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of the Air Force in a political campaign is questionable, to say the least.

President Johnson's reply to all this was calm, patient, and resolute. In a New York speech to the American Bar Association he said the course of U.S. policy in southeast Asia will not be diverted by political attacks at home. He added it has never been the policy of an American President "systematically to place in hazard the life of this Nation by threatening nuclear war."

The President went further at a press conference Saturday. He said that in making loose charges Senator GOLDWATER was doing "a disservice to our national security, a disservice to peace and, for that matter, a disservice to the entire free world." Mr. Johnson was right. In forcing the Government to set out the true facts, Senator GOLDWATER has put the country in the position of brandishing its nuclear might. How will the world view that?

[From the Washington Daily News, Aug. 19, 1964]

ABSURD CHARGE

If any American has lost sleep over recent talk of holes in our defense system, he should be reassured by the statistics of Defense Secretary McNamara.

In long-range missiles (ICBM) we are ahead of the Russians 800 to 200, according to Mr. McNamara. In Polaris-type submarine missiles we lead 256 to 142 and ours are by far superior. In long-range bombers, which are the specific subject of recent dispute, our edge is even greater—1,100 to 100, or 1,100 to 250 if you count Soviet bombers able to reach only a fringe of the United States.

As to Senator GOLDWATER's fear that U.S. deliverable nuclear capacity may be cut down by 90 percent in the next decade, Secretary McNamara answers:

"Our strategic forces are and will remain in the 1960's and 1970's sufficient to insure the destruction of both the Soviet Union and Communist China under the worst imaginable circumstances accompanying the outbreak of war. There should be no doubt about this in the mind of any American. There is none in the minds of our enemies."

Senator GOLDWATER himself is author of a statement, 2 years ago, which, in our opinion, applies accurately to the pressent situation. We quote from his book, "Why Not Victory?"

"During the Presidential campaign of 1960 the absurd charge was made by Mr. Kennedy and others that America had become—or was in danger of becoming—a second-rate military power. Any comparison of overall American strength with overall Soviet strength reveals that the United States was not only superior, but so superior both in present weapons and in the development of new ones that our advantage promises to be a permanent part of the United States-Soviet relations for the forseeable future."

Events proved both the bomber gap and the missile gap to be phony. Current implications that our guard has been let down, or is going to be let down, may be filed away in the same envelope.

These observations are not intended to discount BARRY GOLDWATER as a candidate for President. A man should be judged on his total program, balancing the good with the bad, and the campaign barely has started. But we would say he comes out on the far short end of this particular argument.

[From the Denver Post]

SENATOR GOLDWATER JUGGLES WORDS

("When I use a word," Humpty Dumpty said, in a rather scornful tone, "it means just what I choose it to mean—neither more nor less." "The question is," said Alice, "whether you can make words mean so many different things." "The question is," said Humpty Dumpty, "which is to be master—that's all." "Through the Looking Glass.")

Any American who pays attention to politics is certainly familiar with hundreds of practical demonstrations of Humpty Dumpty's thesis. We all expect that a candidate will take great pains to display his mastery over not only his own words but also over those of his opponent.

Words are stretched, phrases are twisted, sentences are willfully misunderstood—all for anticipated political gain. And we accept this semantic juggling—with all its "doublethink"—as part of the political game.

The 1964 presidential game is still in the early innings, but already the Republican candidate, Senator BARRY GOLDWATER, has given us two splendid examples of political humpty-dumptyism. The Senator, perhaps smarting from his reputation for making words mean so many different things, has now attempted to show us that he is the master of the words.

The first example came this week at the so-called unity meeting of the GOP leaders at Hershey, Pa. There the luminaries of the Republican Party, many of whom only weeks and days before had expressed doubts and dismay about the words of Senator GOLDWATER, agreed after listening to the Senator speak that his words offered no cause for doubt or dismay, that he was, in fact, not only the master of his words but also the master of the Republican Party.

Although the candidate insisted that he took no new line and expressed no new thoughts, the Republican leaders—except Governors Romney and Rockefeller, who retained some doubts—embraced the candidate wholeheartedly and commended him profusely for the moderation and reason of his words, "The question is, which is to be master."

Such expressions of unity are, again, part of the political game. Everyone expects them —and would be surprised only if they did not come.

The second example of Senator GOLDWATER's humpty-dumptyism came in a press conference after his speech. In an attempt to show that he was also master of President Johnson's words, the Senator contended that the President's orders concerning the Vietnam crisis could be interpreted to mean that the U.S. military commanders in southeast Asia had been authorized to use nuclear weapons.

From this, the Senator concluded that he could no longer be charged with being triggerhappy, because the President had done precisely what he, GOLDWATER, had been advocating; namely, empowered field commanders to use nuclear arms.

At the time of GOLDWATER's charge, the actual orders to the 7th Fleet had not been made public, but in a statement to the American people on August 3, the President said he had instructed the Navy to give its forces orders "(A) to attack any force which attacks them in international waters and (B) to attack with the object not only of driving off the force but of destroying it."

There was no mention of the use of nuclear weapons.

Precisely because there was neither affirmative nor negative reference to the use of nuclear arms, Senator GOLDWATER was able to fill the verbal vacuum with his own purely political interpretation.

If anything has been clear in the U.S. nuclear policy—whether under Truman or Eisenhower or Kennedy or Johnson—it is that the President must specifically approve the use of nuclear weapons for a specific purpose at a specific time. To contend, as Senator GOLDWATER did, that authorization for the use of nuclear arms can simply be inferred is to attribute to the U.S. Government an entirely unwarranted irresponsibility and laxity.

The day after he mastered President Johnson's words, GOLDWATER compounded the humpty-dumptyism by contending that his words did not mean so many different things, that he had, in fact, not meant to imply that the President had authorized the use of nuclear weapons. "Curiouser and curiouser," as another Lewis Carroll line puts it.

The White House, in answering GOLDWATER's original charge, took a direct approach, the sort that is practiced on this side of the looking glass. The White House called in reporters and showed them the copies of actual orders to the 7th Fleet, which orders specified the use of "conventional ordinance only."

As the campaign proceeds, we can expect more of this humpty-dumptyism from Senator GOLDWATER. After all, it's part of the game. But we all know what happened to Humpty-Dumpty.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. CLARK. Mr. President, I return to the discussion of the Dirksen amendment to the foreign aid bill.

On Tuesday, August 18—2 days ago—I started what I had thought at the time would be a fairly extensive speech in opposition to the Dirksen amendment. But, as so often happens in the Senate, where we pay little attention to the rule of germaneness, and tend to legislate by fits and starts, there were a number of subjects including conference reports, which other Senators desired to have brought up, and I yielded the floor, not to regain it for some 48 hours, before I had done more than get halfway through my discussion of the analogy between the Dirksen "rotten borough" amendment and the successful effort to eliminate rotten boroughs in the House of Commons in England back in the 1830's.

In a moment I should like to return to the historical analogy, but first I should like to call to the attention of whoever may still be reading the CONGRESSIONAL RECORD these days—because I note, not for the first time, that there are only 3 of the 100 Senators in the Chamber—to a couple of things that occurred in connection with the rotten borough amendment since I spoke 2 days ago.

First was the publication yesterday of one of the periodic opinion polls conducted by Dr. George Gallup. That poll dealt with the reaction of the people of this country to the controversy now raging on the subject of reapportionment. We have heard in this Chamber about the public furor which is sweeping the country against the decisions of the Supreme Court of the United States, which, in a series of cases beginning with Baker against Carr in 1962, and ending with the decisions following the basic case of Reynolds against Sims, decided by the Supreme Court of the United States on June 15, 1964, has reestablished by decree of the Supreme Court of the United States the ancient and honorable principle of American democracy and support of majority rule. These decisions establish that in the

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Congress, that is to say, in the House of Representatives, in the State legislatures, and in all statewide elections for public office, the rule of representation is one citizen, one vote. The Court has struck down a number of provisions of State law which would give the weight of 100 votes—sometimes 1,000 votes—to one citizen living in a relatively sparsely populated legislative or county district for every one vote represented by those who live in more densely populated areas. These highly wise and salutary decisions of the Supreme Court of the United States—at least in my opinion they are salutary and wise—have been said by the proponents of the Dirksen rotten borough amendment to have caused chaos, confusion, and an uproar among the people, an uprising which requires that the Congress should go to the extreme length of tacking a rider onto the foreign aid bill to staying the enforcement of the decisions of the Supreme Court of the United States.

In colloquy with the Senator from Wisconsin [Mr. PROXMIRE] 2 days ago, we contended that the so-called chaos and confusion was nonexistent and that it was confined to the lamentations of a relatively small number of State legislators, their friends and protagonists who are afraid that if the principle of majority rule were to be applied in connection with their own election, they would lose their jobs. However, we contended that the American people as a whole supported the Supreme Court of the United States and thought that its recent line of decisions was sensible and wise.

It is a source of some satisfaction to me to find that Dr. Gallup's poll comes to the same conclusion as the Senator from Wisconsin [Mr. PROXMIRE] and I stated.

The gravamen of the Gallup poll as it was printed in the Washington Post on Wednesday, August 19, is that a constitutional amendment that would undo the Supreme Court's rulings on apportionment of State legislatures is likely to run into trouble with the voters of the Nation.

I have always been strongly of the view that if the voters of America understood how they were being represented as a result of malapportionment of State legislatures they would rise up and, on the whole, render three loud cheers in support of Chief Justice Earl Warren and his colleagues who represented the large majority of the Supreme Court in these rulings, just as an overwhelming majority of the American people have now risen up in support of the other outstanding landmark decision of the Warren Court, Brown against Board of Education, in the school desegregation decision of 1954.

The Senator from Wisconsin and I contended that the Supreme Court was in good favor with the American people, and that those who follow the lead of the Senator from Illinois [Mr. DIRKSEN] in supporting the rotten-borough amendment represented a minority view.

Dr. Gallup finds, in his first test of public reaction to the Supreme Court's ruling, that the opinion among those who have an opinion divided 3 to 2 in support of the Supreme Court of the United States.

Dr. Gallup finds that at this point about one-fourth of those interviewed had not yet formed an opinion on this issue. He points out that it will be debated, as indeed it will, in the campaign and in the months to come, just as it is being debated now in the greatest deliberative body in the world, whence all save two of Senators have now fled. Nevertheless, in the long run, on the whole, sooner or later, more or less, what is said on the floor of this body tends to be reported in our free press, over our free radio, over our free television stations, and is more likely than not eventually to seep into the consciousness of the American people.

There has as yet been relatively little debate on the Supreme Court's decision—some newspaper articles, to be sure; some debate in the House; some debate in the Senate; but compared to the debate which has raged for over a hundred years with respect to civil rights, the debate on reapportionment has hardly scratched the surface of the public consciousness. Yet the unanswerable arguments of those who support the great decision of this great court have apparently, according to Dr. Gallup, come home.

His pollsters—I presume that is a word which will soon appear in Webster's dictionary as a new part of our American language, if it has not already appeared—asked the following question, which I paraphrase, but I believe accurately: "The Supreme Court has ruled that the number of representatives of both lower house and the senate in all State legislatures must be in proportion to population. In most States this means reducing the number of legislators from the rural areas and increasing the number from urban areas. Do you approve or disapprove of this ruling?"

Dr. Gallup found that the results, for the Nation as a whole, were that 47 percent of those queried approved the decision of the Supreme Court of the United States; 30 percent disapproved; and 23 percent had not made up their minds or had no opinion.

The survey showed very little difference between Republicans, Democrats, and independents on this issue.

I take heart from the Gallup poll. I think it strengthens the hands of the relatively small number of Senators who have been opposing the Dirksen amendment. I think it shows that the people of the United States are on our side.

It may be that these arguments will be pressed home at the Democratic National Convention at Atlantic City next week in connection with the framing and adoption of a platform. I am not saying they will be; I am saying they may be. As these arguments are pressed home in the Congress, at the Democratic National Convention, and across the country, I am sanguine enough to be confident that the arguments against the unsound proposals advanced by the Senator from Illinois [Mr. DIRKSEN], and in the other body by Representative TUCK, will appeal to the American people and that, in due course, they will be defeated.

So those of us who wish to fully ventilate this issue are encouraged to continue, in view of the results of the Gallup poll.

The second thing that has happened since I spoke on the floor 2 days ago and engaged in a colloquy with the Senator from Wisconsin, which I think is desirable to call to the attention of the Senate, is the forthright stand taken yesterday by the Attorney General of the United States, Robert Kennedy, in opposition to tampering with the decisions of the Supreme Court of the United States. The Attorney General appeared yesterday before the platform committee of the Democratic National Convention and stated his views on those matters of public policy which are within the cognizance of the Department of Justice, which he has so ably headed for nearly 4 years.

After giving his views of what the planks in the Democratic platform dealing with civil rights should be, he was asked a question from the floor. The question was: What is the position of the Department of Justice with respect to whether there should be legislation or a constitutional amendment which would affect adversely in any way the reapportionment decisions of the Supreme Court of the United States? He answered categorically: "The Department of Justice is opposed to tampering by legislation or constitutional amendment with the decisions of the Supreme Court of the United States."

I take great heart in that forthright and candor statement of the Attorney General.

We know that two very able lawyers in the Department of Justice, Solicitor General Archibald Cox, and Deputy Attorney General Nicholas deB. Katzenbach, were called in by the minority leader, with the consent and approval of the majority leader, to work on the technical and legal problems involved in drafting and modifying to some extent the watered-down Dirkensen rotten borough amendment.

I have always contended—and the statement of the Attorney General makes it abundantly clear that this contention is correct—that those able attorneys were called in, not as protagonists for tampering with the decisions of the Supreme Court of the United States, but merely as technicians to draft language which in their opinion might stand the test of constitutionality if passed by Congress and challenged in the court. Therefore, it is now very clear indeed that no one in the Department of Justice, from the Attorney General down, favors the Dirksen amendment, and that no one in the Department of Justice wants to see the Dirksen amendment adopted.

This, again, gives me great heart to continue this debate in opposition to the Dirksen amendment, for the purpose of establishing that it is an unsound, unwise and, possibly, an unconstitutional effort, whose parliamentary procedures are unacceptable, unusual and without

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any justification, and in violation of sound legislative procedures.

It is a great comfort to have the Attorney General of the United States on our side in this fight, which I am confident we shall win.

I hope that as a result of the Gallup poll and the forthright stand of the Attorney General, a number of Members of the Senate who may have been wavering as to how they would vote on the Dirksen rotten borough amendment may conclude to come to our side, to the side of sanity, to the side of democracy, to the side of fundamental American principles of majority rule, to the side of the great Supreme Court cases, and to the side of the outstanding Attorney General of the United States.

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

Mr. CLARK. I am happy to yield to my friend the Senator from Wisconsin. I was about to return to the historical discussion that he and I engaged in the other day with respect to the British reform acts. But this would be a good place to pause if the Senator wishes to ask a question or make a comment.

Mr. PROXMIRE. First, on the question asked in the Gallup poll, as the Senator read the question into the RECORD, I am sure he was struck by the fact that this was about as fair a question as could possibly be designed.

Mr. CLARK. So it seemed to me.

Mr. PROXMIRE. There is nothing in the question about whether a person favors a one-man-one-vote standard. If it had been in the question, it possibly would have biased people against the Dirksen amendment and in support of the Supreme Court.

For example respondents are asked in this question whether they approve having State senators on a population basis. Now if there is one simple principle of American Government organization with which people are familiar it is that the composition of the Senate of the United States is not based on population, but is based on providing two Senators from every State.

Mr. CLARK. That came about as the result of the great compromise, which had to be made, with logic, justice, and intelligence, in order to have the Constitution of the United States ratified.

Mr. PROXMIRE. Yes. The wording of the question as it was asked by Gallup interrogators was as follows:

> The U.S. Supreme Court has ruled that the number of representatives of both the lower house and the senate in all State legislatures must be in proportion to the population.

It seems to me that that first sentence would provide, if anything, a tendency for those who are uncertain to have the Senate proposal carry. In most States this means reducing the number of legislators from rural areas and increasing the number from urban areas.

The next sentence in the question reads:

> In most States this means reducing the number of legislators from rural areas and increasing the number from urban areas.

That sentence, too, put people on notice that this process would be disruptive and that some people would lose representatives and that the number of representatives elsewhere would be increased.

There is nothing here to show—at least nothing directly in this question, unless a respondent is particularly perceptive—that everyone everywhere should have an equal vote, that everyone should be treated fairly, and that no one should have an advantage over anyone else. These are argumnets for our position, and nobody can deny that they are valid arguments.

However, these arguments were not implied in the question. It was a straightforward question. If there is any doubt about bias, I am sure that the most objective analysis would say that there might be a slight bias in the question in favor of the Dirksen position.

Mr. CLARK. I agree with the Senator. I point out to him also that the question makes specific reference to the Supreme Court of the United States, which many of our conservative friends in this body identify with the Devil, which they seem to believe is in a state of great unpopularity in the country generally. I do not mean to imply that I think the Supreme Court is the Devil. However, there are those who do not identify the Supreme Court with the cause of justice, equity, and right.

Mr. PROXMIRE. Polls have been proved wrong at times, even though they have never been too wrong; but sometimes they have been wrong enough so that in a close election they have picked the wrong candidate as the winner. One of the most highly respected is the Gallup poll. At Harvard University, where I studied public opinion and analysis, and at other great universities also, it is felt that this poll is about as scientifically constructed as possible.

It is said by Gallup that this question was put to a cross section sampling of people across the Nation, meaning that it was as fair a determination of how all the American people felt as thoughtful, objective, and scholarly people could make.

It was very carefully designed, so that it would not represent the opinion of all urban people or all rural people, or all rich or poor people, or people representing one race or another. To the contrary, it is a precise reflection of the makeup of this country. The result was 61 percent in favor of the Supreme Court decision and 39 percent against it.

It is my conclusion, based on having worked on reapportionment in Wisconsin and having discussed it with many people over the years in our State legislature, that the more this question is discussed and the more it is explained, the more those who thought about it favored the bill.

In the House yesterday, there was an initial vote on the Tuck bill which would deny the Supreme Court the right to reapportion State legislatures. The bill received an almost 2-to-1 vote of approval. Then, after debate—and the House never has a long debate—a number of minds were changed. In the course of brief afternoon debate the situation was changed to the position where many more Representatives opposed the Tuck bill.

Mr. President, will the Senator yield on one further point?

Mr. CLARK. I yield.

Mr. PROXMIRE. I agree with the Senator. It is of great significance that the country's leading legal officer, Attorney General Robert Kennedy, has made it crystal clear that he opposes any kind of legislative or congressional interference with the Supreme Court. As the Senator from Pennsylvania has so well said, the Department of Justice must be relied upon for the best advice we can get, aside from the Supreme Court. So far as I can see, the Department of Justice does not in this case represent any vested interest. It has no ax to grind. The Attorney General has available the best legal advice in the Nation.

On the basis of all this impressive background, the Attorney General, whom I consider to be a man of sound judgment—he is a controversial figure, of course, as are all people of importance—came forth, as the Senator from Pennsylvania has so well said, four square, without qualification, without diluting his position at all, on the side of those who feel that it would be a great mistake to enact any legislation like the Dirksen amendment.

Mr. CLARK. There is no question about it. I was present and heard his words.

In an article published in the New York Times this morning, under the byline of Anthony Lewis, one of the most highly respected and accurate reporters covering Washington today, the Attorney General is quoted as saying:

> We are very strongly against any steps that might be taken against the Supreme Court decision.

The Attorney General commented, to be sure, rather informally, in further response to the question he was asked, that the Department of Justice had appeared as a party in court to support the position eventually taken by the Court in its decisions beginning with Baker against Carr and continuing through the most recent ones.

Mr. HOLLAND. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield.

Mr. HOLLAND. I thank my friend for yielding. I was a little surprised when I heard the distinguished Senator from Pennsylvania use 2 colorful expressions. I heard him speak of the opponents of his position on the current Dirksen proposal as associating the Supreme Court with the devil. If I misunderstood him, he can correct me.

Mr. CLARK. I should like to correct the Senator from Florida to this extent: I was using the phrase, obviously, in lighter vein. If the Senator was of the view that it was intended seriously, I should like to make it clear for the RECORD that I was really "ribbing" the proponents of the Dirksen amendment. Perhaps I went a little too far.

Mr. HOLLAND. I thank the Senator for his gracious apology. That is all right.

However, the case is not so simple as that. We who prefer to side with Mr.

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Justice Harlan and his very fine opinion, in which he chastised his brethren on the Supreme Court for trying to put themselves in the position of overlordship over the State—I believe that is the word he used—rather than to agree with Mr. Justice Frankfurter—retired now, of course—Mr. Justice Brandeis, and others whom I could mention, need not be charged with taking a position which is not supported by the most dignified and most capable legal authorities.

A real question exists. I merely wanted to invite the Senator's attention to it. I observe that my good friend from Wisconsin [Mr. PROXMIRE] is still in the Chamber. In the opinion of the Senator from Florida, the authority whom the Senator from Wisconsin quoted, the present distinguished Attorney General, Mr. Kennedy, is not to be compared in his capacity, in his legal ability, in his experience, in his legal qualities, from any standpoint, with Mr. Justice Harlan, Mr. Justice Frankfurter, Mr. Justice Brandeis, Mr. Justice Cardozo, and others who have taken a position completely opposite to that which is now taken by young Mr. Kennedy.

A Senator who leans upon that authority for his position is leaning upon the authority of a lawyer who, as I recall, argued one case before one court, and that was after he became Attorney General. As I recall, his first case before a court was before the Supreme Court of the United States. He went into it in a kind of family party, and I am sure that all enjoyed it with him, when he appeared against one of the Southern States in a very popular cause in the Nation generally—that is, the cause that he opposed was unpopular—and to this day I believe that is the only case that the learned Attorney General has ever argued before any court at any time.

So to compare an authority of that type with Mr. Justice Harlan and the others whom I have named, who were diametrically opposed in their opinion to the judgment of the majority of their brethren on the Supreme Court at this time, is to lean upon a weak reed, if I may say so to the distinguished Senator from Wisconsin.

Mr. CLARK. Mr. President, the Senator from Florida may recall that I have the floor.

Mr. HOLLAND. I thank my friend for yielding.

Mr. CLARK. I shall be happy to yield to the Senator from Florida in a moment. Perhaps the Senator from Wisconsin and I might combine our replies to the Senator from Florida. I should like to defend the Supreme Court of the United States and let the Senator from Wisconsin defend the Attorney General of the United States, although the Attorney General needs no defense from either of us.

I shall merely point out a couple of inaccuracies in what the Senator from Florida said. He has a tendency to paint with a rather broad brush.

The basic fact is that the decision in Reynolds against Sims, handed down on June 15 of this year, and which has aroused most of the controversy, was a decision of 8 to 1. Every single Justice on the Supreme Court except Justice Harlan concurred in the result.

Many times throughout history as small a minority as one out of nine has proved, in the great, broad sweep of history, to be correct, and the majority has proved to be incorrect. I have warm personal affection as well as high regard for the legal abilities of Mr. Justice Harlan. I have read with some interest his dissenting opinion. To my mind, every point in it was conclusively answered in the majority opinion written by Chief Justice Warren, an opinion which was concurred in by every other Justice on the Supreme Court. In my opinion, Justice Warren's opinion is one of the most closely reasoned, irrefutable, and logical arguments in support of the theory of one person, one vote, and no more than one vote, in connection with representation, that has ever been put on paper.

Justice Harlan's dissent is an able, legalistic, realtively obsolete opinion, dealing with a conception of the Constitution which is quite rigid and quite inflexible. It states a view as to the 14th amendment. I know that some of the colleagues of the Senator from Florida, and even the Senator from Florida himself, believe that it was illegally adopted. Nevertheless, it has been the law of the land for almost 100 years. To me, Justice Harlan's dissent is not at all persuasive. I recognize the right of the Senator from Florida to disagree. I see him on his feet. In just a moment, I shall yield to him again.

I should like to complete my thought. It is true that former Justice Felix Frankfurter filed a dissent in the earlier case of Baker against Clark, which was decided shortly before he resigned from the Supreme Court, full of years and, to my way of thinking, full of glory. He came on the Court as a flaming liberal, but left it as an ultraconservative. That was his right. He was a wonderful judge and a great law professor. Justice Frankfurter took no part in the decision of Reynolds against Sims, which is now the subject of the Dirksen amendment, and which the amendment seeks to reverse.

As to some of the other judges whom the Senator from Florida undertook to identify, Justice Brandeis took no part in the case of Baker against Carr. He has been off the Court for years. He probably sat in the Green case, which in effect was reversed by Baker against Carr at a later date.

Justice Cardozo was one of the Court's great Justices, but he took no part in these decisions.

So while everything the Senator from Florida said was, in a broad sense, correct, he did not attempt to pin down the fact that the decision which the Senator from Wisconsin and I are defending was an 8-to-1 decision. The one dissenter based his dissent, to my way of thinking, strictly on technical grounds.

Let me say to the Senator from Florida that if he wishes me to yield to him, I shall be happy to do so; but I should like the Senator from Wisconsin at some point to rise in defense of that great Attorney General, Robert Kennedy.

Mr. PROXMIRE. I rise now for that purpose.

Mr. HOLLAND. If the Senator will permit me, before he begins, let me say that I appreciate the admission by the Senator from Pennsylvania that Justice Harlan took a strong position against the other eight. The point I make is that those of us who choose the logic and wisdom of Justice Harlan are clearly entitled to the good faith which he displayed in his opinion. He did not refer to his eight brethren as "devils," or to the majority of the Court as such. It was a good faith difference of opinion.

Insofar as Justice Frankfurter is concerned, let me add to what the distinguished Senator from Pennsylvania said, that he not only grew older in years but also wiser in judgment as he became older, and that his opinion in the case to which he referred is one of the landmarks on this particular matter.

Mr. CLARK. This must, of course, be a matter of opinion.

Mr. HOLLAND. Exactly. Since it is an opinion, no bricks should be thrown. So far as the Senator from Florida is concerned, he is not going to throw any bricks at anyone, but he will say that those who maintain the position which he maintains, that the decision is both unfortunate, unwise and not in accordance with the Constitution, have respectable reasons for saying so, and that our position cannot be challenged except upon the question as to who is right and who is wrong. That is the only basis upon which we can discuss it.

Mr. CLARK. I quite agree.

I now yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the Senator from Pennsylvania has said that the Attorney General of the United States needs no defense from me or from the Senator from Pennsylvania. Attorney General Kennedy is a man who, again and again, has demonstrated rare courage in all kinds of ways and has used excellent judgment. He is a man who, as Attorney General, does not have to spend years in court. This applies to all U.S. Attorneys General. He is primarily an administrator. Mr. Kennedy is a fine administrator. But as an administrator he must select able lawyers to advise him. He has done so. He has done that on the basis of advice of the ablest lawyers in government, and he has come to this conclusion on the relation of Congress and the Supreme Court. I believe that he has the kind of judgment of men and of issues which would suggest that this conclusion should be given great weight.

Let me say to the Senator from Florida that when he says the eminent Justices to whom he refers have completely disagreed with what the Attorney General has said, I disagree completely with him, because what the Attorney General has said is that Congress in this case should not interfere with the Supreme Court. I believe that Justice Harlan would say the same thing.

The Senator from Florida said that he chooses the logic and the wisdom of Justice Harlan. Justice Harlan had never indicated that if Congress disagreed with the decision of the Supreme

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Court, Congress should feel free to pass legislation nullifying it. It seems to me that Justice Harlan, being the kind of scholar he is, would recognize that at times he is in the minority, as many able judges have been throughout history, and that he would seek the opportunity to reverse the decision of the Supreme Court, but to do it through the judicial process. This is the procedure the Attorney General defends. The Attorney General and the nine Supreme Court Justices are all in agreement on this issue.

Mr. HOLLAND. The two Senators who have just spoken are not in accord with me. They may be right and I may be wrong. The Senator from Florida has a very strong conviction that he is right in this matter. He agrees with his friend the Senator from Wisconsin, that Justice Harlan would never suggest what the legislative branch should do, that he has too fine a sense of proportion. He is too great a believer in preserving the principles of government. But I wish to say, before I am called from the floor—and I do have to leave—that a good portion of the time the Senator from Florida has spent since he has been in the Senate has been spent in correcting things that the Supreme Court has done. He fought the Tidelands case for years to overcome what he thought was an improper decision. It was not strictly a constitutional matter, but it was a matter in which we finally prevailed on the floor of the Senate. The Court, with an exception or two, followed us. The Senator from Florida did the same thing in connection with the railroad strike case, and in connection with the insurance case, with which I am sure my friend the Senator from Wisconsin is familiar. So when the time comes when the elected representatives of the people are said not to have any right to stand up for what they believe is sound under our system of government, on a constitutional question, that will be a poor time for our country.

The Senator from Florida feels that those who are taking the position which he takes are just as much entitled to be respectfully heard, and to have their good motives recognized, as are Senators who are on the other side of the fight, and not in any sense to be downgraded as to their reasons for being in the fight.

Mr. PROXMIRE. The Senator is absolutely correct. I do not know of anyone who has questioned the motives of the Senator from Florida, or other Senators who disagree with us. Indeed, other Senators may well be in the majority. I believe that most of them are confident that they are.

Mr. HOLLAND. I would hope that that is the case.

Mr. PROXMIRE. The whole reason for the existence of the Senate is so that Senators may voice their opinions and speak their minds. But the argument I am making is that if the Dirksen amendment is to stay the Supreme Court from protecting for a year or more the right which they regard as constitutional and fundamental—I say that not Justice Frankfurter, not Justice Harlan, not Justice Brandeis—no Justices of the Supreme Court could be summoned to support that kind of legislative position.

The Senator from Florida is entitled to completely disagree with the Supreme Court Justices, but I say that his agreement with Justice Harlan as supporting the Dirksen amendment does not make any sense to me, because the worst part of the amendment is that it would tell the Supreme Court what it could and could not do in protecting basic American rights.

Mr. HOLLAND. It is time for the people to be heard. When we reach the point where we cannot ask for time for the people to be heard, this country will be in a sorry state. I have seen the Senator from Wisconsin argue for causes which were lost before he even started arguing for them, so I know he subscribes to the principle that we must stand up for what we believe in, to the best of our ability, and defend what we believe in.

I believe with all my heart that our Constitution does not mean what the Supreme Court decision by a majority of the Court says it means. I believe that if it did, the 14th amendment would never have been adopted, because each of the States outside the South adopted it and had bicameral legislatures in which different standards of elections were prescribed. How can it be said with any reasonable degree of accuracy that those States would have approved the 14th amendment if they had known that the people voting for ratification in many instances were voting themselves out of office, voting out of existence the very basis upon which the legislatures were founded. So the question, after all, is one which I believe the Senate and the House can decide. Both sides are entitled to recognition as having the best motives.

A while ago the Senator from Pennsylvania used a term which I believe he was not using seriously, because I believe that he knows that no Member of the Senate regards the Supreme Court as a group of devils. The Senator from Florida does not. He has appeared before the Supreme Court. He has argued before the Court. He goes over there from the Senate to sponsor friends who wish to be admitted to practice before the Supreme Court, and he does it with a great sense of respect for the Supreme Court and, of course, for the dignity that prevails there—and he has always had that feeling. But he does not agree in advance with the Supreme Court on everything that it does. He has not done so in this instance.

I am sorry, but I must leave now to join a conference in my office. I hope that my two distinguished friends will excuse me.

Mr. CLARK. The Senator has made a good speech. God bless the Senator from Florida.

(At this point Mr. SALINGER took the chair as Presiding Officer.)

Mr. PROXMIRE. The Senator from Florida is very eloquent in many ways, and I say this in all sincerity. I do not question his integrity for one moment. I should like to say that we must not get away from the fact that the heart, the core, the central objection to the Dirksen amendment is what it would do to suspend the rights of the Supreme Court to protect a constitutional right. No matter what the oratory may be, this is the core and the heart of our objection.

The Senator cannot get away from that. I am sure he must know that he cannot properly call on any Supreme Court Justice who has ever served to support the position that Congress should move in on the Supreme Court, as is proposed in this amendment.

Mr. HOLLAND. One former member of the Supreme Court, recently retired, is voicing that kind of sentiment all over the Midwest at this time.

I am very grateful to the distinguished Senators. I believe we understand each other completely. I recognize that they have great integrity and ability in this matter. And I hope they will recognize that the opponents have the same qualities.

Mr. PROXMIRE. We certainly do. I yield to the Senator from Michigan.

Mr. McNAMARA. Mr. President, I congratulate the Senator for making it very plain and clear for the record that neither the Attorney General of the United States nor any of his staff approved of the Dirksen amendment.

The record might possibly reflect the impression that the Senator is bringing the Attorney General into this matter. I believe the RECORD should show—and I am sure the Senator from Pennsylvania [Mr. CLARK] agrees—that the Attorney General and his staff were brought into this controversy by the proponents of the Dirksen amendment. They tried to create the impression that the amendment was approved by very important people on the staff of the Attorney General. We did not bring the Attorney General into this matter. He was brought in by the opposition.

I congratulate the Senator from Pennsylvania for bringing that point up at this time and stating the position of the Attorney General.

Mr. CLARK. Mr. President, I thank the Senator from Michigan very much. I would like to copper finish that statement, if I might. Before the Senator entered the Chamber, I pointed out that yesterday the Attorney General, before the Democratic platform committee, brought himself into the controversy when, in response to a question, he stated categorically in the words of Anthony Lewis, of the New York Times. "We are very strongly against any steps that might be taken against the Supreme Court."

Robert Kennedy, the Attorney General, said that. I heard him say it. He pointed out that Mr. Katzenbach and Mr. Cox, very able lawyers, were brought into the effort to modify the original Dirksen amendment in a way that, in their judgment, might make it constitutional. But they expressed no views of the Dirksen amendment whatever.

Now that the Attorney General has stated his wholehearted opposition to the Dirksen amendment, one must assume that Messrs. Cox and Katzenbach concur in the view of their chief.

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Mr. President, before I return to the historical aspects of this rotten borough amendment, and continue my analogy between the history of the first reform bill in England in the 1830's and this effort to overturn fair representation, 132 or 133 years later, I should like to note for the RECORD that I have—and these figures are perhaps 2 days old at the present time—received 92 communications with respect to the public position I have taken on the Dirksen amendment. Eighty-eight of these confirm the position I have taken in opposition to the amendment. Four of them object to my stand and support the Dirksen amendment.

These communications come from pretty highly regarded sources in the United States. I shall not read them all. But I would like to call attention to them.

I ask unanimous consent that these telegrams and letters may be printed in full at this point in the RECORD.

There being no objection, the telegrams and letters were ordered to be printed in the RECORD, as follows:

PHILADELPHIA, PA.,
August 17, 1964.

Hon. JOSEPH S. CLARK,
Old Senate Office Building,
Washington, D.C.:

I am sending the following telegram to President Johnson:

"Senator DIRKSEN's proposed amendment will delay our program for adequate legislative reapportionment in Pennsylvania considerably.

"The Supreme Court's action was the one hope for the 70 percent of Americans who now live in our urban centers.

"We in Pennsylvania, and in Philadelphia particularly, are vitally affected by the failure of the Republican legislature to apportion legislative districts equitably.

"We do hope that the administration will be helpful to our big cities in America so that we will ultimately get adequate representation.

"The Republican Governor of Pennsylvania has failed not only to give us fair representation, but only recently gerrymandered many legislative districts in Philadelphia to our disadvantage. If Senator DIRKSEN's amendment is approved, our legislative program for Philadelphia will be jeopardized for another generation."

I am further advised that Mayor Tucker, of St. Louis, and other officials of the U.S. conference of mayors are also opposed to Senator DIRKSEN's amendment.

JAMES H. J. TATE,
Mayor, City of Philadelphia.

WASHINGTON, D.C.,
August 13, 1964.

Hon. JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

Pending proposal to stay court orders affecting reapportionment of State legislatures is derogatory of U.S. Constitution which provides for separation of powers between branches of Federal Government. It is unthinkable that the Congress should deem a suspension of constitutional rights to be in the public interest, as this amendment specifically states. The Senate is considering this revolutionary proposal without any hearings whatsoever. The most elementary considerations of due process require that interested citizens be granted an opportunity to present their views to the appropriate committee. AFL–CIO executive council is unanimously on record opposing any legislative interference with the judicial branch. Therefore I strongly urge you to vote against any such proposal and to exert every effort to assure adequate hearings on this highly important question.

ANDREW J. BIEMILLER,
Director, Department of Legislation, AFL–CIO.

WASHINGTON, D.C.,
August 13, 1964.

Hon. JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

We urge you to vote against new compromise proposal for holding up reapportionment of State legislatures. Produced without hearing in secret conferences unrepresentative of any broad range of Senate views, it still amounts to congressional interference with judicial process. The whole matter deserves a great deal more consideration than it can be given this late in the session. We urge you not to be stampeded into acting hastily.

WALTER P. REUTHER,
President, Industrial Union Department, AFL–CIO.

WASHINGTON, D.C.,
August 14, 1964.

Senator JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

I strongly urge your opposition to the amendment, now being considered by the Senate, providing for a stay of proceedings for reapportionment of State legislatures. Such an amendment raises serious long-range constitutional questions which demand a careful and judicious hearing by an appropriate Senate committee—not the hasty action now underway. I hope you will exert every effort to defeat this proposal.

JACOB S. POTOFSKY,
General President, Amalgamated Clothing Workers of America, AFL–CIO.

ALTOONA, PA.,
August 17, 1694.

Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

We urge you to oppose any legislation interfering with the judiciary and urge that adequate hearing of any reapportionment legislation be held before floor action is taken.

A. L. RHODES,
President, Local 180, UWUA, AFL–CIO.

PITTSBURGH, PA.,
August 14, 1964.

Hon. JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

On behalf of the membership of District No. 16, United Steel Workers of America, I urge you to vigorously oppose any legislation aimed at reversing the Supreme Court decision regarding reapportionment of State senate and legislatures. Would appreciate your comments.

PAUL R. NORMILE,
Director, District No. 16, United Steel Workers of America.

CLEARFIELD, PA.,
August 14, 1964.

Senator JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

We urge you to oppose any legislation interfering with judiciary, also that adequate hearing of any reapportionment legislation be held before floor action is taken.

ANTHONY J. SPAGNOLO,
Secretary, Local No. 75.

CLEARFIELD, PA.,
August 14, 1964.

Hon. JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

Regarding pending reapportionment legislation, we urge you to oppose any legislation interfering with judiciary, also that adequate hearings of all legislation be held before action is taken.

CORINNE C. ANDERSON,
ACWA, Local 118, Curwensville, Pa.

CANTON, PA.,
August 15, 1964.

Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

Urge you oppose by every means Dirksen amendment hoax.

HENRY N. HALLETT.

UNIONTOWN, PA.,
August 15, 1964.

Senator JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

Members Uniontown Typographical Union No. 262 strongly urge opposition to legislation interfering with judiciary. Urge adequate hearings be held on any reapportionment legislation.

NORMAN C. HALL,
President.

ALTOONA, PA.,
August 15, 1964.

Senator JOSEPH CLARK,
Washington, D.C.:

Our central body considers the attempt to negate the Supreme Court ruling on reapportionment as being un-American, undemocratic and in a sense dishonest. Such unfair tactics breed resentment and we look to you to prevent this abuse.

GEORGE G. RUSSELL,
Chairman, Legislative Committee Central Labor Council.

PHILADELPHIA, PA.,
August 14, 1964.

Hon. JOSEPH S. CLARK,
Washington, D.C.:

More than 25,000 members of the AFL–CIO in Philadelphia urge that you oppose the Dirksen amendment postponing proper reapportionment in conformity with the U.S. Constitution, no action by Congress should infringe upon citizens right guaranteed under the State or Federal Constitution.

PHILADELPHIA COUNCIL, AFL–CIO,
JOSEPH T. KELLEY,
Secretary-Treasurer.

OKLAHOMA CITY, OKLA.,
August 15, 1964.

SENATOR JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

You have our support, defeat the "rotten borough" amendment.

Mr. and Mrs. WALLACE FRIEDBERG.
BETHANY, OKLA.

MIAMI, FLA.,
August 14, 1964.

Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

Thanks for filibustering against malapportionment rider to foreign aid bill. If you delay passage until convention believe grassroots opposition to rider can be mustered. Please do not give up. If your fight fails, hopes of millions of disenfranchised citizens are killed. Don't let us down.

AUBREY V. KENDALL,
President, Young Democratic Club of Dade County.

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LEBANON, PA.,
August 16, 1964.

Senator JOSEPH CLARK,
Washington, D.C.:

I hereby request that you uphold Federal court decision on reapportionment of State legislature.

HENRY L. GENSLER,
Secretary-Treasurer of United Labor Council of Lebanon County.

YORK, PA.,
August 14, 1964.

Senator JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

Our council urges you to oppose any legislation interfering with judiciary, and insisting that adequate hearings of any reapportionment legislation be held before floor action is taken. Your cooperation will be greatly appreciated.

Yours truly,
EUGENE H. GROVE,
Secretary, York Building and Construction Trades Council, AFL-CIO.

AMBRIDGE, PA.,
August 14, 1964.
Senator JOSEPH CLARK,

Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

Preservation of principle of proportionate representation in election process essential. Your every resistence to legislative efforts to revamp recent court decision upholding this principle will be appreciated.

KAY KLUZ,
Director, District No. 20, Unted Steel Workers of America.

LANCASTER, PA.,
August 17, 1964.

Hon. JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

Request your support of the Supreme Court reapportionment of State legislatures and urge you to oppose any legislation interferring with the judiciary and urge adequate hearings of any reapportionment legislation be held before floor action is taken.

WILLIAM MYERS,
President, Lancaster Labor Council.

MEADVILLE, PA.,
August 17, 1964.

Hon. JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

Crawford County Labor Union Council urges you to oppose any effort to suspend Federal court orders on reapportionment of State legislatures until after adequate hearings have been held.

WALTER B. ANDRE,
Secretary.

BRISTOL, PA.,
August 17, 1964.

Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

Bucks County Council, AFL-CIO, is urging that you oppose any legislation interfering with the judiciary and urging that adequate hearings of any reapportionment legislation be held before floor action is taken.

FRANK FLATCH,
President.

PITTSBURGH, PA.,
August 14, 1964.

Hon. JOSEPH S. CLARK, Jr.,
Senate Office Building,
Washington, D.C.:

We oppose any action to interfere with judicial court orders requiring reapportionment of State legislatures. Ask that you use your influence and knowledge to require that adequate hearings be held on reapportionment legislation before floor action is taken. We support the judicial action on this matter and oppose legislative action to suspend court orders on reapportionment.

Your support requested and appreciated.

WM. J. HART,
President, Allegheny County Labor Council.
JAMES PUGLIN,
Executive Secretary.

UNIONTOWN, PA.,
August 15, 1964.

Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

Members of Carpenter Local No. 1010 request your opposition to any legislation interfering with judiciary. Strongly urge adequate hearing on any reapportionment legislation.

RAY E. GLOVER,
President, Carpenters Local No. 1010.

CAMBRIDGE, MASS.,
August 16, 1964.

Senator JOSEPH S. CLARK,
U.S. Senate,
Washington, D.C.:

We want to indicate our support of your efforts to defeat the Dirksen amendment to the foreign aid bill which seeks to delay reapportionment of State legislatures.

CHARLES L. ODOROFF.
SETTA ODOROFF.

ALLISON PARK, PA.,
August 16, 1964.

Hon. JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

Am against attachment court rider to foreign aid bill. Issue should stand on own merits.

R. C. BLACKMOND.

POTTSVILLE, PA.,
August 16, 1964.

Hon. JOSEPH CLARK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Please do not suspend hearings on reapportionment of State legislature. Please oppose the above and bring to the floor for a vote thereby going along with the decision of the Federal court as this will be in the publics interest and distribute reapportionment fairly. Please confirm your position on the above and please vote yes for reapportionment in our State.

Sincerely and fraternally yours,
VINCE ZIMMERS,
Union Delegate, Local Union 517.

CRESSONA, PA.,
August 16, 1964.

Hon. JOSEPH CLARK,
U.S. Senate,
Washington, D.C.

SIR: Please do not suspend hearings on reapportionment of State legislature. Please oppose the above and bring to the floor for a vote, therefore, going along with the winning of the Federal court's decision on the above, as this will be in the public interest and will distribute representation fairly. Please confirm your position on reapportionment, this council asks your vote favorably on the above.

CLARENCE DUSTY KRAUSE,
President, Schuylkill County Building & Construction & Trades Council.

UNIONTOWN, PA.,
August 15, 1964.

Senator JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

Members of Local 131, ACWA, strongly urge opposition to legislation interfering with judiciary, urge adequate hearing of reapportionment legislation be held.

MARIE GEORGIANA,
President.

DONORA, PA.,
August 14, 1964.

Hon. JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

United Steel Workers legislative committee of Washington County strongly urges that you oppose any legislation which pertains to reversal of the U.S. Supreme Court's decision regarding the reapportionment of the State senate and State legislatures.

A. P. DELSANDRO,
Legislative Representative.

HARRISBURG, PA.,
August 14, 1964.

Hon. JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

We respectfully urge that you oppose any effort to suspend any Federal court orders requiring reapportionment of State legislatures and that you further oppose any legislation limiting or interfering with the judiciary. We will also appreciate your demanding that adequate hearings on any reapportionment legislation be held before same is referred to floor action. Your confirmation and acknowledgment will be deeply appreciated.

HARRY BOYER,
President.
MICHAEL JOHNSON,
Executive Vice President.

WILKES-BARRE, PA.,
August 14, 1964.

Senator JOSEPH CLARK,
Washington, D.C.:

Urging you oppose any legislation interfering with judiciary and urging that adequate hearings of any reapportionment legislation be held before floor action is taken.

HENRY DEPOLO.

UNCASVILLE, CONN.,
August 15, 1964.

Senator JOSEPH S. CLARK, Jr.,
U.S. Senate,
Washington, D.C.:

Please help defeat Dirksen and all similar delaying proposals. Thanks.

ROBERT H. BARNES.

CRESSONA, PA.,
August 16, 1964.

Senator JOSEPH CLARK,
U.S. Senate,
Washington, D.C.

SIR: Please do not suspend hearings on reapportionment of State legislature. Please oppose the above and bring to the floor for a vote, therefore going along with the winning of the Federal court's decision on the above, as this will be in the public's interest and will distribute representation fairly. Please confirm your position on reapportionment. This council asks your vote favorably on the above.

CLARENCE DUSTY KRAUSE,
Recording Secretary of United Labor Council of Schuylkill County.

TALLAHASSEE, FLA,
August 14, 1964.

U.S. Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

Our deep appreciation to you and colleagues for maintaining ceaseless opposition to Dirksen efforts to delay or thwart long overdue legislative reapportionment. Southern Democrats supporting Dirksen rider are precisely same ones already surreptitiously working for general election defeat of Presi-

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dent Johnson. He could carry most, if not all of South is supported by southern Democratic Senators for whom the party has made possible rich political and personal rewards.

JIM and ANN ETHRIDGE.

WILKES-BARRE, PA.,
August 14, 1964.

Senator JOSEPH CLARK,
Washington, D.C.:

Urging you oppose any legislation interfering with judiciary and urging that adequate hearings of any reapportionment legislation be held before floor action is taken.

HAROLD COSLETT.

WILKES-BARRE, PA.,
August 14, 1964.

Senator JOSEPH CLARK,
Washington, D.C.:

Urging you oppose any legislation interfering with judiciary and urging that adequate hearings of any reapportionment legislation be held before floor action is taken.

EDWARD MCHUGH,
Business Agent, Ironworkers Local No. 489.

PHILADELPHIA, PA.,
August 14, 1964.

Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

I respectfully request you to oppose any legislation that would further delay the apportionment of State legislatures as ruled by the Supreme Court.

HUGH CARCELLA,
Director, District No. 7, United Steelworkers of America.

SEATTLE, WASH.,
August 14, 1964.

Senator JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

Please keep fighting DIRKSEN's redistricting amendment. How can we forestall this threat to democratic government?

ANN WIDDITSCH.

AUGUST 14, 1964.

JOSEPH S. CLARK,
Senate Office Building,
Washington, D.C.:

More than 50,000 members of the IUE AFL-CIO in Pennsylvania urge that you oppose the Dirksen amendment postponing proper reapportionment in conformity with the U.S. Constitution. No action by Congress should infringe upon citizens' rights guaranteed under the State or Federal Constitution.

HARRY BLOCK,
President, District Council No. 1, IUE, AFL-CIO.

WILKES-BARRE, PA.,
August 14, 1964.

Senator JOSEPH CLARK,
Washington, D.C.:

Urging you oppose any legislation interfering with judiciary and urging that adequate hearings of any reapportionment legislation be held before floor action is taken.

WYOMING VALLEY TRADES COUNCIL.

PITTSBURGH, PA.,
August 8, 1964.

Hon. JOSEPH CLARK,
Senator from Pennsylvania,
Washington, D.C.

DEAR SENATOR CLARK: Once again the Supreme Court has come to the rescue of our liberties, this time by decreeing that representation in State legislatures shall be based on the principle of "one citizen, one vote," and by ordering that legislative districts be made to contain as nearly as possible equal numbers of voters. And once again forces of reaction are attempting to reverse the Court's decision. Special interest groups that have for too long held power through inequitably apportioned State legislatures are trying to maintain that power by legislation and constitutional amendment. We urge you to oppose all such attempts.

In particular we ask that you vote against Senator Dirksen's bill to postpone the reapportionments ordered by the Court, and against any constitutional amendment to permit districting either house of a State legislature on any basis other than population.

Yours truly,

BARBRO HELSTROM.
CARL W. HELSTROM.

STATE COLLEGE, PA.,
August 13, 1964.

Senator JOSEPH CLARK,
Senate Office Building,
Washington, D.C.:

I approve of your stand on reapportionment.

HELEN STRIEDIECK,
Faculty Wife and Secretary.

STATE COLLEGE, PA.,
August 14, 1964.

Senator JOSEPH CLARK,
U.S. Senate,
Washington, D.C.:

I heartily approve of your efforts for equality in the redistricting controversy.

R. T. DUQUET.

ROCKVILLE, MD.,
August 13, 1964.

Hon. JOSEPH S. CLARK,
Washington, D.C.:

Just heard you on CBS re Dirksen amendment and debate. More power to you.

ALICE HOSTETLER.

PHILADELPHIA, PA.,
August 14, 1946.

Hon. JOSEPH S. CLARK,
Washington, D.C.:

Compromise of Dirksen plan to delay reapportionment of State legislatures is not acceptable. Please do all possible to insure both early reapportionment and passage of foreign aid bill.

NORVAL REECE,
Executive Director, Americans for Democratic Action, Southeastern Pennsylvania Chapter.

AMERICAN ASSOCIATION OF
UNIVERSITY WOMEN,
Washington, D.C., August 7, 1964.

Hon. JOSEPH S. CLARK, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CLARK: We have read in the press of Senator DIRKSEN's intent to add a rider to the Foreign Assistance Act authorization bill, S. 2658. We believe such a rider would be likely to influence votes on the foreign assistance bill to its detriment. The American Association of Univeristy Women has this year, as in the past, supported this legislation as a vital instrument of U.S. foreign policy in carrying on economic and social assistance programs to promote conditions favorable to democracy, security and peace throughout the world.

We urge Senate approval of the authorization recommended by the Foreign Relations Committee and appropriation of the full amount authorized. In our opinion this "bare bones" request for next year's program should not suffer further reduction.

We oppose the Dirksen rider for several reasons: first, that it could harm the AID legislation; second, that the rider on reapportionment is not germane to S. 2658. We also firmly believe that such a serious matter as representation and reapportionment, so long overdue in many States, should be discussed on its own merits rather than as a rider to an unrelated and important piece of legislation.

In addition to our opposition to the addition of Dirksen's rider we also wish to express our sincere hope that any further amendments to S. 2658 which would complicate the implementation of the AID program can be avoided.

Respectfully,

Dr. ALONA E. EVANS,
Area Representative, World Problems.
Mrs. GEORGE C. HAHN,
Chairman, Legislative Program Committee.

Mr. CLARK. The first telegram is from Mayor James H. J. Tate, of Philadelphia, in which he states:

> Senator DIRKSEN's proposed amendment will delay our program for adequate legislative reapportionment in Pennsylvania considerably. The Supreme Court's action was the one hope for the 70 percent of Americans who now live in our urban centers. We, in Pennsylvania, and in Philadelphia, particularly, are vitally affected by the failure of the Republic legislature to apportion legislative districts equitably.

Mayor Tate advises me that his position is shared by Mayor Tucker, of St. Louis, and other officials of the U.S. Conference of Mayors, who are also opposed to Senator DIRKSEN's amendment. He urges me to continue my opposition to the amendment.

The next telegram, which I shall not read, takes the same position. It is from Mr. Andrew J. Biemiller, director of the Department of Legislation of the AFL-CIO.

Next is a telegram from Walter P. Reuther, urging me to vote against the new compromise proposal for holding up reapportionment. I have a similar telegram from Jacob S. Potofsky, general president of the Amalgamated Clothing Workers of America, AFL-CIO.

I have a telegram from the Philadelphia Council of the AFL-CIO, signed by Joseph P. Kelly, secretary-treasurer of the Philadelphia Council, AFL-CIO.

I have a similar telegram from William J. Hart, president of the Allegheny County Labor Council. There is a telegram from Harry Boyer and Michael Johnson, executive vice president of the Pennsylvania State AFL-CIO.

There is a well-worded letter from the area representative and the chairman of the Legislative Program Committee of the American Association of University Women, from their Washington headquarters, representing the national organization.

I believe that as the gravamen of this debate is made manifest through the country, we shall find the American people expressing to their Representatives in Congress, in no uncertain terms, their distaste of and opposition to the rotten borough amendment.

Mr. President, I now return to the scene of the 1830's and the analogy between the controversy over the first reform bill in the House of Commons and the efforts at that time to give England a fair and equitable legislative representation in the House of Commons, and the efforts of those who support the Dirksen amendment to turn back the clock in

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our country and deny to the people of the States that equitable representation in their own State legislatures which the Supreme Court of the United States has held they are entitled to as a matter of constitutional right.

In my comments on this subject, which appeared at pages 19381, 19382, and 19383 of the CONGRESSIONAL RECORD for Tuesday, August 18, I had reached the point where the general election in England of August 1831, had brought in a Whig majority in the House of Commons which installed Lord Grey as the new Prime Minister and turned out the Duke of Wellington, who had been a Tory Prime Minister in the preceding Cabinet.

Lord Grey, who served in the House of Lords, introduced the first reform bill, which abolished a large number of rotten boroughs—and I described in my earlier remarks what a rotten borough was—and distributed their seats in the House of Commons among the British cities which had hitherto been unrepresented in Parliament, and enfranchised about one-half of the British middle class. Since Prime Minister Grey was in the House of Lords, Lord John Russell managed the first reform bill in the House of Commons.

The bill created a real controversy in the England of its day, a controversy not unlike, and probably a good deal more severe than the controversy which arose in this country as a result of the decisions in the Supreme Court of the United States starting with Baker against Carr in 1962 and ending for the time being, so far as a comprehensive exposition of the constitutional and equitable points involved are concerned, with Chief Justice Warren's opinion in Reynolds against Simms, decided on June 15.

In those days in the House of Commons a major debate was held on second reading. The debate continued for 3 weeks. When the bill was called for a vote on second reading, it was passed by 1 vote. Under the procedure then in existence in the House of Commons the bill was referred to committee after having passed second reading, a principle which Senators will note we honor in theory in this body today. We give bills two readings before we refer them to a committee, but we do not ordinarily engage in debate until after the committee has reported, although there are exceptions to that practice.

When the bill was defeated in the House of Commons, after having passed second reading, the Grey cabinet resigned. King William then sat on the throne of England, and at that point the status of the British Crown gave the king a good deal more power than he has today, although substantially less power than George III had at the time of the American revolution. King William had to make up his mind, for he had the complete right to determine whether to dissolve Parliament and call for new elections or to send for another member of either House of Commons or the House of Lords and ask him to form a new cabinet. Lord Grey asked him to dissolve Parliament and call for new elections, which he finally did.

In the ensuing election almost all of what were then called the open constituencies, which were largely English county seats, where the people on the whole got a fair vote, supported Lord Grey and Lord Russell. In fact, they carried 74 out of the 80 English county seats. That gave the reform bill a clear majority in the House of Commons, and the bill was passed.

Then it went over to the House of Lords. I remind Senators that in those days the House of Lords was of at least equal preeminence with the House of Commons, and no bill could become law of which the House of Lords did not approve. It was almost 80 years later that the British constitutional procedure was amended so that any bill which passes the House of Commons three times will become law whether or not the House of Lords approves.

In those days the House of Lords had to approve or there would be no legislation. The House of Lords threw out the bill on second reading.

Then the strong advocates of parliamentary reform urged King William to create enough additional peers to give him the votes to pass the bill in the House of Lords. The closest analogy to that suggestion of which I can think was the effort of President Roosevelt to pack the Supreme Court. One can well imagine what an uproar that suggestion caused in the England of 1832. Lord Grey did not ask King William to appoint those peers, but he brought in a new bill in the House of Commons modified to meet some of the reasonable criticisms which had been advanced during the course of the debate, and also in order to save a few faces and thus get a few more votes for the bill. But the new bill did not weaken as a democratic measure in any significant way the first reform bill. The new bill was promptly passed by the House of Commons, and in April of 1832, it got by the House of Lords on second reading by nine votes.

Things looked pretty good, but the next month the House of Lords attempted to take the bill out of the hands of the minister in charge—that would have been Lord Grey—and to amend it in their own way.

That action resulted in the resignation of Lord Grey and his Cabinet, creating another constitutional crisis.

At that point the King asked the Duke of Wellington, the head of the Tory Party, who opposed reform, to come back and form a Tory ministry for the purpose of carrying the bill through the House of Lords in the same way that the Duke of Wellington had pushed Catholic emancipation, which he also opposed, through the Parliament 3 years earlier.

Wellington, who was a great patriot and a strong partisan of the monarchy, agreed to undertake that task, which he did not like, but he could not get the leading Tories in the House of Commons to cooperate with him by going into the Cabinet. So he had to tell the King that he could not form a cabinet. That action forced King William to go back to Lord Grey, who said at that point that he would serve again as Prime Minister only if the King gave him a written promise to pack the House of Lords to the extent necessary to get the bill through.

This threat was made known to the existing Lords, who were not very happy at the thought of having mere commoners join them in their aristocratic body, and they caved in. The reform bill became law.

To be sure, the situation today is not nearly as desperate as it was in England in 1832. But the bold tactics of Lord Grey, Sir John Russell, and King William might well provide models of political conduct for liberal leadership in both the House and the Senate, and at least a suggestion for the presidential action which would be necessary in order to assure the success of congressional reform—not that the President could "pack" the Senate, but that he could bring the influence of his office to bear in support of the Supreme Court of the United States and, indeed, in opposition to the Dirksen amendment.

Mr. President, this concludes my discussion of the analogy between the first reform bill in England and the constitutional crisis which confronts us today.

My friend the Senator from Oklahoma [Mr. MONRONEY], has asked me to yield to him. I ask unanimous consent that I may yield to him without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Oklahoma is recognized.

ESTATE OF MARY L. McNAMARA

Mr. MANSFIELD. Mr. President, will the Senator from Oklahoma yield me half a minute?

Mr. MONRONEY. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 919, Senate bill 83.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 83) for the relief of the estate of Mary L. McNamara.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McGOVERN. Mr. President, the purpose of S. 83, a private bill for the relief of the estate of Mary L. McNamara, is to permit the estate, notwithstanding any statute of limitations, to file a claim for credit or refund for overpayment of income tax for the taxable year ending October 31, 1956. The executor of the estate filed a tax return for the year ending October 31, 1956, disclosing a tax of $5,555.03. More than 3 years after the date of the filing of the return, a claim for a refund in the amount of $2,891.86 was filed. The claim was executed by the First National Bank of the Black Hills, the special administrator of the estate.

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