Mr. MANSFIELD. Only bills and other items on the calendar to which there is no objection. I would assume, barring some unforeseen happenings, that the Senate would not be in session for too many hours today.

Mr. DIRKSEN. Could the Senator inform me as to who is likely to speak in the Senate Chamber today?

Mr. MANSFIELD. I understand that the Senator from South Carolina [Mr. THURMOND] is going to meet a bill at the door, and will have some comments to make. I express the hope that his objection will be given the proper consideration and that his desire to put the so-called Tuck bill—which I oppose completely—on the calendar, will not be objected to. If objection is made, of course, it will have to lie over 1 legislative day on August 31, to go on the calendar September 1.

Mr. DOUGLAS. Mr. President, I do not believe that the Tuck bill should be placed on the calendar for possible action today. I serve notice that I shall object to the second reading today, so that it will go over to the next legislative day.

Mr. MANSFIELD. It was my understanding that that action will be proposed that being the objective of the Senator from South Carolina [Mr. THURMOND].

Mr. DOUGLAS. Is it to be considered today or the next legislative day?

Mr. MANSFIELD. It will be objected to. That means that it will have to lie over 1 legislative day. The next legislative day would be August 31, and it would go on the calendar on September 1.

Mr. DOUGLAS. If no other Senator objects, I shall object.

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. DIRKSEN. While my colleague from Illinois is still in the Chamber, I should like to inquire—because many Senators have gone into active discussion on the reapportionment matter—whether they can disclose or feel that they can disclose what they propose after the Senate adjourns today. The reason I ask is that I must of necessity, on behalf of myself and I believe the majority leader, consider seriously a cloture petition when the Senate returns. I think this discussion has gone on long enough.

Mr. DOUGLAS. Let me reply to that by saying that I hope that my friend and colleague the junior Senator from Illinois and the Senator from Montana will be allowed to explain the amendment. Thus far, he and his supporters have taken approximately only 1 hour in the discussion of the amendment. This is one of the most fundamental acts to come before the Senate, so we hope very much that they will take advantage of the opportunity to explain their case.

When they do we certainly will reply to it.

Mr. MANSFIELD. So far as I am concerned, I have, in the space of 10 minutes, explained the position of the Dirksen-Mansfield amendment. I have nothing further to say. I believe that additional words would be superfluous. So far as I am concerned, I do not intend to become involved in extended debate. The meaning is clear, at least as I interpret it. My understanding is in the RECORD. It will have to stand on its own feet.

Mr. DIRKSEN. I fully concur in the observations just made by the majority leader. The language of the amendment is very simple. It seems to me that what we are being treated to is not light but obfuscation by the long discussions that have gone on. The reading of the text, it seems to me, is sufficient. I shall elaborate a little, but I know nothing more than——

Mr. PROXMIRE. Mr. President, if the Senator will yield, the Senator from Michigan [Mr. HART] has gone into this subject in detail and is deeply concerned about the effect of the amendment on every single one of the 50 States. Its effect on each State is likely to be quite different.

It seems to me that we have every right as Senators to find out how the amendment will work, and what its serious ramifications may be. We should like to hear from the authors of the amendment so that we can find out how they feel about it. We need a record to make legislative history so we can be assured of a court interpretation that fits our understanding without clear, reasonably detailed statements from the authors. Such statements will have serious effect.

Mr. MANSFIELD. So far as I am concerned, all the apportionment plans put into effect are valid. All reapportionment plans being considered should be considered in the State legislatures. What we are interested in primarily is what was brought out by the distinguished Senator from Oklahoma yesterday. His State is faced with a severe problem. I know that the Senator from Wisconsin [Mr. PROXMIRE] and the Senator from Illinois [Mr. DOUGLAS] are aware of that. There are other States as well—New York and Colorado—perhaps others. The purpose is not to overturn the Supreme Court dictum, so far as I am concerned, but to go ahead with the "one man, one vote" proposal, and to allow a little "deliberate speed" so far as the States which are in difficult circumstances are concerned.

Personally, I believe that it is a most reasonable request to make. I cannot, for the life of me, understand the opposition to a proposal of this kind.

Mr. PROXMIRE. There was a very constructive and useful discussion on the State of Oklahoma yesterday. All of us learned a great deal from it. Some of us conclude on the basis of this discussion that the amendment would do nothing for Oklahoma.

It can do nothing for Oklahoma, especially since the amendment will not be acted on until September. The Governor has acted to call an election under court ordered population apportionment, the only relief for Oklahoma must come from a request to the Supreme Court. I think that should be the remedy for each of the States. That is the remedy for all American citizens.

Mr. MANSFIELD. The press stated this morning that the State of Oklahoma had filed a petition.

Mr. PROXMIRE. It has.

Mr. MANSFIELD. Also, a plea has been made to Associate Justice Byron White and a request that the Supreme Court will go into special session to allow Oklahoma a little time to go through with what the Supreme Court has decreed every State must do. I believe the argument of the Senator from Oklahoma [Mr. MONRONEY] is valid and sound. That is why he is supporting the Dirksen-Mansfield proposal.

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

Mr. MANSFIELD. I yield.

Mr. DOUGLAS. I am sure that the purpose just given by the Senator from Montana is his intent, but the effect of the Dirksen-Mansfield amendment might be something entirely different. In reality, it proposes for an indeterminate time a stay in the execution of an indefinite number of reapportionment orders and plans. It is quite possible that this would bring to a complete cessation a number of reapportionments already underway. There are a number of suits filed in State and Federal courts concerning the upper houses of various State legislatures which, in my judgment, would be indefinitely postponed by the Dirksen amendment.

I compliment my colleague in that he has been completely honest in the statement of his motives for proposing the amendment. Such frankness has been somewhat rare in this body. My colleague has been completely frank. He said his purpose is to obtain a stay of time, during which a constitutional amendment can be submitted to the various State legislatures for action. I compliment him again for his statement. This is the purpose of his amendment.

If the Dirksen amendment passes, then later a constitutional amendment may be submitted to the presently malapportioned State legislatures. The incumbent Members can then ratify the amendment and thereby seal themselves in their districts in perpetuity and remove themselves from court control or any attempt to enforce the 14th amendment.

That is what is at stake. I am sure this is not the purpose of the Senator from Montana. But it is obviously and admittedly the purpose of my colleague from Illinois. It is the purpose of those behind the Tuck bill, and I believe, most of those behind the Dirksen amendment.

Mr. MANSFIELD. I believe the Tuck bill is an outrageous usurpation of constitutional authority and the authority of the Supreme Court. So far as the Senator from Illinois alleging that this would apply to an indefinite number of States, that is correct. But so far as the statement concerning an indefinite period of time is concerned, I believe the Dirksen-Mansfield proposal is very specific, that

we propose to allow one election and one session of the State legislatures so that the States may face the question and try to comply with the dictum laid down by the Supreme Court only 2 or 3 months ago.

The date specified in that amendment was January 1, 1966. It is my belief that if the amendment were to pass, the great majority of the States, by far, would within a period of 8 months, have adjusted themselves to the ruling of the Supreme Court. What we are asking for basically is a little delay. Our task in this body is to recognize the responsibilities that we have in relation to all the States of the Union.

I am somewhat perturbed when I read articles by columnists and newspaper stories to the effect that the amendment means a 4- or 6-year delay. If it means more than 8 months, it will apply to a very small number of States. Then it will be under the jurisdiction of the courts. In the amendment, the jurisdiction of the Federal courts is nailed down tight. I do not care how anyone interprets it; that is what it means.

Mr. PROXMIRE. On page 2, lines 9 to 14, it is provided that a stay shall be granted for a sufficient period "to allow the legislature of such State a reasonable opportunity in regular session or the people by constitutional amendment a reasonable opportunity following the adjudication of unconstitutionality to apportion representation in such legislature in accordance with the Constitution."

In most States—certainly in my State, and in many others—it would require two sessions of the legislature to adopt a constitutional amendment. That would mean 1965 and 1967. The referendum would be in 1968.

My State has already acted. There are many other States that have not. The great majority of the States have not. This procedure would take 4, 5, or 6 years, according to the language of the bill.

Mr. MANSFIELD. I would seriously question that. In my opinion it would take not more than 8 months for the majority of the States. If they did not comply by January 1, 1966, it would be up to the courts, not to the legislatures, to decide. I believe we are well within our constitutional rights in advocating an amendment of this nature. When compared with the Tuck bill, this amendment is as different as night is from day.

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

Mr. MANSFIELD. I yield.

Mr. DOUGLAS. The phrase which is used on page 2 of the Dirksen amendment is that the legislature should have a "reasonable opportunity" to act. No one knows what this would mean.

Mr. MANSFIELD. Who will determine what it means?

Mr. DOUGLAS. That is a real question.

Mr. MANSFIELD. The courts will determine it.

Mr. DOUGLAS. That is a real question. The truth of the matter is that the legislatures have had this opportunity for decades.

Mr. MANSFIELD. That is true.

Mr. DOUGLAS. They have had an opportunity to act for decades. They have refused to act. In Alabama and Tennessee, they did not reapportion from 1901 on, until the Supreme Court ordered them to do so in 1962 and 1964.

Mr. MANSFIELD. That is correct.

Mr. DOUGLAS. For six decades they violated their own constitutions, as well as the ordinary rules of fairness. In view of the record of the State legislatures in the past, in perpetuating their own malapportionment, I do not believe that we can expect of them any celerity in attaining fair apportionment in the future. On the contrary, to the degree that there has been reapportionment, in almost every instance, it has been under court order. These court orders would be stayed or put in cold storage under the Dirksen amendment. During this freeze, my colleague and his associates would initiate a constitutional amendment. The constitutional amendment would forever remove from the courts the power to order reapportionment in the many malapportioned State legislatures. It would grant to the present malapportioned legislatures the power to perpetuate their malapportionment. The constitutional amendment would forever prevent courts from enforcing the right to the equal protection of the laws. And the equal protection of the laws, in the judgment of the Supreme Court, and, in the judgment, I believe, of the vast majority of the American people, requires substantially equal representation.

Mr. MANSFIELD. Once again, I believe the Senator from Illinois [Mr. DOUGLAS] is misjudging a premise because of his lack of a firm foundation.

What the Senator is saying, in effect—and I say this most respectfully—is that in his opinion the House and the Senate will pass a constitutional amendment—which requires a two-thirds vote—which, in turn, will be ratified by the States, which requires a three-fourths vote.

Frankly, I do not believe that a constitutional amendment in this direction can get a two-thirds vote in either body. I am fairly certain in my own mind—again expressing an opinion—that three-fourths of the States would not ratify such an amendment, if, by some unforeseen chance, such an amendment were to pass.

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

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. It seems to me that we are forgetting a fundamental truth. That fundamental truth is that the Constitution of the United States begins with the words "We the people," and there is in that Constitution a reservation clause that the powers not expressly delegated to the Central Government are reserved to the people and to the States.

With regard to the malapportionment of State legislatures, it is still in the hands of the people. The trouble is that there is an indisposition to reapportion in the fundamental way. It is proposed to take a shortcut. That shortcut is the Supreme Court. I say to the Senator from Wisconsin that if he feels deeply about it, he can go out to Wisconsin and make some noise about it. We shall do it in Illinois. That is our responsibility. Let us not dump it and allow nine men over in this marble palace to tell the people in the States what they have to do.

When it is said that six decades have gone by, it seems to me that the power residing in the States and in the people has existed ever since the Constitution was fabricated. Now, suddenly, the whole thing is overturned by the High Tribunal.

Mr. THURMOND. I am very frank to say that, in my opinion, the question is one for the people in each State to determine. The Senator from Illinois said something about motives of Senators, and so forth. I can tell him frankly that my position is that the people of each State ought to make the determination. I am sure that the Senator trusts the people of Illinois, as I trust the people of South Carolina. I believe every Senator trusts the people of his own State. I believe the people of each State ought to make the determination as to how they wish their legislature constituted.

Furthermore, under the Constitution of the United States——

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

Mr. THURMOND. I should like to complete my statement, and then I shall be glad to yield. Under the Constitution of the United States the question is political and not legal. Therefore, the Supreme Court has no jurisdiction.

As the able Senator from Illinois has stated, the question has never been delegated by the States to the Union, to the Federal Government; therefore, it is reserved to the States. I think it is perfectly clear that the States, and not the Federal Government, have jurisdiction in the field. Why should nine men in Washington have jurisdiction to overrule 50 legislatures in this Nation? Why should not the people through their legislatures have the power and the jurisdiction to determine the composition of their legislatures? I am certain that that should be the case in spite of the ruling of nine men here in Washington.

I am glad to yield to the Senator from Wisconsin.

Mr. PROXMIRE. The Senator from South Carolina has said that he would rely on the people. I believe that all of us would like to rely on the people. But who would put the question? Who would set up the referendum? It would be set up by the malapportioned legislatures. They would put the question. That is why, in case after case, the people have seemed to vote against their own interest. Their own right to an equal vote. They have not had an opportunity to answer the right question.

Anyone who has served as Governor of his State, as the Senator from South Carolina [Mr. THURMOND] has so ably served his State, knows that that statement is true. It has happened again and again in my State. If State legislatures are relied upon to supply the question

for a referendum, we know how easily a question can be rigged. Indeed, have again and again been rigged.

If we should rely on the adoption of a constitutional amendment that would be required to pass the Congress, once again we would find the same problem manifested, because in this case the State legislatures, not the people, decide. The House has shown how it felt when it passed the Tuck bill. The fact is that we, as Members of Congress, are intimately connected with our State legislatures as a result of our friendships with legislators, when we go before the people in a constitutional referendum.

But again, the question would not be acted upon by the people of the States; it would be acted upon by the State legislatures.

I am confident that if the question were submitted to the people, as the Gallup poll showed yesterday, population apportionment would be overwhelmingly approved. The people are for population apportionment.

I disagree vigorously with the majority leader when he says that if the question were submitted to State legislatures, three-quarters of the legislatures would not approve it. How can he predict? The State legislators want to keep their jobs. We know that. That is a fact of political life. If there is any constitutional amendment that would whip through State legislatures, it would be this one.

Mr. THURMOND. The Senator from Wisconsin has referred to the legislatures being malformed. Who says that they are malformed? That is the opinion of the Senator from Wisconsin. The people of a State constitute the legislature of that State. There is at least one State in the Nation that has only one legislative body. The other States have two bodies—two bodies made up as the Congress is made up. That is, they have representation according to each county, based upon area, and then they have representation according to population as the House of Representatives in the U.S. Congress has.

So the people in each State could change that system if they so desired. If the people of each State are not satisfied with the present composition of the legislature, there is nothing to keep them from changing it.

Mr. PROXMIRE. The only State in which the composition of the legislature could be changed readily by the people is the State of Oregon, which permits a truly free initiative.

Mr. THURMOND. I do not believe that the people of one State ought to try to tell the people of another State what the composition of the legislature of that State ought to be. Furthermore, I wish to inquire of the able Senator from Wisconsin upon what authority the Supreme Court acted on the question. Where in the Constitution is the jurisdiction that has been delegated by the States to the Supreme Court to act in this field? There is no such jurisdiction. The Supreme Court has gone beyond its authority, and therefore the Court, in my judgment, in this particular matter, is in error. It is incumbent upon the Congress to take steps to correct the situation.

Mr. PROXMIRE. Mr. President, these are malformed legislatures. Yesterday we had a discussion with the very able Senator from Oklahoma [Mr. MONRONEY] in which it was admitted that since 1921 the Oklahoma Legislature has refused to comply with the clear requirements of the Oklahoma constitution, and there is no recourse that Oklahoma citizens have except the U.S. Supreme Court. Their own supreme court has refused to act.

I point out that the case of Reynolds against Sims was decided by the Supreme Court of the United States with eight Justices in favor of the decision and one opposed. By that margin the Court decided it had clear right and authority under the explicit language of the 14th amendment. I agree.

Mr. MANSFIELD. Mr. President, I yield the floor.

Mr. DIRKSEN obtained the floor.

Mr. GOLDWATER. Mr. President——

Mr. JAVITS. Mr. President——

Mr. DIRKSEN. Mr. President, I yield to the Senator from Arizona.

SOCIAL SECURITY

Mr. GOLDWATER. I appreciate the courtesy of the Senator from Illinois. I have only a short statement to make, and then Senators can get on with the debate.

Mr. President, the chances are very good that I shall not be present when the vote is taken on the social security measure. I have a short statement that I would have made at that time, and I shall do my best to be in this neighborhood if the engagement that I am going to be kept busy with will allow me to do so.

I favor a sound social security system and I want to see it strengthened. I have voted for genuine improvements in the system since I have been in the Senate, and I plan to do so now. I supported the 1956 amendments to the Social Security Act and, in 1958, I voted to raise benefits so that their value in terms of purchasing power would be preserved.

It is generally agreed by students of social security that the basic purpose of the OASDI program, as it has developed in the United States, is to provide a basic floor of economic protection which becomes available in the event of the death, disability, or retirement of the family breadwinner. Social security was never intended to replace private voluntary efforts—nor should it. Benefits under the program are not a substitute for individual savings and private retirement and insurance plans. They are instead a base upon which the individual may build through his own efforts.

We Americans make provisions for the future through a great variety of voluntary programs, many involving contributions by employers. Self-employed persons were once treated unfairly when their payments into voluntary retirement programs were fully taxed; but recent legislation—which I supported—has gone far toward placing them on the same footing as those who earn wages and salaries.

Recognizing the important role being filled by social security, we can and should, of course, make improvements from time to time in such areas as the financing and operation of the system. But that is not at issue now.

As for the features of the present bill, the 5-percent increase in benefits will help to meet the rise in living costs since 1958.

Two other provisions of the present bill make the program more flexible in meeting the needs of our people. The first is extension of benefits to a surviving child beyond the present age limit of 18 to the new age limit of 21, provided the child is in school or college. The second is reduction in a widow's age of eligibility from 62 to 60, benefits being actuarially adjusted. In connection with the latter, I might mention that I voted in 1956 to lower from 65 to 62 the age at which all women could claim OASI benefits.

These are worthy improvements in the social security system, enabling it to serve us better in fulfilling its fundamental purpose. They should be clearly distinguished from schemes designed to alter that purpose and, thereby, to overburden the system. We shall not preserve the social security program if we saddle it with unnecessary new burdens, such as medicare. We penalize every senior citizen if we thus bankrupt the system that protects him.

Essentially, protection against need in America depends on a free economy that produces an ever-growing abundance and ever-greater opportunities for all. In this context, social security has a vital and legitimate supporting role, and it is for this reason that I will vote for the proposals before us.

PERSECUTION OF THE JEWISH MINORITY IN SOVIET RUSSIA

Mr. GOLDWATER. Mr. President, I ask unanimous consent that a statement that I prepared in regard to Senate Resolution 204, which the Senator from Connecticut [Mr. RIBICOFF] introduced with some 61 or 62 cosponsors—and I am one of those—be printed at this point in the RECORD.

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

As a cosponsor of Senate Resolution 204 which the Senator from Connecticut introduced last autumn, I express my support for his amendment to the pending bill. This amendment emphatically reflects the horror felt by the Congress of the United States for the savage persecution to which the Soviet Union is subjecting its Jewish minority. I am sure that civilized people everywhere share the horror we feel and join in the condemnation we express.

But I would like to call the attention of my colleagues, and of the American people as well, to the grim irony which characterizes the situation we deal with in the proposed amendment.

A third of a century ago Adolf Hitler and his Nazi Party took over the Government of Germany on a political platform, the chief