a majority of our people can no longer see it clearly anymore. Anything goes, so long as you don't get caught.

If this is the status quo we are so bent on preserving in the name of freedom, or free enterprise, then any change is preferable if we are not to succumb to complete anarchy.

For it is in the end anarchy we have to fear most; and it takes its shape in two great explosions that deny man his life and his dignity. The first is the population explosion, the second the nuclear explosion. It may surprise you that I put the one before the other, but I feel as of now that it is the greater danger, and may well be the fuse that will ignite the second.

Both stem from the refusal of men to face reality by changing their way of living and thinking. Both inherently are a refusal to put the good of all ahead of the good of self. Privatism dictates that you bear all the children you want regardless of what their future may be in a world without space for them. Nationalism dictates that you maintain sovereignty regardless of human survival.

We became leaders in the first place because, in our revolution, we initiated a new concept of society—the concept of federation under freedom. We changed the face of modern society, and for nearly 200 years our power in the world has been as a symbol of change.

We are not that now. We are richer and mightier. We are the greatest consumers in the world. We hold out to all the impoverished and emerging peoples in the world the marvelous bounty, the material blessings, of a capitalist economy. But is that enough to capture the soul of man? Is talk of freedom enough? I don't think so. I think we have got to be bold again, to advance new ideas, to demand brave leadership, to produce new visions that prove we are not only unafraid of change but determined to be its innovators. And we have to start right here at home.

The first thing to do is to stop being afraid of the wrong things. Don't let yourself be stampeded or brainwashed by accepted social attitudes, or commercial pressures, or the counsel of politicians who say no to everything new because they are fearful of change.

Examine the new and the different and the difficult with a cool and open eye and not with the heat of prejudice.

Ask yourself, when you see our ugly cities, our monotonous suburbs, our shoddy transit systems, our crowded schools, our delinquent young, our unstable old, whether we have indeed produced the highest standard of living, or whether we have put private pleasures above public need.

Open your mind by reading those books and magazines which are not afraid of the truth, however unpalatable, and which are immune from partisan or commercial pressures which distort fact.

Don't allow demagogs to obscure reasons by inflaming emotion. The demagog succeeds only with frightened people.

Whatever you think, speak up. The great and wonderful difference between us and the totalitarian state is that it speaks with only one voice while we speak with many. In a democracy silence is abdication.

All this is a counsel of courage, and courage is not easy. The temptation to stand by and do nothing is great. But because too many people are doing just that, we are becoming a spiritually flabby and morally shabby society, uncertain of our direction and confused about our growth.

We read of ordinary citizens standing by, doing nothing while fellow beings are savagely attacked. When your own future is in mortal danger of being strangled by fear and apathy and cowardice, it is your moral obligation not only to speak out but to act.

IDAHO'S CASE FOR THE NEZ PERCE NATIONAL HISTORICAL PARK

Mr. CHURCH. Mr. President, the National Park Service has increasingly become the caretaker not only of innumerable scenic wonders of our vast country, but also of the physical symbols and landmarks of our shining history.

A bill which my colleague and I have introduced in the Senate would designate the Park Service to administer a new type of historical park.

Named for the Nez Perce Indians, the Nez Perce National Historical Park would be located in north central Idaho, where this remarkable tribe made and makes its home.

The bill was introduced on November 21, 1963, and was referred to the Interior and Insular Affairs Committee. On August 18, hearings were held in Washington, before the Public Lands Subcommittee; and in October of this year, field hearings will be held in Lewiston, Idaho, under the chairmanship of the distinguished Senator from Nevada [Mr. BIBLE].

One thing will become quite clear from these hearings: Destiny literally "zeros in" on the small area that is the Nez Perce country. In this area, Lewis and Clark, the explorers, received the final impetus to complete their historic trek to the Pacific in 1805; the first Christian mission in Idaho was established in 1836; gold was discovered in 1860, and provided a great forward thrust of population into the Pacific Northwest; and here also the dramatic Nez Perce Indian war broke out, in 1877.

This is in contrast to much of the West, where our history is most diffuse, and there are few reminders of yesteryear—a monument, a restored fort, the weathered rut of a trail, or other memorabilia spread so thin as to present no synthesis at all.

The purpose of the proposal to create a Nez Perce National Historical Park is to synthesize these major Western historical events by perpetuating their sites in this unusually small geographic area.

As the National Park Service pointed out in its feasibility report, the scenic magnificence of the Nez Perce country and the appeal of the Nez Perce story in all its aspects—archeology, ethnology, explorers, and fur traders, missionaries, gold miners, settlers, soldiers, loggers, and Indian relations with these newcomers and with the Federal Government—are of outstanding interest.

The journey of the two Virginia captains, Meriwether Lewis and William Clark, through the wilderness to the Pacific Ocean, and return, has been called one of the greatest adventure stories of all time. They were sent by President Thomas Jefferson to explore these unknown lands, and their discoveries gave the United States a claim to the Oregon country.

When they crossed the snowy ramparts of the Bitterroots, and reached the Nez Perce country, many members of the expedition were ill and half starved They were welcomed by the Nez Perces, and were fed and warmed by more hospitality than they had received from any tribe across more than half the continent. Indeed, the handsome and intelligent Nez Perces helped them build dugout canoes, and took good care of their horses, as they were enabled to continue their journey to Fort Clatsop and the sea.

Lewis and Clark planted the American flag at the mouth of the Columbia. Meanwhile, Jefferson had completed the Louisiana Purchase, which one historian observed "fell into place like a drawbridge across the continental moat." Returning in 1806, the explorers spent additional months with the Nez Perces, establishing a bond of friendship which would remain unbroken for nearly three-quarters of the century.

Drawn by the wealth of beaver pelts, the mountain men followed the explorers into the Intermountain Northwest, and behind them came them missionaries. Marcus Whitman, Henry Harmon Spalding, and their wives, in 1836 crossed the Continental Divide with a wagon, pioneering a road which would become known as the Oregon Trail. Whitman built his mission farther west near the lower Snake River; but Spalding built his on Lapwai Creek, in the Nez Perce country.

Here, the Presbyterian missionary obtained and used the first printing press; and printed the first books in the Pacific Northwest—including a songbook and parts of the New Testament in the Nez Perce tongue. He taught the Nez Perces the principles of irrigation, farming, stockraising, and homemaking.

In 1855, a treaty was signed with the Nez Perces. It turned their homeland into a reservation. But in 1860, gold was discovered on Orofino Creek, in the Nez Perce country; and the whites swarmed in. The gold became important to the survival of the Union; but its location brought demands for a smaller reservation. A new treaty was accomplished, although not all signed it; and the tribe became divided into treaty Indians and nontreaty Indians. The threatened use of force to place the nontreaty Indians on the new reservation erupted in the Nez Perce war of 1877.

Under the leadership of Joseph, Looking Glass, and other chiefs, the Nez Perces consistently outgeneraled and outfought the troops thrown against them. After several engagements in the Nez Perce country, the tribe conducted a masterly retreat across sections of Montana, southern Idaho, Yellowstone Park, and Wyoming. They were headed for a rendezvous with Sitting Bull, camped across the Canadian border, after the Custer massacre of 1876. The junction was not effected; and Joseph surrendered just short of the border, at the Little Bear's Paw, in north-central Montana.

Joseph said:

From where the sun now stands I shall fight no more forever.

Because of the valiant stand of the Nez Perces, on the heels of the disaster at the Little Big Horn, the Nation began to take a closer look at white and Indian relationships.

Part of the tribe was eventually returned to the Nez Perce country, there to join the Christian group on the reserva-

tion. The nontreaty Indians were reconciled to their fate, but resumed their pagan ways. Missionaries, both Protestant and Catholic, continued their work; at Kamiah and Spalding are houses in which the Presbyterians resided, and at Slickpoo still stands the church built by Father Cataldo.

Many other physical fragments of this valued historical area are still extant; but they suffer the continued erosion of time and progress, and with each passing year the untended sites become less subject to interpretation and preservation.

Along the recently completed Lewis and Clark Highway, down the westward slope of the Bitterroots, passes the Lolo Trail, a vanishing track along the high ridges. Once it was a heavily traveled Nez Perce pathway to the buffalo country, to the east, and was the avenue of approach for Lewis and Clark.

At Kamiah and Ahsahka are the campgrounds of Lewis and Clark; at White Bird, Cottonwood, and Stites are major battlegrounds of the Nez Perce war; along the Clearwater are locales of Indian legends; at Lapwai are the parade ground and three buildings of the old Fort Lapwai; near Craig Mountain is the land claim of Mountain Man Billy Craig, and near Cottonwood is the Wels rockshelter, occupied 7,500 years ago.

The Park Service feasibility report points out the importance of Idaho's contribution to the Nation's lumber industry. Large sawmills are found up and down the Clearwater and in almost every town. Near Lewiston is the huge Potlatch Forests mill—one of the largest sawmills in the world. On the north fork of the Clearwater, one of the last great log drives is still conducted. But time is running out, and a huge dam will soon soothe the waters.

I emphasize that—as the feasibility report eloquently points out—the Nez Perce country still possesses a high degree of historical integrity. I read from the report:

> Despite extensive farming in the uplands, intensive logging on the mountain slopes and canyon walls, and the growth of towns and cities, the overall effect as one drives through the former lands of the Nez Perces is the impression, "This is how it was." The prairies are still open; vast armies of pines and firs still climb the hills; the grass-covered slopes still rise above basalt cliffs; the rivers and streams largely run clear and free. The country is so vast, so magnificent, and so lightly settled that the eye tends to glance over such recent developments as roads, railroads, mills, fences, towns, and spreading residential sections. This is still, in essence, the Nez Perce country.

Inasmuch as these valuable and significant sites are so located and so related, it has been proposed, by means of this bill, that they be preserved under a single, responsible jurisdiction, properly identified, and correlated for public viewing and appreciation. Under such a program, only a small amount of land would be required for administrative use and site preservation.

The proposed legislation which I have introduced, on behalf of myself and my colleague, like the identical bills which have been introduced in the House by Representatives COMPTON I. WHITE and RALPH HARDING, would provide a coordinated series of historic sites and interpretive facilities, some in Federal ownership and some in non-Federal ownership. It has been suggested that these should consist of 3 federally owned sites administered by the National Park Service and 19 sites administered by other Federal agencies, by State agencies, or owned by private individuals and corporations. Through cooperative agreements with the administrators or owners of these 19 sites, the National Park Service would be responsible for interpreting the historical significance of these sites and for providing interpretive services to the public.

Three main centers, operated by the Park Service, would be located—one, each—at the key main visitor entrances to the heartland of the Nez Perce country, at Spalding, Kamiah, and White Bird. These visitor centers would also orient visitors to the remainder of the project. The principal headquarters of the project would be at Spalding.

Department of the Interior, National Park, and State of Idaho officials, including the Governor, historians, and other specialists, have personally visited the area, and have voiced approval of the project. With an unusual display of unanimity, chambers of commerce, civic organizations, and newspapers in the area have wholeheartedly endorsed it.

I know I speak for the entire congressional delegation when I say we are wholeheartedly in support of this proposal, which would provide a new type of national park, and would preserve for the future, in a fitting way, these valuable and graphic reminders of our people's westering march.

THE WAR IN SOUTH VIETNAM

Mr. MORSE. Mr. President, my brief speech today, in opposition to McNamara's war in South Vietnam, is taken from the magazine Business Week for August 29, 1964. Business Week is certainly one of the most stable, moderate periodicals published in this country. So far as I am concerned, their article is my speech, for I associate myself with every word of it. It reads:

NEW PROBLEM FOR UNITED STATES—HOPES FADE FOR SOUTH VIETNAM

(As rioters force strong man Khanh out of presidency, it becomes harder for administration to win war against Vietcong. Leaked CIA report hints at negotiations.)

The resignation this week of South Vietnamese strong man, Nguyen Khanh, from his newly acquired job as President strikes hard at U.S. hopes for a more vigorous prosecution of the war against the Communist Vietcong. In fact, at midweek, the big question in Washington no longer was whether the war could be won without carrying it to North Vietnam, but whether it could be won at all.

If the situation continues to deteriorate, U.S. policy in South Vietnam cannot help becoming a hot issue in the presidential campaign. And a political collapse in Saigon could hurt President Johnson at the polls in November.

NEWS LEAK

The upheaval in Vietnam—the third in less than a year—came as the administration was shaken by the leak of a confidential study by the Central Intelligence Agency, which suggested that victory was impossible and negotiation probably inevitable in South Vietnam.

In the past, the administration has insisted that negotiation would be tantamount to handing the southeast Asian nation over to the Communists, if undertaken before South Vietnam met the military threat posed by Vietcong. Washington has bitterly opposed French President Charles de Gaulle's proposal for negotiations aimed at neutralizing Vietnam.

The CIA report is bound to shake confidence, both in Saigon and here at home, in the steadfastness and realism of U.S. policy. Senator BARRY GOLDWATER was quick to note the CIA study, and to warn the American people to be prepared for an announcement in the very near future of a negotiated peace in Vietnam. He went on to say that neutralization was an open door to Communist infiltration.

President Johnson is hoping, of course, that the lid can be kept on Vietnam until the election is over. But then, whoever wins will be forced to take a new hard look at the U.S. involvement in southeast Asia—barring a seemingly miraculous improvement in the situation there.

MORE RUMORS

The political situation in Vietnam is confused and explosive. At midweek, Khanh apparently still was in control of the military forces that put him into power last January. But how much political control he would be able to maintain was not clear. He might be relegated to a strictly military role under a new government headed by someone else or, alternatively, forced to share political power with a civilian cabinet representing the Buddhist leadership and political factions that sparked the rioting.

Meanwhile, communal rioting between Buddhists and Catholics was continuing and, despite Khanh's political concessions, rumors of new military coups by supporters of former President Ngo Dinh Diem filled the air in Saigon. There were even more disturbing reports of an impending all-out offensive by the Vietcong aimed at wresting final victory from the confusion.

SUPPORT—OR CONTEMPT?

The political upset in Saigon, ironically, was touched off by Khanh's moves last week to strengthen his political position by promulgating a new constitution and assuming the Presidency under it. He put stern restrictions on personal and political liberties, including strict press censorship, curfews, and the banning of demonstrations.

Buddhist and student leaders, fearing a return to the repressive tactics of the Diem regime, called their followers into the streets. Khanh, unlike Diem, refused to use force against the rioters, fearing to open a second front of civil war. He capitulated to rioters' demands that he scrap the constitution and his Presidency. Khanh's worried U.S. advisers hope his moderation will win him support but concede that it is as likely to win him contempt in a country used to strong rule.

VULNERABLE POSITION

The U.S. role in the political disaster was not clear at midweek. Officials last week hailed the new constitution and Khanh's assumption of the Presidency as likely to stabilize the political situation. This week, however, they were claiming privately that Khanh had acted largely on his own, and were critical of his refusal to consult political leaders before the new constitution was proclaimed.

Khanh's troubles underline how vulnerable the U.S. position in southeast Asia is to events beyond Washington's control.

The United States must back Khanh, as it did his predecessors, if he is to have a

chance of winning the war. It must insist that victory can and must be won. But in the process much U.S. prestige is invested in Khanh's fortunes, much more in the outcome of the war.

High U.S. officials this week are at pains to discount the significance of the CIA study, which was released to the press this week after having been leaked to the Chicago Tribune.

But some officials this week, despite these disclaimers, were beginning privately to look again at the possibilities of a negotiated settlement in Vietnam.

Mr. President, this article in Business Week clearly summarizes the situation in South Vietnam. The American people are beginning to recognize more and more that our position in South Vietnam is untenable morally, militarily, and legally. More and more the American people are beginning to appreciate the fact that we owe it to the history of our country and we owe it to the boys who will be killed unjustifiably in the months ahead in the uncalled for American participation in the war in South Vietnam, to get this issue back within the framework of international law, as the Senator from Alaska [Mr. GRUENING] and the Senator from Oregon have pleaded for at least 6 months on the floor of the Senate.

The ugly reality is that the United States, although it uses other semantic terms, is following a policy of colonialism in South Vietnam. We have set up a puppet protectorate in South Vietnam. We are seeking to operate it as colonial powers operated colonies in generations gone by. No white nation will ever be able to maintain a colony in the yellow part of the world. Let us face the issue.

Therefore, I close tonight by pleading again that the United States stop its unilateral military action in southeast Asia; that we stop supporting a military dictatorship; that we stop joining that military dictatorship in stamping out freedom in South Vietnam; and that we lay the whole issue before the United Nations or before a 14-nation conference, as recommended by President de Gaulle, for the application of international law for its settlement.

THE ATTACK ON REAPPORTIONMENT

Mr. DOUGLAS. Mr. President, I do not believe that many Members of the Senate are aware of the rising tide of disapproval of the Dirksen "rottenborough" amendment; but some of us have been assembling from some of the great newspapers of the country editorials which show that some of the best newspapers are opposed to the Dirksen amendment and that they have solid grounds for their objection.

The Dirksen amendment is a part of this attack on the Supreme Court. The attack on the Supreme Court began after the great civil rights decision of 1954 and has intensified with its later decisions.

The reapportionment decisions of the Supreme Court have increased this opposition.

Mr. President, I ask unanimous consent that an editorial written by Irving Dilliard, entitled "A Great Supreme Court," which was originally published in Frontier, and which was reprinted in the St. Louis Post-Dispatch on August 16, 1964, be printed in the RECORD.

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

[From the St. Louis Post-Dispatch, Aug. 16, 1964]

A GREAT SUPREME COURT—IT HAS AROUSED BITTER OPPOSITION BECAUSE OF ITS REPEATED STANDS FOR FREEDOM

(By Irving Dilliard)

(Irving Dilliard, former editor of the editorial page of the Post-Dispatch, holds the Ferris Professorship of Journalism at Princeton University.)

The anti-Supreme Court headhunters are rising to the full cry. Their shouts rend the jungles of special privilege. Too many times since the unanimous public school desegregation decision in 1954 has our highest tribunal taken its stand on the side of the people.

In the eyes of the advantage seekers, the 1962–63 term of the Supreme Court was bad enough. Now Chief Justice Warren and his eight colleagues have closed the 1963–64 term and it is even worse. That is why there is so much bellowing both in print and on the air waves. And it is why the raucous outcries can be expected not only to continue but unfortunately to grow even louder.

Now there are well-meaning people who sincerely believe that the Supreme Court is doing grievous damage to our Nation. For the most part these are misguided souls whose uninformed thinking frequently is shaped by misleaders who know better. Dr. Samuel Johnson spoke a grim but often misunderstood truth when he said that "patriotism is the last refuge of a scoundrel."

So it is with a large proportion of the critics who are now attempting to "save" the Constitution. When they cry out that the Justices are subverting the American Federal system by destroying the rights and functions of the States, few if any mean that at all. What they really mean is that they object to these decisions because the rulings upset their own long-established, usually well-hidden, schemes of special privilege and undue influence in local, State, and national affairs.

The decision which has gone farthest in stirring up the animus is that in cases from Alabama, Colorado, Delaware, Maryland, New York, and Virginia calling for redistricting of the State senates on a basis of population rather than geography. No one need be surprised in the slightest at the stuck-pig reaction. Not since its public school desegregation decision of 1954 has the Supreme Court struck so hard and sound a blow for the free way of life as well as free institutions.

Ralph McGill, writing in the Atlanta Constitution, reports that a Southern rural legislator, angry because of the reapportionment decision, attacked the Supreme Court as being composed of tyrants who reminded him of Hitler. Yet this very legislator comes from a county where one vote is worth approximately 30 times as much as a vote in his State's most populous county. Comments Ralph McGill:

"The tyranny of this inequity had not troubled the angry legislator. He liked it that way and wished to perpetuate it. So wishing, he damned as tyranny the Court's determination to uphold the Bill of Rights and to guarantee each citizen equal representation and protection of the law."

On the heels of the decision in Washington, Governor Love called a special session of the Colorado Legislature for July 1. The legislators took the job seriously and completed reapportionment of both chambers according to population in 8 days.

Some idea of the transformation that is coming in many States can be had from the change worked in Colorado where there had been no major reapportionment in 30 years. All that time the rural areas dominated the legislature although Colorado population had become centered largely in Denver, Pueblo and a few other cities. The new apportionment gives the State's 10 largest counties 27 of the 35 senate seats and 49 of the 65 house seats. This greatly increased voice, based on population, Denver citizens owe entirely to the Supreme Court reapportionment decisions of 1962, 1963, and 1964. There is little danger that any of them will find the Supreme Court acting like a tyrant, bent on destroying representative self-government.

Yet Republican leaders in Congress are so far out of touch with the trend of the times that they have announced that they intend to "take the lead" in supporting a constitutional amendment if it proves necessary to nullify the Supreme Court's reapportionment decision.

Here are other recent decisions that have angered special-interest groups. The facts are that in every instance the Supreme Court took its stand on the side of freedom. Every one of these rulings ought to be applauded warmly:

Passports: By 6 to 3, invalidated as "unconstitutional on its face," a section of the 1950 Subversive Activities Control Act that denies passports to members of officially designated Communists organizations. For the majority Justice Goldberg rightly said that "freedom of travel is a constitutional liberty closely related to rights of free speech and association."

Communist registration: By order and without comment, let stand a Washington (D.C.) Appeals Court decision voiding a conviction of the Communist Party for failing to register. The order rejected a Justice Department request for review of the appellate court's reversal of a $120,000 fine levied against the Communist Party. The appeals court said the Government had failed to prove that there was anyone who could register for the party without incriminating himself in violation of the Constitution.

Loyalty oaths: by vote of 7 to 2, invalidated as offending due process the 1931 Washington State statutes setting up a loyalty oath machinery for teachers as a condition to employment. Justice White, for the majority, said that "where vagueness of the statute deters constitutionally protected conduct, 'the free dissemination of ideals may be the loser.'"

NAACP: Unanimously reversed the Alabama Supreme Court and held that Alabama's ouster of the NAACP violated the association's constitutional right to associate for the advocacy of ideas. Because this case has been kicked around one way and another for 8 years in the courts of Alabama, Justice Harlan concluded the Supreme Court's decision by saying: "Should we be unhappily mistaken in our belief that the Supreme Court of Alabama will promptly implement this disposition, leave is given the association to apply to this Court for further appropriate relief."

Virginia schools: By vote of 7 to 2, ordered Prince Edward County, Va., to reopen its public schools which were closed to avoid the effect of the 1954 desegregation decision. Funds which had been used for public white schools were diverted to private segregated white schools. Noting that the case began in 1951, Justice Black said for the Court: "The time for mere 'deliberate speed' has run out, and that phrase can no longer justify denying to these Prince Edward County schoolchildren their constitutional rights

to an education equal to that afforded by the public schools in other parts of Virginia."

Fifth amendment: In a series of decisions, dealt with the self-incrimination clause of the fifth amendment, holding, 5 to 4 in the Malloy case from Connecticut, that the fifth amendment's protection against being compelled to give self-incriminating testimony now applies to the States as well as to Federal court proceedings.

Add decisions such as these to those holding unconstitutional daily prayers and devotional Bible reading in the schools, and the earlier rulings outlawing racial tests and requiring equitable representation for congressional and legislative seats, and it is easy to account for the wild charges of judicial dictatorship.

No wonder the howlers ignore the fundamental fact that every Supreme Court decision is in a case carried to the highest bench by one or more petitioners seeking justice. No wonder they ignore the fact that many of the decisions which they now rail against pinpoint the failure of legislative or executive leadership.

Political scientist Richard L. McAnaw put it in a nutshell in the Iowa Law Review: "The failure of our democratic institutions is not that the Supreme Court has assumed all of the powers and that it stands guilty as charged—but rather that the Court has had to assume such powers—that the Court has had to make such decisions."

Will State legislators and Members of Congress quit complaining about the Supreme Court and now begin to buckle down to their too-frequently defaulted responsibilities?

Mr. DOUGLAS. Mr. President, I point out that Mr. Dilliard was formerly editor of the editorial page of the St. Louis Post-Dispatch, and holds the Ferris professorship of journalism at Princeton University.

Mr. President, in my judgment, the present Supreme Court is a noble Supreme Court.

In my judgment, the Chief Justice of the Supreme Court, formerly a great Governor of California, and in 1948 the Republican candidate for Vice President, is, I would say, one of the handful of preeminent Americans.

Mr. President, I should also like to accompany the last editorial with another one, entitled "Congressional Attack on Courts" which was published in the Houston Post of August 20, 1964. Unless I am misinformed, the Houston Post is a conservative newspaper, yet it properly sees that this attack on the courts does violation to the basic stability of our form of government. I ask unanimous consent to have the editorial printed in the RECORD.

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

[From the Houston Post, Aug. 20, 1964]

CONGRESSIONAL ATTACK ON COURTS

Regardless of the outcome of the congressional effort to delay implementation of the Supreme Court's recent decision on State legislative apportionment, which would amount to a suspension of the Constitution by legislative fiat, some fundamental questions involving the nature of the country's governmental system are involved, the implications of which do not seem clear to a great many people.

One of the distinguishing features of the American system of government as it was devised after much debate and compromise by the Founding Fathers was that it provided for three equal and coordinate branches, each vested with the authority to make law within its rather narrow area of authority.

By intent or otherwise, some conflicts were built into the system, and some boundary lines of jurisdiction fuzzily defined, with the result that each branch exercises something of a check on the other. This tends to keep any branch from becoming so powerful that it can impose a parliamentary, executive, or judicial tyranny upon the country.

In order for the system to work, there must be considerable restraint by each branch in the use of its powers and, as a practical matter, a continuous search for formulas of reconciliation and accommodation.

To remove these conflicts and sharply define limits of authority where they are fuzzy requires the amendment or rewriting of the Constitution, the basic law that governs all three branches. This is something not to be done lightly or emotionally, and that is why the amendatory process was made as difficult as it was.

The right of the Supreme Court to interpret the Constitution, to say what it means in a given context, was asserted early in the life of the Republic and has been accepted ever since. Obviously, it is a job that someone must do. There must be some final authority on what the Constitution does and does not mean, and the Federal judiciary is the logical and best qualified agency to perform this chore.

Naturally, once an interpretation has been given, it must have the force of law until such time as the Court may change it or the Constitution is amended. Otherwise, orderly government would be impossible, and the country would devolve into chaos.

One thing that holds the Nation together is the fact that nobody can suspend the Constitution, either in whole or in part. Except for this, there quickly would be no Constitution and no Nation.

In the controversy over the legislative apportionment decision, there has been a great deal of talk to the effect that the judicial branch invaded the jurisdiction of Congress, the legislative branch. Actually, it is extremely doubtful if Congress has any authority to legislate with respect to State legislative apportionment.

If the Federal Constitution does not govern in this matter, then it is one of those left entirely to the States individually. But the Supreme Court has said that the Constitution does speak with respect to State legislative apportionment, and its finding has the force of law until it is changed or the Constitution is amended.

For Congress to attempt to order a "delay" in enforcement of the Court's ruling is actually a challenge to the asserted authority of the judicial branch to interpret the Constitution, and thus a flagrant attempt by Congress to invade the area over which the judicial branch by consent long has exercised jurisdiction.

Proponents of the legislation proposed in Congress are quite aware that anything they enact probably will be ruled unconstitutional by the Federal courts, but they do not much care. They admittedly are interested only in gaining time to try to push through a constitutional amendment. Efforts to amend the Constitution are legitimate and permissible, but to try to undermine the authority of the Federal courts, to discredit them and to castigate them is a very serious business.

It must always be remembered at all times that the Founding Fathers were as interested in preventing parliamentary tyranny as they were in preventing executive and judicial tyranny. Oddly, there are some "conservatives" who do not seem much interested in conserving our traditional form of government. They are more interested in perpetuating an existing power structure, whether it is constitutional or not. At the very least, they want to substitute their own interpretation of the Constitution for that of the Supreme Court.

Mr. DOUGLAS. Mr. President, a number of newspapers have criticized the specific nature of the Dirksen amendment. I ask unanimous consent to have an editorial from that great newspaper, the Nashville Tennessean, of August 16, 1964, entitled "Remap Game of Congress Holds Dangers for All," printed in the RECORD.

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

[From the Nashville Tennessean, Aug. 16, 1964]

REMAP GAME OF CONGRESS HOLDS DANGERS FOR ALL

The Congress of the United States is engaged in a dangerous game over its proposals to suspend or nullify the Supreme Court's landmark "one person, one vote" decision on reapportionment.

The assault on the Court is two-edged. In the House, an amendment by Representative WILLIAM M. TUCK, of Virginia, would simply strip the Federal courts of any jurisdiction over State reapportionment cases.

If the Tuck amendment were to pass, it would open up the gate for Congress, by simple statute, to bar any area it chose from court jurisdiction. The end effect could be to deny all Americans the full benefit of their constitutional protections. The immediate effect would be to continue the virtual disfranchisement of many city and suburban residents in this Nation.

The Dirksen amendment in the Senate is a little less harsh in that it is less of a full-scale assault on judicial independence. It directs the courts to delay any redistricting orders so that elections may be held normally for 2 years. Only in "unusual circumstances" would the Court be permitted to intervene.

The Senate plan at least recognizes the authority of the Court to intervene in this area where vast inequities have existed over the years.

The real objective of Senator DIRKSEN, however, is to try to get a contitutional amendment adopted that would prohibit reapportionment of both branches of a State legislature according to population. And the effect of this would be to give one branch of State legislatures veto power over the other. A rurally dominated State senate could, of course, block all legislation.

In Tennessee, not only would urban areas continue to be denied fair representation, but Republican east Tennessee would be affected. It would also insure to a great degree that the legislature would continue to be dominated by one party as well as one area.

It is peculiar why Senator DIRKSEN is aiming such a punitive move at his own party's voters. Republican strength in many areas of the country comes chiefly from the suburbs of major cities, yet it is precisely these voters who would be most affected, both in the terms of voter equity and in their philosophical effort to buck the trend of greater centralization of government.

The Tuck amendment aims at the heart of the checks and balances of government.

Only once in the history of the country has the legislative branch denied judicial jurisdiction in a particular area to accomplish its own purposes. That was in 1868, when a Reconstruction Congress acted to prevent the Supreme Court from holding that the trial of a Mississippi editor by a military tribunal had violated the Constitution. The editor, Mr. William McCardle,