Anderson, Tenn.	Friedel	Mathias
	Fulton, Pa.	Matsunaga
Annunzio	Fulton, Tenn.	Meeds
Ashley	Gallagher	Miller
Aspinall	Garmatz	Minish
Ayres	Giaimo	Mink
Baldwin	Gibbons	Moeller
Bandstra	Gilbert	Monagan
Barrett	Gilligan	Moorhead
Beckworth	Gonzalez	Morgan
Bell	Grabowski	Morris
Bingham	Gray	Morrison
Blatnik	Green, Oreg.	Morse
Boggs	Green, Pa.	Mosher
Boland	Greigg	Moss
Bolling	Grider	Multer
Brademas	Griffiths	Murphy, Ill.
Brooks	Hagen, Calif.	Murphy, N.Y.
Brown, Calif.	Halpern	Natcher
Burke	Hamilton	Nedzi
Burton, Calif.	Hanley	Nix
Byrne, Pa.	Hanna	O'Brien
Cabell	Hansen, Iowa	O'Hara, Ill.
Cahill	Hansen, Wash.	O'Hara, Mich.
Callan	Harris	O'Konski
Cameron	Hathaway	Olsen, Mont.
Carey	Hawkins	Olson, Minn.
Casey	Hays	O'Neill, Mass.
Celler	Hechler	Ottinger
Chelf	Helstoski	Patman
Clark	Hicks	Patten
Clevenger	Holifield	Pepper
Cohelan	Holland	Perkins
Conte	Horton	Philbin
Conyers	Howard	Pickle
Corbett	Hungate	Pike
Corman	Huot	Poage
Craley	Ichord	Pool
Culver	Irwin	Price
Daddario	Jacobs	Pucinski
Daniels	Joelson	Race
Dawson	Johnson, Calif.	Randall
de la Garza	Johnson, Okla.	Redlin
Delaney	Jones, Mo.	Reid, N.Y.
Dent	Karsten	Resnick
Denton	Karth	Reuss
Diggs	Kastenmeier	Rhodes, Pa.
Dingell	Kee	Rivers, Alaska
Donohue	Kelly	Roberts
Dow	King, Calif.	Rodino
Dulski	King, Utah	Rogers, Colo.
Duncan, Oreg.	Kirwan	Rogers, Fla.
Dwyer	Kluczynski	Rogers, Tex.
Dyal	Krebs	Ronan
Edmondson	Kunkel	Roncalio
Edwards, Calif.	Leggett	Rooney, N.Y.
Evans, Colo.	Lindsay	Rooney, Pa.
Evins, Tenn.	Long, Md.	Roosevelt
Fallon	Love	Rosenthal
Farbstein	McCarthy	Rostenkowski
Farnsley	McDade	Roush
Farnum	McDowell	Roybal
Fascell	McFall	Ryan
Feighan	McGrath	St Germain
Fino	McVicker	St. Onge
Flood	Macdonald	Saylor
Fogarty	Machen	Scheuer
Foley	Mackay	Schisler

Schmidhauser	Sullivan	Walker, N. Mex.
Schweiker	Sweeney	Weltner
Secrest	Tenzer	White, Idaho
Senner	Thompson, N.J.	White, Tex.
Shipley	Todd	Willis
Sickles	Trimble	Wilson, Charles H.
Sisk	Tunney	
Slack	Udall	Wolff
Smith, Iowa	Ullman	Wright
Staggers	Van Deerlin	Yates
Stalbaum	Vanik	Young
Steed	Vigorito	Zablocki
Stratton	Vivian	

NOT VOTING—15

Bonner	May	Purcell
Bow	Mills	Thomas
Harvey, Ind.	Morton	Thompson, Tex.
Hosmer	Passman	Toll
Keogh	Powell	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Purcell for, with Mr. Keogh against.
Mr. Passman for, with Mr. Thomas against.
Mr. Bonner for, with Mr. Toll against.
Mr. Hosmer for, with Mr. Powell against.

Until further notice:

Mr. Mills with Mr. Bow.
Mr. Thompson, of Texas, with Mrs. May.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 333, nays 85, not voting 15, as follows:

[Roll No. 179]

YEAS—333

Adair	Clancy	Flood
Adams	Clark	Fogarty
Addabbo	Clausen, Don H.	Foley
Albert		Ford, Gerald R.
Anderson, Ill.	Clawson, Del	Ford, William D.
Anderson, Tenn.	Cleveland	
	Clevenger	Fraser
Andrews, N. Dak.	Cohelan	Frelinghuysen
	Conable	Friedel
Annunzio	Conte	Fulton, Pa.
Arends	Conyers	Fulton, Tenn.
Ashbrook	Corbett	Gallagher
Ashley	Corman	Garmatz
Aspinall	Craley	Giaimo
Ayres	Cramer	Gibbons
Baldwin	Culver	Gilbert
Bandstra	Cunningham	Gilligan
Barrett	Curtin	Gonzalez
Bates	Curtis	Goodell
Battin	Daddario	Grabowski
Belcher	Dague	Gray
Bell	Daniels	Green, Oreg.
Bennett	Davis, Wis.	Green, Pa.
Berry	Dawson	Greigg
Betts	de la Garza	Grider
Bingham	Delaney	Griffin
Blatnik	Dent	Griffiths
Boggs	Denton	Grover
Boland	Derwinski	Gubser
Bolling	Devine	Hagen, Calif.
Bolton	Diggs	Halleck
Brademas	Dingell	Halpern
Bray	Dole	Hamilton
Brooks	Donohue	Hanley
Broomfield	Dow	Hanna
Brown, Calif.	Dulski	Hansen, Iowa
Brown, Ohio	Duncan, Oreg.	Hansen, Wash.
Burke	Dwyer	Harsha
Burton, Calif.	Dyal	Harvey, Mich.
Burton, Utah	Edmondson	Hathaway
Byrne, Pa.	Edwards, Calif.	Hawkins
Byrnes, Wis.	Ellsworth	Hays
Cabell	Evans, Colo.	Hechler
Cahill	Evins, Tenn.	Helstoski
Callan	Fallon	Hicks
Cameron	Farbstein	Holifield
Carey	Farnsley	Holland
Carter	Farnum	Horton
Cederberg	Fascell	Howard
Celler	Feighan	Hull
Chamberlain	Findley	Hungate
Chelf	Fino	Huot

Hutchinson	Morgan	St. Onge
Ichord	Morris	Saylor
Irwin	Morrison	Scheuer
Jacobs	Morse	Schisler
Jarman	Mosher	Schmidhauser
Jennings	Moss	Schneebeli
Joelson	Multer	Schweiker
Johnson, Calif.	Murphy, Ill.	Secrest
Johnson, Okla.	Murphy, N.Y.	Senner
Johnson, Pa.	Natcher	Shipley
Karsten	Nedzi	Shriver
Karth	Nelsen	Sickles
Kastenmeier	Nix	Sisk
Kee	O'Brien	Skubitz
Keith	O'Hara, Ill.	Slack
Kelly	O'Hara, Mich.	Smith, Iowa
King, Calif.	O'Konski	Smith, N.Y.
King, N.Y.	Olsen, Mont.	Springer
King, Utah	Olson, Minn.	Stafford
Kirwan	O'Neill, Mass.	Staggers
Kluczynski	Ottinger	Stalbaum
Krebs	Patten	Stanton
Kunkel	Pelly	Steed
Laird	Pepper	Stratton
Langen	Perkins	Stubblefield
Latta	Philbin	Sullivan
Leggett	Pickle	Sweeney
Lindsay	Pike	Talcott
Lipscomb	Pirnie	Teague, Calif.
Long, Md.	Price	Tenzer
Love	Pucinski	Thompson, N.J.
McCarthy	Quie	Thomson, Wis.
McClory	Race	Todd
McCulloch	Randall	Tunney
McDade	Redlin	Tupper
McDowell	Reid, Ill.	Udall
McFall	Reid, N.Y.	Ullman
McGrath	Reifel	Van Deerlin
McVicker	Reinecke	Vanik
Macdonald	Resnick	Vigorito
MacGregor	Reuss	Vivian
Machen	Rhodes, Ariz.	Walker, N. Mex.
Mackay	Rhodes, Pa.	Watkins
Mackie	Rivers, Alaska	Watts
Madden	Robison	Weltner
Mailliard	Rodino	Whalley
Martin, Mass.	Rogers, Colo.	White, Idaho
Martin, Nebr.	Rogers, Fla.	White, Tex.
Mathias	Ronan	Widnall
Matsunaga	Roncalio	Wilson, Bob
Meeds	Rooney, N.Y.	Wilson, Charles H.
Michel	Rooney, Pa.	
Miller	Roosevelt	Wolff
Minish	Rosenthal	Wright
Mink	Rostenkowski	Wyatt
Minshall	Roudebush	Wydler
Mize	Roush	Yates
Moeller	Roybal	Young
Monagan	Rumsfeld	Younger
Moore	Ryan	Zablocki
Moorhead	St Germain	

NAYS—85

Abbitt	Fountain	O'Neal, Ga.
Abernethy	Fuqua	Patman
Andrews, George W.	Gathings	Poage
	Gettys	Poff
Andrews, Glenn	Gross	Pool
	Gurney	Quillen
Ashmore	Hagan, Ga.	Rivers, S.C.
Beckworth	Haley	Roberts
Brock	Hall	Rogers, Tex.
Broyhill, N.C.	Hansen, Idaho	Satterfield
Broyhill, Va.	Hardy	Scott
Buchanan	Harris	Selden
Burleson	Hébert	Sikes
Callaway	Henderson	Smith, Calif.
Casey	Herlong	Smith, Va.
Collier	Jonas	Stephens
Colmer	Jones, Ala.	Taylor
Cooley	Jones, Mo.	Teague, Tex.
Davis, Ga.	Kornegay	Trimble
Dickinson	Landrum	Tuck
Dorn	Lennon	Tuten
Dowdy	Long, La.	Utt
Downing	McEwen	Waggonner
Duncan, Tenn.	McMillan	Walker, Miss.
Edwards, Ala.	Mahon	Watson
Erlenborn	Marsh	Whitener
Everett	Martin, Ala.	Whitten
Fisher	Matthews	Williams
Flynt	Murray	Willis

NOT VOTING—15

Baring	Keogh	Powell
Bonner	May	Purcell
Bow	Mills	Thomas
Harvey, Ind.	Morton	Thompson, Tex.
Hosmer	Passman	Toll

So the bill was passed.

The Clerk announced the following pairs:

On this vote

Mr. Keogh for, with Mr. Mills against.
Mr. Thomas for, with Mr. Passman against.
Mr. Toll for, with Mr. Bonner against.

Until further notice

Mr. Purcell with Mrs. May.
Mr. Powell with Mr. Baring.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, pursuant to House Resolution 440, I call up from the Speaker's table for immediate consideration the bill S. 1564, an act to enforce the 15th amendment to the Constitution of the United States, and for other purposes.

The Clerk read the title of the bill.

AMENDMENT OFFERED BY MR. CELLER

Mr. CELLER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Strike out all after the enacting clause of S. 1564 and insert in lieu thereof the text of H.R. 6400, as passed.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to enforce the 15th amendment to the Constitution of the United States, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

EXPRESSION OF GRATITUDE

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. CELLER. Mr. Speaker, I take this opportunity of thanking the distinguished gentleman from Ohio [Mr. McCULLOCH] and the other members of the Subcommittee No. 5 of the Committee on the Judiciary, as well as the rest of the members of the Committee on the Judiciary, for their sincere, painstaking, and dedicated service in preparing and securing the passage of H.R. 6400. They can take great comfort and satisfaction from the fact that they have acted so and have participated in the passage of this voting rights bill which is indeed a milestone in the onward march of civil rights.

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

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

Mr. ALBERT. Mr. Speaker, I desire to take this time to thank the distinguished gentleman for yielding and to say that not since I have been a Member of the House have I seen more dedicated leadership, better prepared and executed management of a bill before the House than was exhibited in the presentation and handling of this matter in the last 4 long days. We commend the gentleman from New York and all of the country is indebted to him.

REQUEST FOR RESIGNATION

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a letter.

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

There was no objection.

Mr. FEIGHAN. Mr. Speaker, this morning I had delivered a letter to the gentleman from New York, Hon. EMANUEL CELLER, requesting his resignation as a member of the Joint Committee on Immigration and National Policy. I did so in my capacity as chairman of the joint committee. The reasons for my action are set forth in my letter to the gentleman from New York [Mr. CELLER], a copy of which I shall include in my remarks. I advised the gentleman from New York [Mr. CELLER] that I intended to address the House today as soon as possible after its convening and that I would mention his name. The letter follows:

JULY 9, 1965.

HON. EMANUEL CELLER,
Member of Congress, House of Representatives, Rayburn House Office Building.

DEAR MR. CELLER: After reading your testimony before the subcommittee of the Committee on Appropriations of the Senate given on June 17, 1965, it is incumbent upon me as chairman of the Joint Committee on Immigration and Nationality Policy to request that you submit your resignation as a member of the joint committee.

I make this request for the following reasons:

1. You have stated on the public record that you oppose any and all efforts of the joint committee to fulfill its statutory functions as defined in section 401 of the Immigration and Nationality Act.

2. You have made it clear that you will continue your disruptive efforts to prevent Congress from discharging in a legal and orderly manner its constitutional responsibilities for regulating immigration into the United States.

3. You have continued to misrepresent the facts concerning the House Subcommittee on Immigration and Nationality, of which I am chairman, with respect to staff, the nature of prior studies on population undertaken by the subcommittee, and the manner in which you have failed to honor your commitment given on the floor of the House on April 10, 1964.

4. More than 1 year has elapsed since you stated publicly your intent to obstruct the work of the joint committee, yet you have taken no steps to abolish the joint

committee through an open effort to repeal section 401 of the Immigration and Nationality Act.

Had you taken the time to read the 1964 hearings before the House Subcommittee on Immigration and Nationality you would have observed that both Secretary of State Dean Rusk and former Attorney General Robert Kennedy recognized the necessary role of the joint committee in the discharge of congressional responsibility for regulating immigration into the United States. Neither member of the Cabinet regarded the role of the joint committee as an intrusion upon the authority of the executive branch of Government. It is, therefore, strange that you as a Member of Congress should raise this question in your statement before the Senate subcommittee. It is equally strange that after the House had approved without dissent the funds requested to activate fully the joint committee that you should appear before the Senate subcommittee in an effort to upset the affirmative action taken by the House.

Under any code of ethics you have disqualified yourself from membership on the joint committee. I request therefore that you submit your resignation therefrom to the Speaker of the House.

Sincerely,

MICHAEL A. FEIGHAN,
Chairman.

A REPLY

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. CELLER. Mr. Speaker, you have just heard the gentleman from Ohio [Mr. FEIGHAN] and as to what he has just said and as to what he intends to say perhaps later in the day I shall give him the thunder of my silence.

PREVIOUS CONDITION OF SERVITUDE

Mr. CORMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. CORMAN. Mr. Speaker, on yesterday, the gentleman from the Second District of Idaho evidenced concern about the possible protection of prostitutes in Pocatello, Idaho, under the 15th amendment.

Since we have received no evidence in the Judiciary Committee concerning the possible scope and implications of the problem, I could not make a specific suggestion. The 15th amendment does prohibit discrimination in voting because of previous condition of servitude. If the gentleman's point involves the question of white slavery in his district, he might wish to offer an amendment to the 15th amendment to clarify the point.

There seems, however, to be little national concern about this problem. I have had no mail either way from my district. We may, on investigation, find that it is isolated principally to the Second District of Idaho.

I would respectfully say to the gentleman that the Judiciary Committee would undoubtedly consider any legislative proposals he may offer. On first blush, I would advise against his making the effort.

QUALIFICATIONS TO VOTE ON ROLLCALLS IN THE HOUSE

Mr. CALLAWAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. CALLAWAY. Mr. Speaker, last week after observing what I considered to be a violation of the rules of the House, I called the attention of this body to the rules for qualifying to vote at the end of a rollcall.

Since that time I have spoken with a number of Members who simply did not understand the rule and who thanked me for bringing the matter to their attention. It is reassuring to know that these Members were not knowingly violating the rules of the House. I know that we all agree the dignity embodied in this Chamber must be maintained through clear enforcement of its rules.

In answer to the many questions I have received, I feel that it would be well to restate the rule.

In order to qualify to vote at the end of a rollcall, a Member must state that three things happened:

First. That he was in the Chamber when his name should have been called;

Second. That he was listening to the Clerk at the time that his name should have been called; and,

Third. That he failed to hear his name.

There will no doubt be another rollcall vote today. At that time, Mr. Speaker, in order to clear up any misunderstanding that may remain, I intend to again call attention to this rule.

WOMEN'S JOB CORPS

Mr. DEVINE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

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

There was no objection.

Mr. DEVINE. Mr. Speaker, in looking at the Wall Street Journal this morning I noticed an editorial by one of the staff writers making references to the so-called Women's Job Corps, as it is being operated in St. Petersburg, Fla. In the article it is pointed out that the U.S. Government, through the Job Corps officials, has committed itself to pay $225,000 for an 18-month lease of a hotel valued at $150,000 total.

Further, there is a Federal law that would prevent an amount in excess of 15 percent of the appraised value being spent. I have sent a letter to the Comptroller General of the United States requesting an immediate investigation of this particular situation.

Coupled with the fact that this particular project is creating quite a havoc among the residents of this area, there is also information indicating it is costing about $7,000 per year per girl in this Job Corps area, which is about twice as much as it would cost to send them to Vassar.

My letter is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 9, 1965.

Hon. JOSEPH CAMPBELL,
Comptroller General of the United States,
Washington, D.C.

DEAR MR. CAMPBELL: In connection with the operation of the so-called Women's Job Corps, my attention has been directed to an article by Mr. Richard R. Leger appearing in the Wall Street Journal on Friday, July 9, 1965. Among other things, the article states that the Job Corps officers are paying $225,000 for the use of the Huntington Hotel in St. Petersburg, Fla.

Further that the Huntington Hotel's market value as indicated by reported tax assessments, is between $150,000 to $200,000.

The article states federally negotiated leases by law are not supposed to exceed 15 percent per year of the market value of a property. Further the Job Corps people are reported to have approved $35,000 in improvements to this hotel.

It seems to me that this situation cries for an immediate investigation.

If the facts as related are correct, this program could well become the granddaddy of all boondoggles. It is requested, therefore, that your organization investigate to determine the accuracy of this report and advise me of your findings at your earliest convenience.

I am enclosing a copy for your information.

Sincerely,

SAMUEL L. DEVINE,
Member of Congress.

Enclosure.

JOB CORPS MISFIRE: FIRST WOMEN'S CENTER RUNS INTO TROUBLE IN FLORIDA

(By Richard R. Leger)

ST. PETERSBURG, FLA.—Uncle Sam's first Women's Job Corps center, in operation here for only 3 months, is already demonstrating a truism evident for decades in public housing and foreign aid: A policy of blank checks and loose controls can produce a debacle of amazing dimensions.

The city fathers here last week voted to throw out the Job Corps venture, amid the applause of local hotel men, realtors, merchants and tourist agents. The Pinellas County School Board, which set up and operates the center for the Government, wants out when its contract expires next year, if not before. In addition, the Job Corps Director here resigned last week, and lively scandals about the project are making the rounds coast to coast.

The Job Corps center here is one of about 100, some for boys and some for girls, the Federal Government hopes to have in operation within 6 months. The centers, which seek to teach useful skills to currently "unemployable" young people, have a requested budget of more than $200 million for the fiscal year ending June 30, 1966.

The complaints of the St. Petersburg folks, while spiced with lively tales of unchaperoned smoking, drinking, boy-chasing teenage girls, are rooted in economics. The Job Corps venture is being carried on a few blocks from the downtown area in the Huntington Hotel, an old five-story, gray stucco building located among hotels and boarding houses catering to retired folks. These "neighbors" are the source of most of the complaints about the Job Corps venture.

THE DEPARTING GUESTS

At least seven of the nearby hotels report they've lost full-time guests because of the noise of the young girls and rowdiness of the boys who come to court them. For example, the Bond Hotel, just across Second Street from the Huntington, has had 13 year-around guests leave in a huff in the 3 months since the Job Corps center opened. Summertime transient bookings total only 6, down from 23 last year, complains Owner Nin Bond.

Realtors also have joined the cry. "Demand for neighborhood property already is falling off and it's obvious the whole city will eventually suffer," declares Richard D. Tourtelot, whose office is four blocks from the center. "In the last few months, we've had virtually no inquiries for property in this area. Last summer they ran in the dozens."

All this emanates, according to local folks, from moving 270 young girls—50 percent of them Negroes, 90 percent of them school dropouts and all of them with 7-night-a-week dating privileges—into a Deep South hotel smack in a neighborhood which long has boasted of quiet, subdued surroundings that make retirement and old age pleasant. Hotel guests were soon complaining of "shocking things" going on in cars parked just outside their windows. Hotrods make such a continuous uproar that all patrol cars are ordered to pass along the street whenever in the area. The complaints became so numerous that Police Chief Harold Smith 3 weeks ago assigned two officers to the building 7 nights a week.

The Job Corps center tried to mollify the neighbors. To ease complaints that the 16-to-21-year-old girls constantly entered neighboring hotels to buy cigarettes, the women's center installed a cigarette vending machine of its own. The center asks the girls not to drink but has no regulation on smoking. The girls are free to date until 10 p.m. Sunday through Thursday and until midnight Friday and Saturday.

CHANGE OF GAMES

In a move to lessen the din, the Job Corps people replaced the net for volleyball, a game played by 22 girls, with a net for badminton, which permits only four. The Saturday night record hops were moved from the hotel to the gymnasium of a local school.

It should be noted that the local school board did have direction from Federal officials on how to run the program. But it apparently was something less than effective. "We were deluged by so many people from Washington giving us information and advice on community relations, public health, and home and family living that it was just plain confusing," contends Pinellas County's assistant school superintendent, Joe D. Mills. He adds, "While they never outright ordered us to rush things, you could feel the urgency to get things done in a hurry."

Joseph R. Ems, tousled-haired director of the St. Petersburg center, who took the job in March, a month before the center opened but after 75 people already had been put on the payroll, submitted his resignation July 1. Besides criticizing the center's location, he blames much of his troubles on inept screening of candidates by the Federal Government. Of the nearly 300 girls sent to the center so far, 30 had been sent back home at last count. One girl was 5 months' pregnant when she arrived, another was emotionally ill, 2 flatly refused to obey curfews and the no-drinking regulation and 20 "weren't sufficiently motivated" to participate in the program, Mr. Ems complains. Six more were expelled over the July 4 weekend for being intoxicated.

There were some other remarkable aspects of the project. One major question being raised is whether such a project requires a staff amounting to roughly one full-time employee for every two girls. Federal overseers apparently didn't quibble when the school system inked in 130 full-time staff members for the center's budget, including 21 bookkeepers, secretaries, and accountants. "There's nothing wrong with our ratio of staff to students—you'd find the same at Bryn Mawr or any other full-time school," contends Mr. Mills, who did much of the budget planning.

And by most standards, the accommodations are pretty costly. The Job Corps is paying $225,000 for use of the hotel for 18 months, despite the fact that the hotel's market value, as indicated by reported tax assessments, is between $150,000 and $200,000. The Huntington's owner, Paul B. Barnes, declines to disclose the hotel's gross income for 1964. Federally negotiated leases by law are not supposed to exceed 15 percent per year of the market value of a property. But Washington antipoverty officials endorsed this lease, nonetheless. Uncle Sam even agreed to foot the bill for some $35,000 in improvements to the hotel to make it suitable for housing the girls.

Based on an average stay of 1 year, expenditures for the center are expected to run well over $7,000 annually for each girl, considerably more than it would cost to send her to Vasser or a school of similar prestige for a year. Federal men trimmed less than 2 percent from the more than $2.4 million Pinellas school officials said they would need to make employable young women out of the 300 to 500 girls Washington planned to send through the center in the first 18 months.

Under separate appropriations, Washington is footing other bills, including roundtrip transportation for the girls from cities as distant as Portland, Oreg., at an average one-way trip cost of $70. Uncle Sam also is paying the girls monthly allowances, ranging from $30 to $50 each, and depositing $50 per month in savings accounts for each girl. The cost of recruiting suitable Job Corps candidates averages $35 each.

Instruction for the girls so far has included massive doses of recreation, budgeted for the 18 months at $110,150, plus vocational instruction in such subjects as physical therapy, clerical work, and cosmetology. Other school courses include instruction in home and family life—how to cook, sew, shop, and maintain personal grooming.

THE SITE'S THE THING

In all fairness, it must be pointed out that many of the difficulties of the St. Petersburg Job Corps center stem from the selection of the site and do not necessarily indict the concept of the Job Corps itself or foreshadow similar troubles at other centers. "I guess we just weren't thinking but we can see now the location was a mistake," says school board member Mildred Day, who was one of those who voted to drop the Job Corps when the contract expires in August 1966.

Washington officials wash their hands of the site selection, explaining they left it completely in the hands of school officials. "I have never even seen the center," says Milton Fogelman, director of contracts for the Office of Economic Opportunity, which supervises the Job Corps and other Federal antipoverty programs under a budget of $1.5 billion requested for fiscal 1966.

The school site was selected by school officials without benefit of competitive bids. Joseph J. Busch, an employee of the county school system who teaches adult education courses in real estate law, says St. Petersburg Mayor Herman Goldner asked him to find a hotel to house the Job Corps. Mr. Busch says he was turned down by the first hotel he approached but at the second, the Huntington, Mr. Barnes, the owner, expressed interest. Mr. Busch recalls he then brought a school system official to see the Huntington. For these services he collected $4,000, which he hastens to add was smaller than the commission of 5 percent of a lease's price realtors normally collect.

The Job Corps is young and its early trouble in St. Petersburg doesn't indicate by any means the program is doomed to failure. "A kid who is unemployable in his lifetime is going to cost us about $3,000 a year to support plus the fact he won't be paying taxes," declares Mr. Fogelman in Washington. "I figure that kid would cost us $150,000 over 40 years. If we can pull 1,000 kids off the slag heap we'll be saving $150 million." He adds, "We think we'll have 40,000 girls and boys in the program by December and I believe we'll save 60 to 70 percent of them."

Despite such enthusiasm, if decades of freehanded giving at home and abroad haven't taught Uncle Sam how to administer such programs, a good many folks are wondering if the St. Petersburg mishap can go very far in that direction.

UDALL TELLS WHY HE OPPOSES DUKE

Mr. DORN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, and to include extraneous matter.

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

There was no objection.

Mr. DORN. Mr. Speaker, the fantastic and unbelievable action of Secretary Udall in opposing Duke Power Co. projects in Appalachia has stirred and shocked my people. The following is an account of the Secretary's exchange on "Meet the Press" last Sunday:

UDALL TELLS WHY HE OPPOSES DUKE

WASHINGTON.—Secretary of the Interior Stewart L. Udall said Sunday that he thinks more competition between public and private power is needed in South Carolina where Duke Power Co. wants to build a new dam.

Udall was questioned about his opposition to the Duke project on the TV panel show "Meet the Press."

Duke Power Co. wants to build a $700 million generating facility in northwest South Carolina in Pickens and Oconee Counties. It would be called the Keeowee-Toxaway project.

Udall says the region could be provided electric power by the Federal Trotter Shoals project on the Savannah River.

The questions and answers of Udall on the Savannah River project went like this:

Question. Mr. Secretary, let me ask about the socialization of electric power in this country. How far do you believe this ought to go and what rule do you see in the future for investor-owned private power companies?

PATTERN FIXED

Answer. I think that in terms of electric power, I think the pattern is pretty well fixed. I think it was fixed during the—during Franklin D. Roosevelt's New Deal, and I think that you could—as I foresee—that you will have pretty much the same pattern as you have now. In other words, public power is over 80 percent of the total—or private power, rather. Public power has

the remainder, and I think in each area you are still seeing this, what I consider a very fine form of competition between public power and private power.

Question. In the case of the Duke Power Co. in the southern part of the United States, however, Mr. Secretary, are you not attempting to block their efforts to build their own electric power system and compel them to accept federalized power?

Answer. No, what I am doing in that instance—I intervened very recently.

Question. Yes, you did, on June 21st.

Answer. On the Savannah River where there is one major dam site and going back to Teddy Roosevelt's time, there has been the principle that our major rivers should be developed for public purposes and I favor the Federal Government building this one last big dam on the river for public purposes rather than turning it over to a private company.

BLOCK INVESTMENT?

Question. Even though your intervention would mean blocking a $700 million investment of private capital in part of Appalachia, you still favor the building of Trotter Shoals, even though it would stop that development by private capital?

Answer. I will give you two answers. The Trotter Shoals project is a very big one. This would entail a very heavy expense and out of that I am sure would grow industry and I would question this $700 million investment figure.

As I see it, either plan, will produce other investments that are going to benefit the entire region, but I think that the Federal development of our rivers has proved itself in all parts of the country and I think it will prove itself down in Georgia and South Carolina, too.

Question. In its petition to the FPC, the Duke Power Co. said that its project there would generate $18 million annually in State and local taxes and $24 million annually in Federal taxes. How can you justify a course of action that would deny the affected people and localities these benefits?

MET BOTH GROUPS

Answer. Well, I would say this, because I have met with both groups recently. There are rural electric co-ops and municipalities that own their own power systems that believe that the Federal project will confer benefits on them that will be just as great and really what is needed in this region of the country—the same thing we have in other parts of the United States—is a little competition between public power and private power. This is what is really needed.

Question. Mr. Secretary, do the wishes of the people count for nothing in this? As I understand it, the Governor of South Carolina, the two Senators from South Carolina, the entire congressional delegation, the General Assembly of South Carolina, the governing bodies of every affected locality, have adopted resolutions opposing your position and supporting Duke Power Co., and you still would impose this on them?

Answer. Well, there are several Congressmen and other Senators who favor the Trotter Shoals project, Mr. Kilpatrick, and this is the way it usually is in one of these fights, and Congress will have the final say. We don't, but as far as this project is concerned, I think the Federal solution is the best one.

GEORGE J. FELDMAN, AMBASSADOR-DESIGNEE TO THE REPUBLIC OF MALTA

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. BOLAND. Mr. Speaker, I applaud, with pleasure, the action of President Johnson in designating George J. Feldman as the first U.S. Ambassador to Malta. I know the many Members of the House and Senate who know George Feldman join me in this congratulatory note.

The appointment of this distinguished American to this exalted and important position in beautiful and ancient Malta will be welcomed by the inhabitants of this Mediterranean republic. George Feldman will bring to his new task a scholarly bearing, a fine manner, a brilliant and trained mind and a wealth of experience in government and public affairs.

Mr. Speaker, this outstanding member of the legal profession was born in Dorchester, Mass., and was graduated from Boston University Law School. He served as a secretary to the late distinguished Senator from Massachusetts, the Honorable David I. Walsh. He performed notably as an attorney with the Federal Trade Commission and this experience led him to the authorship of many articles and books on the Robinson-Patman Act.

He subsequently served as general counsel for the Great Atlantic & Pacific Tea Co. In 1958 he became general counsel for the House Select Committee on Science and Astronautics, which conducted hearings on the American space program, and led directly to the establishing of the permanent Committee on Science and Astronautics. Speaker McCORMACK was chairman of the select committee and former Speaker MARTIN was minority leader. President Kennedy appointed Mr. Feldman as a director of the Comsat, the satellite corporation, and also named him as an adviser to the North Atlantic Treaty Organization.

He is married to the former Miss Marion Schulman, of New York, and has two children, Margo and George, Jr.

His appointment as Ambassador to the Republic of Malta will bring great credit to the U.S. diplomatic service.

I know that his service in this new and challenging task will be welcomed by the people of Malta.

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

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

Mr. ALBERT. I commend the gentleman for bringing this matter to the attention of the House. I share the gentleman's views with respect to the President's appointment of this great American. I had the privilege of being associated with Mr. Feldman when he served as counsel to the committee on platform and resolutions during the 1964 Democratic National Convention. He rendered the committee skilled guidance borne of his many years of experience over a wide range of legislative and other activities.

Mr. Feldman is one of a handful of men whose sights were early trained on the importance of space exploration and whose encouragement and promotion of a national space policy assisted in laying the foundations for our present-day programs.

He has distinguished himself in public service as a Senate committee counsel, as a practicing attorney, a businessman, and author. He is a man of judicious nature, great wisdom and integrity, boundless energy and creativity. I know that he will be a most eminent representative of the United States in Malta.

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

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

Mr. BOGGS. Mr. Speaker, I commend the gentleman for making the remarks he has in reference to Mr. Feldman, an outstanding American in every sense of the word.

Mr. BOLAND. I thank the gentlemen for their contribution.

DEFECTS IN THE LAW PERTAINING TO COMMITMENT FOR ALLEGED MENTAL INCOMPETENCY

Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. HALL. Mr. Speaker, a few days ago, questions were raised by the gentleman from Wyoming in response to the gentleman from South Carolina's comments about the legality of actions taken by the Attorney General a few years ago in committing an individual to a Federal mental institution, without following due process.

I believe the record deserves to be set straight. As a physician who interned at St. Elizabeths Hospital, and in whose hometown is located the Federal Medical Center for Defective Delinquents, I have been concerned for some time with the failure of present law to provide constitutional safeguards for persons who may be committed to mental institutions, without due process.

Accordingly, I have introduced legislation, H.R. 785, which would amend section 4244 of title 18 of the United States Code, to insure that any individual who is committed to a Federal institution on the basis of alleged mental incompetency, is accorded due process.

Such is not now the case, nor was it the case in the situation referred to by the gentleman from South Carolina.

The key to the legislation I have introduced, is to close the apparent loophole in the present law by requiring that, first, a preliminary motion for a judicial determination of the mental incompetency of the accused to stand trial be supported by a sworn written statement, based on personal observation by a responsible adult, as to the mental condition of the accused; second, require a hearing on the preliminary motion at which the accused and his attorney should be present; and,

third, authorize a psychiatric examination, or temporary (30 day) commitment, for such examination only upon an initial judicial determination that there is reasonable cause to doubt the mental competency of the accused. Otherwise, this could be too frequently used as a ruse to escape Federal prosecution for felonies.

In the case mentioned by the gentleman from Wyoming, there was no personal confrontation by a person competent to make a determination of mental competency. I saw the telegram of authority for the action from the Attorney General. The sworn statement that was subsequently used as a basis for the declaration was based wholly on hearsay, and not as a result of any direct examination or personal confrontation.

Mr. Speaker, the bill I have introduced to restore due process in the last two Congresses—now H.R. 785—has received the backing of the U.S. Judicial Conference and many bar associations. A favorable report was accorded last year, and I believe it has the backing of most of the acknowledged experts in this area. The New York City Bar Association has indicated that it supports the major provisions of the bill. I hope the Committee on the Judiciary, now that the voting rights bill is about to be resolved, will hold hearings on the measure so that this House will have an opportunity to assure due process under law for persons committed on the grounds of alleged mental incompetency to stand trial.

I respectfully refer my colleagues to my introductory speech (H.R. 785) on the floor of this House, page 37, the CONGRESSIONAL RECORD, January 4, 1965, as well as the bill itself and the favorable reports.

I commend them to you, along with the appended explanatory news release of given date:

A bill submitted by Congressman DURWARD G. HALL, Republican, of Missouri, to protect the constitutional rights of mentally incompetent persons committed to Federal institutions has been recommended for passage with some minor modifications by the Judicial Conference of the United States.

William E. Foley, Deputy Director of the Administrative Office of the U.S. Courts, one of the Federal agencies asked by the House Judiciary Committee for a report on the Hall bill, said the Judicial Conference considered HALL'S bill (H.R. 8370) at its session on September 23–24, 1964. In reporting on the Conference proceedings, Foley noted that H.R. 8370 would:

(1) Require that a preliminary motion for a judicial determination of the mental competency of the accused to stand trial be supported by a sworn written statement based on personal observation by a responsible adult as to the mental condition of the accused;

(2) Require a hearing on the preliminary motion at which the accused and his attorney should be present;

(3) Authorize a psychiatric examination or temporary commitment for such examination only upon an initial determination by the court "that there is reasonable cause to doubt the mental competency of the accused";

(4) Limit the commitment, if commitment is ordered, for a "reasonable period, not to exceed 30 days, as the court may determine"; and

(5) Require a further hearing on the issue of mental competency to stand trial if the initial report of the physician "indicates a state of present mental incompetency."

A new provision, to be set forth in section 4250 of title 18, would guarantee to an accused found mentally incompetent and committed pursuant to the provisions of the statute the right to a periodic reexamination, not more frequently than every 6 months, on the application of his attorney, legal guardian, spouse, parent, or nearest adult relative. The report of the examination would be forwarded to interested parties other than the accused, and would be given to the accused only if the committing court deemed it in his best interests.

Foley said the conference saw no objection to the changes proposed in the Hall bill other than two modifications. One would allow the court to authorize temporary commitment of the accused for an additional 30 days if the court finds good cause. The other modification would retain a provision which now empowers the court to order an inquiry into the mental competency of a person released on probation at any time prior to the expiration of the period of probation.

Congressman HALL, a doctor by profession, first submitted his bill in the waning days of the 87th Congress after close consultation with the Greene County Missouri Bar Association. The United States Federal Medical Center for Defective Delinquents is located in Greene County in HALL'S congressional district. HALL said that, "consultation with members of the Greene County Bar Association disclosed many instances where authority existed under present law to deny normal constitutional safeguards for persons either charged or confined under this particular provision of the law.

"I'm particularly gratified that the Administrative Office of the U.S. Court has found itself in agreement with most of the proposals contained in my bill. Although it's obviously not possible for further consideration in the 88th Congress, I plan to resubmit the bill early next year and, in view of the Judicial Conference finding, am hopeful that the House Judiciary Committee will give it favorable consideration."

A PROPOSAL TO PROHIBIT HIRING PRACTICES THAT DISCRIMINATE ON ACCOUNT OF AGE

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and include extraneous matter.

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

There was no objection.

Mr. RANDALL. Mr. Speaker, for far too long, there has been continuous and unjustified discrimination against middle-aged American workers, for no other reason than because of their age.

Those of us who have been Members of the Congress for very long have seen the passage of measures to bar discrimination because of race, or national origin, and then the Congress finally got around to enacting a measure that would bar discrimination because of sex. But there is one loophole that remains open and it is a large loophole. It is so large that every year countless thousands of American workers who are fully qualified in every particular will be denied an opportunity for new employment if they lose their original job, for no other reason than because of their chronological age.

Secretary Wirtz recently reported that in the 30 States which have no bar against age discrimination fully half of all job openings are closed to applicants over 50 years of age and about one-third of job openings are closed to applicants over 45 years of age.

Now most of us know that older workers generally perform at least as well as younger ones, but that does not seem to be a consideration. It is only the question of chronological age and if one passes the time when he has become 45, he seems to be placed up on the shelf and out of circulation.

Mr. Speaker, I am delighted to learn that the General Subcommittee on Labor of the Committee on Education and Labor will soon hold hearings on amendments to the fair employment practices section of the National Labor Relations Act. In consideration of these hearings I have today introduced two bills. One would amend the National Labor Relations Act to make it an unfair labor practice for an employer or labor organization to discriminate unjustifiably on account of age.

Then I have introduced a companion measure which would amend the Internal Revenue Code of 1954 to provide a credit against income tax for an employer who employs older persons in his trade or business. Hearings in the past have indicated that there is an economic factor involved in the employment of older persons. This is due to the growth of health and welfare insurance plans and persion plans which actually cost an employer more in hiring an older person in comparison to hiring a younger worker capable of doing the same job. But it is for this reason that I have sponsored the measure which would give the employer a complete tax credit on whatever additional costs are involved in hiring older workers in comparison to hiring younger workers with similar skills. I think it is pretty well accepted that the hiring of older persons may frequently impose an additional financial burden on the employer. His reaction is to try to avoid this burden merely by not hiring these older people.

It goes without saying that each worker should be considered for employment on the basis of his individual qualifications and the employer should be in an economic position to recognize that, in a job, it is ability that counts, regardless of age. Let us all hope that the time may come when there is no fixed age at which a person becomes too old to work. At the present time there are many unemployed people who are too young to claim their social security pensions and yet are considered too old to be hired by private industry. In some of these instances, these people have growing children who have to be fed and educated. Hardly anyone has given much thought as to what these poor, unfortunate souls are going to do.

There are a lot of statistics to prove that many of our older workers are more reliable and more dependable and less susceptible to changing their job, once they gain employment. It is equally true that employers are reluctant to hire older people because it costs them more to train an older worker and definitely

costs the employer more in the way of pension contributions and also more where there is a health and welfare insurance plan. These costs exist and there will be little gain by trying to minimize them or explain them away by statistics. There is a way to help the employer and in a way that cannot work against the younger workers of America. Simply stated, an employer could claim a tax credit for whatever the additional cost may be for hiring or continuing to employ an older employee as compared to what it would cost him to hire the youngest person who could do the same job effectively, by providing for a tax credit to the employer after he has completed his corporate tax, in addition to his normal tax deduction. The proposal I have introduced would enable the employer to claim the entire additional cost of hiring older people against his firm's income tax.

I am a member of the Fraternal Order of Eagles, Aerie No. 385 in my home city of Independence, Mo. I have studied the salient features of their campaign entitled "Jobs After 40." This distinguished organization has been in the forefront of America in trying to come up with ideas and programs which would eliminate the headaches and heartaches experienced by the middle-aged and elderly workers who, day after day, look for employment and yet, year after year, find it more difficult to find jobs even though they are thoroughly qualified. The first question they are asked is "How old are you?" If the applicant is past 40 or past 45, the answer is usually one word, "Sorry."

The tax credit plan is sound and legislative counsel advises that it is not in conflict with any provision of our existing Revenue Code. The U.S. Department of Labor has admitted openly that there is a practice of discriminating against people in this country because of age. With this report now available as a basis to work upon, this Congress can set about to do something about this problem. For the sake of our older citizens who are unemployed and for the sake of assistance to our older citizens to keep the jobs they now have, there should be speedy approval of these measures.

BILL TO AMEND FARMERS HOME ADMINISTRATION ACT

Mr. SKUBITZ. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

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

There was no objection.

Mr. SKUBITZ. Mr. Speaker, some 30 years ago the Congress of the United States approved and the President signed a bill which created the Rural Electrification Administration. At that time 9 out of every 10 farmers in this Nation were without electricity to light their homes and to provide power to operate their equipment. Private enterprise could not profitably supply power in these areas at a price that the farmers could pay.

The Congress of the United States therefore provided funds—through a loan program—whereby these farmers could organize, borrow funds and establish their own lines. Since 1936, 5,386,088 farmers have been provided electricity at a reasonable rate. As a result of this program less than 2 percent of our farmers are without electricity today. Through the REA we were successful in bringing electricity and telephone service to our farm population. But more than this needs to be done.

Rural America, if it is to survive, again needs our help. Statistics show that 30,000 communities—towns with less than 5,000 population—do not have an adequate water supply. One out of five farm homes are without running water. Six and a half million families today depend upon wells and cisterns for their water supply and the Public Health Service tells us that 65 percent of these wells show bacteria contamination at various levels.

Mr. Speaker, the health and welfare of these 6½ million proud citizens are just as important to our national interest as the welfare of our city dwellers who cry for larger dams, bigger reservoirs and more water supply systems to take care of their water requirements.

Thousands of small rural communities are withering on the vine because they lack water. Without a central water system, without a waste disposal system, no community could hope to attract industry or encourage others to settle in it. Thousands of our senior citizens are forced to leave these areas and take up residence in more modern communities where living costs and taxes are much higher.

In 1961 we began to show some interest in the plight of these forgotten areas. Since 1961 the Farmers Home Administration has loaned $72 million to finance rural water systems in 558 rural communities. Unless this program is stepped up irreparable damage will result.

I have introduced a bill today to amend the Consolidated Farmers Home Administration Act of 1961. It will give the Secretary of Agriculture the authority to make grants up to $25 million to finance storage, treatment, purification or distribution of water in rural areas. It increases the lending authority of the Farmers Home Administration from $200 to $450 million.

This may seem like a lot of money. It is a lot of money, but Uncle Sam will get it all back with interest. It seems to me that if we can give $3.5 billion annually to our so-called allies, if we can spend $4 billion annually trying to put a man on the moon, if we can throw money down a rathole on alleged antipoverty programs, the least we can do is to loan money to improve the lot of our rural taxpayers who in the end must share his part of the Federal burden.

LEGISLATIVE PROGRAM FOR THE WEEK OF JULY 12, 1965

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, I ask for this time for the purpose of making inquiry of the distinguished majority leader as to the schedule for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished minority leader yield to me?

Mr. GERALD R. FORD. I certainly do.

Mr. ALBERT. Mr. Speaker, the program for next week, the week of July 12, 1965, for the House of Representatives is as follows:

Monday is District day, but there are no District bills. On Monday the Consent Calendar will be called. Also, Mr. Speaker, there are 17 suspensions as follows:

H.R. 8856, amendment to section 271 of the Atomic Energy Act of 1954.

H.R. 6845, correction of salary inequities for overseas teachers.

H.R. 242, extension of civil service apportionment requirement to temporary summer employment.

H.R. 2035, cost-of-living adjustments in star route contract prices.

H.R. 8030, discontinuance of Postal Savings System.

S. 998, amending Fisheries Loan Act.

House Joint Resolution 503, South Pacific Commission.

H.R. 5041, safety regulation of common carriers by pipeline.

H.R. 89, Tocks Island National Recreation area.

H.R. 797, Whiskeytown-Shasta-Trinity National Recreation area, California.

House Joint Resolution 454, to provide for the development of Ellis Island as a part of the Statue of Liberty National Monument.

H.R. 6280, authorizing the establishment of the Golden Spike National Monument in the State of Utah.

H.R. 3320, to authorize the establishment of the Hubbell Trading Post National Historic Site, Ariz.

H.R. 3957, to authorize establishment of the Fort Union Trading Post National Historic Site, N. Dak.

H.R. 8111, to establish the Herbert Hoover Birthplace National Historic Site in the State of Iowa.

H.R. 7092, saline water conversion program.

H.R. 6790, emergency highway relief.

Mr. Speaker, these bills may not be necessarily called up in the order in which they have been announced.

On Tuesday, the Private Calendar will be called. Also on Tuesday, H.R. 8926, the Coinage Act of 1965 with an open rule and 4 hours of debate.

On Wednesday and the balance of the weeks, H.R. 8283, the Economic Opportunity Amendments of 1965, with an open rule, and 5 hours of debate. Also H.R. 4822, the rail rapid transit for the National Capital region with an open rule and 3 hours of debate.

Of course this is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later.

In that connection I have been advised that the conference report on the cigarette labeling bill will probably be called up later in the week.

ADJOURNMENT OVER UNTIL MONDAY, JULY 12

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that 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 ON CALENDAR WEDNESDAY NEXT WEEK

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business may be dispensed with on Wednesday next.

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

There was no objection.

JULY 9, 1965—A BANNER DAY FOR THE AMERICAN PEOPLE

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. PUCINSKI. Mr. Speaker, it has been a long day, but I think that July 9, 1965, will go down in history as a banner day for the American people. Here in this Chamber we have completed work on strengthening the 15th amendment so that all Americans may participate in the vigor and vitality of our democracy. In the other Chamber today they completed work on the medicare bill so that our senior citizens may at least look to the future and to old age with something more than the horror that has faced them over the years.

I think that our President today may be proud of the Congress of the United States, and I think that we as Americans may be proud of the leadership of our President.

This has indeed been a banner day for the American people.

DATA IN SUPPORT OF LEGISLATION

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ASHBROOK. Mr. Speaker, under unanimous consent, I insert at this point in the RECORD, the following data in support of the legislation I introduced and which I discussed on June 16: a Memorandum dated December 11, 1964, respecting Public Law 87–846 and an additional memorandum relating to decisions of the U.S. Court of Appeals, District of Columbia, following the U.S. Supreme Court decision in *Guessefeld* v. *McGrath*, 342 U.S. 308 (1952).

Memorandum—Re claim of Miss Christel Guessefeldt (a natural-born American citizen) residing at Honolulu, Hawaii.

On February 16, 1961 (CONGRESSIONAL RECORD, page 2042), Senator Keating assured Congress that Germany would compensate its own nationals (her father) "for whatever losses they may have suffered through our wartime vesting program. * * * as far as Germany is concerned, she has already taken initial steps in that direction."

That was nearly 4 years ago. On March 23, 1964, a Member of Congress inquired of the German Ambassador the status of the German legislation ("the initial steps in that direction"); it was pointed out that the balance of $45,110.61 should be returned by Germany, "not one-half, one-fourth, one-fifth, but every dollar."

As of this date, the information received indicates clearly that, after more than 11 years, the proposed German legislation, which is most complicated, would reimburse Mr. Guessefeldt's estate by only 10 percent—not the full amount Senator Keating asserted positively would be done.

Senator Keating was instrumental in securing passage of Public Law 87–846, under which the above balance of $45,110.61 belonging to Miss Guessefeldt as the sole beneficiary, was dumped into the Federal treasury to pay war claims of persons who were not even born in the United States.

In one instance, it is used to pay a citizen of another country (who eventually became a naturalized American citizen) for his losses. In other words the above $45,000 is taken from Miss Guessefeldt to reimburse the former citizen of a foreign country.

Senator Keating did not reply to the letter of October 26, 1963, addressed to him in Miss Guessefeldt's behalf.

That the above result is a fact by virtue of an act of Congress defies belief.

RE MISS CHRISTEL GUESSEFELDT

American born citizen, Honolulu; daughter of Richard, deceased, a lifelong resident of Hawaii. He left on a vacation trip to Europe in 1938. While away, the Alien Property Custodian seized his property (stocks and securities in trust) in Honolulu.

In the litigation that followed, the companion case was that of Mrs. Nagano, a Japanese from Chicago. She stayed in Japan throughout World War II. Mr. Guessefeldt tried to come home was unable to do so. Here is the long long story, summarized.

STATEMENT OF ALIEN PROPERTY LAWYERS TO A FEDERAL JUDGE, CHICAGO, AUGUST, 1952

"Guessefeldt retained his American domicile. Mrs. Nagano had a Japanese domicile. Guessefeldt's stay in enemy territory was short; Mrs. Nagano's extended over a lifetime.

"Guessefeldt intended to leave Germany before the war; indeed he attempted to do so. He was in Germany under physical constraint.

"Mrs. Nagano was in Japan by free choice."

[Mrs. Nagano recovered her property back from the Alien Property Custodian.]

PROCEEDINGS IN DISTRICT COURT, D.C. BEFORE A FEDERAL JUDGE, WASHINGTON, D.C.

April 7, 1953, (confronted with this admission by APC lawyers before the Chicago court), held:

This old man was a "resident" of Germany "within the cases." The judge cited no cases; refused to admit what the APO lawyers said, and would not allow his brief Memo opinion to be officially reported. Guessefeldt died—all dividends from his trust were kept by the APO.

This judge's action is not only incredible; it is contemptible.

On May 13, 1954, the U.S. Court of Appeals, D.C., (213 F. 2d 24) upheld the above wretched finding. But that Court, 3 years later (243 F. 2d. 637, Feb. 28, 1957) apparently forgot what it had said, stating:

"Guessefeldt was visiting in Germany and was physically restrained from leaving it."

But the foregoing is not the end of this story. Two new judges of that Court just a few months ago (Feb. 25, 1965, 344 F. 2d 198, 200) at long last have set the record straight:

"The Supreme Court has taught that residence within the contemplation of section 2 of that Statute (Trading With the Enemy Act) is not coterminous with presence. *Guessefeldt* v. *McGrath*, 342 U.S. 308 (1952)."

So now we have it. In 1954 three appellate judges declined to be "taught" by a Supreme Court decision. In 1957 the same judges contradicted themselves by saying the opposite, namely, that Guessefeldt was physically prevented from coming home to Hawaii. Now, in 1965, years after his death, the same court says that merely because one is physically "present" in a country does not necessarily mean or establish that one is therefore a "resident" thereof. It has learned apparently albeit belatedly what a decision of the Highest Court, rendered 13 years ago, has "taught."

NORTH COUNTIES HYDRO-ELECTRIC COMPANY, A CORPORATION OF ILLINOIS, *v.* THE UNITED STATES IN THE U.S. COURT OF CLAIMS

(Cong. No. 2–59)

(Decided April 16, 1965)

(Lee Freeman for plaintiff. J. Barry O'Keefe and John W. Day, of counsel. Walter H. Williams, with whom was Assistant Attorney General Ramsey Clark, for defendant. Ralph S. Boyd was on the brief.) Before Cowen, Chief Judge, Laramore, Dupree, Davis, and Collins, judges.

OPINION

COLLINS, *Judge,* delivered the opinion of the court:

This is a congressional reference case, filed pursuant to H. Res. 189, 1st Sess., 86th Cong., agreed to by the House of Representatives on May 19, 1959. That resolution directed this court to "proceed with * * * [H.R. 5093, a bill for the relief of plaintiff, introduced in the House on February 26, 1959] in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the House of Representatives, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable against the United

States, and the amount of damages, if any, legally or equitably due from the United States to the claimant, the statute of limitations, the plea of res judicata, laches, any lapse of time, or any prior court decision of this claim by any court of the United States to the contrary notwithstanding. The Court of Claims is directed to consider the records of any previous trial of this case" (see finding 20, *infra*.).[1]

Plaintiff is an Illinois corporation, which owns and, since 1925, has operated a hydroelectric power development on the Fox River (hereinafter referred to as the "Fox") near Dayton, Illinois. Plaintiff's dam and plant are located 5.75 miles upstream from the confluence of the Fox with the Illinois River (hereinafter referred to as the "Illinois") at Ottawa, Illinois.

This is the third occasion on which plaintiff has been before the Court of Claims, seeking monetary relief against the Government for losses and damages to its plant. Plaintiff's persistent contention is that the operation of the Starved Rock dam on the Illinois, 8.7 miles downstream from the confluence of the two rivers at Ottawa, has created the basic conditions responsible for the floodings of plaintiff's plant. Plaintiff now seeks just compensation for the "taking" of its property by the periodic impairment of the plant's ability to earn income. In the alternative, plaintiff seeks recovery based upon an "equitable claim" in the broad sense.

The construction of the Starved Rock dam was begun by the State of Illinois and completed by the Federal Government. The dam has been operated by the defendant since 1933. The pool behind the Starved Rock dam extends upstream in the Illinois 13.5 miles and embraces the area of the mouth of the Fox at Ottawa. The dam creates a backwater pool of relatively still water which extends up the Fox approximately 2.5 miles from its confluence with the Illinois. The channel of the Fox below Dayton is narrow and, in its lower half, is tortuous. Its bed is rock. In its natural state, the Fox falls 20 feet from plaintiff's dam at Dayton to its mouth. Since the construction of the Starved Rock dam, the channel of the Fox has been widened and deepened by the backwater of the pool. As a result, the Fox has lost 8.5 feet of its natural fall from Dayton.

The area involved in northern Illinois has severe cold weather each year. The weather records show no significant change since 1870. Before the dam was completed and the pool filled in 1933, floods did occur in the area, but they were due not to ice jams but primarily to heavy rains and to melting snow. The floodwaters could and did flow down to the Illinois. The unusual ice jams in 1943, 1952, and 1960, have caused the water above the pool to rise to levels which have flooded plaintiff's powerplant and equipment. Within a space of 17 years, 1943–60, plaintiff has suffered extensive damage from the three major winter floods. On a number of other occasions, ice jams of lesser magnitude occurred in the Fox, but plaintiff seeks no damages on account of these minor jams.

The first of the major ice jams within the ice gorges, that flooded plaintiff's powerhouse to a depth of 4.5 feet, occurred in March 1943. (See finding 15, *infra*.) Plaintiff's machinery and equipment were damaged and the plant was closed down and out of operation been March 3 and April 16, 1943.

[1] Both the reference of this matter to the court and the filing of the petition (on July 24, 1959) occurred prior to the opinions of the Supreme Court in *Glidden Co.* v. *Zdanok*, 370 U.S. 530 (1962). The court deems proper the filing of this report without reference to the opinions in that case.

Thereafter, on December 26, 1944, plaintiff filed its first suit against the United States. Plaintiff alleged then that its damage resulted from the Starved Rock dam. After a full trial on the merits, this court denied relief and dismissed plaintiff's petition. *North Counties Hydroelectric Co.* v. *United States*, 108 Ct. Cl. 170, 70 F. Supp. 900 (1947).

The dismissal of the first suit was based in part upon plaintiff's failure to prove at trial that the Starved Rock dam caused the flooding (*i.e.*, that the 1943 ice jam on the Fox River was continuous from the frozen pool of the Starved Rock dam to plaintiff's plant, 3¼ miles upstream). Secondly, the court found that "whether there will be a periodical recurrence of the 1943 ice condition resulting in permanent damage to plaintiff's property is purely speculative" (at p. 484). The court stated "that the flooding of an owner's land on but one occasion does not constitute a taking" (at p. 485), citing *Peabody* v. *United States*, 231 U.S. 530 (1913); *Portsmouth Harbor Land & Hotel Co.* v. *United States*, 250 U.S. 1 (1919); and other cases.

Plaintiff's second action was filed in 1953 after another severe flooding which occurred in January and February 1952, and one of less severity in 1946, which, however, did not enter the powerplant. In January 1952, plaintiff's generator floor was, as 9 years previously, 4.5 feet under water. Plaintiff was compelled to close its plant from January 29 to February 17, 1952. The Trial Commissioner in that case found that the Starved Rock dam was the cause of the 1952 flooding, as well as the probable cause of the earlier flooding in 1943. However, the court sustained the defendant's plea that the first decision was *res judicata*, and, therefore, dismissed the petition without considering the merits. *North Counties Hydro-Electric* v. *United States*, 138 Ct. Cl. 380, 384, 151 F. Supp. 322 (1957).[2] The court explained its holding as follows (at 383):

In the first case, as in this, it was necessary to show the inevitability of the recurrence of these floods. Intervening events have made this no more possible now than it was then.

Plaintiff has had its day in court and, under the rule of *res adjudicata*, it cannot again litigate the same issue heretofore tried in the same cause of action against the same defendant.

Also, the court noted that the issue of causation of the ice jam "was tried in the first action and was decided adversely to plaintiff for failure of proof" (at 383). The opinion further stated (at 382) that "Two floodings * * * do not constitute a taking." The court cited *United States* v. *Cress*, 243 U.S. 316 (1917), and other cases.

In the 1st session of the 86th Congress, the bill for the relief of plaintiff (H.R. 5093) was introduced, and by H. Res. 189, *supra*, was referred to this court.[3] The third and present action was filed on July 24, 1959, pursuant to H. Res. 189. (See finding 20, *infra*.) The matter was referred to another Commissioner, whose report of findings of fact is adopted by this court, with certain modifications, and is incorporated into this decision *infra*.

Eight years after the second flood, or in January 1960, the day before the trial of the present action was to begin, a third ice jam occurred, which was much greater in magnitude, duration, and destruction than those in 1943 and 1952. As a consequence, plaintiff's plant was flooded to a depth of 10 feet. Plaintiff was forced to suspend all operations from January 21 to May 7, 1960. The plant did not become substantially operative until June 14, and intermittent trouble with the equipment was encountered until September 1960. (See finding 22, *infra*.)

The court now finds that the ice gorges,[4] within the ice jams located in the Fox River above the Starved Rock dam, impeded the flow of the Fox and contributed substantially to the floodings of plaintiff's plant, in 1952 and 1960, if indeed they were not the principal immediate causes of those floods. (See findings 22, 23, and 24, *infra*.) The heavy cover of sheet ice in the still water of the Starved Rock pool was the barrier that held the ice in the Fox River in each of those years. This enabled frazil ice floating downstream to accumulate and build back upstream in such a way that it blocked the Fox River's flow and egress. This caused the flooding of plaintiff's plant. The evidence does not show positively that it had the same effect in 1943, but it does not dispel the possibility that it did.

There is nothing in the record to show that, among the many freezes in the Fox prior to 1933, there were ever such ice jams with resultant ice gorges and flooding of plaintiff's property, as plaintiff has complained about in its three actions. Nor does the record contain any clear or persuasive evidence that any such ice gorges ever formed in the Fox, except behind a blockage of ice in the Starved Rock pool. (See finding 29, *infra*.)

Like many congressional reference actions, the instant case presents two separate questions: first, whether plaintiff has a claim of the type cognizable by a court of law or equity; and, second, whether plaintiff has an "equitable claim" in the broad, moral sense.

Regarding the first alternative, the precise issue is whether or not plaintiff has shown a "taking" (actually, a partial taking) of its property by the Government. If operation of the Starved Rock dam has resulted in a taking, then, under the fifth amendment of the Constitution, plaintiff would be entitled to just compensation. In each of the prior actions, plaintiff asserted unsuccessfully that the Government had taken property of plaintiff. Now, to support its position that plaintiff has no legal claim, defendant relies in part upon the doctrine of *res judicata*.

This court finds it unnecessary, however, to pass upon the question of the applicability of *res judicata* to plaintiff's legal claim. We are of the opinion that, without regard to the operation of *res judicata*, there is a sufficient basis for holding that plaintiff has no valid claim for a taking. The contention of plaintiff that its property was taken is based upon the principles of *United States* v. *Cress*, 243, U.S. 316 (1917). The factual situation, with regard to one of the plaintiffs in *United States* v. *Cress*, involveds the erection by the Government of a lock and dam on a navigable river. As a result, the plaintiff's land, which was located on a tributary of the

[2] Thereafter, plaintiff's motion for rehearing was overruled. Plaintiff's petition for writ of certiorari was denied by the Supreme Court. 355 U.S. 882 (1957).

The court had previously considered and denied defendant's motion to dismiss the second suit, particularly with reference to the 1943 flood on the grounds of statute of limitations and *res judica*. *North Counties Hydro-Electric Co.* v. *United States*, 127 Ct. Cl. 467, 118 F. Supp. 375 (1954).

[3] In the 85th Congress, a bill (H.R. 10419), introduced for the relief of plaintiff, passed the House of Representatives on July 15, 1958, and the Senate on August 14, 1958, but the bill failed of approval by Pocket Veto of the President.

[4] Regarding the types of icing conditions, see findings 9 and 10, infra.

river, was subjected to a permanent condition of frequent overflows of water from the river. In holding that compensation was in order, the Supreme Court made the following statement (p. 328):

"There is no difference of kind, but only of degree, between a permanent condition of continual overflow by back-water and a permanent liability to intermittent but inevitably recurring overflows; and, on principle, the right to compensation must arise in the one case as in the other."

Thus, in the instant case, plaintiff has the burden of showing that, because of the operation by the Government of the Starved Rock dam, plaintiff's hydroelectric plant became "[permanently liable] to intermittent but inevitably recurring overflows." Trial Commissioner Robert K. McConnaughey determined that "* * * there is no adequate basis for a positive finding that * * * [ice jams such as those which led to the flooding of plantiff's plant] will recur inevitably * * *" (see finding 31, *infra*). This court is in agreement with the determination of Commissioner McConnaughey, and the conclusion necessarily follows that plantiff has failed to establish that its property was taken by the Government.

Despite the fact that damaging floods took place in 1943, 1952, and 1960, this court cannot say that the recurrence of such floods is inevitable. As pointed out by the Trial Commissioner, formation of the ice jams which resulted in the flooding of plaintiff's plant requires the existence of a peculiar combination of physical factors, including certain weather conditions. We are unable to state that the occurrence in the future of the necessary concatenation of physical conditions is certain. Therefore, quite apart from the matter of *res judicata*, plaintiff has no legal claim.

However, our holding that plaintiff has no legal claim (*i.e.*, no claim of the type cognizable by a court of law or equity) does not dispose of the case. Consideration must be given to the question of an "equitable claim" in the broad, moral sense. In *Burkhardt* v. *United States*, 113 Ct. Cl. 658, 667, 84 F. Supp. 553 (1949), this court stated:

"We are therefore of the opinion that the term 'equitable claim' as used in 28 U.S.C., Sec. 2509, is not used in a strict technical sense meaning a claim * * * [cognizable] by courts of equity, but [is used in] the broader moral sense based upon general equitable considerations."

This court has followed the *Burkhardt* concept of "equitable claim" in numerous cases,[5] and, despite defendant's assertion to the contrary, we consider that concept to be applicable to the instant case.

Furthermore, the doctrine of *res judicata* does not preclude plaintiff from asserting an "equitable claim" within the meaning of *Burkhardt* v. *United States, supra*. Neither of the prior actions brought by plaintiff in this court was a congressional reference case. Therefore, the question of an "equitable claim" in the broad sense was not and could not have been before the court in either of the previous actions. *Cf. Rumley* v. *United States*, Ct. Cl. Cong. No. 4–61, slip op. p. 8 (January 22, 1965). Accordingly, *res judicata* is no bar to plaintiff's "equitable claim."[6]

As the court said in *J. A. Zachariassen & Co.* v. *United States*, 136 Ct. Cl. 63, 68, 141 F. Supp. 908 (1956), "* * * in a congressional reference such as this, the court will further consider the equitable side of the claims even though the legal questions have been disposed of previously."

We feel that application of the *Burkhardt* concept of "equity" is especially appropriate because of the similarity in facts between that case and the present one. *Burkhardt* v. *United States, supra*, involved the erection by the Government of a dam which interfered with the plaintiff's hydroelectric plant. The congressional reference action was brought after the plaintiffs' unsuccessful attempt to recover for the "taking" of their property.[7] Thus, it was clear that the plaintiffs had no legal claim. Still, this court held that the plaintiffs had an "equitable claim" in the broad sense. It was for Congress to determine whether the plaintiffs should be compensated. 113 Ct. Cl. 658, 669.

In the instant case, as indicated above, there has been no "taking" of plaintiff's property. The element of inevitability of the recurrence of the floods is not present. Nonetheless, the fact remains that, upon three occasions, serious damage has been done to plaintiff's plant. Furthermore, the Trial Commissioner found that the presence in the Fox of the backwater pool created by the Starved Rock dam was a "substantial, and probably an essential, factor in causing damage to plaintiff's plant * * * in 1952 and 1960" and "probably * * * a factor, also, in causing the 1943 damage * * *" (see findings 42(a) and 24(a), *infra*.). This court is of the opinion that the causal relation between defendant's operation of the Starved Rock dam and the damage to plaintiff's plant was such that plaintiff does have an "equitable claim" in the moral or nonjuridical sense. Our conclusion extends to the 1943 flood as well as to those in 1952 and 1960. As was the case regarding *Burkhardt* v. *United States, supra*, whether or not plaintiff should be compensated is a matter for Congress to decide.

With regard to the amount of plaintiff's damages, the parties have stipulated that the 1943, 1952, and 1960 floods have resulted in loss of power revenues and in expense for repairs to the extent of $137,058 (see finding 42(b), *infra*.). The stipulated amounts are as follows:

Loss of power revenues

1943	$20,151
1952	10,155
1960	49,933

Cost of repairs

1943	23,907
1952	16,160
1960	16,752
	$137,058

This court is of the opinion that recovery of the entire amount stipulated would be proper.

Defendant argues that we should not include in our report to Congress any mention of the 1960 flood, since that flood occurred subsequent to the passage of the resolution which referred the instant case to this court.[8] We do not agree with defendant's assertion. Evidence was taken and findings have been made regarding the 1960 flood. Under these circumstances, we deem it wholly appropriate to include consideration of that flood in our report to Congress and thus obviate additional litigation. Accordingly in determining the proper amount of compensation, we do not exclude the damages attributable to the 1960 flood.

Plaintiff's recovery should include not only the stipulated amount, but also compensation for the delay in payment of plaintiff's losses. *Cf. Burkhardt* v. *United States, supra*, at 669. For more than 20 years, plaintiff has persistently sought a remedy for its losses and damages. It has had three extensive trials in litigating the issues at great expense. The broader equity demands that an allowance be made for the delay in payment. The court feels that an adequate and compensable amount would be $50,000. We recommend that Congress authorize payment to plaintiff of $50,000 in addition to the stipulated losses of $137,058, or a total payment of $187,058.[9]

Plaintiff seeks also to recover $79,689 as anticipated losses which would result from future floods during the remaining life of plaintiff's property. This court is of the opinion that plaintiff is not entitled to receive $79,689, or any other amount by reason of anticipated losses. Under our view of plaintiff's "equitable claim," recovery should be limited to compensation for the stipulated losses and for the delay in payment.

In conclusion, this court finds that plaintiff has no legal claim, but that plaintiff has an "equitable claim" in the broad sense. The amount "equitably" due plaintiff from the United States is $187,058.

This opinion and the findings of fact, as modified herein, will be certified by the Clerk of this court to the House of Representatives, pursuant to House Resolution 189, 86th Congress, 1st Session.

THE LEGISLATIVE BASIS FOR THIS ACTION

Finding 20. (a) In the first session of the 86th Congress, a bill, H.R. 5093 (hereafter referred to as the bill), was introduced, which provided for an appropriation of $326,000 to be paid to the plaintiff in satisfaction of its claims against the United States.[10] The text of the bill is as follows:

"A bill For the relief of North Counties Hydro-Electric Company

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to North Counties Hydro-Electric Company of Illinois, the sum of $326,000, in full satisfaction of all claims of such company against the United States for damages to its powerplant and dam at Dayton, Illinois, sus-

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[5] Among them are: *Rumley* v. *United States*, Ct. Cl. Cong. No. 4–61 (Jan. 22, 1965); *Town of Kure Beach* v. *United States*, Ct. Cl. Cong. No. 2–60 (Dec. 11, 1964); *Georgia Kaolin Co.* v. *United States*, 145 Ct. Cl. 39 (1959).

[6] Regarding the related question of collateral estoppel, see *Creek Nation* v. *United States*, Ct. Cl. Appeal No. 9–63 (Dec. 11, 1964).

In the instant case, this court has made findings of fact. If any of these findings are inconsistent with those of the previous actions between plaintiff and defendant, we feel that such a departure from the principles of collateral estoppel is justified. As indicated above, our function in the present action includes the reporting to Congress of the facts relative to an "equitable claim."

[7] Initially, the plaintiff (actually the predecessor of the plaintiffs in *Burkhardt* v. *United States*) sued in the Court of Claims. This court determined that the plaintiff's property had been "taken" and granted judgment for the plaintiff. *Willow River Power Co.* v. *United States*, 101 Ct. Cl. 222 (1944). Then, the Supreme Court reversed the judgment for the plaintiff on the ground that there had been no compensable "taking." 324 U.S. 499 (1945). In accord with the mandate of the Supreme Court, this court dismissed the petition. 103 Ct. Cl. 785, 82 F. Supp. 333 (1945). The congressional reference action followed.

[8] In support of its contention, defendant cites the following cases: *Hart* v. *United States*, 58 Ct. Cl. 518 (1923); *Choteau* v. *United States*, 20 Ct. Cl. 250 (1885).

[9] The amount of $50,000 represents approximately 3 percent, noncompounded, on the actual losses of plaintiff from the dates of the three floods, and the court believes that amount to be adequate and fair compensation under the circumstances of this case.

[10] In the 85th Congress, a bill (H.R. 10419), introduced for the relief of plaintiff, passed the House of Representatives on July 15, 1958, and the Senate on August 14, 1958, but the bill failed of approval by Pocket Veto of the President.

tained as the result of a dam built by the United States on the Illinois River, at Starved Rock near Ottawa, Illinois: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

(b) The bill was not enacted. Instead, by H. Res. 189, 86th Cong., 1st sess. (hereafter referred to as the resolution), it was referred to this court for consideration and report to the House of Representatives under 28 U.S.C. §§ 1492 and 2509. The text of the resolution provided:

"*Resolved,* That the bill (H.R. 5093) entitled 'A bill for the relief of North Counties Hydro-Electric Company', now pending in the House, together with all the accompanying papers, is hereby referred to the Court of Claims; and the court shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28 of the United States Code and report to the House of Representatives, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable against the United States, and the amount of damages, if any, legally or equitably due from the United States to the claimant, the statute of limitations, the plea of res judiacta, laches, any lapse of time, or any prior court decision of this claim by any court of the United States to the contrary notwithstanding. The Court of Claims is directed to consider the records of any previous trial of this case."

(c) The petition in this case was filed July 24, 1959, pursuant to the resolution.

"GET INVOLVED"

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. NELSEN. Mr. Speaker, the 101st commencement of Gallaudet College, the world's only college for the deaf, was held on Monday, June 14. The commencement address was delivered by Mr. Bradshaw Mintener, former Assistant Secretary of the U.S. Department of Health, Education, and Welfare, and a member of the Board of Directors of Gallaudet College.

As a member of the Board of Directors of Gallaudet College I wish to insert this fine speech by Mr. Mintener in the RECORD at this point in my remarks:

"GET INVOLVED"

(By Bradshaw Mintener)

President Elstad, Dr. Atwood, members of the board of directors, honored and distinguished guests, Members of Congress, members of the student body, particularly this graduating class of 1965, and friends of Gallaudet, it is a high honor and a great personal privilege to be asked to speak to you today at this 101st commencement of Gallaudet College. I wish I could sign what I have to say to you today, but with Dean Benson to tell you what I am saying we are much better off than if I were signing. Dr. Elstad and the board of directors of the college accused me of inventing my own sign language; for example, I suggested this sign to mean an admiral in the Iowa navy, and I have suggested others. One of these days I am going to take Dr. Fant's wonderful book on the sign language, come here for some tutoring, and really study so that I can communicate better with the members of the Gallaudet family.

Gallaudet College has, for a long time, occupied a prominent and very warm place in my heart and interests. I was privileged, as Assistant Secretary of HEW, to oversee the college in cooperation with Dr. Elstad, the board of directors, and the faculty, serving on the board as the representative of Mrs. Hobby and Mr. Folsom, the then Secretaries of HEW. During those years we developed the grand new campus plan and expanded program for Gallaudet of which you are the beneficiaries and of which we are all so proud.

We should all be forever grateful to the Federal Government and particularly to Senator LISTER HILL and Congressman JOHN FOGARTY, and their staffs for their continued support and leadership in building Gallaudet into the fine institution it is today. Also Miss Mary Switzer, director of OVR has been vitally interested and of tremendous help to the college.

During my government service, I quickly became attached and devoted to Gallaudet and I made up my mind as a result of my intimate connection with the college that I would do all that I could, in my own small way, to help as many young deaf men and women as possible to get the best education they were capable of receiving.

After my tour of duty as Assistant Secretary of HEW, I was again asked to serve on the board, and it has been a great pleasure and privilege to be a part of the Gallaudet family again.

Last year at this time we celebrated the centennial of the founding of Gallaudet College. President Johnson took time from his busy schedule to speak at the centennial banquet. At the 100th commencement Senator EDWARD KENNEDY of Massachusetts, brother of the late President Kennedy, gave the commencement address and the college honored me by conferring upon me an honorary degree. This is one of my most valued and proudest possessions. Today, three of my colleagues and valued associates on the board of directors of the college are similarly and deservedly honored.

I want to speak to you today as a fellow member of the Gallaudet family. I want to talk principally to you members of the class of 1965, the 101st class, just to think of it, to graduate from Gallaudet. Tomorrow you will be on your own, freed from the classroom and the supervision of the college. You will be graduates of the only college for the deaf in the world. Your diplomas will be signed by the President of the United States, Lyndon B. Johnson. These are two distinctions that very few Americans, comparatively, can enjoy.

I want to say to you with all the conviction and sincerity I can muster that you here at Gallaudet, students and members of the graduating class and alumni, you have here, thanks again to the Federal Government, one of the finest educational institutions in the world. You have a president, Dr. Elstad, and a chairman of the board, Dr. Atwood, who are not only outstanding and distinguished educators, they are two of the finest Christian gentlemen with whom I have ever been associated. You have a faculty, the best it has ever been according to my understanding, composed of competent, experienced, and dedicated teachers whose devoted purpose is to give you all the best education which you are capable of receiving. You have an outstanding Board of Directors composed of men who have attained eminence and who have been significantly successful in their chosen professions, businesses or other occupations. They are devoted to Gallaudet and dedicated to the proposition that Gallaudet College should give the maximum number of deaf young men and women the best education which they can receive. They give of their time, and lots of it, their experience, their knowledge and judgments freely and voluntarily. Gallaudet College and the deaf community of America are most fortunate in being able to attract and interest men of the high caliber of the Board of Directors to administer the affairs of the college. No one here today should ever forget this important fact.

"Get involved" is the theme I want to discuss today with you as members of Gallaudet's 1965 graduating class.

This theme was suggested to me by a news item in one of our Washington papers several weeks ago which reported a meeting of the DAR and which was addressed by Governor Harrison, of Virginia. He told the large gathering of delegates to the annual DAR Convention that "the citizen who doesn't want to get involved" is just as destructive of this country's heritage "as the rabble-rousers in the streets or the extremists who violently oppose them."

Today we live in a world that has contracted manyfold since I graduated from Yale more than 40 years ago. We can fly anywhere in the world in a few hours. We can communicate with other persons almost anywhere in the world in a few minutes. We can watch a simultaneous telecast via satellites from England, France, Germany, and elsewhere. Someone recently said that Sir Winston Churchill was born before the telephone was invented and his funeral was telecast around the world by Telstar simultaneously with the event.

This very morning on the "Today" show I watched a live transatlantic conversation via Telstar between Vice President HUMPHREY in Washington and six foreign students in London. The students were asking Vice President HUMPHREY a number of interesting and penetrating questions regarding American foreign policy.

We have the benefit of miracle drugs and medical and surgical procedures and techniques unknown 15 or 20 years ago.

We rocket men into space and they orbit the globe in a few minutes. We land rockets on the moon, receive pictures and radio messages from satellites circling the globe in details undreamed of a few years ago. Such pictures and messages have great scientific value.

We have just witnessed the historymaking 4-day orbiting of the earth and their successful return by Majors McDivitt and White. The entire world breathlessly watched and listened to their hourly progress. They have made us all proud. Truly we live in an extraordinary day.

We also live in a world of revolutions and rising expectations.

More men, women, and children are politically free and on their own today than ever before, or perhaps even contemplated years ago.

We are the beneficiaries in our beloved America of a standard of living which is away and above the highest in the world. We have more necessities and luxuries of life than can be found anywhere else. We have what is claimed to be the best educational system in the world and it is available to more people than in any place in the world.

With a mere recital of these things—benefits, standard of living, and the rest, you may then ask, "What is there for me to get involved in?"

Let me suggest several areas, you can think of more, in which you can and I feel you should get involved on your graduation from Gallaudet.

1. Get involved in rendering service in the community in which you decide to live and work.

2. Get involved in the work and program of your church or synagogue.

3. Get involved in improving and expanding the education of the deaf.

Get involved in rendering service in the community in which you decide to live and work. I believe that there is no community, large or small, in America today which does not have important and difficult political, economic and social problems to be solved. Yours is the generation we must look to to carry on after we are gone, and I hope and pray that you will do a better job, which you can, than mine and recent generations have done to maintain peace, promote the general welfare, and preserve the American ideal throughout the free world. These problems which beset every community and which you will find when you settle down in your community are needs to be met.

Some of these needs are the Peace Corps, the antipoverty program, the local needs in government, education, and various businesses and professions. There are many needs awaiting you to be met.

Someone has so truly said that, "What a man does for himself dies with him; what he does for his community lives long after he has gone." The heroes of history have been those men and women throughout the ages who have seen the need and have taken it upon themselves. One of the great preachers of my church, Dr. Harold W. Ruopp, preached a thought-provoking, and to me a memorable, sermon, several years ago on this very subject, "He took it upon himself," which was suggested by an inspirational little book written by Margaret Slattery, the famous social worker of Chicago. Dr. Ruopp said that the theme of Miss Slattery's book gripped his imagination and thrilled the deep places of his soul. "Seeing the need, he took it upon himself." That's vital. There's life in it. It contains the secret of all genuine and lasting success and service. That is the spirit and motivating urge that should carry every public servant to his goal. It certainly is the driving force which carries teachers, social welfare and other voluntary service workers through their daily tasks. No one can read history and biography in the light of that theme without discovering that in the face of need and public service, "A sense of responsibility, personalized and individualized, lies back of every great life and every titanic movement."

Emerson has reminded us that "every institution is but the lengthened shadow of some man. * * * A movement is but the projection of some monumental personality." Service more than any other activity of man is the reason for grateful remembrance which ripens into fame. It was ever thus.

Back of the Reformation towers Martin Luther who saw a mighty need and took it upon himself.

Back of the spiritual revival in England in the 18th century stands John Wesley, diminutive in stature, sun-crowned in spirit, a titan of spiritual courage, who saw a need and took it upon himself.

Back of the saving of our own Union, stands great, gaunt Abraham Lincoln with his deep-set, poignant eyes and understanding heart, who saw the need and took it upon himself.

"Always to date and eternally always, somewhere in the process, somewhere there is a man or a woman who sees that need and feels personally responsible."

To live is to be responsible. You cannot finally escape that fact. There is a need to be met, a work to be done, and someone must do it.

Mulberry Bend in New York City was transformed by Jacob Riis, a Danish immigrant, who out of a full heart said, "I cannot sleep for the burden of the city's children with their hunger for play and their playground only the street, beset with danger of body and soul." It was a heavy burden, to be sure, but Jacob Riis took it upon himself and became the unselfish benefactor to the street urchins of America. He knew and told us "how the other half lives."

Why have these hero servants through the ages done what they have done?

"Some call it consecration and others call it God."

There are many of us—too many—who see the need today but pass it by. We too often, as individuals, fail to meet our responsibilities or fail to play our role as our "brother's keeper, helper, or brother." That was one of the reasons why the "Master of Men," to whom men came for shelter in the shadows of his wings," told us the story of the Good Samaritan.

Many of us see the need but minimize our ability to do anything about. "What can I do—little me? I am no genius. I do not have half a talent, let alone two or five," or "I simply do not have the time," or "Someone ought to do it—someone—but it is not my business or responsibility."

We talk a great deal about community conscience. Community conscience is no mysterious thing. I am the community conscience. I am the public. I am the church, else there is no community conscience, no public, no church. The community conscience is the sum total of the consciences of one man and another and another. The public is one individual plus another plus another. The church is one church member plus another and another. When I say "The community ought"—"The public ought"—"The church ought"—I really mean that "I ought," or it means nothing.

If I will not act, then thousands will not or cannot act. Someone, which means one, in the presence of the need, must take it upon himself, else the need is never met.

Throughout the history of our Nation, there have been statesmen, churchmen, scientists, soldiers, public servants of every kind who have seen the contemporary need and took it upon themselves. When the men who founded our Nation formulated a Declaration of Independence based upon the principle that all men are created equal and are endowed with certain inalienable rights by the Creator and then proceeded to draw up a Constitution that would guarantee respect for those rights on the part of the Government, they were giving substance to aspirations that men have cherished since the dawn of history.

Men have always striven, sometimes successfully, often in vain, to achieve such an ordering of affairs as would safeguard the rights and prerogatives of the individual and at the same time promote the general social good.

Faith in human nature, in the integrity and worth of the individual men and women, is the necessary basis for free government. Our Founding Fathers had no fear of self-government, no distrust of people. They had faith in human nature; they believed in men and women. Because they had faith for which they were willing to fight and die, they dared to embark on what has proved to be the most ambitious and successful adventure in free government that the world has ever seen. It epitomizes the role of man in seeing the need and taking it upon himself.

As a nation we have prospered and grown great. Working as free men and women, the people of the United States have, in less than two centuries, developed a noble and dynamic civilization, before there had been little save a vast wilderness. They have cleared the forests to make way for human life and industry. They have planted, and the rich soil has yielded them an abundance. They have harnessed the floods and have found ways of bringing the forces of nature to serve their needs. Comforts and conveniences undreamed of in the past gradually became daily necessities within the grasp of almost everyone, and wealth has abounded on nearly every side.

Why has all of this been possible? Because our Nation has been blessed with scores of leaders in every walk of our national life who have seen the needs of their times and have taken those needs upon themselves.

"Ask not what your country can do for you, ask what you can do for your country."

That is the eloquent question asked by President Kennedy in his brillant, memorable inaugural address and quoted so often since. This is the question you should ask of yourselves in the future and if you get involved, you will do so.

No privilege exists today without a corresponding responsibility or duty. You have been privileged to receive an education here at Gallaudet—I believe you now have a responsibility and duty to get involved in the rendering of service in the community in which you live and work.

2. Get involved in the work and program of your church or synagogue.

America was founded and built on a religious heritage. The thread of this fact can be traced through our founding documents—the Declaration of Independence, the Constitution. It is evidenced in our coinage and currency. It is reflected in our oaths of office, and our pledge to the flag of one nation under God.

As I look back upon my life, I can trace most of the good things that have come to me, including my wife and many of the opportunities I have had, directly or indirectly to the church.

We in America have a religious heritage of which we should all be very proud and which, I believe, we should preserve and leave better and richer than when we received it. We must not be complacent about this heritage. We must be doers of the word, and not hearers only.

The church or the synagogue is the place—the center for opportunities to serve in this all-important area.

I am sure that there never was a time when the church needed the participation, the leadership of dedicated, educated, and intelligent laymen to work with ministers, priests, and rabbis than today. We laymen must be members of the team with our spiritual leaders as our quarterbacks. I am sure that there never was a time when there was a more definite need for sympathetic understanding between laymen and clergy than at this very hour.

Here is a great area of opportunity for service and many rich rewards to those of you who have special talents and interests which will enable you to render great service.

We laymen too often think that the work of the church is primarily the responsibility of the clergy. Not so at all, in my opinion. All clergymen were laymen in the beginning. We are the church with the clergy as our spiritual leaders.

I was recently attracted to an article written by Dr. Russell J. Humbert, president of De Pauw University, in which he wrote, "the greatest and most effective minister in any American community is not necessarily found at the high altar of the church. The most telling ministry is now functioning in and through the lives of those who make up the membership of the church, the laity. Laymen are vital today in the work of the church because of what they are—the people, we, the people of the church. The greatest minister in our city or community

is the layman who is doing all his work as a churchman. Basically the laymen are the church, because of that spiritual and internal combustion which causes a man to be driven and motivated by high ideals. Laymen can and should strengthen the social arms of the church, the civic arms of the church and the political arms of the church."

So as you leave Gallaudet, get involved in the work or program of your church or synagogue. If you will, you will be richly rewarded and will render a most worthwhile service.

3. Get involved in improving and expanding the education of the deaf.

I do not have to more than suggest to this audience the need and desirability of improving and expanding the education of the deaf in America.

You all know the need.

You are the people who can do something about it and I suggest that with the opportunities and advantages you have had here in receiving a college education at Gallaudet, you have a responsibility and a challenging duty to help make it possible for more young deaf men and women to receive an adequate education to prepare them better for the complex world in which they are living.

Tremendous strides have been made in scientific developments and instrumentation for teaching the deaf. Improved teaching techniques and procedures are being developed. More research at all levels is being done today in this area than ever before and I believe we have only scratched the surface.

The proposed new Vocational and Technical Institute for the Deaf promises to render a great and significant contribution to the education of the deaf. See to it that more and better prepared students are continually made available for college work here at Gallaudet.

You can furnish outstanding leadership in the all-important area of education of the deaf if you will see the need and take it upon yourselves to get involved.

You, the members of the graduating class, are witness to the indomitable determination to win a college education. You can help others accomplish this too.

In closing, I should like to bring to your attention statements of three of the greatest leaders of our generation who in these statements have summarized the things I am trying to say to you today much better than I could.

The first is former President Herbert Hoover, who, 70 years ago (1895), graduated from Leland Stanford University. He was a poor, orphaned boy, worked his way through college, became one of the world's outstanding and most successful engineers, and was elected to our highest office in America, the Presidency. Fortunately, he lived to see himself vindicated and absolved of the baseless and unfair criticism leveled at him during his political life. He died a revered and beloved senior statesman. On his 80th birthday, President Hoover spoke about some of the uncommon men of history, and how every generation needed such people. His words offer a challenge to the thousands of students who will graduate this year. He said:

"The greatest strides of human progress have come from uncommon men and women—men like George Washington, Abraham Lincoln, and Thomas Edison.

"When we get sick, we want an uncommon doctor. When we go to war, we yearn for an uncommon general or admiral. When we choose a president of a university, we want an uncommon educator.

"The imperative need of this Nation at all times is the leadership of the uncommon men and women. We need men and women who cannot be intimidated, who are not concerned with applause meters, who will not sacrifice tomorrow for cheers today."

The next two great leaders, President Eisenhower and Sir Winston Churchill, have also made statements worthy of note. I hope you will pardon personal references in these two instances. I happen to have had the rare and good fortune and privilege to have been a close friend of General Eisenhower for many years. He is now and always has been, in my opinion, one of the greatest exponents and salesmen of Americanism and our way of life. Several years ago I was having lunch with General Eisenhower when he was president of Columbia University, and as I was leaving the house, he gave me a copy of an address which he made before the American Bar Association.

As I was riding in the taxicab from General Eisenhower's home to my hotel, I was particularly impressed with the first paragraph of the address because it is such an eloquent statement of what I am trying to tell you today.

"Every gathering of Americans—whether a few on the porch of a crossroads store or massed thousands in a great stadium—is the possessor of a potentially immeasurable influence on the future. Because America has freedom of speech, freedom of communication, the world's highest educational level, and untapped reserves of individual initiative, any group of people, fired by a common purpose, can generate a decisive strength toward its achievement. Some of the most inspiring chapters in our history were written by a handful of people who joined to talk over among themselves an idea or a principle that struck a note which revolutionized the world's thinking. That capacity still resides in every gathering in this country," and I say it resides right here in this 1965 graduating class at Gallaudet College.

Finally, while a student in England back in the early 1920's, I had the rare opportunity and privilege of meeting Sir Winston Churchill on several occasions. I remember so well in late 1923 and early 1924 following him around the County of Essex where he was running for reelection to Parliament. I attended seven or eight political meetings in succession at which he spoke. I remember so well one evening in a town hall in a small village, that my friend with whom I was staying and I sat in the second row, and with a twinkle in his eye and that wry smile for which he was so famous, he looked down at me and said quite audibly, "Well, I'll be—here is my young American friend again." Well, he lost that election, as Mr. Ramsey McDonald became the first Labor Prime Minister of Great Britain. So I have always been a great admirer of Sir Winston Churchill and I believe that he was the greatest citizen of the 20th century. Shortly before his death, he wrote me and told me how pleased and honored he was to learn that a statue of him is to be erected here in Washington on the grounds of the British Embassy.

I believe that Sir Winston Churchill's speeches will be among the greatest, if not the greatest, literature to come out of the World War II era. In England's darkest years he rose to his greatest heights of oratory and leadership and rallied the English people to their heroic stand alone against the hordes of Hitler while we were forging the "arsenal of democracy" and preparing to invade Europe and defeat fascism. We, as a free people, should be eternally thankful to Mr. Churchill and also for the fact that his unforgettable and eloquent pronouncements have been preserved for us for all time—the greatest of which may well have been in the first speech after he was elected Prime Minister of Great Britain, "I have nothing to offer but blood, sweat and tears." In fact, that is about all he had.

Many of you here today may remember Mr. Churchill's broadcast to the world in February 1941, during the darkest days of the war. That address was delivered to the people of both Britain and America and Mr. Churchill concluded that now famous broadcast by giving an answer to a letter he had received from President Franklin D. Roosevelt introducing Mr. Wendell Willkie, whom he had sent to England to make a study and report to him personally on the situation of the war. President Roosevelt in his own handwriting at the end of the letter had quoted to Mr. Churchill those famous lines from Longfellow's poem:

"Sail on, O ship of state.
Sail on, O union strong and great.
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate."

And President Roosevelt said that those lines apply equally to the people of Great Britain as well as to the people of America. Mr. Churchill replied to that letter in that broadcast in what I believe is now an immortal statement. He said:

"Put your confidence in us. Give us your faith and your blessing, and under Providence all will be well. We shall not fail or falter. We shall not weaken or tire. Neither the sudden shock of battle, nor the long drawn trials of vigilance and exertion will wear us down. Give us the tools and we will finish the job."

So I say to you, the graduating class of 1965, as you leave this college campus.

Get involved in the life and problems of your community.

Get involved in your church or synagogue.

Get involved in improving and expanding the education of the deaf in America.

As you get so involved, you will indeed be "uncommon men and women" so desperately needed today; you will be influential members of a segment of our society which, if you are "fired by a common purpose," you can do about anything you set out to do and finally, if you get so involved, you will be able to say to your friends and neighbors and the entire community in which you live, "give us the tools and we will finish the job."

I congratulate you upon your graduation, this memorable day.

God bless you all and great success and happiness to each of you in the days and years ahead.

SOUND BILL, UNFAVORABLE LABEL

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. QUILLEN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. QUILLEN. Mr. Speaker, although the voting rights issue will probably be settled today, I would like to have inserted in the RECORD, for the benefit of my colleagues and others, an editorial which appeared in the Knoxville Journal, Knoxville, Tenn., on Wednesday, July 7, 1965.

The editorial was written by Guy L. Smith, editor, and is entitled "Sound Bill, Unfavorable Label." It makes sense to me.

SOUND BILL, UNFAVORABLE LABEL

This week the House will consider and debate passage of a voting rights bill which

will be calculated to further safeguard the franchise for Negro citizens and those of other minority groups.

The legislation now to be enacted is to supplement title I of the Civil Rights Act of 1964 and previous civil rights legislation enacted by Congress in 1960 and 1957.

We have previously pointed out at considerable length the inequity of the administration's bill, H.R. 6400, which includes a "triggering" section based on the 1964 elections that would be applicable to only seven States in the Union. In these seven States there would be no eligibility requirement permitted for exercise of the franchise except for the individual to be warm. In 21 other States which have requirements for voter eligibility on the books, these would stand untouched.

Republicans in the House will make an effort this week, and until the administration bill is passed, to achieve a substitution known as H.R. 7896, for the administration bill designated above.

Both the administration bill and the Republican measure brush off the section of the Federal Constitution which reserves to the States the power to fix their own voting requirements.

But as we have pointed out here previously, the administration bill picks out as targets for this unconstitutionality only seven States, whereas the Republican bill, introduced by Representative WILLIAM M. MCCULLOCH, of Ohio, and Representative GERALD R. FORD, of Michigan, is equally unconstitutional where all 50 States are concerned.

This is to say that the Republican bill is applicable to every State in the Union where a showing can be made under the statute of voter discrimination. For example, under it, voter discrimination could be reached and penalized in such places as Chicago and New York just as easily as it could be in the seven States of the South which it is proposed by the administration to make the bill's objectives.

The Republican measure would knock down the requirements for voter eligibility that now exist in any of the 50 States and would substitute therefor a sixth grade education (New York State requires an eighth grade certificate); would bar felons from voting; and would also prohibit any requirement that a prospective voter should be vouched for by members of any other class.

Both the administration bill and the Republican bill are alike in their abolition of the poll tax, payment of which is now required in only six States, as a requirement for voting.

It may well be that the fact the Republican bill is not the handiwork of the majority leadership in Congress dooms it to abandonment from the outset. It may be that the majority in the House and in the Senate may feel it is gaining something of value in publicly singling out for humiliation seven out of the 50 States, even though it has long since been firmly established that the evils of discrimination have been no less in States north of the Mason and Dixon Line than they have been shown to be in the South.

The real purpose of the House and of the Senate, however, deserves to be that of enacting voting rights legislation which will effectively enfranchise citizens in minority groups in all 50 States of the Union. Intimidation, coercion, and fraudulence at the ballot box practiced in Chicago, New York, Boston, or in any other major city are no less evil than when they are practiced in rural or less highly populated States. The fact is that if the measure proposed by Representative MCCULLOCH (incidentally, a leading figure in drafting the Civil Rights Act of 1964) did not bear a Republican label, its substitution for the official administration bill would appear a certainty. Even the Negro organizations should be in support of the McCulloch-Ford measure, because it undertakes to safeguard the voting rights of their people not just in seven States, but in every State in the Union.

The Johnson administration itself faces a distinct moral test in the choice to be made between its own bill and the one which Mr. MCCULLOCH, Mr. FORD and other Members of the House will attempt to substitute for it. The issue is: Which is to be considered of greater importance: forcing through a bad bill simply because it bears the administration label or enacting a good bill even though some changes have been made from the administration version in the interests of practicality—yes, and justice.

CAPITAL RESTRAINTS PROGRAM CUTS EXPORTS

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CURTIS. Mr. Speaker, one of the criticisms against the administration's program to reduce the outflow of U.S. capital overseas is that it could well result in a reduction in our exports, a key item in our balance of payments.

Supporting evidence for this position has now been provided by a specialist in foreign taxes and investments, who asserts that the Administration's program is largely responsible for an estimated 4 percent drop in U.S. exports during the first 5 months of this year. The charge was made by Mr. Walter H. Diamond, director of the international tax division of the accounting firm of Touche, Ross, Bailey & Smart. His remarks are reported in the New York Times of July 7, 1965, which I include in the RECORD at the conclusion of my remarks:

FOREIGN-TAX EXPERT ATTRIBUTES EXPORTS CUT TO PAYMENTS PLAN

(By Gerd Wilcke)

A specialist on foreign taxes and investments asserted here yesterday that the backlash created by President Johnson's payments program was largely responsible for an estimated 4-percent drop in U.S. commercial exports during the first half of 1965.

Walter H. Diamond, director of the international tax division of the accounting firm, Touche, Ross, Bailey & Smart, told a panel meeting of the Foreign Credit Interchange Bureau that practically all exports delayed by the long shipping strike earlier this year had been made up.

About 2 percent, or approximately $250 million, he asserted, was lost permanently to foreign competitors or from canceled orders.

CANCELED PROJECTS

"The bulk of the remaining $500 million decline in first-half exports principally is the result of the action of some 60 U.S. companies that deferred or canceled investment projects in developed countries" in response to President Johnson's request to curb foreign investment outlays, Mr. Diamond maintained.

In the absence of official Government figures on exports in the first 6 months of 1965, Mr. Diamond's data seemed to have been based on private estimates. The investment expert, who spoke to the foreign division of the National Association of Credit Management, could not be reached for an elaboration.

The Department of Commerce so far only has released figures for the first quarter. These showed that exports dropped $585 million, to $5.59 billion, compared with the first quarter of 1964, while imports rose $245 million, to $4.6 billion, in the comparable span.

Mr. Diamond asserted that the heavy withdrawal of U.S. capital from overseas combined with the shutoff of foreign security buying by U.S. mutual funds because of the interest equalization tax had a sharp downward impact on the European and Japanese stock markets.

There is strong evidence, he continued, that the shortage of U.S. dollars abroad is behind recent financial difficulties, including bank failures, in Uruguay, Switzerland, Japan, Hong Kong, and Japan.

Mr. Diamond stated that American exporters would have to press hard to equal last year's record foreign sales of $25.6 billion. Although the exporters will probably reach that level, chances are slim now that a 5-percent gain to $27 billion can be accomplished. This had been predicted prior to the long dock strike.

Mr. Diamond held that the loss in exports from foreign investments, substantially decreased sales of wheat and other agricultural products and the waterfront strike would be offset by the sharp increase this year in purchases by the Agency for International Development from U.S. exporters.

He said a record 94 percent of every dollar now spent on foreign-aid products goes to U.S. firms, compared with 87 percent last year, and 41 percent in 1960.

On the other hand he predicted that the unexpected 10-percent jump in imports will reduce the $6.9 billion trade surplus in 1964 to about $5.5 billion this year.

A CRITIQUE OF THE "NEW ECONOMICS"

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CURTIS. Mr. Speaker, it has become fashionable among administration economists to claim that a new era in economic understanding has dawned. The thesis is that the wise use of expansionary fiscal and monetary policies can provide the basis for continuing and noninflationary economic growth. The economic history of the period since early 1961 is cited as conclusive proof of the administration's wisdom in its use of fiscal and monetary tools.

The basis for this new era economic thinking has been forcefully and, I believe, convincingly challenged by Prof. Raymond J. Saulnier, of Barnard College, former Chairman of President Eisenhower's Council of Economic Advisers. In a speech delivered on June 24, Professor Saulnier has argued that the good performance of the economy since 1960 did not arise from a new understanding of fiscal and monetary policy but from a favorable relationship between the rate of increase in hourly labor costs and the rate of improvement in productivity. This development eliminated pressures on prices from the cost side and make it possible for Government to follow expansionary policies with, until recently

at least, a minimum inflationary impact and a maximum effect on employment.

Professor Saulnier shows how the unfavorable gap between cost and productivity increases which existed in the midfifties limited the use of expansionary policies during that period. However, gradually through the fifties and continuing into the sixties the gap has narrowed, making possible the application of expansionary fiscal and monetary policies.

The point is an important one and should especially be noted by administration economists. Their fascination with expansionism could lead to an inflationary disaster if pursued in the context of unfavorable cost-productivity relationships. As Professor Saulnier notes, the fundamental condition for vigorous, sustainable, and inflation-free growth is broadly stable labor costs per unit of production.

I include this important speech in the RECORD at the conclusion of my remarks:

SOME OBSERVATIONS ON THE SO-CALLED NEW ECONOMICS AND ON THE NEAR-TERM OUTLOOK FOR THE U.S. ECONOMY

(Remarks by Dr. Raymond J. Saulnier, professor of economics, Barnard College, Columbia University, New York City, June 24, 1965)

Although it was not my original intention to do so, I should like to talk tonight on the so-called new economics. By that I mean the point of view, and the analysis underlying it, that the growth of the American economy in the last few years has been due not just primarily, but to all intents and purposes exclusively, to the aggressive use of fiscal policy and to a more or less continuously easy monetary policy, with attendant large increases in the use of credit. Fiscal and monetary expansionism is a perfectly good alternative term for it. As an approach to economic policy it is gaining admirers from all quarters; and for its more exuberant disciples what it all comes to is that a kind of intellectual breakthrough has been achieved in the field of economic policy, that it was a failure to understand the benefits of fiscal and monetary expansion that prevented our having a faster rate of growth in the 1950's, that at long last, however, we now know how to manage our economy, and that henceforth we can expect a very much better performance from it. I need not add that this enthusiasm is customarily accompanied by unreservedly confident statements about the future course of business—near term, intermediate term, and long term.

Now, if this is a correct explanation of the good performance of the American economy in the first half of the 1960's and a reliable guide for policy in the remaining years of this decade, it would be a grave mistake for anyone, and least of all for an economist or a financial analyst, not to recognize it as such. As you should, you give public policy a heavy weight in any estimate you make of the future course of the economy. My object tonight, therefore, is to try to help you sort out what is useful in the "new economics" and at the same time to understand its limitations. There is much that is useful in it though what is useful is mainly not very new; and its limitations are considerable. Then, from what I regard as the vantage point of one whose thinking is not entirely in what is nowadays referred to as the mainstream, that is, of one who can see the dangers as well as the benefits of fiscal and monetary expansionism, I should like to make some remarks of the near-term business outlook.

Let me begin with the doctrinal question. Without meaning in the least to disparage the use of fiscal policy, or of any other branch of policy, to help improve the performance of our economy, I shall argue, first, that the basic condition accounting for the good performance of the American economy since 1960, and the condition lacking which a good rate of growth with price stability would have been impossible, was not a new understanding of fiscal and monetary policy but a favorable relationship between the rate of increase in hourly labor costs and the rate of improvement in productivity. This favorable relationship virtually eliminated any pressure on prices from the side of costs, certainly as an average across the manufacturing economy, and made it possible for Government to follow an easy fiscal policy and for the Federal Reserve System to follow an easy monetary policy with, until recently at least, minimal inflationary impact on prices and maximum expansive effect on employment, hours of work, and production.

In other words, for the record of good growth with relatively little price inflation of the past 4 years, the new economics gives too much credit to fiscal policy in particular, and too little credit to the stability of unit production costs. I say fiscal policy in particular, because I expect you will have observed, as I have, that the most outspoken champions of the new economics are inclined to be either reserved, or critical, in their observations on monetary policy, contrasted with their enthusiasm for tax reduction and Federal expenditure increases.

Second, I shall argue that the new economics, in its comments on economic policy in the latter half of the 1950's, ignores the fact that in that period there was an entirely different and unfavorable relationship between cost increases and productivity gains, that this was precisely the inflationary problem with which policy had to cope, that economic policy dealt successfully with it, that it did this without recourse to direct controls, that a broadly favorable relationship between cost increases and productivity improvement was achieved by 1961, and that it was this favorable cost-productivity relationship, and its maintenance to date, that made possible the good performance of our economy so far in the present decade.

To support this point of view, I will, of course, cite evidence mainly from the experience of the United States; but, as I will show, the economies of Western Europe and Japan provide vivid evidence to the same end.

You can trace the record of productivity, employment cost and price developments in published official figures. A May 1, 1965, Department of Labor release entitled "Comparisons of Indexes of Labor and Nonlabor Payments, Prices and Output Per Man Hour in the Total Private Economy and the Private Nonfarm Sector, 1947–64" is a convenient source. You will also find pertinent data in the annual reports of the Council of Economic Advisers. In table 12 (p. 109) of the January 1965 report, for example, you will see that in the years 1955 through 1960 the average of the trend productivity improvement rates for the total private economy was 2.7 percent while the average of annual increases in total compensation per man-hour was 4.5 percent. From an analytical point of view, this is the important gap; namely, the difference between productivity gains and cost increases. It was greatest in 1956–57, when trend productivity rates averaged 2.7 percent and we were having our own version of a wage explosion, with hourly employee compensation rates increasing annually at an average of 6 percent.

I will not burden you with a full recital of the relevant numbers, but if you have occasion to study the period you will find that by 1961, in an almost unbroken sequence of steps, this gap had been closed, partly by an improvement of annual rates of productivity improvement, but more by a slowing down in the rate of annual labor cost increases. In 1961, the annual productivity improvement was 3.4 percent and the labor cost increase was 3.6 percent. The picture varies depending on whether one uses annual or trend figures and on what concept and scope of productivity and cost changes one has in mind, but the conclusion remains: The wide gap that obtained in the midfifties was narrowed as the decade progressed; it had been virtually eliminated, and balance established, as the 1960's began. Fortunately, this balance has been pretty well maintained. We have tended to lose it a bit of late, which must be one of the critical points in any appraisal of the economic outlook, but to pursue this at the moment would get me ahead of my story.

The economic consequences of the relation between cost increases and productivity gains are plain to see. In the mid-fifties and later fifties the deficiency of annual productivity gains below labor cost increases resulted in annual increases in labor cost per unit of output. Naturally, these unit cost increases tended to slacken as the deficiency (or gap) was narrowed; something very close to unit-cost stability was reached by 1961.

Increases in unit production costs in the mid-fifties and later fifties had their effect on prices, of course, and a serious effect it was. The index of wholesale prices of nonfarm, nonfood products rose 5 percent a year in 1955 and in 1956. The increase was checked in 1957–58, but it resumed again, though fortunately at a somewhat lower rate, when the recessionary effect of that period was over. By 1959, and reflecting the virtual stability that by that time had been reached in labor cost per unit of manufacturing output, the wholesale price level began to stabilize and, until very recently, remained flat.

There was a reflection of these same forces in consumer prices. In the 2 years preceding the 1957–58 recession, the consumer price index was rising at a rate close to 3.5 percent a year; as the decade closed, however, the rate of increase had slackened to the 1 to 1.5 percent that has obtained to this date.

No wonder that a favorite title for Sunday supplement articles on economics in the mid-fifties was "The Age of Inflation: What it Means to You," or words to that effect. And no wonder that an inflationary psychology developed, with which policy had to cope.

On the investment side of the economy, these cost-price developments were reflected in a distinct narrowing of profit margins. Profits per dollar of sales dropped 25 percent in the second half of the 1950's. Stock prices rose, but not because corporate profits were improving. On the contrary, the volume of corporate profits, after taxes, was lower in 1960 than it had been in 1955, despite a 12-percent growth in real GNP and despite a 26-percent increase in current price GNP.

Before I move to the policy implications of this economic context, let me recall the cost-productivity relationship that has obtained in the sixties, to date.

Since 1960 the moderate rate of increase of hourly employment costs that had finally been achieved by the end of the 1950's has been broadly maintained, certainly until recently. In 1961 the productivity improvement rate was 3.4 percent and the employment compensation increase was 3.6 percent. The January 1965 Economic Report of the President (p. 57) describes it this way:

"The moderate gain of about 3.6 percent a year in hourly compensation in the total private sector during the present expansion [1960–64] compares with an advance averaging 3.9 percent a year in 1957–60 and 4.5 percent in 1953–57.

"Gains in output per man-hour in the private section in 1960–64 averaged 3.5 percent a year, compared with 2.5 in 1953–57, and 2.7 in 1957–60."

Reflecting these conditions, labor cost per unit of output in manufacturing industries has drifted downward since 1961, in contrast to its upward trend in the second half of the 1950's; labor cost per dollar and GNP, which is our broadest measure of unit labor cost of production, has been stable, in contrast to its rise in the second half of the 1950's. Understandably, the ratio of price to unit labor cost since 1961 has been either stable or rising; profits per dollar of sales have trended upward; and, jointly with increased sales, this improvement of margins has yielded a higher and higher volume of corporate profits. Stock prices have responded favorably. More important, so has the growth of our economy; and so has the real level of living of the American people.

Believe me, here you have the key to a correct understanding of the 1950's; and to a correct understanding of what has happened in the 1960's, to date. Let what you hear about a breakthrough into new approaches to economic policy, of a casting-off of old mythologies, of escape from enthrallment by obsolete ideas and all the rest go in one ear and out the other. Keep your eye on the fundamental condition of balance in an enterprise economy, which is a relationship between hourly labor cost increases and productivity improvements such that labor cost per unit of production is held broadly stable. This is the sine qua non of vigorous, sustainable, inflation-free economic growth.

I am sure that the policy implications of an economic context in which labor costs per unit of production are rising as compared with a context in which they are either stable or declining, does not escape you. The point is: when unit production costs are rising there is a genuine upward pressure on prices, and economic policy must at some point resist this trend. Fiscal and monetary expansion, the new economics if you will, can be carried to excess even when cost conditions are broadly favorable, but it is nothing less than a recipe for disaster when it is applied to a situation in which cost conditions are unfavorable. For fiscal and monetary policy to give leeway, to give encouragement, to give impetus to an upward trend of costs and prices is an open invitation to inflation, and ultimately to a serious economic and financial setback. Under these conditions monetary and fiscal policy must be held taut. As for fiscal policy, it is not a question of wanting—in principle and without regard to economic conditions—to avoid a deficit in the Federal budget, or of wanting—in principle and without regard to economic conditions—to reduce the national debt, however constructive that might be. The point is: an imbalance between cost increases and productivity improvements and the consequent push of unit production costs on prices is not a viable condition for any economy. Least of all, it is not a viable condition for a market economy the freedom of which one aims to maintain. The imbalance has to be corrected and it can only be worsened by a permissive, let alone by an aggressively expansive, monetary, and fiscal policy. One can argue with details of monetary, fiscal, and debt management policy in the 1950's, but to assert that all that was needed was a large dose of monetary and fiscal expansionism, a la the style of the "new economics," represents a total failure to understand the economic context of that period. And when tax reduction and Federal spending increases under any and all circumstances are enshrined as a kind of "intellectual breakthrough," we are on our way to a serious case of national self-deception.

Nowadays, the exercise of fiscal and monetary restraint as a means of overcoming cost and price inflation is referred to as a stabilization program; and it is widely recognized that such programs will almost inevitably entail a slowing-down in the rate of economic growth. Naturally, one would prefer that this was not the case and there were ways and means—which Government will, of course, utilize to the full—for minimizing the growth-retarding effect. Naturally, also, Government can counsel moderation in labor contract settlements and, to the extent it is successful in this effort, it will reduce the need for fiscal and monetary restraint, thus reducing the risk of retarding growth. Indeed, it was precisely in order to avoid a retardation of the growth rate that repeated calls were made in the 1950's, and in the second half especially, for moderation in labor contract settlements. Let me recall some words on this point from the January 1957 Economic Report of the President (p. 44):

"To depend exclusively on monetary and fiscal restraint as a means of containing the upward movement of prices would raise serious obstacles to the maintenance of economic growth and stability. In the face of a continuous upward pressure on costs and prices, moderate restraints would not be sufficient; yet stronger restraints would bear with undue severity on sectors of the economy having little if any responsibility for the movement toward a higher cost-price level and would court the risk of being excessively restrictive for the economy generally."

In this day of numerically expressed and fully spelled out wage and price guidelines, the above may seem like an overly moderate statement. But let me remind you: The analysis of the economic situation which it reflects was vigorously denied at the time. If you will forgive a personal note, I will recall my own dialog with certain congressional committees. More than that, let me tell you that inclusion of the moderate statement I have just read from President Eisenhower's January 1957 Economic Report was protested, in advance of the report's publication, by a delegation that came to my office from one of what we may call the "cognizant" Federal departments to tell me that to say such a thing was not only politically indiscreet but technically incorrect. What a long way it has been from there to here. If there has been an intellectual breakthrough, it has been to recognize the essentiality for stable, inflation-free and vigorous economic growth of a balanced relationship between employment cost increases and productivity gains.

Unfortunately, the restraints that in the end helped eliminate the imbalance between cost increases and productivity improvements that had developed in the midfifties did retard the rate of the economy's growth. As I have argued elsewhere, under more favorable circumstances recession might have been avoided in 1957–58; but, as you know, there were more imbalances in our economy at that time than the imbalance between costs and productivity gains. And the 1960–61 recession is so small—it exists only in a minor inventory adjustment—that it is hardly visible except in quarterly and monthly figures. The important point is: When the period ended the basis had been set for sustainable growth.

The question is often raised whether the retardation of growth in the second half of the 1950's might not have been avoided by recourse to direct controls, perhaps by a system of numerically expressed guidelines, or by something more clearly mandatory. I doubt that it could have been, at least not without the controls having been very repressive, but the point is: there was no disposition in the 1950's to take this route. A primary object in General Eisenhower's administration was to eliminate controls, not to multiply them. The object was to free the market process, including the collective bargaining process, not to hamstring it. On every appropriate occasion the President called on the leadership of labor and industry to practice restraint in wage settlements, along the lines of the quotation I have just read. But there was no setting-up of numerically expressed guidelines, and there was a minimum of direct intervention in collective bargaining. The limits within which wage settlements could be made without unfavorable economic effects were stated only in qualitative terms; but they were stated clearly enough to give all the guidance that was needed, and at the same time to keep Government as much as possible out of the collective bargaining process.

Let me recall two paragraphs from the January 1959 Economic Report of the President (pp. 5 and 6) that state the point of view on this question in government at that time:

"It is not the function of government in our society to establish the terms of contracts between labor and management; yet it must be recognized that the public has a vital interest in these agreements. Increases in money wages and other compensation not justified by the productivity performance of the economy are inevitably inflationary. They impose severe hardships on those whose incomes are not enlarged. They jeopardize the capacity of the economy to create jobs for the expanding labor force. They endanger present jobs by limiting markets at home and impairing our capacity to compete in markets abroad. In short, they are, in the end, self-defeating.

"Self-discipline and restraint are essential if agreements consistent with a reasonable stability of prices are to be reached within the framework of the free competitive institutions on which we rely heavily for the improvement of our material welfare. If the desired results cannot be achieved under our arrangements for determining wages and prices, the alternatives are either inflation, which would damage our economy and work hardships on millions of Americans, or controls, which are alien to our traditional way of life and which would be an obstacle to the Nation's economic growth and improvement."

I am happy to say that when President Eisenhower's administration was completed, not only had a balance been established between cost increases and productivity improvements that was favorable to sustained, high-level growth, but that the collective bargaining process was as free as it had ever been. The guideline age did not begin until later.

Fiscal and monetary expansion is capable of being carried to excess even when cost-productivity conditions are favorable, but this is doubly so when cost-productivity conditions are unfavorable. Recent developments in Western Europe and in Japan illustrate this very well.

Briefly, the story is this. In the 1950's growth rates in Western Europe, with the exception of Great Britain and certain of the Scandinavian countries, were very much better than ours. In almost all cases, governments there were following easy fiscal and monetary policies, with large deficits in their budgets and a heavy and rising use of credit throughout their economies. To the wonderment of all, on the other hand, prices were remarkably steady. France's history in this period is complicated by currency devaluation; but you will find that the Belgian and German indexes rose only 1 and 2 percent, respectively; that the Italian index declined 2 percent; and that the Japanese index fell 1 percent. Beginning in 1961, however, the situation changed completely. Prices began to rise in Western Europe and in Japan at a rapid rate, and growth rates began to be retarded. In other words, the history of Western Europe and of Japan in the second-half of the 1950's and in the first-half of the 1960's as regards price changes and growth rates has been exactly the reverse of ours. I don't quite know what the figure of speech is that

best fits this situation, but it has something to do with the shoe being on the other foot, except that we have two or three pairs of feet involved.

In any case, what was behind this reversal? It cannot be explained in terms of shifts to a higher level of utilization of capacity in Western Europe and in Japan as compared with the United States. The fact is that we are all operating at high levels of capacity utilization. Nor can it be explained in terms of having guidelines or not having guidelines. The fact is: Western Europe has had guidelines all along. What then accounts for the difference? Guidelines or not, the fact is that a change came about in Western Europe and in Japan in the early 1960's in the relation between annual labor cost increases and annual productivity improvements. They began to produce an unfavorable gap between the two just as we began to eliminate ours. Beginning in 1960, and accelerating in 1962 and 1963, labor cost per unit of output began to rise, putting a strong upward pressure on prices.

Italy provides perhaps the clearest example. In 1960 and 1961, labor costs per unit of output were actually lower by nearly 10 percent than they had been in 1958 and 1959. This reflected the fact that hourly labor cost increases had been held well within the limits of productivity improvements. But in 1962 and 1963 hourly labor costs rose by close to 15 percent a year. I have no data on Italy's rate of annual productivity improvement, but it is hard for me to believe that it exceeded 7 or 8 percent, though owing to the special circumstances and stage of development of the Italian economy it is possible that this high rate may have been achieved. In any case, the excess of labor cost increases over productivity gains in 1962 and 1963 was so great that prices increased by about 8 percent in each of these 2 years. This was possible, obviously, only because—in the face of an egregious imbalance between labor cost increases and productivity improvements—monetary and fiscal policy continued to be easy, in the style, if I may say so, of the "new economics."

Of course, this inflationary process could not be permitted to go on indefinitely. Before very long the inflation of costs and prices required that stabilization programs be launched in every one of the Western European economies. You know the history of this as well as I do; and you know that these stabilization programs, essential as they are to the long-term health of the economies involved, have been carried out only at the expense of a slowing down of growth rates. Italy has had a kind of stabilization recession; France has suffered a pause in its growth; and so have nearly all the other Western European continental economies. Only the United Kingdom, on that side of the world, continues in a state of total domestic prosperity and vigorous expansion, but it is caught in a still-unsolved international financial predicament. I leave it to you to sort out cause and effect in this coincidence.

The hour is late and, because I want to say something about the economic outlook before I finish, I will spare you an account of Japan's recent economic history. Our friends there did not invent the term "new economics" but they did give us the word "overheating," which will assuredly find its place in the same general area of the economic thesaurus. And I must say that the Japanese have demonstrated some of the more spectacular dangers of monetary and fiscal expansionism persisted in side by side with cost inflation.

If we are of a mind to do so, we can learn a good deal from these experiences of other countries. In many ways their most instructive value is to show us what heavy doses of the new economics, applied when fiscal and monetary restraint, not expansion, is called for, can do to the institutional framework of a society. Here I want to make two points:

First, you will observe that indicative planning, as it is called, did not prevent inflation in Western Europe. I hope its admirers in this country will take note of that fact. Second, you will observe that monetary and fiscal expansionism, in the mode of the so-called new economics, has led almost everywhere abroad to "incomes policies" which, becoming increasingly specific and mandatory and reaching far into the area of price and nonwage income determination, are having a profound effect on market institutions. There is a real danger that, in the end, an "incomes policy" will prove to be only a euphemism for a system of broad market controls. And the more determined the application of monetary and fiscal expansionism, the more determined, that is, the application of the new economics, the greater is that danger.

There was no disposition to court this risk in the 1950's. Our paramount object was to achieve the purposes of the Employment Act within the framework of an enterprise system and of a labor market with maximum freedom. The guiding concept was the concept of a free society. Fiscal responsibility was, and remains, an essential means to this end.

I have no wish to diminish your estimate of what a prudently expansive fiscal and monetary policy can do to promote vigorous and stable economic growth, and incidentally, to ease the task of the financial analyst. My object is only to argue the case that such a policy is possible only when a balance is maintained between cost increases and productivity improvements, and that it can be carried to excess, even then. If you conclude from this that there is less that is new in the new economics than its enthusiasts seem to believe, and more that is contingent and risky, then I will have made my point on the doctrinal question.

In commenting on the near-term business outlook, let me refer first to economic conditions abroad. To a considerable extent, such uneasiness as is felt nowadays about the economic outlook—and it must be conceded that some uneasiness does exist—derives from a concern about prospects abroad.

Briefly, I feel reasonably confident that the pause in growth that continental Western European countries have experienced recently has about ended and that a resumption of expansion can be expected this year. And I see no reason why expansion should not continue in 1966. The pause was induced by stabilization programs launched to gain some mastery over cost inflation and a too-rapid expansion of credit. But the restraints are being relaxed almost everywhere on the continent now, and underlying demand is so strong that the response should be favorable. If there is a fly in the ointment, it is that the stabilization plans have been less than completely successful in closing the gap between labor cost increases and productivity gains. Increases in employment costs are still excessive. Accordingly, I expect to see cost and price inflation continue there, perhaps in the neighborhood of 3 percent a year, though hopefully not more.

Great Britain is a special case. There are those who regard the Labor government's stabilization measures as inadequate to correct the country's international economic and financial imbalance; but others say that the credit squeeze is very tight, and that it may well prove by fall or winter, to be more restrictive than is needed. Basically, the question is whether the British will be able to survive their pursuit of fiscal and monetary expansionism, from which they are retiring only very reluctantly, without devaluing their currency. I do not expect devaluation this year; whether it will come in 1966 is still a moot question but hopefully it will be avoided altogether. In any case, what seems most likely to me is that Great Britain's international financial problems will be dealt with in the context of a general resetting of the international monetary system, rather than by unilateral action. In the meantime, I am afraid the British situation will continue to be a source of uncertainty and of some deflationary pressure for other economies.

In the Japanese economy, industrial production has been broadly flat for almost a year now and I expect this condition to continue for a time. There has been, as you know, a very rapid expansion of credit in Japan, and this has had a serious effect on the nation's investment market. But the impact of Japan's experiment in monetary and fiscal expansion has so far been limited mainly to its own economy and I do not expect to see the impact magnified, or to see it spread internationally, in the months ahead.

Turning now to our own economy—and putting aside small month-to-month changes some of which are up and some down—I think we can say that the picture depicted by our business cycle indicators is still a reasonably good one. There is distinctly more diversity in it than there was a month or two ago; but, apart from the stock market, the indicators are in reasonably good shape. There are signs, however, that certain of the qualities of balance that have characterized the expansion to date are being lost. I hope I may cite these without seeming to be raising unwarranted alarms, or of being somehow counterproductive.

First, there seems to have been some slipping away from the close approximation to balance that we have enjoyed in recent years in the relation between labor cost increases and productivity improvements. For the private economy as a whole, and for the year 1964 as a whole, the gap widened a bit. Certainly, some of the major settlements reached in the latter part of 1964, and to date in 1965, have been moving in the direction of imbalance.

Second, prices have started to move up. The rate of increase of the consumer price index, which is slow to move in any case, has not changed greatly; it continues to rise at about 1 to 1½ percent a year. But after a long period of absolute stability, the wholesale price index has been moving up in recent months and the index of prices of industrial materials has moved up sharply. The last mentioned index rose 15 percent in the 12 months ending June 1965, as compared with 8 percent in the previous 12 months and with a decline of 2 percent in the 12 months before that.

Cost push cannot be exonerated entirely from these price increases but pressure on production facilities from the side of demand has also been heavy. Indeed, I have the distinct impression that demand pressure has been more important than the push of costs. In part, this is due to the rapid upsurge in credit which we have seen in the past few months. Accordingly, I attach special importance at this time to monetary policy.

It is not easy to find just that degree of credit restraint which, without wrenching the economy, will get us back onto a sustainable rate of credit expansion. There is danger in putting the brakes on too hard; but our monetary authorities know this danger very well. There is also danger, however, in staying too long with a rapid credit expansion, which is a mistake to which fiscal and monetary expansionists are distinctly prone. It is the job of money policy—and a highly unpopular one it is at a time like this—to prevent our running afoul of either of these hazards. To date, monetary policy has moved in what I regard as the indicated direction. I have no quarrel with it, and I

trust that the expansionists will not insist in this instance on making their characteristic mistake of carrying things too far.

What happens in the area of fiscal policy is also critical. Now, you and I know that there is room in our economy when it is operating at a high pitch and growing at a good rate for a combination of tax reduction and expenditure increase adding up, certainly, to $5 billion a year and possibly to as much as $7 billion. But you and I know, too, that if the Federal Government chooses to go beyond that at a time of high activity, and when the private sector of the economy is pushing on with its own species of deficit financing, then we not only risk the danger of overheating our economy but of impairing the Government's capability for taking constructive countermeasures in the event of a setback. What we need to do is to hold the total of tax reductions and expenditure increases well within the limits of the revenue increases we can expect from our economy's growth. The effect would be to move our Federal budgetary accounts closer to balance. I must tell you that I do not see as much evidence of a readiness to do this as I would like to see.

If we are guided by these broad principles of financial prudence, and if labor cost increases are kept well within the limits of productivity gains, I see no reason why the expansion cannot go on indefinitely. As I have had occasion to say before, the secret is to avoid spurts and surges and not to push the economy too hard. It is plain from the figures that we have already had something of a spurt. I think our whole economy would have been better off without it; and I think that the market would be behaving better than it has been if we hadn't had it. But now I expect to see us settle down to a more sedate pace. If this is the way our economy goes, as I expect it will, then the stock market is currently underestimating the strength and the growth capabilities of the American economy, and that is precisely what I think it is doing.

FREE MAILING PRIVILEGES FOR U.S. PERSONNEL IN SOUTH VIETNAM

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BOB WILSON] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BOB WILSON. Mr. Speaker, as Members of this House well know, the Veterans of Foreign Wars of the United States is one of the most effective and consistent spokesman for the man in uniform.

Another example of how they help look after the interests of our fighting men has recently come to my attention. Their commander in chief, John A. Jenkins, Birmingham, Ala., has written to the President of the United States, urging free mailing privileges for all U.S. military personnel in South Vietnam.

It should be emphasized that this fair and practical recommendation was a result of "Buck" Jenkins personally going to South Vietnam and visiting our troops in the combat areas. He went to the fighting fronts in the forested mountains along the Cambodian frontier, to the embattled base at Danang, and to the marine beachhead at Chulai. He saw what was needed to help the troops, and came up with a practical solution.

Under leave to extend my remarks, I include the press release by VFW Commander in Chief Jenkins, dated June 17, 1965, which, in turn, contains his letter to the President:

VFW URGES FREE MAILING PRIVILEGE FOR U.S. PERSONNEL IN SOUTH VIETNAM

WASHINGTON, D.C., June 17, 1965.—Free mailing privileges for U.S. military men was urged today by the national commander in chief of the Veterans of Foreign Wars of the United States, Mr. John A. Jenkins, Birmingham, Ala.

Commander Jenkins made the recommendation in a personal telegram to President Johnson. The VFW official, just returned from an extensive trip to the fighting fronts in South Vietnam, said he had an opportunity to personally observe the conditions under which U.S. military personnel are living and fighting.

Explaining his recommendation, Commander Jenkins said: "Fighting the Communist aggressors in South Vietnam is a full-time, around-the-clock job. This is a war in South Vietnam and it doesn't make sense that our fighting men should be unnecessarily burdened by having to travel to a postal branch, line up to buy stamps, which it is impossible for them to keep in usable condition when they return to their battle positions in rains, mud, and sand."

The text of VFW Commander Jenkin's telegram to President Johnson follows:

The PRESIDENT,
The White House,
Washington, D.C.:

During my recent trip to South Vietnam, I was fortunate to be able to visit our fighting men in various parts of that embattled country. I can report to you, Mr. President, that our fighting men are performing their duty with a dedication, loyalty, and degree of efficiency that has historically been the hallmark of those in our Armed Forces. As a result of my visits to fighting fronts in South Vietnam, I take this opportunity to respectfully recommend that free mailing privileges be authorized to all those in our Armed Forces in South Vietnam. On the basis of my personal observations, I am convinced that it is an unnecessary burden for men engaged in a life and death conflict to have to travel to a postal branch, line up for stamps, and then go back to their combat assignments. It is impossible for our troops living, for instance, in primitive conditions of the mountainous frontier, and in the deep and drifting sands of the Chu Lai beachhead to keep their postage stamps in a usable condition until they have time to write to their loved ones at home. It is also respectfully submitted, Mr. President, that in the long run the granting of free mailing privileges to our forces in South Vietnam would prove to be an economical step. The merchandising of stamps and maintenance of even rudimentary postal facilities seems to be an unnecessary expenditure under the existing circumstances. Hoping that this recommendation merits your favorable consideration, I am.

Respectfully,

JOHN A. JENKINS,
Commander in Chief, VFW.

RESIDUAL OIL RELIEF NEAR?—STATEMENT DETAILS NEED

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CLEVELAND. Mr. Speaker, the residual oil import problem continues to afflict the consumers of the Northeast. Hopefully, a solution is near. Last week, Members of Congress from every New England State and New York met with Director Buford Ellington, of the Office of Emergency Planning, who is one of the President's key advisers on oil import policy. We expressed ourselves in clear terms, calling for an early decision, which Mr. Ellington said he would try to achieve. The delegation's informal chairman was the destinguished gentleman from Rhode Island [Mr. FOGARTY] and, it is encouraging to record, we also were specifically authorized to express his wholehearted endorsement of our position by the Speaker of the House.

This time, it is hoped that the Northeast will be able to muster enough strength to overcome the power of the coal and oil interests, which blocked relaxation of residual oil imports last March. They did this by exerting their influence at the White House so that the Secretary of the Interior himself was overruled on the eve of announcing plans to grant a substantial measure of relief.

As we await a new decision, it is timely to consider the underlying facts and I offer for this purpose the text of a frank, short address by Mr. John K. Evans, executive director of the Independent Fuel Oil Marketers of America, Inc. He delivered it with considerable courage last month at the annual convention of the National Coal Association in Chicago. This is an excellent summary of the residual oil question and I urge my colleagues to read it:

STATEMENT BY MR. JOHN K. EVANS, EXECUTIVE DIRECTOR, INDEPENDENT FUEL OIL MARKETERS OF AMERICA, INC., WASHINGTON, D.C., AT 48TH ANNIVERSARY CONVENTION OF THE NATIONAL COAL ASSOCIATION IN CHICAGO

My name is Jack Evans, I am executive director of Independent Fuel Oil Marketers of America, Inc., of Washington, D.C. I have spent over three decades in the international oil business, most of that time with the Royal Dutch Shell group and for the past 4 years I have had my own consulting office in Washington. Among my clients are members of the association whose stand and interests are the reason for my being here today.

When I told Don Sullivan that I was born in Wales he told me I was a traitor to my Welsh heritage. My reply to Don was that I was from North Wales where they have no coal and where the only natural resource is rocks. When I told my friends I was going to stick my head into the lion's head they told me I must have rocks in my head. The Welsh are a stubborn race and like to crusade for lost causes but I am sure I don't have to tell this audience about the Welsh because they have had plenty of contact with John L. Lewis and other far more eloquent representatives of the Welsh race than I ever could be.

I fully realize that this is a kangaroo court but I welcome this opportunity of telling you how the independent marketer of residual fuel oil feels about the coal industry's successful war to date to put him out of business.

COAL PROSPECTS EXCELLENT

We don't believe that the problems of the coal industry have been caused by imported residual fuel oil. In fact, we think that from the standpoint of the domestic coal industry itself, and particularly the coal mineowners, both the present and future prospects for profitable operation are excellent. In fact, all of my friends on Wall Street tell me that coal stocks are a good buy. As proof of the latter, I note that earnings per share in 1964 over 1963 were up 24 percent for Peabody; 16 percent for Consolidation; 33 percent for Island Creek; and 10 percent for Pittston—not a bad performance.

By the above statement I do not imply that Appalachia is not suffering severely from unemployment in the coal industry. This is due to automation, not imported residual fuel oil. I also admit that the coal industry has lost some markets such as those caused by the dieselization of railroad equipment, conversions from coal to gas and No. 2 heating fuel by the household consumer, and conversions to competitive fuels by industrial plants. I will admit that in the latter category, while most of the conversion has gone to gas, a negligible volume has been converted to residual fuel oil. Actually the market in which residual fuel oil could compete with coal is extremely limited. Imported residual fuel oil is marketed only on the so-called watershed area of the east coast. By the latter I mean that this product is heavy and viscous and has to be kept heated in order to be transportable. This means that imported residual fuel oil cannot be transported any great distance overland, particularly in the Northern States where the climate is such that keeping the product fluid in the winter months presents a serious problem. According to a study made several years ago by the Department of Interior, the then Oil Import Administrator stated that imported residual fuel oil only directly competed in a narrow area on the central Atlantic coast and represented about a 6-million-ton coal equivalent. Six million tons, applied against coal's domestic production of over 400 million tons are negligible.

COAL INDUSTRY FIGHTS FALSE ISSUE

We contend that the coal industry, in spending vast sums of fighting residual fuel oil imports, is doing a disservice to itself, consumers of fuel, and the entire conventional fuel industry. We believe that if the coal industry would use the money and energy now being expended on what we consider a false issue on positive actions such as an aggressive research and development program as well as programs to develop new markets, particularly overseas, far greater benefits would accrue to the coal industry. We feel that far too little effort has been placed upon overseas markets—when you compare what the oil industry does in developing markets with what the coal industry is doing, the comparison is shocking. In a way this is tragic because the American coal industry has done a better job than any industry in the world in reducing its cost of producing coal and developing advanced methods of coal mining and transportation. American coal can compete anywhere in the world with any foreign produced coal and the problem is to fight for a liberal trade program throughout the world to the end that American coal is allowed to compete in world markets on a fair and equitable basis.

ATOMIC POWER BIGGER THREAT TO COAL

Coming back to our contention that the coal industry's policy of fighting for a false issue is hurting all of us, I want to touch upon atomic energy. In talks I have had up and down the east coast I have been told time and time again that if there was a free and competitive market within the conventional fuels industry the price of energy in that industry would be competitive to the extent that there would be no incentive whatsoever to develop atomic energy plants. Just so there is no misunderstanding, when I am talking about prices within the conventional fuel industry I am not talking about dumped prices.

Throughout New England atomic energy plants are being planned or are on the drawing boards. Only recently a large atomic plant was approved for Oyster Creek in New Jersey. The decision to build this plant was based solely on the economics of the cost of fuel and the fact that residual fuel oil was not available. But, let's return to New England. I am no expert on atomic energy but I have been told that were it not for the controls and restrictions on residual fuel oil imports into New England, atomic energy, under present conditions, could not compete with conventionally fueled facilities. The present method of controlling residual fuel oil imports has placed my industry in a form of monopoly cartel marketing system. Since quotas are allocated to eligible importers, it means that these importers have a locked-in share of the market. Consumers do not have a freedom of choice, neither do the independent marketers since all are tied and are captive to the eligible importer who receives the import quota. This means that the consumer is forced to pay a higher price and this higher price has nothing whatsoever to do with the cost of production, transportation, or distribution. It is a false value that is placed on an import license. This value is the main cause of the disruption of the pricing structure of the residual fuel oil market and is the main reason for the fact that atomic energy is economically justified. The dangerous fact is that once atomic energy plants are built, that market is lost forever to all conventional fuels.

Another competitor for the market under discussion that has been created by the coal industry's successful attack on imported residual fuel oil is that of the importation of power from Canada. Here again plans are being made to import vast amounts of electric power into the east coast from the north. Here again, once these transmission lines go into operation, markets are lost forever to the conventional fuels marketed on the east coast. Another area of mutual interest is that of air pollution and what is needed is certainly more factual and scientific information on this highly political public issue.

NATION'S INTERESTS MUST COME FIRST

In the long term of history no man gets away with anything unless it is founded on truth. This applies to individuals, industries, and countries and it is a fact that I am afraid all three categories in my adopted country have yet to learn through bitter experience. Our Nation is facing challenges and troubles throughout the world and I predict this trend will continue. None of us can afford to subordinate our own personal vested interests for those of our country. We can get away with it but sooner or later our children will have to pay the price for our shortsightedness. I am not saying that the coal industry is the only guilty party because my own oil industry has made plenty of mistakes in this whole intangible area of policies and actions that are to the best interests of our country and not to a small vested segment of our Nation. The only real difference between the Russians and us is that we believe in the maximum amount of freedom and the private enterprise system is the keystone of this faith. While the Russians believe in state ownership, no private sector can exist under such a faith. Every action we take should be to strengthen and broaden the base of private enterprise and not frustrate and weaken this foundation.

We intend to continue our fight against any move by any conventional or other type of fuel that is contrary to the basic philosophy of the private enterprise system because we believe that this is the best way of fighting the challenge of communism throughout the world. We are against any preferential treatment that discriminates unfairly against any segment of our economy. For this reason we would support the coal industry in any moves made to expand its exports and to fight for fair and equitable treatment via the relaxation and liberalization of impediments to trade, both tariff and nontariff barriers, throughout the world. We would also support any program aimed at eliminating Government subsidies on any fuel, either conventional or nonconventional, if these subsidies were discriminatory and harmful to competition. We believe that any action taken, such as the present import restrictions on residual fuel oil aimed at destroying competition and adopting a form of end use control of the consumer in order to favor one specific form of energy, is in the long run disastrous not only to the fuel industry but also to our Nation.

TRADE EXPANSION ACT OF 1962

Mr. DEL CLAWSON. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. MOORE] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MOORE. Mr. Speaker, I am joining those who have introduced a bill to amend the Trade Expansion Act of 1962. I know of no other legislation that is more in need of amendment than that act. It was based on untenable policy and was intemperate in its objective. Beyond that it was self-defeating in the rigid conditions it laid down for adjustment assistance.

It was intemperate in providing for another 50-percent cut in the tariff after our average tariff protection has already been brought down a full 80 percent on dutiable items since 1934.

Under the previous policy of selective tariff cuts, all our industries had been sifted time and again and studied with respect to the extent to which the tariff could be subjected to further tariff cuts without causing or threatening serious injury to the industries concerned. We may be sure that during the 30 years since 1934 our tariff has been cut in the successive tariff-reduction conference about as deeply as possible without exposing our market to excessive import penetration.

From 1934 to 1947 we entered into 29 bilateral trade agreements in each of which some of our tariffs were cut. Then the General Agreement on Tariffs and Trade was negotiated. It went into effect on January 1, 1948. Sharp additional reductions in the tariff were made in that initial general conference. Thereafter four other conferences were held in Europe at a few years' interval and each time yet further tariff cuts were made. In 1955 the Congress, however, restricted the cuts to 15 or 5 percent per year during the 3-year period of the extension of the act, thus recognizing the low level to which the tariff had already been reduced. In the 1958 Trade Agreements

Extension Act the cuts were again limited to 5 percent per year, this time for a 4-year period, or 20 percent, thus again recognizing the need for gradualness and time for industrial adjustment. In both 1955 and 1958, moreover, the Tariff Commission operated under the "peril point" provision of the law which called for detailed studies to determine the level below which the tariff could not be cut without causing or threatening serious injury to the domestic industry. The peril point findings were made by the Tariff Commission.

In other words, the policy from 1934 to 1962 was not to expose domestic industry to serious injury from imports, in recognition of the difficulty that would be caused by incoming floods of low-cost foreign goods. Also, there was an escape clause, which, though it was not sympathetically administered, nevertheless served notice that the non-serious injury policy was in effect and could be invoked by domestic industry.

Under the Trade Expansion Act of 1962, a new but highly contradictory policy line was incorporated. It was duplicitous and deceptive in two respects.

First, it undertook to throw the no-injury policy overboard. This was on the grounds that sacrifices must be made on behalf of the national policy of continuing to reduce trade barriers. This toughness went hand in hand with the 50-percent tariff cut and its intended application across the board. In other words, a dragnet approach was to be inaugurated.

Yet, to make it appear as if the no-injury policy were still in effect and that great care would be taken to safeguard individual industries, extensive, item-by-item hearings were provided for in the act—hearings conducted not only by the Tariff Commission but also by the Committee for Trade Information. Each industry would be given an opportunity to be heard.

When the time came for hearings, notices went out all over the country. Over 800 witnesses were heard, including many Members of this House and the other body, and the hearings lasted for 4 months.

This was in flat contradiction of the across-the-board tariff cuts which had also been announced as an integral part of the new policy but not written into the law.

The hearings were barely over when the President's special representative for trade negotiations indeed agreed with GATT representatives that the approach would be a flat 50-percent cut, with a "bare minimum of exceptions." Those were the exact words: "a bare minimum of exceptions." This meant that all items except a mere handful could be cut 50 percent.

What was the purpose then of hearings, except to deceive the public and the industries and Members of Congress by leading them to believe that each industry would be considered separately and that each item would be cut or not cut according to the particular competitive conditions in each case? This was like measuring 800 men for their suit sizes and then arbitrarily prescribing the same size for all. The hearings were a pious fraud.

Congress, in requiring hearings and providing criteria to be considered in weighing tariff cuts, obviously intended that the information gathered in the extensive hearings be used as expected. The State Department thought otherwise and its policy prevailed.

Secondly, while industry and labor that were injured by past tariff reductions—not only those under the Kennedy round—were to be variously compensated as provided in the act, the requirements for such relief were so tightly drawn that in 2½ years and 17 cases brought before the Tariff Commission, not 1 case has withstood the rigid test laid down. This has happened even though, as is well known, the members of the Tariff Commission are appointed by the President.

The upshot is that in its conception, construction, and administration, the Trade Expansion Act of 1962 was and is a miserable piece of legislation. It should be changed drastically before the damage that is implicit in its potentials is actually inflicted on American industry, and particularly on the workers.

What possessed this body to accept so inept a piece of legislation in 1962 must remain one of the unsolved mysteries of the decade. I am happy to say that I voted against it.

Sufficient time has passed to justify a reassessment of the situation and to make amends. Little wonder that the negotiations in Europe have stumbled along so haltingly and with so many misgivings and agonizing doubts. After more than 2½ years, the final negotiations are still months away. For that fact we should at least be thankful.

The world has moved considerably from its 1962 economic position. The framework of the new competitive realities is now more clearly visible. The disparity between our high-cost plateau and the rest of the world is coming into sharp relief. We can no longer doubt that we can and are being outtraded in many parts of the world despite the false message droned upon us by our official trade statistics. These all sing a song of high cheer over our great export surplus. Unfortunately the reality of the case is different.

Our export surplus quickly dissolves when it is subjected to a factual analysis. It consists mostly of subsidized exports under foreign aid; sales and giveaways under Public Law 480; sales to subsidiaries of our own companies, shipments to our oversea Armed Forces, and governmental employees, and so forth. It is also rendered highly dubious by our method of reporting our imports, a method that exaggerates the surplus by upward of $2½ billion. The explanation is that our official import statistics are reported on a different basis from that followed by nearly all the other countries of the world. We take the foreign value as the basis without adding marine insurance and freight. This shrinks our import statistics some 15 percent compared with those of other countries.

Also, if we look at the great flood of our investments in foreign plants and enterprises, we quickly see that the lure of the lower foreign wages is very strong. Our foreign investments in the past 5 or 6 years have swollen rapidly while investment in new plant and equipment in domestic industry has lagged seriously, except as we have been pressed to modernize and automate, both to withstand the rising import competition and to try to hold onto foreign markets. The principal increase in exports has come in agricultural products, many of them heavily subsidized. These do not generate as much employment as does the production of manufactured products. Our imports on the other hand have come more and more to fall into the finished goods and manufactured foodstuff classification. Thus we are coming more and more into the position of trading farm output for manufactured goods. In terms of employment this represents a poor trade.

Only a decade ago finished goods represented but a third of our total imports. Now they represent virtually a half of them.

This means that our exports have been most successful in subsidized farm products and other agricultural commodities that we have sold for foreign currencies or given away. Also our exports of machinery have boomed as a result of our heavy foreign investments. As we open plants abroad we have used much American equipment; and this has helped our exports; but it cannot be regarded as a permanent outlet.

It was a favorite saying of our economists that the only domestic industries that cannot compete with imports are the inefficient and low-wage paying ones. Today these economists are strangely quiet on this point, and no wonder. The steel industry is not a low-wage industry—indeed, it is a high-wage industry—and yet it is plagued by fast-rising imports. But for the boom in automobile production and construction activities, steel imports would represent a spectacular threat to the domestic industry. Even so the industry is striving hard to reduce its cost burden by improved technology, which results in laying off workers.

Another high-wage industry that is facing rising imports is the automobile industry. It has met the threat in two ways. Luckily it had the necessary financial reserves to tool up for production of the compact car. Smaller industries do not all enjoy such reserves or credit. Secondly, the industry has invested very heavily in Europe and elsewhere and is therefore in a position to enjoy the better part of two worlds. Meantime, employment in our automotive plants has declined. When we turn to glassware and pottery and other industries of more moderate size we do not encounter the same capacity to fight against imports. These are not low-wage industries but they do not enjoy the vast financial reserves available to the steel and automobile industries. When imports strike them they have no way to turn other than to seek cost reduction. Technological improvements, however, do not grow on trees, and the smaller companies may

be driven out of business because they lack the resources to modernize or to invest abroad.

When imports climb, these smaller industries find their market shrinking and they are thrown back upon themselves. They are then told to diversify; and some of them have done so or are making efforts to do so; but the advice to diversify is more readily given than successfully achieved. Foreign competition is now quite as likely in other products as in the one in the production of which an industry may be in distress. Retraining, retooling and financing are all difficult steps, and in some instances represent insuperable obstacles. The smaller companies then strive to hold on to the output they now have—and therein lies stagnation. They are unable to employ any of the new workers that population growth makes available, and that will form pools of unemployed if they are not hired.

Mr. Speaker, nothing is more certain than the untimeliness of the proposal of further tariff reductions at the present time in any instance where imports have already taken a liberal share of our market.

It is for this reason that I join wholeheartedly in support of the legislation that would remove certain items from the President's list, and that would provide machinery for the imposition of import quotas to prevent imports from doing yet more damage than they have already inflicted on many of our industries. We cannot be in the position industrially of being put on the run by low-cost imports that owe their competitive advantage, not to higher efficiency, but to lower wages.

I am happy to introduce this bill and to urge its earliest consideration by the Ways and Means Committee.

FOREIGN AGENTS REGISTRATION ACT SHOULD BE AMENDED TO PROHIBIT GESTAPO-LIKE SNOOPING ON REFUGEES

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. GALLAGHER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GALLAGHER. Mr. Speaker, I am introducing legislation today to prohibit private American detective agencies from acting as a hired gestapo for any foreign government or foreign political party. This bill is intended to bring a halt to such spying and other snooping activities on refugees, exiles, and other foreigners who come to this country. The long arm of totalitarian regimes should not be permitted to touch these people, especially through private American detective agencies. I think that all Members of the House will agree that the United States should remain a haven for the persecuted. This is a policy closely interwoven with the very beginning of American history. I feel quite strongly that this bill will help to keep America as a sanctuary for these unfortunates.

Mr. Speaker, my attention was first drawn to this matter last year when Virginia Prewett, the distinguished columnist on Latin American affairs, described the plight of Haitian refugees and exiles in the United States. She said in a column appearing in the Washington Daily News that "the same terror that stalks dictator-ridden Haiti now haunts Haitians in the United States." She reported that "a new secret service recently created by Haiti's President Francois Duvalier and called the international squad is spying on Haitians in New York and elsewhere with brutal reprisals for those who criticize Duvalier overseas and then go home." Private American detective agencies allegedly operated as part of this apparatus. Indeed, records of the U.S. Department of Justice substantiate the charge. They show that not only has such surveillance and investigative work been performed for Haiti by private American detective agencies, but also for other countries. And I cannot help but feel there is much unreported activity of the same type.

This sort of nefarious snooping should be halted immediately. At the same time, Congress should amend the Foreign Agents Registration Act to make it clear that such activity constitutes a violation of American law and will be punished accordingly. Simple justice demands no less. I hope the House Committee on Judiciary will approve this measure separately or as an amendment to legislation currently being considered to bring the Foreign Agents Registration Act up to date.

THE PROPOSED 200 BEV ACCELERATOR

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HOLIFIELD] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, there is a great interest over the location of a proposed 200 billion electron volt accelerator which currently is in the initial design study stage under the supervision of the Atomic Energy Commission. As of today the Atomic Energy Commission has received 110 proposals from 45 States recommending nearly 200 sites for the location of this proposed facility.

The Joint Committee on Atomic Energy for a number of years has closely followed the Nation's high energy physics program, more than 90 percent of which is sponsored and supported by the Atomic Energy Commission. High energy physics is truly on the frontiers of science; it is a field that is exploring the very basic forms of matter. Facilities that can accelerate the smallest known particles of atoms such as electrons and protons and make them travel at speeds approaching that of the speed of light are necessary tools in the exploration of this frontier of scientific knowledge. By bombarding other particles with these fast-moving protons and electrons, we are able to discern phenomena that otherwise would remain unknown to us. New and strange particles thus discovered add to man's store of knowledge and better understanding of the physical world and matter itself.

These facilities which serve as tools in the field of high energy physics are very expensive to construct and to operate. They require large areas and tremendous amounts of electrical energy. The 2-mile linear electron accelerator at Stanford University, now nearing completion, is being constructed at a cost of $114 million. The construction of the proposed 200 billion electron volt—Bev.—proton accelerator is estimated to cost $280 million. When fully operational, its annual operating costs will run in the neighborhood of $50 million per year.

At the request of the Joint Committee on Atomic Energy, the executive branch of the Government undertook a study and in January 1965, President Johnson submitted to the Joint Committee a "Report on Policy for National Action in the Field of High Energy Physics." That report and additional background information has been published as a print by the Joint Committee and is available to those Members of Congress who desire to obtain some understanding of the Nation's high energy physics research policy and the projected national expenditures in this field for the next 16 years.

I would also commend to the Members of Congress the Joint Committee's hearings on the objectives and needs of high energy physics research which were held last March.

In regard to the proposed 200-Bev. accelerator, I think it is important to realize that the project has not been authorized for construction. I should like to repeat that. It has not been authorized for construction.

To date, the Joint Committee on Atomic Energy has recommended and the Congress has authorized only design studies for this project. A great deal of work directed toward the highly technical and complicated design of this facility has been underway for several years at the Lawrence Radiation Laboratory at the Berkeley campus of the University of California under the very capable direction of Dr. Edwin McMillan, a noted authority in this field. If the national policy report recommendations are followed by the administration, the Joint Committee next year will consider whether or not engineering preliminary to construction should be undertaken for a 200-Bev. accelerator.

A design study prepared under the supervision of Dr. McMillan has been completed. It consists of two volumes running over 700 pages and will soon be made available by the AEC. Every group that has submitted its formal proposal to the AEC for the location of the 200-Bev. accelerator will be able to obtain a copy of the two-volume study within the next 2 or 3 weeks. In addition, within the next several weeks, the AEC will forward to a special committee of the National Academy of Sciences those proposals

which it considers worthy of further evaluation. All sponsors of specific site locations will be notified by the Commission whether their proposal has or has not been selected for further evaluation by the National Academy of Sciences' committee.

Mr. Speaker, in view of the great interest in this proposed facility by the Members of the House and particularly those in whose district proposed sites are located, I place in the RECORD at this point a current list of the sites as of this date proposed for the location of this accelerator and the identity of the proposers. The proposed general locations are grouped by State in alphabetical order.

LIST OF SITES—AREA AND PROPOSER

ALABAMA

Childersburg: Chamber of Commerce, Birmingham.
Eufaula: City of Eufaula.
Florence: Florence-Lauderdale Industrial Expansion Committee, Inc., Florence.
Green County: Green County.
Mobile: Mobile Area Chamber of Commerce, Mobile.
Opelika: Chamber of Commerce, Opelika.

ARIZONA

Gila River Indian Reservation: Gila River Indian Community Council, Sacaton.
Phoenix and Tucson: Arizona State University, Tempe.

ARKANSAS

Little Rock: Chamber of Commerce, Little Rock.

CALIFORNIA

San Diego: Gov. Edmund G. Brown, Sacramento.
Camp Parks: City of San Diego.
McCloud River Basin Area (Redding): McCloud River Railroad Co., Redding.

COLORADO

Lowry AFB Bombing Range: University of Colorado, Boulder.

CONNECTICUT

Plainfield: State of Connecticut Development Commission, Hartford.

FLORIDA

Broward County (Fort Lauderdale): Nova University of Advanced Technology, Fort Lauderdale, and Broward County Industrial Development Board, Fort Lauderdale.
Dade County: Dade County Development Department, Miami.
Fort Pierce: Charles C. Moore, realtor, Fort Pierce.
Fort Walton Beach: Playground Chamber of Commerce, Fort Walton Beach.
Gulf County (Panama City): Gulf Timberland Co., Panama City.
Jacksonville/Gainesville: Chambers of Commerce, Jacksonville and Gainesville.
Orlando: Orange County Industrial Board, Orlando.
Palm Beach Gardens: City of Palm Beach Gardens.
Santa Rosa County: Chamber of Commerce, Milton.
Tallahassee: Chamber of Commerce, Tallahassee.
Tampa Bay area: Greater Tampa Chamber of Commerce and city of St. Petersburg.

GEORGIA

Atlanta: Georgia Science and Technology Commission, Atlanta.
Atlanta, Forsyth County: Etheridge & Co., Inc., Atlanta.
Atlanta, Fulton County: Fulton County, Atlanta.
Bainbridge: Chamber of Commerce, Bainbridge.
Cherokee County: Cherokee County, Canton.
Savannah: City of Savannah.

IDAHO

National Reactor Testing Station, Gov. Robert E. Smylie, Boise.

ILLINOIS

Chicago: Gov. Otto Kerner, Springfield.
Morgan-Scott County Area: Chamber of Commerce, Jacksonville.
Shawneetown: Saline Water Conservancy District, Eldorado.

INDIANA

Clinton: City of Clinton.
Elkhart: William R. Nicholson, Elkhart.
Indianapolis: Gov. Roger D. Branigan, Indianapolis.
Ohio River-Aurora: Hopping Construction Co., Aurora.

IOWA

New Hampton: Chickasaw County, New Hampton.
Cedar Rapids: Cedar Rapids Chamber of Commerce.

KANSAS

Parsons: City of Parsons.
Kansas City, Mo., and Kansas City, Kans.: Cities of Kansas City, Mo., and Kansas City, Kans.

KENTUCKY

Lexington: Gov. Edward T. Breathitt, Frankfort.
Louisville and southern Indiana area: Louisville and Jefferson County Economic Progress Commission, Louisville.
Paducah: Luxury Homes, Inc., Evansville, Ind.
West Point: City of West Point.

LOUISIANA

Mandeville: Gov. John J. McKeithen.

MAINE

Sanford (New Hampshire assisted): Gov. John H. Reed, Augusta.

MARYLAND

Baltimore: CLARENCE D. LONG, Member of Congress, U.S. House of Representatives, Washington, D.C.
Worcester County: William H. Holloway, secretary of the Economic Development Committee for Worcester County.

MASSACHUSETTS

Haverhill: Haverhill Industrial Council.

MICHIGAN

Battle Creek and Ann Arbor: Michigan Department of Economic Expansion, Lansing.

MINNESOTA

Dakota County (St. Paul-Minneapolis), University of Minnesota.

MISSISSIPPI

Jackson: Central Mississippi Development District, Jackson.
Oxford: Oxford-Lafayette County Chamber of Commerce, Oxford.
Perry and Forrest Counties: Mississippi Power Co., Gulfport.
Scott County: Mid-Mississippi Development District, Newton.
Stoneville: Delta Council, Stoneville.

MISSOURI

Flat River: Morris R. Cleveland, Flat River.
Joplin: State Senator Richard M. Webster and T. D. Saar, Jr., Jefferson City.
Kansas City, Mo. (and Kansas Citiy, Kans): Cities of Kansas City, Mo., and Kansas City, Kans.
St. Louis: St. Louis Research Council, St. Louis.

MONTANA

Arlee (Missoula): Gov. Tim Babcock, Helena.

NEBRASKA

Lincoln/Omaha: Chambers of Commerce, Lincoln and Omaha.
Sidney: City of Sidney.

NEVADA

Las Vegas: Southern Nevada Industrial Foundation, Inc., Las Vegas.

NEW JERSEY

Burlington and Ocean Counties: Edward L. Schinman, Wayne.
Mount Holly: Burlington County.

NEW MEXICO

Albuquerque: Albuquerque Industrial Development Service, Inc., Rio Rancho Estates, Albuquerque.
Albuquerque: Albuquerque Industrial Development Service, Inc.
Farmington: City of Farmington.
Hobbs: Industrial Development Corp., Hobbs.
Santa Fe: City of Santa Fe.

NEW YORK

Brookhaven National Laboratory: Associated Universities, Inc., Upton, Long Island.
Hunter: I. and O.A. Slutzky, Hunter.
Selected sites (Model City, Ithaca, West Rochester, East Rochester, Rome): Department of Commerce, State of New York, Albany.

NORTH CAROLINA

Research Triangle: Gov. Dan K. Moore, Raleigh.

NORTH DAKOTA

Grand Forks: Chamber of Commerce, Grand Forks.

OHIO

Marietta: City of Marietta.
Medina: Hale & Kullgren, Inc., Akron.
Pike County: Chambers of Commerce, Portsmouth, Chillicothe, and Pike County.
Ravenna Army Ammunition Plant: Gov. James A. Rhodes, Columbus.

OKLAHOMA

Central Oklahoma area (Oklahoma City): Chamber of Commerce, Oklahoma City.
Muskogee: Louis Smith, attorney at law, Muskogee.
Northeast Oklahoma (Tulsa): Oklahoma Ordnance Works Authority, Pryor.

OREGON

Eugene: Willamette Valley Research Council, Eugene.
Morrow and Umatilla (Counties): Eastern Oregon Dev't Committee, Madras.

PENNSYLVANIA

Crawford County: J. J. Gumberg Co., Realtors, Pittsburgh.
Pittsburgh: Regional Industrial Development Corp. of Southwest Pennsylvania, Pittsburgh.

RHODE ISLAND

Providence: Governor of Rhode Island.

SOUTH CAROLINA

Savannah River: Gov. Robert E. McNair, Columbia.

SOUTH DAKOTA

Bad Lands Bombing Range: City of Rapid City.
Black Hills Ordance Depot: City of Rapid City.
Lemmon: Chamber of Commerce, Lemmon.

TENNESSEE

Memphis: Memphis Area Chamber of Commerce, Memphis.
Oak Ridge: City of Oak Ridge.

TEXAS

Dallas/Fort Worth: Chambers of Commerce, Dallas and Fort Worth.
Houston: Chamber of Commerce, Houston.
Killgore Research Center, Amarillo: Killgore Research Center, West Texas State University, Canyon.
Lubbock: Chamber of Commerce, Lubbock.
Odessa: Chamber of Commerce, Odessa.
Port of Mansfield: Charles R. Johnson, Port Director, Port of Mansfield, Tex.
San Antonio: Chamber of Commerce, San Antonio.

UTAH

Brigham City: Brigham City Industrial Commission, Brigham City.

Salt Lake City: Gov. Calvin L. Rampton, Salt Lake City.

VIRGINIA

Norfolk: R. G. Denmead & Co., Columbus, Ohio.

WASHINGTON

Hanford: Tri-City Nuclear Industrial Council, Inc., Pasco.

WEST VIRGINIA

Point Pleasant & Ravenwood: Gov. Hulett C. Smith, Charleston.

WISCONSIN

Madison: University of Wisconsin.

WYOMING

Laramie: Gov. Clifford P. Hansen, Cheyenne.

WHITE HOUSE CONFERENCE ON EDUCATION

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BRADEMAS. Mr. Speaker, I should like to take this opportunity to call to the attention of Members of the House the White House Conference on Education which will be held here in Washington on July 20 and 21.

In a statement concerning the White House Conference, President Johnson said:

Every child has the right to as much education as he has the ability to receive. I believe that this right does not end in the lower schools, but goes through technical and higher education—if the child wants it and can use it.

I want this not only for his sake, but also for our Nation's sake. America badly needs educated men and women. And America needs not just more education, but better education.

Nothing matters more to the future of our country. Not our military preparedness—for armed power is worthless if we lack the brain power to build a world of peace. Not our productive economy—for we cannot sustain growth without trained manpower. Not our democratic system of government—for freedom is fragile if citizens are ignorant.

Thomas Jefferson once said, "If we expect a nation to be ignorant and free, we expect what never was and never will be." Our Nation's school systems were founded on that proposition.

Today, 41 million students are enrolled in our public schools. Four million more will enter by the end of this decade. But that is not enough. One student out of every three now in the fifth grade will drop out before finishing high school—if we let him. Almost a million young people will quit school each year—if we let them. And over one hundred thousand of our smartest high school graduates each year will not go to college—if we do nothing.

This cannot continue. It costs too much; we can't afford it. The whole Nation suffers when our youth is neglected.

LYNDON B. JOHNSON.

STATEMENT BY JOHN W. GARDNER

A number of outstanding educators from all over the United States will participate in several panels during the course of the 2-day Conference.

Here is a statement explaining the purpose of the Conference by the Conference Chairman, John W. Gardner:

In calling the White House Conference on Education, President Johnson said: "All of us can benefit from a lively exchange of views on the major problems confronting our schools and colleges. We need to pool our best ideas about how to stimulate and enrich the Nation's adventure in learning."

Accordingly, the Conference program has been designed to promote maximum discussion among panelists and audience participants. As indicated on the following pages, the Conference has been divided into nine sections, each of which is headed by a vice chairman. Each of the vice chairmen is in charge of two panels in the same general area of interest. Seven panels will meet on Tuesday morning, seven on Tuesday afternoon, and four on Wednesday morning.

The vice chairman will begin each panel session by summarizing a background paper prepared in advance by a consultant who has been working with him. Joining him on the platform, in addition to the consultant, will be a questioner and five panelists. We are counting on their discussion to trigger questions from the floor and to encourage audience participation. Small group discussions immediately after each panel Tuesday will provide further opportunity for active participation in the Conference.

Summaries of all panels and small group discussions held on Tuesday will be distributed to Conference participants Wednesday morning. Summaries of the Wednesday morning panels will be available at the general session on Wednesday afternoon. All panel discussions will be tape recorded.

There is no requirement for participants to stay within one section throughout the Conference. But it is essential that everyone indicate his preferences for Tuesday morning, Tuesday afternoon, and Wednesday afternoon.

On Wednesday afternoon, the vice chairmen will present brief summaries of the discussions in their sections to the President. Later, an issue of American Education will be devoted to highlights of the 2-day session.

The purpose of the Conference is to examine critical issues in education on which the Nation should focus its attention. No specific recommendations or legislative proposals are expected to be adopted by the Conference as a body. Instead, we hope that vigorous discussion of the issues will foster enlightened action by all those responsible for shaping the future of American education.

JOHN W. GARDNER,
Chairman.

Because I think that Members of Congress will be interested in knowing the specific sessions of the White House Conference on Education, I should like to include at this point in the RECORD the program outline of the Conference:

PROGRAM OUTLINE

TUESDAY, JULY 20

9 a.m.: Opening general session; Presiding, Chairman John W. Gardner; welcome, the Honorable Anthony J. Celebrezze, Secretary of Health, Education, and Welfare; address, the Honorable Francis Keppel, Commissioner, U.S. Office of Education.

10:15 a.m. to 12:30 p.m.: First panel sessions (7).

Lunch: Small group discussions.

2 p.m. to 4:15 p.m.: Second panel sessions (7).

4:30 p.m. to 6 p.m.: Small group discussions.

8:30 p.m.: Vice Chairman, consultants, and summary writers, meet to prepare digest.

WEDNESDAY, JULY 21

9 a.m.: Opening general session; presiding, Chairman John W. Gardner; addresses: Jerrold Zacharias, professor of physics, Massachusetts Institute of Technology; Ralph W. Tyler, director, Center for Advanced Study in Behavioral Sciences, Stanford, Calif.

10:15 a.m. to 12:30 p.m.: Third panel sessions (4).

Lunch: Presiding, Chairman John W. Gardner; introduction of the speaker, the Honorable Anthony J. Celebrezze; address, the Honorable HUBERT H. HUMPHREY, Vice President of the United States.

2 p.m.: Final general session: presiding, Chairman John W. Gardner; reports of the Vice Chairman.

4 p.m.: Chairman and Vice Chairman report to the President.

5 p.m.: Reception for participants, the White House.

EDUCATION AND THE WORLD OF WORK

Vice chairman: Whitney M. Young, Jr., executive director, the National Urban League, New York.

Summary writer: Louise Kapp, director of information, National Committee on Employment of Youth, New York.

JOBS, DROPOUTS AND AUTOMATION

(10:15 a.m., Tuesday, panel discussion 1–A)

Chairman: Whitney M. Young, Jr.

Consultant: Eli Ginzberg, professor of economics, Columbia University.

Questioner: Judge Mary Conway Kohler, New York.

Panelists: Samuel Shepard, assistant superintendent of schools, St. Louis, Mo.; Joe L. Otero, superintendent of schools, Taos, N. Mex.; Grant Venn, superintendent of schools, Wood County, W. Va.; Daniel Schreiber, director of project on school dropouts, National Education Association, Washington; Msgr. William McManus, superintendent of schools, Diocese of Chicago.

SKILL OBSOLESCENCE AND RE-EDUCATION

(2 p.m., Tuesday, panel discussion 1–B)

Chairman: Whitney M. Young, Jr.

Consultant: Mrs. Joan Bowers, Human Relations Commission, Evansville, Ind.

Questioner: Lawrence M. Rogin, director of education, AFL–CIO.

Panelists: W. Willard Wirtz, Secretary of Labor; Leon P. Minear, State superintendent of public instruction, Salem, Oreg.; Stephen J. Wright, president, Fisk University; Harold F. Clark, professor of economics, Trinity University, San Antonio, Tex.; G. H. Rathe, Jr., director of education, IBM Corp., Armonk, N.Y.

IMPROVING THE QUALITY OF EDUCATION

Vice chairman: Harold B. Gores, president, Educational Facilities Laboratories, New York.

Summary writer: Barbara Krohn, managing editor, Washington Education Association Journal, Seattle.

TEACHER EDUCATION

(10:15 a.m., Tuesday, panel discussion 2–A)

Chairman: Harold B. Gores.

Consultant: Norman J. Boyan, associate professor of education, Stanford.

Questioner: Harold Howe, executive director, Learning Institute of North Carolina, Rougemont.

Panelists: Paul W. Briggs, superintendent of schools, Cleveland, Ohio; Lindley J. Stiles, dean, School of Education, University of Wisconsin; Elizabeth Koontz, president, National Education Association, department of classroom teachers, Price High School, Salisbury, N.C.; Adron Doran, president, Morehead State College; Theodore R. Sizer, dean, School of Education, Harvard University.

ASSESSMENT OF EDUCATIONAL PERFORMANCE

(2 p.m., Tuesday, panel discussion 2–B)

Chairman: Harold B. Gores.

Consultant: John I. Goodlad, director, University Elementary School, University of California at Los Angeles.

Questioner: Stephen K. Bailey, dean, Maxwell Graduate School of Citizenship and Public Affairs, Syracuse University.

Panelists: Hedley Donovan, editor-in-chief, Time Inc., New York; Jack Arbolino, director, advanced placement program, College Entrance Examination Board, New York; Thomas W. Braden, president, California State Board of Education; William Carr, executive secretary, National Education Association; Donald W. Dunnan, superintendent of schools, St. Paul, Minn.

THE CASE FOR PARTNERSHIP IN EDUCATION

Vice Chairman: Terry Sanford, former Governor of North Carolina.

Summary writer: Frederick Dashiell, professional assistant, urban project, National Education Association.

THE ROLE OF THE STATES

(10:15 a.m., Tuesday, panel discussion 3–A)

Chairman: Terry Sanford.

Consultant: Nicholas A. Masters, staff, Joint Committee on Organization of the Congress.

Questioner: Richard C. Lee, mayor, New Haven, Conn.

Panelists: Richard J. Hughes, Governor of New Jersey; Eugene Power, president-elect, Association of Governing Boards of State Universities and Allied Institutions, Ann Arbor, Mich.; James B. Conant, president-emeritus, Harvard University; John D. Millett, chancellor, Ohio State System of Higher Education; J. W. Edgar, State superintendent of schools, Austin, Tex.

PLANNING FOR DIVERSITY

(2 p.m., Tuesday, panel discussion 3–B)

Chairman: Terry Sanford.

Consultant: Christopher Jencks, fellow, Institute for Policy Studies, Washington.

Questioner: Albert H. Bowker, chancellor, the City University of New York.

Panelists: Edmund J. Gleazer, executive director, American Association of Junior Colleges; Lee A. DuBridge, president, California Institute of Technology; Father Paul C. Reinert, president, St. Louis University; Dean McHenry, chancellor, University of California at Santa Cruz; Willa B. Player, president, Bennett College, Greensboro, N.C.

EDUCATION FOR WORLD RESPONSIBILITY

Vice Chairman: O. Meredith Wilson, president, University of Minnesota.

Summary writer: Theodor Schuchat, editorial consultant, Washington.

OVERSEAS PROGRAMS AND FOREIGN STUDENTS

(10:15 a.m., Tuesday, panel discussion 4–A)

Chairman: O. Meredith Wilson.

Consultant: William Spencer, associate dean, Graduate School of Business, Columbia University.

Questioner: Josn Stalnaker, chairman, board of foreign scholarships.

Panelists: Kenneth Holland, president, Institute of International Education; Father Theodore M. Hesburgh, president, University of Notre Dame; Mabel Smythe, principal, New Lincoln School, New York; Arthur Hummel, Acting Assistant Secretary of State for Cultural and Educational Affairs; Harold L. Enarson, academic vice president, University of New Mexico.

INTERNATIONAL AFFAIRS PROGRAMS

(2 p.m., Tuesday, panel discussion 4–B)

Chairman: O. Meredith Wilson.

Consultant: William Rogers, director, World Affairs Center, University of Minnesota.

Questioner: John Gange, professor of political science, University of Oregon.

Panelists: William Marvel, president, Education and World Affairs, New York; John Howard, director of international training and research, Ford Foundation; Mrs. Ruth Miller, executive director, Philadelphia World Affairs Council; Father Joseph McCloskey, head of social studies, Cardinal O'Hara High School, Chicago; Elizabeth Wilson, director of curriculum, Montgomery County Schools, Rockville, Md.

EDUCATION OF THE SPECIAL STUDENT

Vice Chairman Lawrence A. Cremin, professor of education, Teachers College, Columbia University.

Summary writers: Lassor Blumenthal, free lance writer, New York/(5–A) and Charles Silberman, Fortune magazine, New York/(5–B).

EDUCATING THE TALENTED

(10:15 a.m., Tuesday, panel discussion 5–A)

Chairman: Lawrence A. Cremin.

Consultant: Miriam L. Goldberg, associate professor of psychology and education, Teachers College, Columbia University.

Questioner: James Gallagher, professor of education, University of Illinois.

Panelists: Charles Brown, principal, Newton High School, Newtonville, Mass.; Sister Mary Corita, chairman, Department of Art, Immaculate Heart College, Los Angeles; Albert Barough, teacher, Joseph Pulitzer Junior High School, Jackson Heights, N.Y.; Ben Shahn, artist and teacher, Roosevelt, N.J.; Philip I. Mitterling, director, Inter-University Committee on the Superior Student, University of Colorado.

EDUCATING THE HANDICAPPED

(2 p.m., Tuesday, panel discussion 5–B)

Chairman: Lawrence A. Cremin.

Consultant: Samuel Kirk, director, Institute for Research on Exceptional Children, University of Illinois.

Questioner: Nathaniel L. Gage, professor of education, Stanford University.

Panelists: Frances P. Connor, professor of education, Teachers College, Columbia University; Leonard W. Mayo, executive director, Association for Aid to Crippled Children, New York; Hugo Schunhoff, superintendent, California School for the Deaf; George E. Gardner, psychiatrist in chief, Children's Hospital, Boston; Mary Switzer, Commissioner of Vocational Rehabilitation.

EXTENDING EDUCATIONAL OPPORTUNITIES

Vice chairman: James E. Allen, Jr., commissioner of education, State department of education, Albany, N.Y.

Summary writer: Marvin Reed, editor, New Jersey Education Association Journal, Trenton.

SCHOOL DESEGREGATION

(10:15 a.m. Tuesday, panel discussion 6–A)

Chairman: James E. Allen, Jr.

Consultant: Thomas F. Pettigrew, associate professor of social psychology, Harvard University.

Questioner: Adam Clymer, reporter, the Baltimore Sun, Washington, D.C.

Panelists: John H. Fischer, president, Teachers College, Columbia University; John W. Letson, superintendent of schools, Atlanta, Ga.; Kenneth B. Clark, professor of psychology, City College of New York; Neil V. Sullivan, superintendent of schools, Berkeley, Calif.; Nick Garza, principal, Eleanor Brackenridge Elementary School, San Antonio, Tex.

PRESCHOOL EDUCATION

(10:15 a.m. Wednesday, panel discussion 6–B

Chairman: James E. Allen, Jr.

Consultant: J. W. Getzels, professor of education, University of Chicago.

Questioner: Martin Deutsch, director, Institute for Developmental Studies, New York Medical College.

Panelists: Julius Richmond, director, Project Head Start; George B. Brain, dean, College of Education, Washington State University; Mrs. Vivian Couzzens, teacher, Bancroft Elementary School, Washington, D.C.; Alberta L. Meyer, executive secretary, Association for Childhood Education International, Washington; Sister Margaret Louise, St. Joseph's College, Brooklyn, N.Y.

INNOVATIONS IN EDUCATION

Vice Chairman: Ralph W. Tyler, director, Center for Advanced Study in Behavioral Sciences, Stanford, Calif.

Summary writer: Ned Hubbell, director of information, National School Boards Association, Evanston, Ill.

INNOVATIONS IN HIGHER EDUCATION

(10:15 a.m. Tuesday, panel discussion 7–A)

Chairman: Ralph W. Tyler.

Consultant: Lewis B. Mayhew, professor of education, Stanford University.

Questioner: Edward H. Levi, provost, University of Chicago.

Panelists: Victor Butterfield, president, Wesleyan University, Middletown, Conn.; Daniel Bell, professor of sociology, Columbia University; Father Charles J. Lavery, president, St. John Fisher College, Rochester, N.Y.; Alvin C. Eurich, president, Aspen Institute for Humanistic Studies; Albert Kitshaber, professor of English, University of Oregon.

INNOVATIONS IN ELEMENTARY AND SECONDARY EDUCATION

(10:15 a.m. Wednesday, panel discussion 7–B)

Chairman: Ralph W. Tyler.

Consultant: Dwight W. Allen, associate professor of education, Stanford.

Questioner: Frank Brown, principal, Melbourne, Fla., High School.

Panelists: Harry Levin, professor of psychology, Cornell University; Richard D. Batcheider, president-elect, National Education Association, Newton High School, Newtonville, Mass.; John B. King, executive deputy superintendent, New York City Schools; Marion Cranmore, principal, Burns Park Elementary School, Ann Arbor, Mich.; Sister Jacqueline Grennan, president, Webster College, St. Louis, Mo.

HIGHER EDUCATION IN TRANSITION

Vice Chairman: Mrs. Mary I. Bunting, president, Radcliffe College.

Summary writer: John Chaffee, Jr., education editor, Boston Herald & Traveler.

RESEARCH AND GRADUATION EDUCATION

(2 p.m. Tuesday, panel discussion 8–A)

Chairman: Mrs. Mary I. Bunting.

Consultant: John Walsh, news department, Science magazine, Washington.

Questioner: Neal O. Hines, assistant director, Committee on Governmental Relations, Washington.

Panelists: Hubert Heffner, associate provost, Stanford University; Logan Wilson, president, American Council on Education; Harry Ransom, chancellor, University of Texas; James Shannon, director, National Institutes of Health; Leland Haworth, director, National Science Foundation.

UNDERGRADUATE EDUCATION

(10:15 a.m. Wednesday, panel discussion 8–B)

Chairman: Mrs. Mary I. Bunting.

Consultant: Donald R. McNeil, special assistant to the president, University of Wisconsin.

Questioner: Harry D. Gideonse, president, Brooklyn College.

Panelists: Samuel M. Nabrit, president, Texas Southern University; Barnaby A. Keeney, president, Brown University; R. Nevitt Sanford, director, Institute for the Study of Human Problems, Stanford University; George Shuster, assistant to the president, Notre Dame University; Stephen Robbins, president, U.S. National Student Association.

EDUCATION IN THE URBAN COMMUNITY

Vice chairman: Sidney Marland, Jr., superintendent of schools, Pittsburgh, Pa.

Summary writer: Oscar Jaeger, International Union of Electrical Workers, Washington.

COMMUNITY EXTENSION

(2 p.m., Tuesday, panel discussion 9–A)

Chairman: Sidney Marland, Jr.

Consultant: Roald Campbell, dean, Graduate School of Education, University of Chicago.

Questioner: Edward C. Banfield, professor of urban government, Harvard.

Panelists: Russell I. Thackrey, executive secretary, Association of State Universities and Land-Grant Colleges; Robert B. Binswanger, executive director, the Pace Association, Cleveland, Ohio; Fred H. Harrington, president, University of Wisconsin; Walter M. Garcia, president, Modesto Junior College, Modesto, Calif.; Paul J. Misner, superintendent of schools, Glencoe, Ill.

CAN URBAN SCHOOLS BE MANAGED?

(10:15 a.m., Wednesday, panel discussion, 9–B)

Chairman: Sidney Marland, Jr.

Consultant: H. Thomas James, professor of education, Stanford University.

Questioner: Philip M. Hauser, professor of sociology, University of Chicago.

Panelists: Samuel M. Brownell, superintendent of schools, Detroit; Melvin Barnes, superintendent of schools, Portland; James Stratten, member, board of education, San Francisco; David Selden, assistant to the president, American Federation of Teachers, Chicago; T. Joseph McCook, superintendent of schools, Springfield, Mass.

Mr. Speaker, the Vice Chairmen at Large of the Conference are: James B. Conant, president emeritus, Harvard University; Hon. Edmund G. Brown, Governor of California; Hon. John B. Connally, Governor of Texas; Hon. Richard J. Hughes, Governor of New Jersey; and Hon. John H. Reed, Governor of Maine.

The Conference Director is Mr. Lyle M. Nelson.

Members of the host committee for the Conference are as follows:

CABINET

Hon. Dean Rusk, Secretary of State.

Hon. Henry H. Fowler, Secretary of the Treasury.

Hon. Robert S. McNamara, Secretary of Defense.

Hon. Nicholas deB. Katzenbach, Attorney General.

Hon. John A. Gronouski, Postmaster General.

Hon. Stewart L. Udall, Secretary of the Interior.

Hon. Orville L. Freeman, Secretary of Agriculture.

Hon. John T. Connor, Secretary of Commerce.

Hon. W. Willard Wirtz, Secretary of Labor.

Hon. Anthony J. Celebrezze, Secretary of Health, Education, and Welfare.

EXECUTIVE

Hon. Charles L. Schultze, Director, Bureau of the Budget.

Hon. Gardner Ackley, Council of Economic Advisers.

Hon. Robert Sargent Shriver, Jr., Director, Office of Economic Opportunity.

Hon. Buford Ellington, Director, Office of Emergency Planning.

Hon. Donald F. Hornig, Director, Office of Science and Technology.

INDEPENDENT AGENCIES

Hon. William G. Colman, Executive Director, Advisory Commission on Intergovernmental Relations.

Hon. William J. Driver, Administrator of Veterans Affairs.

Hon. Milton Eisenhower, Chairman, Commission on Presidential Scholars.

Hon. John A. Hannah, Chairman, Commission on Civil Rights.

Hon. Leland J. Haworth, Director, National Science Foundation.

Hon. E. William Henry, Chairman, Federal Communications Commission.

Hon. Lewis B. Hershey, Director, Selective Service System.

Hon. John W. Macy, Jr., Chairman, Civil Service Commission.

Hon. S. Dillon Ripley, Secretary, Smithsonian Institution.

Hon. David Rockefeller, Chairman, President's Commission on White House Fellows.

Hon. Carl T. Rowan, Director, U.S. Information Agency.

Hon. Harold Russell, Chairman, President's Committee on Employment of the Handicapped.

Hon. Glenn T. Seaborg, Chairman, Atomic Energy Commission.

Hon. Frederick Seitz, President, National Academy of Sciences and National Research Council.

Hon. William Walton, Chairman, Commission of Fine Arts.

Hon. Robert C. Weaver, Administrator, Housing and Home Finance Agency.

Hon. James E. Webb, Administrator, National Aeronautics and Space Administration.

A CITATION FOR MORRIS DOUGLAS JAFFE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, St. Mary's University in San Antonio, Tex., recently conferred on Mr. Morris Douglas Jaffe, also of that city, the degree of doctor of laws, honoris causa. The citation which accompanied this award was to me particularly inspirational and heartwarming, since it portrays a constructive business career, a wholesome home environment, and conspicuous public service, the combination of which is distinctively American.

The citation follows:

CITATION

Men of vision and particularly businessmen in the modern competitive world agree that economic and accompanying social changes are continually evolving. They also recognize that the inquiring mind supported by an adventuresome spirit forsees, searches out, and even helps bring about these changes, for nothing in life is static.

Tonight, on the occasion of the 113th annual commencement, St. Mary's University honors one of its former students, Morris Douglas Jaffe, whose qualities of leadership and whose semi-intuitive skill in interpreting the emerging patterns of business have enabled him to make significant contributions to the economic well-being of society.

The successful management of modern business, as illustrated in the career of Morris Jaffe, requires some familiarity with the more relevant branches of history and philosophy, some knowledge of mathematics, of the social sciences, particularly economics and political science. This indispensable liberal education, whether formal or self-acquired, contributes to a flexibility of mind and helps develop a sense of responsibility to the larger society of which the businessman is a part.

Our honoree, the son of Mrs. Irene Jaffe and the late Mr. Morris Jaffe, received his early education at Central Catholic and Jefferson High Schools. He attended St. Mary's University from 1940 to 1942. Then, after a short stay at Texas A. and M., he joined the U.S. Army Air Corps during World War II, where he served as a pilot assigned to the flight test section of the 2d Air Force; his continued interest in flying dates back to these early experiences.

In 1947 he married Jeanette Herrmann, daughter of Mr. and Mrs. Albert Herrmann. The Jaffes have six attractive children, whose daily adventures in growing up contribute to an exciting home life.

In 1946 Mr. Jaffe entered the highly competitive business of real estate development and homebuilding in San Antonio. To this, in partnership with David P. Martin, he added commercial construction. Interest in oil followed, both wells and production. In 1955 his discovery of uranium in Karnes County stirred national interest.

Subsequently he associated himself with the Fed-Mart stores of California and became active in expanding the corporation in the Southwest. In partnership with Roger L. Zeller, he purchased control of Columbia Industries and moved the national manufacturing center to San Antonio. At the same time he served as chairman of the Dixie Form & Steel Co. which supplies steel forms to construction firms throughout the world.

Morris Jaffe's managerial ability was recognized when a Federal judge of the western district of Texas approved his plans to reorganize a west Texas empire which had failed financially under previous management. When rebuilt, reorganized, and reconstituted, the American Grain Corp. came into existence, with Mr. Jaffe chairman of the board. Demonstrating a capacity for adaptation, he disassociated himself from the Fed-Mart Corp. and assumed the responsibility of serving as chairman of the board of the First Financial Life Insurance Co.

While carrying on these multiple activities, Morris Jaffe, firmly committed to the proposition that citizens must concern themselves continuously with affairs of government, gave of his time, his energy, and his financial support to the promotion of good government on all levels. A lifelong Democrat he continues to involve himself in political affairs.

Complex business enterprises depend on the services of many individuals of varied talents, and Mr. Jaffe has surrounded himself with able assistants who contribute their skill and technical knowledge to his diversified operations. His appreciation of the value of the well educated man in business has led directly to his interest in higher education. In 1955 he accepted an invitation to serve as a member of the board of governors of St. Mary's University and more recently he was elected president of the educational foundation of St. Mary's University, where he now directs the activities associated with the planning and future growth of the university.

His gracious wife Jeannette continuously assists and often represents Morris by giving freely of her time and talents to various civic and charitable organizations. She is the

founder of the Santa Rosa Children's Hospital Foundation. Assisted by Father John Lazarsky, she organized its activities and to this day has served uninterruptedly as its vice president. She has been president of the Carmelite Day Nursery, member of the local Catholic Welfare Bureau, the Visiting Nurses Association, the State board of mental health, and the State Heart Association. She has served on the White House Conference on Children and Youth.

With an easy and gracious charm the Jaffes use their spacious, tastefully decorated home for a variety of social functions which supplement their business activities and enhance the San Antonio social scene. Local dignitaries, State, and national governmental officials have been formally received on numerous occasions. Their home is often the scene of style shows, charitable teas, art festivals. Groups frequently assemble in the Jaffe home to plan their activities and raise funds in support of various causes. Jeannette Jaffe, encouraged and financially supported by Morris in all these undertakings, is the ever-gracious hostess, lending charm and distinction to all gatherings. In recognition of her contribution to the social and civic life of the city she was recently honored with the title, "Hostess of the Year."

The extensive and varied interests of Mr. Jaffe have left an imprint on a large segment of society. His activities as a homebuilder have improved living conditions in various sections of the city and surrounding areas. He is to be counted among those distinguished leaders in the business world who believe that generous salaries not only serve the cause of social justice but likewise stimulate the economy for the benefit of all. His philosophy is simple and unadorned: he believes that the purpose of life is to be useful, to be honorable. It is to be compassionate. It is to matter. It is to contribute one's talents to the betterment of a changing world.

For outstanding services to his city, State, and surrounding areas, for stimulating the economy in which many share, for his political activity in behalf of worthy causes, for his generous support of charitable and humanitarian work in which his charming wife assists him, and for his continued interest in the growth and development of St. Mary's University, it is my distinct privilege and honor, Very Reverend President, to recommend for the degree of doctor of laws, honoris causa, Morris Douglas Jaffe.

Done at St. Mary's University, this 30th day of May 1965, A.D., by Dr. Joseph W. Schmitz, S.M., vice president, dean of faculties.

TEXAS PARTNERS OF THE ALLIANCE COMMITTEE

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GONZALEZ. Mr. Speaker, the Texas Partners of the Alliance Committee was launched in San Antonio just over a year ago. On June 17, last year, at a banquet attended by Ambassador Celso Pastor and a host of Texans from throughout the State, the partnership between Texas and Peru was set in motion. In the year that has followed, the partnership has developed at a rapid pace. The people of Texas, represented by a great variety of groups and organizations, have responded with such enthusiasm that the Texas program is often cited as the most productive and wide in scope of all those in the 26 U.S. States now working with 12 Latin American Republics.

Much of this dramatic growth and activity within the private sector in Texas can be assigned to the imagination and drive and energy of Mr. Edward Marcus, the chairman of the Texas Partners. Mr. Marcus was the choice of the delegates to serve as the permanent chairman of the First Inter-American Partners of the Alliance Conference held in Washington, D.C., last month, attended by 58 representatives from Latin America and 95 delegates representing U.S. Partners.

An article in the Washington News of June 30 aptly entitled "New Program Quietly Wins Latin Praise," by Virginia Prewett, reflects the acceptance of the Partners concept by our neighbors in the hemisphere, and signals an additional approach toward better relations among all peoples concerned with mutual helpfulness.

Mr. Speaker, I include the article in the RECORD and commend it to all the Members of the House:

[From the Washington News, June 30, 1965]

NEW PROGRAM QUIETLY WINS LATIN PRAISE

(By Virginia Prewett)

We are so accustomed to hearing the loud and angry voices of Latin America, often those of propagandists and politicians, that we almost miss the quiet ones. Today throughout 11 countries, Latin Americans, without any dramatics, are telling their countrymen about the success of a new program called the Partners of the Alliance.

Under this officially sponsored program, 28 U.S. States have organized committees to work with State or National committees in Latin America. The American groups are hard at work on specific Latin American problems.

Doubters and scoffers who would like to believe the American people are not interested in Latin America and not sympathetic to their anxiety for better conditions of life should take a look at the names on the U.S. State committees.

HAVE KNOW-HOW

They are made up of our most serious and effective citizens, representing many walks of life. Nearly every name on the long lists has a title or office that represents achievement.

These Americans are investing their knowledge, their energy, and their influence in helping Latin Americans help themselves.

Alabama is working with Guatemala, Arizona with El Salvador; Colorado, a mining State, with Brazil's great mining State, Minas Gerais. Little Delaware is cooperating with little Panama, Idaho with Ecuador, Michigan with Colombia's Cauca Valley, Texas with Peru * * * and so on down to Wyoming, teamed with the State of Goias, Brazil.

The local news stories in Latin America that are spreading the word about these activities are not scare-head articles. But they are many.

HEADLINES

When a group of Texans traveled down to Lima, Peru, to spur activities, Lima's La Tribuna, organ of the mass party, APRA, titled the story: "Texans Study Peruvian Realities." Lima's Comercio Grafico headlined: "Texas 'Associates' of Peru Arrive."

Lima's La Prensa reported how the Texas visitors met with Peru's free labor leaders. Lima's Ultima Hora published a box with the head: "Texas Gringos Come To Lend a Hand."

The Voice of Tarma is a small-town paper whose type is still set by hand. The secretary of the Central Peruvian Farm Workers Federation, while on a visit to the United States under the Alliance program, wrote a letter to the Voice in which he said "Americans have made a great nation by sinking political differences in a common cause." He advised Peruvians to do the same.

Similar reports are multiplying throughout Latin America as the partners in progress activities bear fruit. They are a powerful antidote against the Communist propaganda that constantly hammers away at Latin American minds.

ADDRESS BY REPRESENTATIVE JOE R. POOL AT OAK CLIFF JUNIOR CHAMBER OF COMMERCE, DALLAS, TEX.

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. UDALL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. UDALL. Mr. Speaker, today I should like to introduce into the RECORD a speech delivered by my colleague, the Honorable JOE POOL, Representative at Large from the State of Texas. He delivered this address in Dallas, Tex., at the Oak Cliff Junior Chamber of Commerce annual Fourth of July picnic. The occasion was particularly timely, for this speech indicates Mr. POOL's strong support of the President's policy in Vietnam and explains how vital the present program is for the cause of freedom throughout the world:

FOURTH OF JULY PICNIC, OAK CLIFF JAYCEES, DALLAS, KIEST PARK

Today, we celebrate, for the 189th time, the birthday of this great Nation—the festival of independence—the commemoration of the notion that every people has a right to live under a government of its own choice, to make its own mistakes, and achieve its own triumphs, free from dictation from outside.

The Fourth of July has been celebrated in a great many places, and under broadly varying conditions. It has been celebrated in quiet, prosperous times, when the very thought of war was far from everyone's mind. It has been celebrated in dangerous hours. Texans and Minnesotans alike celebrated—and I think they both honored the day in their own way—on the bloody slopes of Cemetery Ridge in Gettysburg, a hundred years ago. We celebrated the Fourth of July in the hedgerows of Normandy, 21 years ago. We celebrated it in the mountainsides of Korea 15 years ago. And Americans will be celebrating the Fourth of July in the jungles of Vietnam this year. At each of those Independence Day observations, the cost of independence was underscored by the deaths of Americans in its service. The same could happen again this year.

What moral can we draw from all this? Do we shrug our shoulders and indicate that death does not concern us, and that these wars in far-off places are not as important as the cost of gasoline and the problem of

getting a ticket to the ball game? I do not think so.

Do we say, as a great many Americans today are saying, that the continuing fact of war shows that all our past struggles have been in vain? Do we repeat the old cliches about war never settling anything, and utter profound sentences about how ironic it is that people are still dying? This, I think, would be even more superficial and even more shortsighted.

War, to be sure, is usually a demonstration that there has been a failure somewhere, on someone's part. But war does settle things. World War II is a case in point. Now, 20 years after V-E Day, we are told that World War II was somehow "fought in vain" because it didn't settle all international questions forever. Well, I don't know of any responsible person who thought it would. But before we say World War II settled nothing, I suggest we ask Hitler and Goering and Himmler whether it did or not. It settled, once and for all, the question of the Nazi threat to liberty. And let no one think that that was an empty threat. The Nazis were in dead earnest when they sang the marching song of their party, the chorus of which ended, "Today, Germany is ours. Tomorrow, the whole world." This is that tomorrow, and neither the whole world nor Germany is theirs. That much—and it is no small matter—was settled by World War II.

And one other, perhaps even greater matter, was settled in World War II. From that war, and from the tragic events that led up to it, the world discovered a great truth—that freedom cannot be defended by pretending it is not threatened—that aggression cannot change its nature by calling itself something else—that the liberty of each nation is inescapably bound up with the liberty of every other nation. We were told, 30 years ago, that we could not stand aside and watch small nations swallowed up by aggressors. We heard this, and we heeded it not. We stood aside. The small nations were swallowed up, and eventually the aggressor made his intentions unmistakable—at Pearl Harbor. We stopped the aggressor, but at a cost many times higher than it might have cost had we acted earlier.

That mistake we have had burned into our minds, and that mistake we are not going to make again. And the degree to which we have learned that lesson is being tested today in the swamps and city streets of Vietnam. Freedom's hardest lesson is being tried on that most distant and uncomfortable of freedom's frontiers.

"What are we doing in Vietnam?" "Why are we there, and what do we hope to get out of it?" "Can war in Vietnam really settle anything?" These and similar questions are being asked on all sides. The answers have been written in American blood on every continent, and they deserve to be repeated today.

We are in Vietnam because the Vietnamese people and their Government have asked us for our help in their effort to preserve their independence. I say "their effort" because it is the Vietnamese people who have borne the brunt of this cruel war, and it is the Vietnamese people who are the major targets of the aggression which Hanoi and Peiping have unleashed upon that country. This is not a civil war, in which two groups of South Vietnamese are merely struggling for control of a government. It is aggression pure and simple. It is aggression, planned in the north, directed from the north, supplied from the north, and carried on by thousands of soldiers who have infiltrated from the north. You can hear this aggression described as "the Vietnamese people's struggle against U.S. imperialism." Well, the statistics show that the Vietcong have directed their killings and their terrorism largely against innocent, unarmed civilian men and women and children in the villages of the South Vietnamese countryside. The Americans, even the South Vietnamese Army, are not the chief target. It is by killing and kidnaping civilians that these aggressors are trying to cow the people of South Vietnam into submission.

Aggression? When thousands of North Koreans marched in full battle array over the borders of South Korea, there was no doubt that this was aggression. And the world reacted to it, and stopped it. When Nazi tanks roared into the low countries in May 1940 the world knew aggression was taking place. In Vietnam the only difference is in the time scale, and the visibility of the aggressors. They infiltrate across the borders, through back trails in small numbers, carrying simple weapons. They rest and reform their ranks in the back country, and they commit their depredations when it best suits them. This is sophisticated aggression in the tactical sense, unsophisticated in the technological sense, but it is aggression in any sense.

General Giap, the leader of the North Vietnamese Army has said, quite bluntly, that "South Vietnam is the model of the national liberation movement of our time. * * * If the special warfare that the U.S. imperialists are testing in South Vietnam is overcome, then it can be defeated everywhere in the world." Let me repeat—"everywhere in the world"—were General Giap's words.

There is the challenge of the 1930's again. If aggression can succeed in South Vietnam, it can succeed everywhere in the world according to General Giap. And history has an unfortunate tendency to confirm his view. If we do not have the will to resist in South Vietnam, if we find South Vietnam too uncomfortable or too confusing or too far away, and if we lose our will to help these courageous people to help themselves, then the next challenge—which will come as sure as the sun rises—will be just as uncomfortable, just as confusing. But it may not be as far away.

Lyndon Johnson has given the answer to those who predict that we cannot stay the course in South Vietnam. And he has, at the same time, given the answer to those who wonder what our goals are out there. "We combine" the President said, "unlimited patience with unlimited resources in pursuit of an unwavering objective. We will not abandon our commitment to South Vietnam."

We will discuss the Vietnamese situation with any government that wants to discuss it and is willing to help end the aggression there. The President has made that perfectly clear. But we will not engage in negotiations as a cloak for surrender.

The dream which we have for South Vietnam—and which men of good will everywhere share, is a dream of a land whose people are allowed to live in peace and to use their rich resources, with our help, with the help of any nation that wishes to help, to meet the economic challenges that confront them.

Let me again quote Lyndon Johnson:

"This war, like most wars, is filled with terrible irony. For what do the people of North Vietnam want? They want what their neighbors also desire—food for their hunger, health for their bodies, a chance to learn, progress for their country, and an end to the bondage of material misery. And they would find all these things far more readily in peaceful association with others than in the endless course of battle."

This is the promise that peace holds out to the people of North Vietnam. This is the choice which they can make. This is the alternative to war which this country stands ready to offer if only the aggressors will stop their aggression.

But if the aggression continues, America will continue to work with the people of South Vietnam to stop it, to punish it, and to show that it will not work.

And that aggression will not work is the second great lesson which the world learned in World War II. We learned that it must be stopped, and that the cost of stopping it increases at a greater rate as each day goes by. We have not forgotten that lesson. But the world learned, too, that aggression can be stopped—that ordinary men and women will make extraordinary sacrifices to stop it—that the force of independence and freedom has not yet lost the momentum which it gained on that Independence Day 189 years ago. If Hanoi and Peiping have forgotten that lesson, they are in for a shocking surprise.

In spite of debate, in spite of discussion and dissent—and 99 percent of that debate and discussion and dissent is the perfectly health demonstration of the fact that we still are a free people—in spite of it all the American people are united behind the President of the United States in his determination to let aggression come no further. The leaders in Hanoi and Peiping who think that an occassional speech critical of some detail of the administration's policy, or as occasional picket line in front of the White House means that the American people are tired of defending their own interests in southeast Asia simply do not understand Americans—or free men everywhere. Of course we complain. Of course, we offer unsolicited advice. Of course we freely tell our highest officials what we think they ought to do. That is the way free men do things. For nearly two centuries, the forces of tyranny have looked upon the splendid disarray of American life and have thought that Americans don't march well.

They don't when compared to the iron disciplined troops of authoritarian countries. But for that same period of time, armies from those of King George III to those of Adolf Hitler have been discovering to their surprise that these disorderly Americans can shoot straighter than they can march. I have a word of advice for Hanoi—typical, American, unsolicited advice. Don't mistake us. We argue among ourselves and we enjoy it. Sometimes we argue and fight among ourselves when we don't really have anything else to do. But, General Giap, tear yourself away from your dreams of "tomorrow, everywhere in the world" for long enough to think of this: Free men can criticize their leaders, and their leaders can profit from it. But free men can defend the system under which they live just as vigorously and because they can critcize it and try to improve it.

Some 189 years ago, on the first Fourth of July, in some parts of the infant Nation, a flag was flown, showing the new country as a rattlesnake, carrying a slogan, "Don't tread on me."

On this Fourth of July, we carry in our hearts—and on our sleeves for General Giap to read the slogan, "Don't tread on man."

So today, as we have been doing for 189 years, we renew our commitment to the ideal of independence and freedom. We once again tell those who think they can make aggression profitable that we will not have it so; that we are prepared to discuss without conditions, an honorable settlement which preserves the freedom and independence of the people of South Vietnam; and we are also prepared to do whatever we must to meet whatever challenge is hurled at us or at them. And, again in the words of Lyndon Johnson:

"We may well be living in the time foretold many years ago when it was said: 'I call heaven and earth to record this day against you, that I have set before you

life and death, blessing and cursing: therefore choose life, that both thou and thy seed may live.'"

"This generation of the world must choose: destroy or build, kill or aid, hate or understand.

"We can do all these things on a scale that has never been dreamed of before.

"Well, we will choose life. And so doing, we will prevail over the enemies within man, and over the natural enemies of all mankind."

TEACHER FELLOWSHIPS

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. GILLIGAN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GILLIGAN. Mr. Speaker, the bill which the gentleman from Indiana [Mr. BRADEMAS] introduced on July 6, H.R. 9627, to award fellowships to elementary and secondary teachers and those persons whose professional roles are related to the process of elementary and secondary schools, has, with but one minor exception, my full and enthusiastic support. I have read and considered this bill very carefully, and I find in it those things which command my praise and endorsement.

This bill is simple, short, and directed to the single and exceedingly important task of improving the quality of education in elementary and secondary schools. Approval of the bill by the Congress will surely prove to be a most worthwhile investment.

It has been stated repeatedly that there is a desperately growing need for more elementary and secondary schoolteachers despite the efforts to meet this need under such programs as provided by the National Defense Education Act. H.R. 9627 complements these programs by making eligible for fellowships teachers, prospective teachers, and those persons who wish to return to teaching on the elementary and secondary levels, and others in related work. But equally important is the increasingly urgent need for better trained teachers. The conventional training most teachers have received, and which was commonly believed to be adequate, is by today's standards grossly inferior in view of the shattering developments of recent years in both the content of subject matter and instructional techniques. If our teachers, who are in many ways the packmules of our civilization, are to translate the advances being made in nearly every area of learning for the benefit of their students, the exhortations for teachers to update and strengthen their skills must be backed by sharply focused efforts to furnish them with the means to do so. This bill does just that.

The National Teacher Fellowship Act also complements the recently enacted Elementary and Secondary Education Act of 1965. In that legislation, for example, there are provisions for the establishment and operation of educational research centers around the country and for the dissemination of the research findings and their adaptation to classroom use. By providing for financial assistance through fellowships to permit teachers to return to school on a full-time basis we can be sure that these purposes and objectives will be realized more fully and quickly.

Most teachers, Mr. Speaker, are deeply dedicated to the indescribably important tasks they perform, and this Nation has oftentimes abused that dedication by expecting teachers to subsidize the schools by paying out of their own pockets, which under the best of circumstances are none too full, the cost of further developing and sharpening their professional skills, and thus improving the quality of education. This bill, like others already made law, recognizes the fact that this should not be.

There is, however, one feature of the bill which I would like to see changed somewhat: More teachers than Mr. BRADEMAS proposes should be awarded fellowships, and correspondingly more administrators, social workers, librarians, counselors, media experts, and the others who would be eligible. I would like to see the proposed number doubled or tripled. But most of all, I would like to see this bill pass.

THE LATE MOSHE SHARETT

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. SCHEUER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. SCHEUER. Mr. Speaker, I would like formally to call the attention of this body to the loss of a great world leader. Moshe Sharett, Prime Minister of Israel from 1953–1956 died in Jerusalem on July 7.

Mr. Sharett's death is mourned by all friends of Israel as well as by all lovers of peace around the world. Moshe Sharett was a humanitarian as well as a statesman. Instead of inflaming relations with Israel's Arab neighbors, Prime Minister Sharett sought ways in which to ameliorate outstanding problems and forge a workable relationship.

The New York Times in an editorial yesterday stated this very well:

Throughout his long struggle Sharett never lost sight of the intimate relationship enjoined by history and geographic circumstance, between Israel and its Arab neighbors. Fluent in Arabic and proud of his friendships with Arab leaders of an earlier generation, he never gave way to bitterness nor lost his hope of an eventual reconciliation. This affirmative spirit is part of the heritage that this extraordinary man—writer, linguist and diplomat—bequeaths to the nation he helped to found.

Mr. Speaker, I mourn the death of Moshe Sharett for personal reasons. I remember his kindness to me when I visited Israel in 1955 and 1958. I recall the gentleness of his spirit and keenness of his mind. I would like to extend my condolences to his family for their great personal loss and to the State of Israel for the loss of a great leader.

AH, WILDERNESS

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. OLSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, I think it is fitting to bring to the attention of the Members the present, and, I fear, future plight of wilderness areas, and the need to give them more protection and to create more of them for the enjoyment of our fellow Americans, present and future:

TRAFFIC LIGHTS NEEDED IN OREGON WILDERNESS AREA?

(By Matt Kramer)

EUGENE, OREG.—If pavement, engines, and people are beginning to wear you down, there is always the wilderness areas of the Far West for a refresher.

Or is there?

Go into a place like the Three Sisters wilderness area in the high Oregon Cascade Range and what do you find?

"More than 16,000 people were there last year," says Larry Worstell, deputy supervisor of the Willamette National Forest.

Nor was this an isolated example. More than 86,000 persons last year entered the 12 wilderness areas set aside in Oregon and Washington. The problem is even worse in some other places.

"Wilderness use is increasing to the point that it's a problem for both the people who go to those areas for some degree of privacy, and for those of us responsible for maintenance of wilderness environment," Worstell says.

And this in the areas set aside presumably to preserve the wilderness for all time. In these areas there may be no roads or motors or hardly any evidence of civilization; man may visit them but not stay.

Already they are talking about registration so that hikers can keep from trampling each other.

In areas where man goes to amuse himself, away from regulation, more regulation may be necessary.

Part of the problem is that much of the wilderness area is in high elevations. It is easy to ruin the beauty there. Grass cannot stand much foot traffic. A mountain meadow can disappear under a group of careless people or horses. A damaged tree may take years to come back, if it comes back at all.

Worstell has drawn up a list of what the wilderness-seeker should do to preserve the wilderness and forestall regulation:

Carry out what you carry in.

Avoid trampling mountain meadows.

Build as few fire pits as possible. Use old fire pits rather than build new ones.

Carry your own horsefeed.

Don't tether stock in meadows.

Spread out camps and travel in small groups.

NEW YORK CITY IN CRISIS—PART CXXVI

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MULTER. Mr. Speaker, the following article concerns the crime situation in New York City and is part of the series on "New York City in Crisis" appearing in the New York Herald Tribune.

The article appeared in the Tribune on May 15, 1965, and follows:

NEW YORK CITY IN CRISIS—CITY OF VIOLENCE: INJURIES TO POLICE UP 19 PERCENT OVER 1964

The mounting tide of violence in a New York City of many crises was reflected yesterday in an announcement that injuries to policemen are occurring at a rate 19 percent higher than during the corresponding period of last year.

And 1964 was the most violent in New York City history insofar as harm to police officers is concerned.

The announcement was made by Police Commissioner Michael J. Murphy. He toted up some of the reasons why last year was the city's worst and gave these 1964 statistics:

Policemen killed, 7.

Those shot, 13.

Stabbed and otherwise cut, 19.

Bitten, 58.

Punched and kicked, 200.

Struck by objects, many of which were flung from buildings, 90.

Other police hurt in additional ways during arrests, 98.

Commissioner Murphy spoke at the second annual peace officers' memorial service at the police academy. The ceremony is held annually in response to a 1963 proclamation by President Kennedy setting May 15 aside for such commemorations of stricken police.

During last year, the police commissioner added, the city's law officers arrested 208,854 persons for murder, rape, armed robbery, felonious assault, and other felonies—570 on each day of the year, 24 every hour, nearly 1 every 2 minutes.

The one gain this year over last is that no police have been killed.

New York's police, Mr. Murphy said, are engaged now in what amounts to a war that seemingly has no end.

Few of the 208,854 apprehended on felony charges surrendered willingly, and many were repeaters, the Commissioner said.

A man going in for New York police work now, the Commissioner added, "can look forward to a career in which day and night he will be armed and prepared to take action that endangers his life and safety."

Commissioner Murphy said 600 New York police have been hurt thus far this year in performing their duty. Grateful that none of the assaults brought death, he said:

"We pray that this surcease from death in combat will continue throughout the year."

The range of New York crimes is as wide as the imagination of the most violent and most craven. Commissioner Murphy gave these as some of the statistics of New York lawlessness in 1964. Men and women were arrested on the following charges:

Murder, 660; rape, 1,273; armed robbery, 4,918; felonious assault, 11,950; burglary, 9,144; stealing cars, 6,033; arson, 306; narcotics offenses, 3,375; possession of dangerous weapons, 2,616.

In every one of the 208,854 arrests, the city's policemen faced danger, Commissioner Murphy said. He added:

"Each of these encounters was pregnant with violence. Every one of them, and (arrests for) many lesser offenses as well could have exploded into injury or death, leaving maimed human beings in its wake."

NEW YORK CITY IN CRISIS—PART CXXVII

Mr. MACKAY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MULTER. Mr. Speaker, the following article concerns housing in New York and appeared in the New York Herald Tribune on May 16, 1965.

The article is part of the series on New York City in Crisis and follows:

NEW YORK CITY IN CRISIS: SOMETHING'S OUT OF WHACK ON EAST 54TH STREET

(By Marshall Peck)

When the Federal Government gets ready to tear down an apparently sound middle-income apartment building, while all around the hue and cry is on to put up more of them, the situation would seem to call for a second look.

Last week, at the 11th hour, it was understood that a review was underway, at a city agency and in Washington, of precisely this situation at 225 East 54th Street. But it is doubtful whether anything can be done * * * now.

No. 225 is a pleasant six-story building, 30 years old between Second and Third Avenues. It has 117 units, all of them single rooms or room-and-a-half apartments with kitchen and bath. The rents for tenants, mostly young, single people, run from about $55 to $120 a month. The building has a doorman until 1 a.m., and its comfort and convenience make it a very desirable home.

POST OFFICE PLANNED

In 1958 and 1959 the Post Office Department, planning ahead, initiated Government acquisition of properties between 54th and 55th Streets, on the east side of Third Avenue. In 1963 the Department announced that it intended to build a new post office—the Franklin Delano Roosevelt Station—on the site at 899–911 Third Avenue.

The plans call for a four-story post office and a 24-to-38-story tower above it. Residential and commercial properties on the site were purchased and finally the complete parcel was leased last year to Coley Properties for construction.

According to the tenants, who are now in a last-ditch fight to save their building, the only building on the site that was of sound construction and in excellent condition was 225 East 54th Street.

All parties agree that this is a very late hour to attempt to ward off what one city official called an unstoppable force. Nevertheless, the residents at 225 have taken it to the top with an appeal to the White House. They want to know why the Government urges building construction on one hand and prepares to rip down housing with the other.

The letter to President Johnson brought word that the Postmaster General would be asked to "review their letter and their views." Pending a further communication from higher up in the Post Office Department—where the tenants had previously appealed—a Post Office Department spokesman commented that he feared it was "too late now" for any change of plans.

The tenants' group, organized as "The 54th Street Association," contends that since 225 is a corner lot, it could still be accommodated as a neighbor instead of being swallowed up. The Post Office Department says cutting out a corner would seriously reduce floor space.

FIGHT WILL CONTINUE

The tenants formed their home-defense association only last February, and its president, George Bamber, agrees it may have been too late. Still, the 100 or fewer people still living at 225 intend to go out fighting.

In the main, the association has collected no more than expressions of sympathy, but one city agency—which wishes to remain anonymous for the moment—is looking into the history of 225, in case anything can be salvaged.

Meanwhile, the tenants hope for a reprieve and a private relocation firm is finding them new dwelling places. The target date for emptying the building is the end of October

JOINT RESOLUTION REQUIRING COST OF LIVING SURVEY

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. RYAN] is recognized for 5 minutes.

Mr. RYAN. Mr. Speaker, it is my pleasure to join with our distinguished colleague, the Honorable Santiago Polanco-Abreu, Resident Commissioner of Puerto Rico, in introducing a joint resolution to give relief to Federal employees in Puerto Rico and the Virgin Islands from the Civil Service Commission's administrative order reducing the cost-of-living allowance for such employees from 12.5 to 5 percent effective July 1, 1965.

I have devoted considerable study to this matter, and it appears that the action was arbitrary and unreasonable.

My purpose in introducing this resolution is to call greater attention to the problem and to convince those who may be responsible for the legislation that swift and decisive action should be taken.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CHAMBERLAIN (at the request of Mr. GERALD R. FORD) for July 12, 1965, on account of official business.

Mr. POOL for Monday, July 12, through Friday, July 16, 1965, on account of family illness.

Mr. CRALEY and Mr. MORTON (at the request of Mr. ASPINALL), for the week of July 12, on account of official business, to attend the first Congress of Micronesia.

Mr. EDMONDSON, for July 12 and 13, 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. FARBSTEIN (at the request of Mr. MACKAY), on July 12, for 15 minutes.

Mr. RYAN of New York (at the request of Mr. MACKAY), for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BURLESON.

Mr. GILBERT (at the request of Mr. MACKAY) the remarks he made in the Committee of the Whole today and to include extraneous matter.

(The following Members (at the request of Mr. DEL CLAWSON) and to include extraneous matter:)

Mr. MORSE in three instances.

Mr. TALCOTT in two instances.

(The following Members (at the request of Mr. MACKAY) and to include extraneous matter:)

Mr. DOW.

Mr. ROSTENKOWSKI.

Mr. VIVIAN.

Mr. WRIGHT.

Mr. PEPPER.

ENROLLED BILL SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2. An act to protect the public health and safety by amending the Federal Food, Drug and Cosmetic Act to establish special controls for depressant and stimulant drugs and counterfeit drugs, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1236. An act for the relief of Salvador Munoz-Tostado;

H.R. 1306. An act for the relief of Loretta Negrin;

H.R. 3634. An act for the relief of CWO Edward E. Kreiss;

H.R. 3638. An act for the relief of Robert O. Overton, Marjorie C. Overton, and Sally Eitel;

H.R. 3708. An act to provide assistance in the development of new or improved programs to help older persons through grants to the States for community planning and services and for training, through research, development, or training project grants, and to establish within the Department of Health, Education, and Welfare an operating agency to be designated as the "Administration on Aging";

H.R. 5184. An act for the relief of the port of Portland, Oreg.;

H.R. 5306. An act to continue the authority of domestic banks to pay interest on time deposits of foreign governments at rates differing from those applicable to domestic depositors;

H.R. 5874. An act to amend Public Law 815, 81st Congress, with respect to the construction of school facilities for children in Puerto Rico, Wake Island, Guam, or the Virgin Islands for whom local educational agencies are unable to provide education, to amend section 6(a) of Public Law 874, 81st Congress relating to conditions of employment of teachers in dependents' schools, and for other purposes; and

H.R. 7847. An act to amend the Small Business Act.

ADJOURNMENT

Mr. MACKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Monday, July 12, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 or rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1320. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement which have been prepared for the following watersheds: Mills Creek, Fla.; Turkey Creek, Iowa; Lakin, Kans.; Standing Pine Creek, Miss.; Cotton Wood Creek, Nebr.; Mitchell Swamp-Pleasant Meadow Branch, S.C.; Willis River, Va., pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and delegated to the Director of the Bureau of the Budget by Executive Order No. 10654 of January 20, 1956, to the Committee on Agriculture.

1321. A letter from the Assistant Secretary of the Interior, transmitting determinations relating to construction payments due the United States from the Angostura Irrigation District, Angostura Unit, Missouri River Basin project, South Dakota, in the years 1966 and 1967 pursuant to the provisions of Public Law 86-308; to the Committee on Interior and Insular Affairs.

1322. A letter from the Secretary of Commerce, transmitting the annual report on the relative cost of shipbuilding in the various coastal districts of the United States, pursuant to section 213(c) of the Merchant Marine Act of 1936, as amended to the Committee on Merchant Marine and Fisheries.

1323. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement which have been prepared for the following watersheds: Cooper Creek, Ark.; Limestone Stream, Maine; Long Creek, Miss.; Tuscumbia, Miss. and Tenn.; Grindstone-Lost-Muddy Creek, Mo.; Stewarts Creek-Lovills Creek, N.C. and Va.; Upper Elk Creek, Okla.; Ferron, Utah, pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and delegated to the Director of the Bureau of the Budget by Executive Order No. 10654 of January 20, 1956; to the Committee on Public Works.

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. RIVERS of South Carolina: Committee on Armed Services. H.R. 5519. A bill to amend title 10, United States Code, to authorize language training to be given to a dependent of a member of the Army, Navy, Air Force, or Marine Corps under certain circumstances; without amendment (Rept. No. 607). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. H.R. 7843. A bill to amend titles 10 and 37, United States Code, to authorize the survivors of a member of the Armed Forces who dies while on active duty to be paid for his unused accrued leave; with amendment (Rept. 608). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS of South Carolina: Committee on Armed Services. S. 1856. An act to authorize the Secretary of the Navy to sell uniform clothing to the Naval Sea Cadet Corps; with amendment (Rept. No. 609). 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 referred as follows:

By Mr. CAMERON:

H.R. 9724. A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended, with respect to strike at the sites of construction projects; to the Committee on Education and Labor.

By Mr. CARTER:

H.R. 9725. A bill to amend title 38, United States Code, in order to provide special indemnity insurance for members of the Armed Forces serving in combat zones; to the Committee on Veterans' Affairs.

By Mr. FARBSTEIN:

H.R. 9726, A bill to amend section 204 of the War Claims Act of 1948 to permit adjudication of the claims of additional persons for certain World War II losses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER:

H.R. 9727. A bill to amend the Foreign Agents Registration Act of 1938, as amended, to prohibit certain investigative and reporting activities by foreign agents; to the Committee on the Judiciary.

By Mr. HICKS:

H.R. 9728. A bill to establish a Federal sabbatical program to improve the quality of teaching in the Nation's elementary or secondary schools; to the Committee on Education and Labor.

By Mr. KEOGH:

H.R. 9729. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. KORNEGAY:

H.R. 9730. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to authorize reimbursement to a State or political subdivision thereof for sidewalk repair and replacement or to make other arrangements therefor; to the Committee on Government Operations.

By Mr. LEGGETT:

H.R. 9731. A bill to amend titles 10 and 37, United States Code, to provide career incentives for certain professionally trained officers of the Armed Forces; to the Committee on Armed Services.

By Mr. MACHEN:

H.R. 9732. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes; to the Commitee on Education and Labor.

By Mr. MURPHY of Illinois:

H.R. 9733. A bill granting the consent and approval of Congress to the Illinois-Indiana air pollution control compact; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 9734. A bill to amend the Northern Pacific Halibut Act in order to provide certain facilities for the International Pacific Halibut Commission; to the Committee on Merchant Marine and Fisheries.

By Mr. RODINO:

H.R. 9735. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. ST. ONGE:

H.R. 9736. A bill to authorize the Secretary of Agriculture to conduct programs to

reduce the impact of droughts on rural residents, small municipalities, agriculture and livestock enterprises, and for other purposes; to the Committee on Agriculture.

By Mr. SKUBITZ:

H.R. 9737. A bill to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes; to the Committee on Agriculture.

By Mr. YOUNG:

H.R. 9738. A bill to provide for participation of the United States in the HemisFair 1968 Exposition to be held at San Antonio, Tex., in 1968, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ADDABBO:

H.R. 9739. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. CAREY:

H.R. 9740. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. HELSTOSKI:

H.R. 9741. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. LINDSAY:

H.R. 9742. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. RESNICK:

H.R. 9743. A bill to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes; to the Committee on Interstate and Commerce.

By Mr. BOB WILSON:

H.R. 9744. A bill to provide free mailing privileges for first class letter mail sent by members of the Armed Forces of the United States in Vietnam; to the Committee on Post Office and Civil Service.

By Mr. BROWN of California:

H.R. 9745. A bill to establish a Federal sabbatical program to improve the quality of teaching in the Nation's elementary or secondary schools; to the Committee on Education and Labor.

By Mr. MACDONALD:

H.R. 9746. A bill to establish the Saugus Iron Works National Historic Site in the State of Massachusetts, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MATSUNAGA:

H.R. 9747. A bill to authorize the Secretary of Agriculture to conduct programs to reduce the impact of droughts on rural residents, small municipalities, agriculture and livestock enterprises, and for other purposes; to the Committee on Agriculture.

H.R. 9748. A bill to amend title 38, United States Code, to provide wartime rates of disability compensation for veterans disabled from injury or disease incurred or aggravated by overseas service and free insurance protection for members of the Armed Forces serving overseas; to the Committee on Veterans' Affairs.

By Mr. O'NEILL of Massachusetts:

H.R. 9749. A bill to amend title 10 of the United States Code to prohibit contracting for the construction of vessels for the U.S. Navy at places outside of the United States; to the Committee on Armed Services.

By Mr. PEPPER:

H.R. 9750. A bill to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. REUSS:

H.R. 9751. A bill to amend the act of January 30, 1913, to remove certain restrictions on the American Hospital of Paris; to the Committee on the Judiciary.

By Mr. SAYLOR:

H.R. 9752. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States and for other purposes; to the Committee on Education and Labor.

By Mr. PERKINS:

H.R. 9753. A bill to provide for the establishment of the National Foundation on the Arts and the Humanities to promote progress and scholarship in the humanities and the arts in the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. RANDALL:

H.R. 9754. A bill to amend the National Labor Relations Act to make it an unfair labor practice for an employer or a labor organization to discriminate unjustifiably on account of age; to the Committee on Education and Labor.

H.R. 9755. A bill to amend the Internal Revenue Code of 1954 to provide credit against income tax for an employer who employs older persons in his trade or business; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 9756. A bill to amend title II of the Social Security Act to lower from 62 to 60 the age at which benefits thereunder may be paid, with appropriate actuarial reductions made in the amounts of such benefits; to the Committee on Ways and Means.

By Mr. RYAN:

H.J. Res. 573. Joint resolution requiring a cost-of-living survey to be made by the Bureau of Labor Statistics before the cost-of-living allowance for Federal employees in Puerto Rico and the Virgin Islands may be reduced; to the Committee on Post Office and Civil Service.

By Mr. FRIEDEL:

H. Con. Res. 448. Concurrent resolution to authorize and request the President to issue a proclamation designating September 3, 1965, as "Crusade for Safety Day"; to the Committee on the Judiciary.

By Mr. BELL:

H. Res. 451. Resolution expressing the sense of the House of Representatives with respect to discriminatory practices by the Government of Rumania; to the Committee on Foreign Affairs.

By Mr. DELANEY:

H. Res. 452. Resolution expressing the sense of the House of Representatives with respect to oppression of minorities in Rumania and requesting the President of the United States to take appropriate steps in our relations with the Rumanian Government as are likely to bring relief to the persecuted minorities of that country; to the Committee on Foreign Affairs.

By Mr. CURTIN:

H. Res. 453. Resolution establishing a Special Committee on Captive Nations; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 9757. A bill for the relief of Mrs. Knou Daoud Misleh; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 9758. A bill for the relief of Christos A. Grivas and Despina Grivas; to the Committee on the Judiciary.

By Mr. SCHWEIKER:

H.R. 9759. A bill for the relief of Rina Zausata; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Residual Oil Imports

EXTENSION OF REMARKS

OF

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 9, 1965

Mr. MORSE. Mr. Speaker, more than a year ago on the floor of the House I deplored the continuation of residual oil import quotas as discriminatory, unnecessary, and harmful to our national security.

At that time I pointed out how serious was the impact of these quotas on the economy of Venezuela, a nation which depends on the export of oil for 90 percent of its foreign trade and 95 percent of its foreign exchange receipts. We cannot emphasize hemispheric economic growth and solidarity and then turn around and isolate one of the strongest nations in Latin America.

It has been difficult for Venezuela to understand this policy of restriction. Writing in the July 1965 issue of Foreign Affairs, President Raul Leoni comments:

I want to emphasize that Venezuela has never been opposed to protection of an industry as vital as that of oil. What Venezuela objects to is the way in which protection has been applied by the United States; it just does not seem to us consistent with the proclaimed principle of hemispheric solidarity. In contrast to the products of other nations in the hemisphere, Venezuela's main export is discriminated against by a