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That no licenses or permits shall be issued under the Federal Power Act (16 U.S.C. 791a-823) nor any applications for such licenses or permits be accepted for filing for the reach of the Colorado River between Glen Canyon Dam and Lake Mead during the period ending December 31, 1966: *Provided*, That nothing herein shall change or affect for the purposes of any action which may be taken subsequent to such date the present status, equities, position, rights, or priorities of any parties to applications pending on the date of the enactment of this Act.

Mr. HAYDEN. Mr. President, an almost identical bill has passed both Houses of Congress. The only difference between the bills is that the House-passed bill stated an expiration date in 1966 while the Senate bill stated an expiration in 1965.

Mr. DIRKSEN. Mr. President, as I understand, the proposal is to substitute one bill for the other.

Mr. HAYDEN. Yes. I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to.

FORT BOWIE NATIONAL HISTORIC SITE

Mr. HAYDEN. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 946).

The PRESIDING OFFICER laid before the Senate the bill (H.R. 946), a bill to authorize the establishment of the Fort Bowie National Historic Site in the State of Arizona, and for other purposes, which was read twice by its title.

Mr. HAYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. Is there objection?

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

Mr. HAYDEN. Mr. President, I ask unanimous consent that there be printed at this point in the Record an excerpt from page 2 of Senate Report No. 1280, which is the military record of George Washington Bowie, for whom Fort Bowie was named.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Fort Bowie was named for George Washington Bowie, 1824-1901, a native of Montgomery County, Md., whose military record is as follows:

Commissioned, 1st lieutenant, U.S. Army, at Burlington, Iowa, April 1, 1847, where he was assigned to 15th U.S. Infantry; promoted to captain July 20, 1847; brevet major for gallant and meritorious conduct at the battles of Contreras and Churubusco, Mexico, August 20, 1847; distinguished himself in command of his company at the storming of Chapultepec, September 14, 1847; honorably discharged at Covington, Ky., August 4, 1848.

Mustered in as colonel, 5th California Infantry, at Sacramento, Calif., to date from November 8, 1861; stationed at Camp Union, near Sacramento, until February 1862, when he went to southern California and was in command at Camp Latham, near the Cienega between Los Angeles and Santa Monica; marched to Camp Wright, near Warner's

Ranch, San Diego County, arriving April 9; assumed command of the Military District of southern California with headquarters at Fort Yuma, May 17, 1862.

Marched via Fort Yuma, Tucson, and Apache Pass to the Rio Grande, February and March 1863; in command of the Military District of Arizona with headquarters at Franklin (new El Paso), Tex., April 15, 1863; stationed there until he was honorably discharged from the service at that place December 14, 1864; brevet brigadier general of volunteers for faithful and meritorious services during the war.

Fort Bowie, established July 28, 1862, Bowie Peak, and the town of Bowie, all in Cochise County, Ariz., named for him.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered for a third reading, was read the third time, and passed.

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. DOUGLAS. Mr. President, I had intended to ask for a quorum call in order that my distinguished colleague might have an audience. But since he has stated that he does not wish to speak, and since I stated yesterday that I would speak at the conclusion of his second speech, I am now put in the position of asking for a quorum call in order that a group of Senators might be assembled to hear my speech. In that connection I hope that my request will not be regarded as an ungracious act on my part. My request is merely due to the fact that my colleague has disappointed us today, and instead of expatiating on the subject as he said yesterday he would do today, for one reason or another, perfectly well known to him—perfectly good reasons—he does not wish to do so. I am now compelled, Mr. President, to suggest the absence of a quorum and ask that it be a live quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Eastland	Lausche
Allott	Edmondson	Long, Mo.
Anderson	Ellender	Long, La.
Bartlett	Ervin	Magnuson
Bayh	Fong	Mansfield
Beall	Fulbright	McCarthy
Bennett	Goldwater	McClellan
Bible	Gore	McIntyre
Boggs	Gruening	McNamara
Brewster	Hart	Mechem
Burdick	Hayden	Metcalf
Byrd, Va.	Hickenlooper	Miller
Byrd, W. Va.	Hill	Monroney
Carlson	Holland	Morse
Case	Hruska	Morton
Church	Humphrey	Moss
Clark	Inouye	Mundt
Cooper	Jackson	Muskie
Cotton	Javits	Nelson
Curtis	Johnston	Neuberger
Dirksen	Jordan, N.C.	Pastore
Dodd	Jordan, Idaho	Pearson
Dominick	Keating	Pell
Douglas	Kuchel	Frouty

Proxmire
Randolph
Ribicoff
Robertson
Russell
Salinger
Simpson

Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond

Tower
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

The Senator from Illinois [Mr. DOUGLAS] is recognized.

DIRKSEN AMENDMENT INTENDED TO DELAY COURT-ORDERED APPOINTMENT UNTIL ROTTEN-BOROUGH LEGISLATURES CAN PERMANENTLY FIX THEIR PRESENT MALAPPOINTMENT

Mr. DOUGLAS. Mr. President, as I said earlier, I had thought my friend and colleague, the distinguished junior Senator from Illinois [Mr. DIRKSEN], would speak today, as he announced yesterday that he would. I announced at that time that I would like to follow him. Now the junior Senator from Illinois does not wish to speak at this time; therefore, it devolves upon me to speak. I shall not be quite fighting the air, however, because the junior Senator from Illinois, while he did not follow the plan he announced yesterday, has made his intention perfectly clear.

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

Mr. DOUGLAS. I yield.

Mr. DIRKSEN. A family from our common State is outside the Chamber. Have I the Senator's permission to leave the Chamber and shake hands with them?

Mr. DOUGLAS. My good friend does not need my permission to do so. I am sure he is a master of his own movements. Wherever he goes, he will carry with him my friendship and my blessing.

Mr. DIRKSEN. There is much solicitude about my well-being today; but joy cometh in the night, and the ideo of March have come, but have not gone.

So I still have until midnight to talk. One columnist mentioned that once I left the floor when one of my colleagues was speaking. But I went for a purpose. Now a fine family is outside the Chamber, and I should like to be able to say "Hello" to them.

Mr. DOUGLAS. I shall not take advantage of the Senator during his absence, but I shall quote from a statement in his speech last night.

Mr. DIRKSEN. That is good. Be sure to get in the word "today" because I have until midnight.

Mr. DOUGLAS. My junior colleague, who has left the Chamber, frankly stated the purpose of his amendment in the closing paragraph of his speech last night. I should like to read that paragraph. Before I do so, I wish to commend my colleague for the frankness with which he spoke. My colleague said:

We believe that it—

The amendment which he proposed, and which is now the subject before this body—

would consummate the one objective which we have had constantly in mind—that is, to buy time at an awkward period when adjournment and the end of the year is imminent, so that as the 89th Congress comes into being, we shall be ready to launch a resolution for a constitutional amendment in the hope that it can be expedited through the Senate and the House of Representatives,

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and that there will be ample time for the legislatures of the various States to quickly impress their will upon it. Then we shall have found a durable solution to the problem which emanated from the decision in *Reynolds v. Sims*.

This is precisely what the senior Senator from Illinois has been charging in the days which have elapsed since my colleague first submitted his amendment, and since it's predecessor was first brought out of the Committee on the Judiciary. I have charged that this amendment was proposed to prevent the orders requiring reapportionment, of the Supreme Court and of the Federal courts, from going into effect for an indeterminate period of time. During that period of time the malapportioned State legislatures would urge the Congress to propose a constitutional amendment, or call a convention for this purpose, which they could then rush to ratification. This, in effect, would seal into existence for indefinite periods of time the present malapportionments, before the legislatures could be properly and justly reapportioned. That intention is what the senior Senator from Illinois has been charging; and the junior Senator has frankly admitted it.

Mr. DOMINICK. Mr. President, will the Senator yield at that point?

Mr. DOUGLAS. I yield.

Mr. DOMINICK. I did not mean to interrupt the Senator, but I have before me the map which has been placed on the desks of Senators.

Mr. DOUGLAS. I shall come to that in time.

Mr. DOMINICK. All I wish to say to the Senator from Illinois is that if the Colorado State senate is as it is described by the Senator from Illinois, it is pure white.

Mr. DOUGLAS. These figures change from day to day, but I think this information was true as of June 21 of this year. Perhaps the figures are a little behind, but they are substantially true as of the spring of this year. When I come to them, I shall be glad to discuss this point.

At the very end of the session last night, the senior Senator from Montana, the majority leader [Mr. MANSFIELD] evidently felt that he should dissociate himself from the remarks and the statement of the junior Senator from Illinois. He said:

However, I do not agree that the purpose of the additional time is to allow the passage of a constitutional amendment to overturn the Reynolds decision. In the first place, the time allowed by this amendment, which will in most cases end at the conclusion of the first State legislative session after the election this November, will probably not be long enough to complete the process required for the adoption of a new constitutional amendment.

Parenthetically, this does not follow at all, because the amendment of the junior Senator from Illinois provides for what is termed a reasonable opportunity; and no one quite knows what a "reasonable opportunity" would be.

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. MANSFIELD. The Senator has quoted me correctly; but the term "reasonable opportunity" is something which can be defined in many ways. This particular proposal of the distinguished minority leader and the Senator from Montana would allow the Court great flexibility. It faces up to a situation which is impending in the several States, and upholds the constitutional right of the Court to hand down decisions such as it has rendered in this instance.

I am delighted that the Senator has indicated that, so far as I am concerned, in offering the amendment there is no idea whatsoever in my mind that we are to seal or to delay until a constitutional amendment can be passed in this body, because I do not believe that is the way to face an issue. However, I believe something should be done to take care of the difficulties which confront the several States at the present time.

Mr. DOUGLAS. I thank the Senator from Montana. I am glad he said that I quoted him correctly. I am sure it was not the purpose of the Senator from Montana, when he gave his name to this most unfortunate amendment, that there would be a period of delay during which the present malapportioned State legislatures should finally cement their unjust and, in a sense, illegitimate composition. I know he did not mean this, and he properly draws back, with a certain degree of repugnance and horror, from giving—and I quote from the next paragraph: "an alleged malapportioned State legislature the power to validate itself, the right to pass upon its own validity, and the ability to perpetuate itself indefinitely."

The Senator from Montana went on to say:

That does not seem just to me.

I am sure that was not his purpose; but I want to emphasize the fact that such was the purpose of his cosponsor, as his cosponsor very frankly declared—and I honor my junior colleague from Illinois for the frankness with which he stated his purpose.

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

Mr. DOUGLAS. I yield.

Mr. CLARK. Does not the Senator from Illinois think it would be a fair conclusion that it is not only the purpose of the junior Senator from Illinois to gain time in order to try to rush through a constitutional amendment, but that one might assume that it would be the purpose of most of the Republican Members of the Senate, who support the junior Senator from Illinois, because they would be so obviously prejudiced by a fair one-vote-one-person provision in the constitutional laws of the several States that the inevitable result in most States of a one-vote-one-person provision would be to vastly strengthen the Democratic Party in most, if not all, of the States.

I know that in my own State, former Governor Lawrence told me yesterday that under our present apportionment, we could carry the State this fall for President Johnson by a majority of

600,000, but still not gain control of the legislature.

Mr. DOUGLAS. I appreciate what the Senator has said, but I made no such charges last night, and I make no such charges today. As a matter of fact, as I tried to explain last night, I am not at all certain that, taking the situation countrywide, a fair reapportionment would help the Democratic Party.

PROPER REAPPORTIONMENT WILL PROBABLY BENEFIT THE REPUBLICAN PARTY IN THE SOUTH

Let us take the South first. In the South the country districts and farm districts tend to be Democratic. The cities are increasingly becoming Republican. One has only to look at Dallas and Houston, which are two strong conservative Republican cities, and other cities, as well. They are grossly underrepresented both in the Texas Legislature, as well as in the U.S. Congress. So reapportionment would weaken the country Democrats in Texas and strengthen the city Republicans.

I think this is true in many other cities of the South. It might well be true in Georgia. I am inclined to believe it is true so far as western and central Tennessee are concerned. In east Tennessee, the country districts are already Republican.

Therefore, so far as the South is concerned, proper reapportionment would help the Republican Party. I favor proper reapportionment even if it does help the Republican Party.

I hope some of my Republican friends will at least consider what the practical consequences of their support of the Dirksen amendment will be. But I leave that up to them.

IN THE NORTH AS WELL, PROPER REAPPORTIONMENT MAY BENEFIT THE REPUBLICAN PARTY

Now, if I may touch upon the North, I pointed out last night that the suburbs of the country now have more people than the central cities.

In 1960, the suburbs had 57 million, as compared with 58 million in central cities. But since then, there has been a continued drift to the suburbs. I am confident that today the population in the suburbs substantially outnumbers that in the central cities.

We know that today the great strength of the Republican Party is in the rural areas and the suburbs, whereas the great strength of the Democratic Party is in the cities. I believe it will be found that the suburbs would gain more from proper apportionment than the central cities would gain, because the suburbs have grown more rapidly, and the failure to reapportion has confined them to the representation their areas had many years ago.

The Senator from Pennsylvania has spoken of his State. Let me speak now about my State.

Several weeks ago a very able political reporter for the Chicago Sun-Times, Mr. Tom Littlewood, made a study of what would happen to the Illinois Senate on the basis of proper reapportionment. He said that the downstate area—meaning everything outside Chicago, just as in New York "upstate" means everything

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outside New York City, even if it includes Long Island—would lose eight Senators, and Chicago would gain two Senators. Of the eight Senators which would be lost by the downstate areas, two or three would be Democrats, because we Democrats are quite strong in southern Illinois, particularly in the chain of counties along Route 40, the old national highway. The people there are largely Kentuckians, Tennesseans, and Virginians, in origin. So the Democrats probably would lose two or three senatorial seats downstate, but we might gain two senatorial seats in Chicago. So there probably would be no net increase in the Democratic strength in the Illinois Senate, and possibly the Democrats would have a net loss of one seat.

There would be a gain of three seats in the suburbs of Chicago inside Cook County. Those suburbs are strongly Republican. They have been growing very rapidly. In 1960, there were 1,750,000 people in the suburbs inside Cook County, but outside Chicago. They would gain three seats. They are strongly Republican. Although we Democrats have hopes of redeeming the suburbs, and although we plan to carry on a vigorous campaign in attempting to do so, I think there is no immediate prospect that we shall be able to carry them. So these three seats would be a gain for the Republican Party.

Now, there is a chain of peripheral counties which circle Chicago and Cook County. To the south there is Will County, of which the chief city is Joliet. Then there is Du Page County, which is largely residential. It lies immediately to the west of Chicago. Incidentally, it is the strongest Republican County in the country—even stronger than Westchester County, N.Y.

To the north is Lake County. It fronts on Lake Michigan. West of Du Page County is Kane County. In Lake County, the central city is Waukegan. To the west of Lake County is McHenry County. These are mainly suburban counties, although some of the people who live in them do work there.

We Democrats are making strong gains in some of these counties, particularly in Lake County and Will County. Mr. Littlewood states that almost certainly the three additional senators from those areas would be Republicans.

So there would be six Republican senators and two Democratic senators, to replace the two or three Democratic senators and the five or six Republican senators who would be lost downstate; and, overall, the Democratic Party would make no gain, and might suffer a loss; and the Republican Party would not suffer a loss, and might make a gain.

But the metropolitan area would be represented in accordance with its population; and the senators from the metropolitan area would be able to consider more adequately the needs of that area.

SO QUESTION OF PARTY ADVANTAGE FROM PROPER APPOINTMENT IS SECONDARY

We have a big water problem in Chicago and the suburbs. I am not sure the Senator from Wisconsin fully appreciates our water problem in northern

Illinois. We also have a problem of smoke abatement, a problem of zoning, a problem of taxation, a problem of relief, and a housing problem. These problems affect the urban and the suburban areas alike.

Under reapportionment of our Senate, there would be more adequate representation for the presently underrepresented areas; namely, both the central cities and suburbs.

So I believe the question of party advantage is minor and secondary. If reapportionment helped the Democratic Party, I would still favor it; but I believe this issue is above the question of partisan advantage. I do not believe we should shrink from reapportionment if it were to help the Democratic Party; and I would not shrink from reapportionment if it were to help the Republican Party.

But on the basis of the figures for my State and an analysis of those for the country, I do not believe reapportionment would help the Democratic Party. Certainly it would hurt the Democratic Party in the South; and, except in certain States, it would help the Republican Party in the North.

Mr. PROXMIRE. Mr. President, will the Senator from Illinois yield to me Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Is it not true that if the one-man, one-vote principle were put into effect in full, throughout the Nation, although it would enable the States to be more efficient and to do a more competent job, it would not necessarily mean that conservatism would lose and liberalism would gain; but there would be an opportunity for those who feel very strongly about States' rights and about federalism and who feel very passionately that the Federal Government has too much power, to more effectively proceed to solve their problems at home. Obstructionists might be adversely affected—those who feel that it is a mistake to make progress on any level; but, in general, those who have a genuine and sincere feeling that the Federal Government is too large and that the States should assume more responsibility would be served by this change, would they not?

Mr. DOUGLAS. I believe that is true. The Senator from Wisconsin covered this point marvelously in the course of his speech today; and last night we dealt briefly with it.

PROPER APPOINTMENT WOULD STRENGTHEN THE STATES AND THE FEDERAL SYSTEM

One reason why the municipalities have been inclined to go to the Congress for assistance and to bypass the States is that the State legislatures do not take much interest in their needs. The municipalities have been compelled to go to the Federal Government. But if the municipalities feel that they are fairly represented in the State legislatures and that the States will give them a break, they will more and more turn to their State governments, and will less and less turn to the Central Government.

I have always felt that the malapportionment of the State legislatures has led to centralization, and that better apportionment would lead to decentraliza-

tion. I think I can speak about this matter, for my political experience began in city government. I believe that I realize the importance—other things taken into consideration—of having decisions, insofar as is practicable, handled locally. I think there is a very strong case for national action in many fields. Probably I would quarrel with many of my colleagues as to what these fields properly are. But I believe there has been much unnecessary calling on the Federal Government simply because the State legislatures are unrepresentative.

On the general question of liberalism versus conservatism, it is difficult to know what those terms mean. I designate myself a liberal, if I am permitted to define the term. People in rural areas tend to be suspicious of the liberals in the "big city." But I do not regard the suburbs as strongholds of liberalism. Quite the contrary, I believe that, on the whole, in regard to economic matters the suburbs probably are more conservative than the countryside.

It is interesting to note that while frequently the farmers and country people are very properly worried about certain issues the people in the suburbs are contented to have the situation continue as it is. The essence of conservatism—as Lord Hugh Cecil said 50 years ago—is satisfaction with things as they are, satisfaction with the situation in the past, and distrust of things unknown. Conservatism flourishes best in the suburbs. Therefore, proper and fair reapportionment would not increase the liberal forces in the suburbs, but it would increase and improve State action for the benefit of people who are faced with the new problems created by industrialization and by the rush of populations to the cities. I tried to document this last night.

Those who are interested in light reading will be able to study the tables which I had printed in the RECORD. They show the importance of the cities, the metropolitan areas, and the counties. The importance of the large counties has been steadily increasing, and the importance of the small counties, with populations of less than 25,000, has been steadily diminishing. Yet, in the main the small counties dominate the State legislatures. Sometimes they do not dominate both houses, but in nearly every State they dominate at least one house—generally the senate, although in New England there is an extraordinary variation. In Vermont, New Hampshire, and Connecticut it is the lower house, in which the cities are underrepresented.

CLEAR EVIDENCE THAT THE PURPOSE OF THE DIRKSEN AMENDMENT IS TO PERMIT AN INDEFINITE FREEZE OF THE PRESENT MALAPPORTIONMENT IN THE STATES

Mr. President, if I may, I shall turn back to the question as to what is behind the Dirksen amendment—and I do not like to call it the Dirksen-Mansfield amendment; so I shall call it the Dirksen amendment—and what its effect would be. I have said that its effect will be to prevent the decisions of the Supreme Court from going into effect for a period of time. During that period of time, a determined effort would be made to have

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the Congress propose a constitutional amendment which would prevent the courts in the future from ever ruling on the question of apportionment. The malapportioned legislatures would rush to ratify such an amendment. The end purpose would be to freeze indefinitely the present malapportionments in the State legislatures and, indirectly, the malapportionment of districts for U.S. Representatives.

People have accused me—and there were some indirect accusations last night—of seeing hobgoblins.

Yesterday the House had a bill reported to it from the Committee on Rules, an extraordinary procedure. The bill was introduced by Representative Tuck of Virginia. We have read of the amendment in the newspapers, but I do not believe many of us have known what its text actually was.

We should have no inhibitions about mentioning the name of the other body. For some curious reason, the House never likes to refer to us as the Senate. It always refers to us as "the other body." The House occupies an honored position in the National Legislature. We are very glad to regard the Senate as an equal, but not superior, partner to them.

I should like to read the text of the Tuck bill which the Committee on Rules yesterday referred directly to the House—bypassing any hearings and consideration by the Committee on the Judiciary—and which may shortly be acted upon by the House, if, indeed, it has not been acted upon by the House today.

This is the text of the Tuck bill which would add a new section to title 28 of the United States Code:

"Supreme Court, limitation of appellate jurisdiction

"The Supreme Court shall not have the right to review the action of a Federal court or a State court of last resort concerning any action taken upon a petition or complaint seeking to apportion or reapportion any legislature of any State of the Union or any branch thereof."

SEC. 2. Amend title 28, section 1331 of the United States Code (28 U.S.C., sec. 1331) by adding at the end thereof a new subsection to read as follows:

"(c) The district courts shall not have jurisdiction to entertain any petition or complaint seeking to apportion or reapportion the legislature of any State of the Union or any branch thereof."

I do not know what the real purpose of the House Rules Committee's action was. The bill may have been intended as a cover to run interference for the Dirksen-Mansfield amendment. I doubt if it could be passed by both Houses at this session, although, of course, it might be. I am very dubious of its constitutional effect, if it were to be passed. I am doubtful whether Congress has the power to suspend the action of the courts, or to deny them jurisdiction in constitutional matters. I hope the Congress does not have such power.

But I think the action of the Rules Committee and the bill do indicate the shape of things to come. I believe the language of the Tuck bill indicates the probable nature of the constitutional amendment which would be proposed once the present orders of the Court are

suspended, and once reapportionment of the State legislatures is suspended.

I believe that this bill is the draft of the constitutional amendment which is desired. In this connection, I should like to call attention to two other Senate resolutions which are very similar in nature to the Tuck bill. One of them was introduced by our beloved colleague the junior Senator from Mississippi [Mr. STENNIS]. It would propose a new constitutional amendment reading:

Nothing in the Constitution of the United States shall prohibit a State, having a bicameral legislature, from apportioning the membership of the less numerous branch of its legislature on factors other than population.

SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

I invite the attention of Senators also to the bill of the junior Senator from South Carolina [Mr. THURMOND]. He submitted this bill on June 16. It would add a new chapter to title 28 of the United States Code, as follows:

Part VI of title 28, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 181—STATE LEGISLATIVE APPOINTMENT

"Sec.

"2691. Jurisdiction.

"§ 2691. Jurisdiction

"No court of the United States shall have jurisdiction to hear or determine any action or proceeding involving or relating to any matter concerning the composition of any legislative body or assembly of any State or the apportionment of the membership thereof, or to enter, enforce, or review any judgment, decree, or order in or relating to any such action or proceeding."

(b) The analysis of part VI of that title is amended by adding at the end thereof the following new item:

"181. State legislative apportionment... 2691".

I believe this is a pretty clear indication of what is contemplated if the Dirksen amendment were to be passed. There would certainly be strong and influential elements which would seek to get an amendment through to deny the Court the power to order any further reapportionment, or to sustain or maintain in operation any orders which they have already executed.

As we heard in the colloquy between the junior Senator from Illinois [Mr. DIRKSEN] and the senior Senator from Wisconsin [Mr. PROXMIRE], these elements would regard this as constitutional.

THERE CAN BE NO EQUAL PROTECTION OF THE LAWS WITHOUT SUBSTANTIALLY EQUAL APPOINTMENT OF THE STATE LEGISLATURES

Our friends from the South—and they are our friends; we like them as individuals; we appreciate their problems—never really go beyond the 10th amendment of the Constitution. They quote the 10th amendment:

All powers not specifically granted to the Federal Government are presumed to rest with the States and with the people.

The Senator from South Carolina [Mr. THURMOND] asked: "Where is the Su-

preme Court given the power to order reapportionment?" What they fail to realize and what they tend to ignore is the existence of the 14th amendment. The 14th amendment was enacted not only after, but as a result of, the Civil War. The Civil War started as a war to save the Union, or to destroy the Union. It culminated in a pledge by the Northern States to free the slaves. Not only that, but after the war, there came a desire to give to the States more than freedom from chattel slavery. The country acted to make the Negro population of the country—including the Negro population of the South—full-fledged citizens of the United States.

I quoted last night the 14th amendment to the Constitution which provides that:

All persons born or naturalized in the United States * * * are citizens of the United States and of the State wherein they reside.

We regard that as very simple nowadays. It is fundamental in its nature. First, it provided that citizenship was national—not really local or State. Second, it drew no differentiation between States. It did not describe second-class citizens or first-class citizens. All were citizens of equal rank. All were first-class citizens.

There were the additional passages which have been quoted many times in this debate and during the debate on civil rights. I quote:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law.

That is the salient part.

Nor deny to any person within its jurisdiction the equal protection of the laws.

In the final section of the amendment it is provided:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The Supreme Court has properly, and I believe justly, held that we cannot have equal protection of the laws in the long run unless there is substantially equal representation in the State legislatures. If the membership of a State legislature is disproportionately drawn from certain sections of the community, the sections which are excluded, or grossly underrepresented, cannot have any assurance that they will have the equal protection of the laws.

This is the fundamental basis of the decisions of the Supreme Court, first in the Tennessee case; then in the Alabama case and the Colorado case. These decisions have been criticized as being, at least, somewhat hasty. But they were not hasty in terms of the delay which the legislatures of this country had practiced in refusing to reapportion.

I mentioned earlier to my good friend from Vermont [Mr. AIKEN] that Vermont has its lower house apportioned according to the Constitution of 1793. Since that time, 171 years have passed.

Mr. AIKEN. The Senator is not saying that was not a good constitution?

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Mr. DOUGLAS. For its time, it was. But I am also saying that the present situation, in which 36 people elect one representative to the lower house of Vermont, and 36,000 people are permitted to elect only one—is not proper. It gives to one person in this lonely hamlet the same voice that 1,000 voters in the city—I assume it is Brattleboro—have.

I would dislike to have my good friend go up to Brattleboro and defend this unfair apportionment.

Mr. AIKEN. I explained to the Senator this morning that the large towns to which he has referred have control over the Vermont Senate.

Mr. DOUGLAS. But they do not have control over the house, or even a fair voice. They are grossly unrepresented in the House.

Mr. AIKEN. Why is the Senator from Illinois trying to prevent the people of the United States from voting on the question before us, either through their elected representatives to the Congress or by a vote of the people through their elected representatives in the States themselves?

Mr. DOUGLAS. Mr. friend realizes that the vote on a constitutional amendment would not be by a vote of the people. It would be by a vote of the already malapportioned State legislatures.

Mr. AIKEN. Is not the Senator trying to prevent a vote—an expression of opinion—by the people of the United States through their elected representatives in the Congress—or are we not supposed to represent them? They elected us to come here.

Mr. DOUGLAS. If the Senator from Vermont will see that the Dirksen amendment is introduced as a separate bill or resolution, and if hearings are conducted by the Judiciary Committee, I promise that it will be given good consideration on the floor of the Senate and not subjected to excessive debate. But the amendment has been sprung upon us without public hearings in the Judiciary Committee. It has been attached to the foreign aid authorization bill and placed beyond the power of a presidential veto, in all possibility; and we are told that we must approve it.

Mr. AIKEN. Is the Senator arguing that the people of Illinois and New York should have a greater voice in the Senate than, shall we say, the people of Rhode Island or Montana?

Mr. DOUGLAS. I have never made that claim. The Senator from Vermont is completely shifting the argument. We are talking about State legislatures.

Mr. AIKEN. I am coming to the ultimate argument. The Senator knows that if the decision of the Supreme Court is followed to its logical conclusion, representation of the smaller States of the United States will be done away with in this legislative body.

Mr. DOUGLAS. Not at all.

Mr. AIKEN. That would be the ultimate purpose. The Senator knows it; the Senator from Wisconsin [Mr. PROXMIRE] knows it; the Senator from Pennsylvania [Mr. CLARK] knows it. That is the ultimate purpose.

Mr. DOUGLAS. May I answer the Senator?

Mr. AIKEN. Why did not the Senator from Illinois seek hearings on the civil rights bill that came to the Senate from the House of Representatives?

Mr. DOUGLAS. I somewhat suspected that the Judiciary Committee would kill it.

Mr. AIKEN. Why does the Senator desire hearings when he wants hearings, and avoid them when he wishes to do so?

Mr. DOUGLAS. The Senator from Vermont is moving from one argument to another. He presents a movable target. Will the Senator from Vermont permit me to reply to his first statement?

Mr. AIKEN. Let me repeat the question.

Mr. DOUGLAS. I should like to point out that it is absolutely impossible under the Constitution for either Congress or the Supreme Court to take away the equal representation of the States in the U.S. Senate.

The concluding clause of article V of the U.S. Constitution is as follows: "no State without its Consent, shall be deprived of its equal Suffrage in the Senate."

That is the one feature in the Federal Constitution which cannot be amended. That is a provision which the small States not only anchored in the Federal Constitution but also placed beyond the possibility of amendment. That was the price which they exacted for joining the Union. The delegate from Delaware in the Constitutional Convention, as Madison's Journal reports, threatened at one point that unless they obtained equal representation in at least one House, they would not join the Union and would make an alliance with a foreign power, presumably France or Great Britain.

Mr. AIKEN. I should like to ask the Senator one additional question. Would the Senator from Illinois offer a constitutional amendment which would allocate representation in the Senate of the United States according to the population of the State?

Mr. DOUGLAS. No; I would not. That is a burden which we in the big States bear—and it is a heavy burden, too, believe me—but we bear it in the cause of national unity. That issue was finally decided in 1787. It weighs very heavily upon the big States. The Senator knows that in this body, on the whole, Senators from the big States are second class citizens. The Senator knows very well that we occupy an inferior position. He also knows that the interests of the big States tend to be disregarded in the Senate. That is the price which we pay continually. The States have in their body the nails which were driven into them in 1787, and we have borne that burden manfully and without complaint. But we do not wish to have it extended inside the States. That is the point.

Mr. AIKEN. The Senator from Illinois means that he wishes the States themselves to be absolutely pure even if the Federation of States is not.

Mr. DOUGLAS. No. I repeat the same point which has been brought out time and time again, namely, there is no analogy between what was adopted in 1787 for representation in the U.S. Sen-

ate and the situation inside the States. The consent of the States was necessary in order to form the United States. The small States could be brought in only by giving them equal representation and preventing the arrangement from ever being changed. But as we have developed time and time again, the counties inside the States are not sovereign and the towns are not sovereign. They do not create the States; the States create them. The States can cut them off, expand them, or contract them. They are creatures of the State. It is not necessary to give them equality of representation in order to insure that the State of Vermont or the State of Illinois will continue.

Mr. AIKEN. It still is not clear why the Senator from Illinois is so insistent upon hearings by congressional committees on the apportionment measure, whereas the Senator from Illinois was equally insistent that there be no hearings on an equally important item of proposed legislation known as the civil rights bill.

Mr. DOUGLAS. The Senator is shifting to that subject. I point out that if the Senator is talking about consistency, what shall we say of Senators who protested to high heaven that there were no hearings on the civil rights bill, but who are supporting the amendment which comes up from the floor with no hearings? I simply say "Tu quoque"—to you also. If I am inconsistent—and I do not believe that I am—I am not more inconsistent than other Members of this body.

Mr. AIKEN. There is a great difference between a bill introduced in the Congress and a simple amendment which is being proposed to the pending bill.

Mr. DOUGLAS. Oh, is this a simple amendment? On the contrary, it is a very important, complex, and far-reaching amendment. It would anesthetize the courts so that presently unrepresentative State legislatures could perpetuate themselves with their present unjust and inequitable representation.

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

Mr. DOUGLAS. I yield to the Senator from Michigan.

Mr. HART. I was present while the Senator from Illinois and the Senator from Vermont were discussing the concern that some had with the civil rights bill being referred to the Committee on the Judiciary for hearings, and the resistance that some of us voiced to that proposal. That action was contrasted with the situation we are in today. I should like to ask the Senator from Illinois whether or not the Committee on the Judiciary has held any hearings on the amendment offered by the junior Senator from Illinois.

Mr. DOUGLAS. To the best of my knowledge, it has not. The Senator from Michigan is a member of that committee. He can answer his own question. What is the answer?

Mr. HART. If I am not charged with a speech, I shall be glad to answer the question.

Mr. DOUGLAS. Very good.

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Mr. HART. The Committee on the Judiciary held no hearings on the bill. There is no record of such hearings.

My next question in the comparison is as follows: Does the Senator from Illinois know whether or not the Committee on Labor and Public Welfare held any hearings on the amendment offered by the junior Senator from Illinois?

Mr. DOUGLAS. Not that I know of.

Mr. HART. But that committee held extensive hearings on a substantial part of the civil rights bill, did it not?

Mr. DOUGLAS. That is true. It conducted hearings on the fair employment practices section.

Mr. HART. Did the Committee on Commerce hold any hearings on the measure introduced by the junior Senator from Illinois?

Mr. DOUGLAS. No, not at all; but it held careful hearings on what is called the public accommodations section of the civil rights bill.

Mr. HART. That is a distinction worth noting. Extensive hearings were held on the public accommodations section of the civil rights bill by the Committee on Commerce. Extensive, though inconclusive, hearings were held by the Committee on the Judiciary on the basic civil rights bill. Hearings were held on the fair employment practices section of the civil rights bill by the Committee on Labor and Public Welfare. But no such record is available to the Senate with respect to the pending bill.

Mr. DOUGLAS. I thank the Senator from Michigan for his very valuable contribution, which I believe is a better answer than the one I gave. He has correctly pointed out that while the Judiciary Committee did not hold specific hearings on the entire civil rights bill as it came from the House, it had held hearings on similar proposals before; concurrently, the Committee on Commerce had held hearings on a public accommodations bill and the Committee on Labor and Public Welfare had held hearings on the fair employment practices section of the bill. I believe that is a very good answer, and I am sure it will convert my friend the Senator from Vermont.

DIRKSEN AMENDMENT THE BETTER OF TWO EVILS
AT BEST

Mr. President, I have been discussing the Tuck bill and the cognate bills here in the Senate. Yesterday my colleague the junior Senator from Illinois [Mr. DIRKSEN] quoted the statement by the able chairman of the House Judiciary Committee, Representative CELLER, that he preferred the Dirksen bill. This statement was correct, but the full context was not given. What Representative CELLER said was that he chose the Dirksen bill as the lesser of two evils; and that, as between the Tuck bill and the Dirksen bill, the Dirksen bill was not as bad.

I suggest that this was not a real choice. Suppose one were told by the authorities, "You are going to be killed. We are going to kill you. Which do you choose? Will you be killed by hanging or by shooting?" Suppose that person

replies, "Well, shooting is the lesser of the two evils. It is done more quickly and it is not as drawn out and painful."

I think that is about what Representative CELLER said. The point is that I think we should have neither the Dirksen amendment nor the Tuck bill. I am somewhat suspicious that the Tuck bill may be a cover, a threat, to induce some Members of the House to accept the Dirksen measure lest they be pushed to take the Tuck bill. Then if the Dirksen measure is put through the House—and I hope it will not be—and if the courts are anesthetized and prevented from continuing to order reapportionment, and if the State legislatures continue to prevent and refuse reapportionment, a bill modeled on the Tuck bill will be rammed through and submitted to the legislatures. This, in the words of the majority leader himself, would be inequitable.

The majority leader said:

That would give an alleged malapportioned State legislature the power to validate itself, the right to pass upon its own validity, and the ability to perpetuate itself indefinitely. That does not seem just to me.

It does not seem just to me. I do not think it seems just to anyone. But that is what the majority leader has gotten himself in for by sponsoring this amendment. I regret that, but those are the facts.

GREAT GROWTH OF THE URBAN AND SUBURBAN
AREAS

Yesterday I pointed out that this problem had largely arisen from the growth of cities in big counties and the failure of the State legislatures to reapportion the legislatures in keeping with the movements of population. I cited the fact that from 1910 to 1960, 50 years, the population in the roughly 2,000 counties with a population under 25,000 had diminished from 27,421,000 to 23,064,000, or a decrease of 4.3 million, or roughly 14 percent.

At the same time, our population had increased from 91 million to 178 million, or had virtually doubled.

In other words, the small counties were losing 14 percent in population while the United States as a whole was doubling in population.

If we consider the counties of over 500,000, which numbered 15 in 1910, but 64 in 1960, their population increased from 14.8 million to 65.7 million; or had more than quadrupled by 1960. The population of the counties over 500,000 was 4½ times as much in 1960 as in 1910, or an increase of about 350 percent.

Or if we take the counties which are next to the metropolitan counties, counties with a population of 100,000 to 500,000, their number increased from 87 in 1910 to 238 in 1960. The population had risen from 17 million to 48 million, or had increased almost 3 times.

Or if we consider all the counties with populations of 100,000 or more we find that their total population had risen from 31 million in 1910, a little over one-third of the population, to a population of 114 million in 1960, over 60

percent of the population. It is close to 64 or 65 percent of the population.

Those figures, along with the others I have given and shall give, tell the story of the population movement to the cities and the refusal of legislatures to reapportion in accordance with the movement of population.

Yet people are still thinking of America as a country of villages, where the village blacksmith works under a spreading chestnut tree. They are still thinking of the monthly packet boat which sailed from Boston Harbor to Liverpool. Their thinking has not kept up with the population growth and movement. Not only has their thinking not kept up with the population movement, but the action of the State legislatures has failed to keep up, as we have shown by citing the facts for case after case showing the failure of the legislatures to apportion according to population.

MALAPPORTIONMENT IN THE LOWER HOUSES OF
THE 50 STATES

Messrs. Paul T. David and Ralph Eisenberg produced a very valuable study on this subject, and I would like to discuss their findings State by State, taking first the houses of the 50 States and then taking the 50 senates. They used census and apportionment figures as of 1960.

Let me start by saying that, in general, the lower houses in the States tend to be more equitably proportioned than the senates, with the exception of the old New England States of New Hampshire, Vermont, and Connecticut.

There are peculiar reasons for this, which I mentioned last night; namely, that originally the States were in competition, they had to bid for the allegiance of the border towns, and so promised them equal representation in the lower house.

ALABAMA

Let us start with Alabama. In the lower house, the smallest population per member was 6,731; the largest population per member was 104,767. In other words, one voter in the smallest district had 15.6 times the effect of one voter in the largest district. Putting it in another way, the representation in the lower house was 1,560 percent more concentrated per person than it was in the upper house.

Let us take the new State of Alaska. Alaska came into the Union recently, but their smallest population per member is 1,619; the largest, 10,354. One person in the smallest district had as much representation as 6.4 people in the largest district.

Consider Arizona, about which we have heard so much. The smallest population per member is 5,754; the largest population per member, 30,438. In other words, one person in the smallest district had as much representation as 5.3 in the largest, or an overrepresentation by 530 percent.

In Arkansas, the smallest district has 4,927; the largest district, 31,686. One voter in the smallest district has the same representation as 6.4 persons in the largest district.

I am speaking now of the lower houses.

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CALIFORNIA

In California, 72,105 persons are in the smallest district; 443,892 in the largest. In the smallest district, one person had 6.2 times the representation of a person in the largest district.

As to Colorado, these figures were true as of the beginning of the year. The junior Senator from Colorado earlier implied that redistribution, ordered by the courts, has changed the ratio somewhat. Let us take the figures as of 1960.

The smallest district had a population of 7,807; the largest, 63,766. One person in the smallest district had the same representation as 8.1 people in the largest district.

CONNECTICUT

Now we come to Connecticut, which we discussed last night. The smallest district of Connecticut has only 191 people; the largest district, 81,889. In other words, 191 people in a Connecticut hamlet have as much representation in the lower house as 81,000 people have in one of the cities. In other words, they have 424 times as much representation; or, in percentage terms of comparison, 42,450 percent greater representation. Can anyone claim that that is fair? Can anyone speak of the superior virtues of those 191 people in the Connecticut Berkshires and say that they are that much greater than the 81,000 people in the towns and cities of Connecticut? Those figures cause the argument which my good friend from Vermont [Mr. AIKEN] tried to advance to fall completely to the ground.

I am proceeding State by State, alphabetically. Vermont comes toward the end of the list. But we have even more shocking figures for Vermont.

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

Mr. DOUGLAS. I thought I would stir up my good friend from Vermont. The argument he made about Vermont falls to the ground.

Mr. AIKEN. But truth crushed to earth will rise again.

Mr. DOUGLAS. I said that the 81,000 people in the largest district of Connecticut had as much right to equal representation as the 191 people in the smallest district. The present arrangement is unfair. I cannot believe that the Senator from Vermont would ever defend it.

Mr. AIKEN. The Senator from Vermont likes his State. He likes the way his State is operated. He likes the way the United States is conducted, and he intends to stand up for both the United States and Vermont.

Mr. DOUGLAS. Is he going to stand for the present apportionment of the Vermont House?

Mr. AIKEN. Yes. I will stand for the right of Vermont to reapportion its lower house in an orderly and constitutional manner. If I can help it, I am not going to let any organization, set up for any purpose whatsoever, try to chisel away the rights of the people of my State or the United States.

Mr. DOUGLAS. If the Senator from Vermont approves the Dirksen amendment, would he refuse to permit Vermont to reapportion and cause it to perpetu-

ate itself in the same condition of representation which has existed since 1793?

Mr. AIKEN. That is not in accord with what I said earlier. The Senator from Vermont said that we wanted to get time in order to solve our own problem.

Mr. DOUGLAS. Vermont has had 171 years in which to do that. Vermont is a fine State, and the senior Senator from Vermont is a fine Senator and a fine man. It so happens that this happens to be an Achilles' heel in the government of Vermont, of course, we have our Achilles' heels in Illinois.

Mr. AIKEN. I understand there is a tremendous one in Chicago. About the rest of Illinois, I have not heard so much.

Mr. DOUGLAS. I will defend my city and my State.

Mr. AIKEN. I realize that Chicago is unique.

Mr. DOUGLAS. If my friend wishes to expatiate on that subject, I shall be glad to come later to the general emotional charge and prejudice which lie behind charges of that kind. But I shall pass over it for the time being.

DELAWARE

Consider the little State of Delaware. In the smallest district, 1,643 people elect 1 representative; the largest district requires 58,228. In other words, one person in the smallest district has more than 35 times the influence of a person in the largest district.

FLORIDA

Florida is a most interesting State. In the smallest district, only 2,868 people; in the largest district, 311,682. One person in the smallest district has 109 times the representation of a person in the largest district, or in terms of percentage, has 10,090 greater representation.

GEORGIA

Let us pass on to Georgia. The smallest district has 1,876 people, the largest district, 185,442; or 1 person in the smallest district has 99 times the voting influence of a person in the largest district.

This is characteristic of Georgia. There is underrepresentation in Atlanta and, indeed, all the other cities of Georgia, but overrepresentation of the hill counties. This situation has characterized Georgia politics for a long time. We all know this. A suit before the U.S. Supreme Court led to a change. A change was ordered, but adaptation has not fully resulted.

HAWAII

Consider the little State of Hawaii. The smallest district has 7,044 people; the largest district has 15,163. Compared with other States, that is not too bad, but one person in the smallest district has 2.2 times the influence of a person in the largest district.

IDAHO

Now we come to an interesting State—Idaho. The smallest district has only 915 people, the largest, 23,365. One person in the smallest district has 25.5 times the influence of a person in the largest district, or has 2,555 percent greater influence than a person in the

largest district, which I presume is Boise.

ILLINOIS

Take my own State of Illinois. It does not have the worst record of any State in the country, but the smallest district has 34,783 people, the largest district, 126,850—and this after a reapportionment in the middle 1950's. One person in the smallest district has 3.6 times the weight of a person in the largest district, or 360 percent greater.

It should be realized that I am now talking about lower houses of the various State legislatures.

In Indiana, there are 14,804 people in the smallest district; 79,538 in the largest. One person in the smallest district has 5.4 times the influence of a person in the largest district.

The next State is Iowa, about which my good friend, the junior Senator from Iowa [Mr. MILLER] spoke last night. The smallest district in Iowa has only 7,469 people; the largest district has 133,157 or 17.8 times as many.

It would take 17.8 persons in the largest district—presumably in Des Moines—to have the same influence in electing a member to the State legislature that a person in the smallest district would have.

KANSAS

In 1960, the smallest district in Kansas had 2,069 persons; the largest district, 68,646 persons—or 33.2 times as many. One person in the smallest district had the same influence that 33 in the largest one had.

KENTUCKY

I am sorry the gracious and beloved Senator from Kentucky [Mr. COOPER], who was in the Chamber earlier today, is not here now. In the smallest district, 11,364, could elect a member of the lower house; in the largest district, 67,789; or one person in the smallest district had as much influence as 6 persons had in the largest district—an influence 600 percent greater.

LOUISIANA

In the smallest district, 6,909; in the largest district, 120,205. So it took 17.4 times as many people in order to elect a representative from the largest district, as compared with the number required in the smallest district.

MAINE, THE PINE TREE STATE

In the smallest district, 2,298; in the largest district, 15,211; or it took 6.6 times as many people in order to elect a legislator from the largest district, as compared with the number required in order to elect a legislator from the smallest district.

MARYLAND

The situation in Maryland is interesting. Even in the lower house, the smallest district had 6,541 per member; the largest district had 82,071 per member; or it took 12.5 times as many persons in order to elect a representative from the largest district to the lower house in Maryland, as compared with the number required in the smallest district.

MASSACHUSETTS

Massachusetts is sometimes held up as a model State; but I wish to read the

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figures for the lower house of Massachusetts: 3,559, in the smallest district; 49,478, in the largest district; or each person in the smallest district had approximately 14 times as much representation as each person in the largest district had—and that was the situation in Massachusetts.

MICHIGAN

As for Michigan, to which reference has been made, these figures are for the situation prior to the recent reapportionment, which was carried out under the threat of Court orders. In the lower house, which certainly has not been as inequitably apportioned as has the upper house, in 1960 it took 34,006 persons in the smallest district in order to elect a member; it took 135,268 persons, in the largest district; or 1 person in the smallest district had 4 times the representation which was had by 1 person in the largest district.

MINNESOTA

Minnesota, which is so excellently represented by its two Senators in this body: In the smallest district, 7,503 persons were required in order to elect 1 legislator; in the largest district, 99,446 persons were required; or more than 13 times as many were required in order to elect a representative from the largest district, as compared with the number required in order to elect a representative from the smallest district. I hope this summary will cause the two Senators from Minnesota to vote against the Dirksen amendment.

MISSISSIPPI

For the smallest district, 3,576 persons; for the largest district, 59,542 persons—or almost 17 times as many persons were required in order to elect a representative from the largest district, as compared with the number required in order to elect a representative from the smallest district. I shall not discuss the question of the proportion of persons who were permitted to vote there. I shall simply deal with the population figures, not the registration figures.

MISSOURI

In Missouri, 3,936 persons were required in order to elect a legislator from the smallest district; 87,474 persons were required in order to elect a legislator from the largest district. So more than 22 times as many persons were required in order to elect a representative from the largest district, as compared with the number required in order to elect a representative from the smallest district.

MONTANA

Montana, the State of our majority leader, the cosponsor of the Dirksen amendment: In the lower house, 894 persons were required in order to elect a representative from the smallest district; 12,537 persons were required in order to elect a representative from the largest district. So 14 times as many persons were required in order to elect a legislator from the largest district, as compared with the number required in order to elect a legislator from the smallest district.

NEBRASKA

Nebraska, as all of us know, is the one State in the Union which has

a unicameral legislature. That was put into effect by George W. Norris. It has not worked quite as well as he hoped it would; but, on the whole, it has worked quite satisfactorily. As the Senator from Wisconsin has said, the decisions by the Nebraska Legislature are no worse, and probably are somewhat better, than those of the average State legislature.

For the Nebraska unicameral legislature, it required 18,824 persons in order to elect a member of the legislature from the smallest district; it required 51,757 persons in order to elect a legislator from the largest district. So even in that model State, insofar as representation was concerned, one person in the smallest district had 2.7 times the influence that one person in the largest district had.

Nevada has the two cities of Las Vegas and Reno, which are well known throughout the country. Five hundred and sixty-eight persons were required in the smallest district in order to elect a member of the legislature; 17,829 were required in the largest district; or 1 person in the smallest district had more than 31 times the importance, in the election of representatives, than a person in the largest district had.

NEW HAMPSHIRE

New Hampshire—and the situation there was surely extraordinary. Last night I placed in the Record—and, so far as I know, they have not been denied—figures showing that in New Hampshire the smallest number of persons required per member of the legislature was three. I repeat, Mr. President, only 3 persons—not 3,000, not 300, not 30, but only 3—in 1 district only 3 persons were required in order to elect a member of the lower house of the New Hampshire Legislature.

That is somewhat like the parliamentary situation of Old Sarum, of which I spoke last night—located, in the days before the reform bill in England, outside Salisbury Cathedral. Old Sarum had no inhabitants, but it elected two Members of Parliament.

In New Hampshire, the largest district required 3,244 persons in order to elect a representative. In other words, one of the three persons in the smallest district had 1,081 times as much influence in electing a member of the legislature as a person in the largest district had—or, in percentage terms, 108,000 percent greater influence than the influence had by a person in the largest district.

NEW JERSEY

New Jersey—and I point out, Mr. President, that I am presenting the figures State by State, because there was objection on the ground that I was speaking only about general figures, and was not discussing the situation systematically. I am referring to the figures State by State so that we can see the disparities which exist in virtually every State in the Union.

In New Jersey, in the smallest district, it required 48,555 persons in order to elect a representative; in the largest district, it required 224,499 persons. In other words, one person in the smallest district had 4.6 times the importance, in the elec-

tion of members of the legislature, that a person in the largest district had.

NEW MEXICO

In New Mexico, the smallest district has a population of 1,874. The largest district has a population of 29,133. It takes 15½ times as many people in the largest district to elect a member of the lower house of New Mexico as are required in the smaller district.

NEW YORK

Let us now take New York. New York is held up as a model. The New York Legislature has stubbornly refused to redistrict these upstate legislative districts. And in this way they have perpetuated control over the New York assembly in the hands of the Republican Party for decades. The Democratic Party has in the past generally carried New York in presidential elections. I believe they have never carried the legislature since 1915. This malapportionment upstate is really the source of the Republican strength which they exercise through their control over the New York Legislature. The smallest district has a population of 15,044. The largest district has a population of 222,261. The person in the smallest district in New York, undoubtedly an upstate county, has 14.8 times the influence of a person in the largest district—probably in Manhattan, or possibly even in the suburbs.

NORTH CAROLINA

We come next to North Carolina. The smallest district in North Carolina has a population of 4,520 people. The largest district has a population of 85,674. In other words, one person in the smallest district has the same influence in representing a member of the lower house of North Carolina as 1,900 in the upper house, or 1,900 percent greater representation.

NORTH DAKOTA

In North Dakota, the smallest district has a population of 2,812. The largest district has a population of 20,955. One person in the smallest district has 7.5 times the influence in the election of a representative of one person has in the largest district.

OHIO

We come next to Ohio. The smallest district of Ohio has a population of 10,274. The largest district has a population of 148,700. It takes 14.5 people in the largest district—in one of the Ohio cities or metropolitan districts—to have the same influence that one person has in the more rural areas.

OKLAHOMA

Next is Oklahoma. Oklahoma is the State over which the previous Presiding Officer served as chief executive for a time. In my judgment, he served very well. In Oklahoma, the smallest district has a population of 4,496. The largest district has a population of 62,786. One person in the smallest district in Oklahoma had 14 times as much influence as a person in the largest district.

OREGON

Next we come to Oregon, which is in many respects almost an ideal State—not perfectly ideal, but an ideal State. Oregon may have been reapportioned

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since 1960. But these are the latest figures that I could obtain. In Oregon, the smallest district has a population of 13,108 people. The largest district has a population of 39,165. One person in the smallest district had three times the influence of a person in the largest district.

PENNSYLVANIA

Next we come to Pennsylvania, to which the Senator from Pennsylvania recently referred. In the smallest district, there was a population of only 4,485 people. In the largest district, there was a population of 139,293. One person in the smallest district had 31 times the influence in the election of a representative as a person in the largest district.

RHODE ISLAND

Next we come to Rhode Island. Rhode Island is malrepresented in both the House and the Senate. But I am speaking now of the House. In Rhode Island, in the smallest district there was a population of 486 people. There was a population of 18,977 in the largest district. One person in the smallest district had 39 times the influence in an election to the lower house of the Rhode Island Legislature as one person did in the largest district.

SOUTH CAROLINA

In South Carolina, there was a population of 8,629 in the smallest district. There was a population of 20,013 in the largest. So 3.1 times as many people were required to elect a representative in the largest district as in the smallest district.

SOUTH DAKOTA

In South Dakota, there was a population of 3,531 in the smallest district. There was a population of 16,688 in the largest district. It required 4.7 times as many people to elect a member of the lower house of South Dakota as it required in the largest district.

TENNESSEE

Next is Tennessee. It was in Tennessee that the crucial apportionment case, Baker against Carr arose. In Tennessee, for the lower house—the smallest district had a population of 3,454 people. In the largest district, there was a population of 79,301 people. One person in the smallest district had the same influence as 23 people in the largest district.

TEXAS

Next we come to Texas. There was a population of 23,062 in the smallest district. There was a population of 155,394 in the largest district. It required 6.7 times as many people to have a representative to the legislature in the largest district as in the smallest district.

UTAH

Next is Utah. The smallest district had a population of 164. The largest district had a population of 33,280. It required 27.8 times as many people to elect a member of the lower house of Utah in the largest district as were required in the smallest district.

VERMONT

Now we come to Vermont, to which brief reference was made last night, and briefly this morning. I regret that my

good friend, the Senator from Vermont [Mr. AIKEN] has left the Chamber. Let us get the Vermont figures. In the smallest district in Vermont, there was a population of only 36 people. In the largest district there was a population of 35,531. It required approximately 1,000 times as many people to elect a member of the lower house of the Vermont Legislature in the largest district as were required in the smallest district.

Mr. AIKEN. Will the Senator yield once more?

Mr. DOUGLAS. Yes. I am glad that the Senator from Vermont has emerged from the cloakroom.

Mr. AIKEN. I think a great deal of the State of Vermont, just as I think a great deal of the United States. And I want to say once and for all that when the Senator from Illinois can assure us that all crime, violence, and political chicanery are cleaned out of the State of Illinois, I shall grant his right to make snide remarks about Vermont.

Mr. DOUGLAS. I am not making snide remarks. I am merely reciting figures.

Mr. AIKEN. Any kind of remarks.

Mr. DOUGLAS. And my figures strike home. By going over each State, I am not singling out any State. I am not singling out any one of the States. Vermont is a fine State. I have spent time there. I have visited the community in which the Senator lives. I like the State. The community produces fine people.

I grew up impressed with the Green Mountain boys. Ethan Allen was one of my boyhood heroes. I do not agree with all of his theological views, but he was a great hero. The Senator from Vermont is a fine man. But he has a justifiable inferiority complex on the subject of the malapportionment in the State of Vermont Legislature, which is still apportioned on the same basis that was laid down in 1793. It set up the original districts in 1793. But I do not think they had to continue it for 171 years. It is extraordinary that the Senator from Vermont defends this.

Mr. AIKEN. The Senator from Vermont must deny having an inferiority complex.

Mr. DOUGLAS. On this point.

Mr. AIKEN. The Senator from Vermont has very frequently and openly acknowledged that the community in which he lives is the intellectual center of the world. And I am glad to know that people from other sections of the country can come to Putney, Vt., once in a while in order to get some of that intellect rubbed off on themselves.

Mr. DOUGLAS. Sometimes an inferiority complex disguises itself as an apparent superiority complex. I do not suggest that my good friend, the Senator from Vermont, go to a psychiatrist. I am sure he does not need that attention. But I think a psychiatrist might offer that analysis to my good friend, that sometimes an apparent superiority complex is designed to cover up an inferiority complex—no relation to the present discussion is intended.

Mr. AIKEN. I am glad the Senator has just said what he did. His philosophy is perfectly understandable now.

Mr. DOUGLAS. I thank the Senator.

Next is Virginia.

Mr. AIKEN. That is better.

Mr. DOUGLAS. In the smallest district of Virginia, there is a population of 20,071. In the largest district, there is a population of 142,597. One person in the smallest district has over 7 times the representation of a person in the largest district.

Let us move toward Washington.

There was no animus in my mentioning Vermont. I was merely considering the States alphabetically and came to Vermont relatively late in order.

I point out that in the smallest district in Washington, there were 12,399 people, and in the largest district 57,648 people, so in Washington 4.6 times as many people were required to elect a member of the lower house in the largest districts as in the smallest district.

At one time the situation in Washington was much worse than it is. For a long time—I think it was from 1891 to 1931—it did not redistrict.

The figures for West Virginia, which sends two very good Senators to this body, show that there were 4,391 people in the smallest district, and 39,615 in the largest district, so one person in the smallest district has 9 times as much influence in electing a member of the State legislature as in the largest district.

CHARLESTON GAZETTE OPPOSES DIRKSEN AMENDMENT

Today I was informed that one of the great newspapers of the country, the Charleston Gazette—and it is truly a great newspaper, though it is located in a comparatively small city—has published an editorial which I am seeking to obtain. The editorial is strongly against the Dirksen amendment. It opposes it on the ground that the amendment would permit the legislatures of West Virginia and other States to freeze their present malapportioned representation.

I congratulate the publisher and editor of the Charleston Gazette, Mr. W. E. Chilton III, one of the great newspaper publishers of this country. It is reassuring to know that the Charleston Gazette has joined the ranks of the great newspapers of the country now opposing the Dirksen amendment.

WISCONSIN

In Wisconsin, which is indeed a very good State—and I am speaking of the time prior to the last reapportionment; I am speaking of 1960—the smallest district at that time had 22,268 people and the largest district 87,486 people, or one person in the smallest district had approximately four times the representation of the one in the largest district.

This morning, the Senator from Wisconsin [Mr. PROXMIER] pointed out that this inequitable condition, together with the pressure of court decisions, led the Wisconsin Legislature to reapportion. I congratulate them on that. The Senator from Wisconsin also expressed the fear that if the Dirksen amendment were adopted, it would invalidate the apportionment which has already taken place and which was designed to cure the condition which I have described.

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The last State is Wyoming. There are 2,930 people in the smallest district and 10,024 in the largest, so that one person in the smallest district has 3.4 times the representation of the person in the largest district.

In order to refute the charge that I merely selected a few horrible examples, I have considered the lower house of every State in the Union and have contrasted the number of persons in the smallest district and the number of persons in the largest district.

MALAPPORTIONMENT OF THE SENATES OF THE 50 STATES

Now I should like to do the same thing in respect to the senates, the upper houses. In general, representation in the senates of the country is apportioned in a much worse fashion, and in a more unjust fashion, than even the houses, with the exception of the three New England States which I have mentioned—Vermont, New Hampshire, and Connecticut. But let us take the figures for the senates.

In Alabama, the smallest district required 15,417 people to elect one member. The largest district—presumably the Birmingham district—has a population of 634,864 people; or 41 times as many people were required to elect an Alabama State senator in the largest district as in the smallest district.

That was one of the facts which caused the Supreme Court in the Alabama case to order reapportionment. I read a quotation from that case earlier in the day and it is already in the RECORD. But it is a fact that that malrepresentation, both in the house and in the senate, but particularly in the senate, caused Federal courts to order reapportionment in Alabama.

In Alaska, the smallest district had a population per member of 3,236; the largest district had a population per member of 34,864, which required almost 11 times as many people to elect a State senator from the largest district as from the smallest.

ARIZONA

I ask Senators to note the following: Arizona: the smallest district has a population of 3,868; the largest district, 331,755. I repeat. The smallest district has a population of 3,868 people; the largest district, 331,755. One person in the smallest district had 422 times as much representation as a person in the largest district. It required 422 people in the largest district to have the same effect in electing a member of the Arizona Senate as one person in the smallest district.

When people speak of turning things back to the State government of Arizona, what are they speaking about? They would turn things back to the small counties and small districts, the sagebrush counties, denying adequate representation to the cities of Phoenix and Tucson.

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I am glad to yield.

Mr. HART. I know that the Senator is familiar with a question which is often asked. I should like to use Arizona as an example rather than Illinois or Michigan. I have just had a delightful visit

with two constituents of mine off the floor. They raised the following question: Why do we want to turn the decisions in our State governments over to the people in Tucson and Phoenix? The question is often asked in that form.

The reaction is that unless there is maintained this disproportionate representation, we would turn State decisions over to the metropolitan senators. Has the Senator often been confronted with that question?

PREJUDICE AGAINST CITY FOLK

Mr. DOUGLAS. Yes. I shall deal with the question later, but this reaction is fundamentally based upon the assumption that a person in the city is not as good a person as a person in a country district. It is fundamentally based upon the premise that a person in a small county is more virtuous than a person in a city. That is the basic assumption. People do not like to disclose it, but that is what is assumed. This reaction fundamentally comes from prejudice against city folk and a belief that they are inferior. I shall deal with the question in more detail later.

Mr. HART. Is it not true that there are people of good will who feel that perhaps, unconsciously, those are the reasons, but who feel, and quite sincerely, that the questions which affect them most intimately in their small communities could not be understood by the representatives in their State capitals which we would assemble if there were one vote for one man?

Mr. DOUGLAS. Country folk may feel that way, but the people in the cities feel that their problems are not understood by those who live in smaller communities. Whether such misunderstanding must necessarily result or not, we must still ask: Which is the larger number whose problems are not understood?

Mr. HART. Is it not true also that the only way that the dilemma can be resolved—the suspicion, that is what it is—is the way which the Supreme Court has directed in the Reynolds case?

Mr. DOUGLAS. I believe that is correct. After I state the statistics, I shall then take up the question, "Why have the State legislatures refused to reapportion? Why can we not expect them to reapportion in the future?"

Mr. HART. Does the Senator hope that he may develop that aspect of his argument at a later time when there is a greater attendance of Senators in the Chamber?

Mr. DOUGLAS. Yes, if necessary. On the question the Senator has raised, let me say also that Jefferson has often been quoted in that respect. It is true that Jefferson did not like city people. He feared the cities. But Jefferson would not have denied to the cities equality of representation, as his writings clearly show.

ARIZONA

In Arizona, one person in the smallest district has approximately 86 times as much influence in electing a member of the upper House as a person in the largest district.

Now we come to Arkansas. The smallest district had a population of 35,983, the largest district, 80,993; or 2.3 times

as many persons are required to elect a legislature from the largest district as from the smallest.

(At this point Mr. EDMONDSON took the Chair as Presiding Officer.)

Mr. DOUGLAS. It is unfortunate that when I refer to Oklahoma, the Senator from California [Mr. SALINGER] is in the Chair; when I refer to California, the Senator from Oklahoma [Mr. EDMONDSON] is in the Chair. I know that this is an unpleasant stint for both of them, but I shall now discuss the figures related to California. They are truly startling.

In the smallest central district of California, only 14,294 people live. They elect one senator.

In the largest district, Los Angeles County, 6,038,771 people live. Or 14,294 people have the same representation as 6 million people. Or they have 422 times the representation per person or group of persons as those in the County of Los Angeles. That would be 42,200 percent greater representation.

Let us now consider Colorado. These figures are as of 1960, and not as of the moment. The figure is 17,481 for the smallest district and 127,520 for the largest district. Or there is 7.3 times the representation per person in the smallest district as there is in the largest.

Next, Connecticut. The senate is more evenly apportioned than is the house, but even so, in Connecticut, the smallest district contains 26,297, and the largest district 175,940. One person in the smallest district has about seven times the influence of a person in the largest district in electing members to the State senate.

We come next to Delaware, where the representation in the house of the State Legislature of Delaware is grossly inequitable, and where it is also inequitable in the senate. In Delaware in the smallest district there are 4,177 people, and in the largest district there are 70,000. One person in the smallest district of Delaware has about 17 times the influence of one person in the largest district in election to the State senate.

Let us come next to Florida. Florida is a State where the representation in both house and senate are grossly inequitable. So far as the house is concerned, one person in the smallest district is 109 times as important as one in the largest district. So far as the senate is concerned, the smallest district has a population of 9,543, and the largest district 935,047. I presume that is Miami. Or one person in the smallest district has the same influence as 98 persons in the largest.

In Georgia, where there is malrepresentation in the house, there is also malrepresentation in the senate. The smallest district in which the people elect a person to the State senate has a population of 13,050, and the largest district, presumably Atlanta, has a population of 556,326. A person in the smallest district has approximately 43 times the effect a person has in the largest district of Georgia, presumably Atlanta. Or there is a representation 4,300 percent greater in the smallest district than in the largest.

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Let us next consider Hawaii, and the Senate of Hawaii. The smallest district has a population of 8,515, and the largest district of population of 50,040. Or one person in the smallest district has approximately six times the influence of one person in the largest.

IDAHO

Now let us consider Idaho, which gives us a startling example. There are 915 people in the smallest senatorial district, and 93,460 in the largest district, which I presume is Boise. Or it requires 102 persons in the largest district to exercise the same influence in electing a State senator as one person in the smallest district.

ILLINOIS

In Illinois, the smallest district has a population of 53,502, the largest district a population of 505,076. It requires nine times as many persons in the largest district to elect a State senator as in the smallest district.

I call attention to the fact that I mention this situation in my own State. I do not spare my own State when it is at fault. This is a weakness in our Illinois system. We have a great State. The city of Chicago is truly a great city. I make no apologies in general for it. The State senate is malapportioned, just as I said the Vermont House is even worse apportioned, although the Vermont Senate is apportioned better on the whole than the Illinois Senate.

Let us take the neighboring State of Indiana. The smallest district has a population of 39,011; the largest, 171,089. Or one person in the smallest district has the same representation as 4.4 persons in the largest district.

Now we come to Iowa, about which there was discussion last night. I quoted the figures for the house. Now I quote the figures for the senate. The smallest district has a population of 17,756, while the largest district has a population of 266,315. Or it requires 15 persons in the largest district—presumably Des Moines—to have the same influence in electing a State senator in Iowa as is required of 1 person in the smallest district.

I come now to the State of Kansas. Again I wish to state that the figures which I give for Kansas are true as of 1960; there may have been a reapportionment which may have changed these figures.

Mr. President, I understand that the majority leader would like to make a calendar call. I am ready either to continue, for I have a great deal of valuable material which I would like to present, or I am willing to yield the floor on the condition that I be recognized at the beginning of the session tomorrow, or next week, on this matter, and permit the majority leader to conduct some minor business of the Senate. I would like to suit the convenience of the majority leader.

Mr. MANSFIELD. Mr. President, the Senator from Montana will suit himself to the convenience of the Senator from Illinois, because the calendar items are measures to which there is no objection, and they can be passed in a hurry.

Mr. DOUGLAS. I am ready to do that, or if the Senator from Montana would prefer, I can continue for several hours more.

Mr. MANSFIELD. Whichever the Senator from Illinois would like to do is all right with me. I wish he would make the choice.

Mr. DOUGLAS. Let me continue for a time.

In Kansas, the figures for 1960 show there was a population of 16,083 in the smallest district, and a population of 343,231 in the largest district. Or it required 21 times as many people to elect a member of the Kansas State Senate, in 1960, in the largest district as it did in the smallest.

In Kentucky, the smallest district had a population of 45,122. The largest district—I presume Louisville—had a population of 131,906. Or a person in the smallest district had an influence 2.9 times as great as a person in the largest district in voting for a State senator.

In Louisiana the smallest district had a population of 31,175, and the largest district had a population of 248,427—a ratio of 8 to 1. In other words, eight times as many persons in the largest district were required to elect a Louisiana State senator as were required in the smallest district.

In Maine the smallest district had a population of 16,146. The largest district had a population of 45,687. Or 2.8 times as many people were required to elect a State senator in the largest district as in the smallest.

MARYLAND

Last night I spoke about representation in the Maryland Senate, and pointed out that one senator from one county on the Eastern Shore of Maryland, with a population of 15,000, cast the same vote in the Maryland Senate as a senator from Baltimore County with a population of 492,000.

The 9 counties of the Eastern Shore had 9 times the representation of the County of Baltimore, although their total population was only 220,000 as compared with 550,000. If we add the counties of Baltimore, Montgomery, and Prince Georges, we get a total of about 1,250,000. They have only three senators, or one-third the number of senators, that the nine Eastern Shore counties, with only one-sixth of the population, have.

I shall now read only the relative figures, not the absolutes; but the accuracy of these comparisons and computations can be derived by the size of the population of the various State senates.

In Massachusetts, the smallest district, per person, has 2.3 times the representation of the largest district.

In Michigan—I know the distinguished junior Senator from Michigan [Mr. HART] is deeply informed on this subject—the smallest district had 12.4 times the representation of the largest district. I ask the Senator from Michigan if that is not substantially correct.

Mr. HART. That was substantially true as of the date the Senator computed the figures. Subsequently, under a new constitution, a body of four members, two from each political party, was cre-

ated and charged with developing an apportionment plan.

The constitution provided further that in the event they failed to settle upon a program, the Supreme Court would act. There was a series of events. Ultimately, the court, in line with the recent Supreme Court decision, approved the plan which gave us approximately equal representation in both Houses.

Mr. DOUGLAS. Does the Senator from Michigan think that that would have been done without prompting or the threat of the decisions of the U.S. Supreme Court?

Mr. HART. It is my recollection that for a good many years citizens attempted, by court action, to obtain this relief.

Over the years efforts have been made to persuade the legislature truly to act. Absent leadership of the courts, I fear that our situation would not have been as happy as it is now.

Mr. DOUGLAS. The Senator from Michigan acted as Presiding Officer, as I recall, of the Michigan State Senate when he served as Lieutenant Governor of Michigan.

Mr. HART. That is correct.

Mr. DOUGLAS. So his testimony is firsthand on this subject, not derivative.

Mr. HART. The composition of the Michigan State Senate during the 4 years it was my privilege to preside over that body was not representative. I hesitate to draw on memory to give extremes; but one of the senatorial districts was composed of a shockingly fewer number of persons than the largest district.

Mr. DOUGLAS. The largest district was in Detroit?

Mr. HART. The largest district was in Detroit, and the smallest was in our Upper Peninsula. The figures would make one's hair stand on end, but they did not persuade us to do much about it.

Mr. DOUGLAS. I thank the Senator from Michigan.

In Minnesota, the ratio of malapportionment between the smallest and the largest district was 5.8 times. I do not believe it is necessary for me to explain that; namely, that one person in the smallest district would have as much influence in electing a member of the Minnesota Senate as 5.8 persons in the largest district.

In Mississippi, the ratio was 8.8 to 1; in Missouri, 2.8 to 1; in Montana, 88.4 to 1. In Montana, the smallest district, in 1960, had only 894 persons; the largest district, presumably Butte, had 79,016. So one person in the smallest district had 88 times the influence of one person in the largest district, presumably Butte.

The figures for Nevada are truly startling. In the smallest senatorial district in Nevada—there are only 17 senatorial districts in Nevada—there were, in 1960, only 568 people. In the largest district, presumably Reno, there were 127,016 persons. In other words, one person in the smallest district had 224 times the influence of a person in the largest district.

In New Hampshire, which had a terribly unrepresentative house situation,

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it was by no means so bad. There the ratio between the smallest and the largest districts was 3.2 to 1.

In New Jersey, where south Jersey dominates the legislature, just as the Eastern Shore dominates the Legislature of Maryland, the smallest district had 48,555; the largest district, 923,545; or a ratio between the smallest and the largest, in influence per person, was 19 to 1.

NEW MEXICO

New Mexico is similar to Nevada. In the smallest district there were 1,874; in the largest district, 262,199—either Albuquerque or Santa Fe; I do not know which. In other words, one person in the smallest district had 140 times the affect in electing a member of the New Mexico Senate as a person in the largest district.

In New York, the ratio was 4 to 1. I wish to emphasize that New York is badly apportioned in both the house and the senate. This is one of the things that the political rulers of New York fear. They fear that the decisions of the Supreme Court will force them to reapportion, and that they will lose control of the legislature and, therefore, of the State. Any amount of hand washing cannot wash that away.

In North Carolina, one person in the smallest district has six times the influence in electing a member of the North Carolina State Senate as a person in the largest district.

The North Dakota ratio is 10 to 1.

In Ohio, the ratio is 2.2 to 1.

In Oklahoma—and I observe in the chair of the Presiding Officer my good friend, the junior Senator from Oklahoma [Mr. EDMONSON]; he can correct me if I am wrong, because the Presiding Officer, as a Member of the Senate, has the right to comment—according to the 1960 figures, the smallest district had a population of 13,725; the largest district, 346,038. In other words, one person in the smallest district had 26 times the effect of one person in the largest district.

In Oregon, which, again, is a very fine State, as I have said, one person in the smallest district has 3.5 times the effect of one in the largest.

In Pennsylvania, one person in the smallest district has 10.7 times the influence of one in the largest.

RHODE ISLAND

Now we come to Rhode Island, which really has "rotten boroughs" for the State senate. The smallest senatorial district has 486 people; the largest, 608,504. In the largest district, a voter had only 1/141 of the influence of a voter in the smallest district. In other words, a voter in the smallest district had 141 times the influence of one in the largest district, which is some improvement.

I remember when 1 town in Rhode Island, with 236 people, had a State senator, while Providence, with a population of 236,000 had 1 State senator. The representation was so grossly disproportionate that demands were made for reapportionment. Ruling powers in Rhode Island resisted this with all their strength, but some addition to the representation was made for Providence, Pawtucket, and Woonsocket; but even so; there is a disparity of 141 times.

In South Carolina, the smallest district has a population of a little over 1,000; the largest district, 216,000; in other words, 1 voter in the smallest district has 25 times the influence of a person in the largest district.

In South Dakota, a voter in the smallest district has 5.8 times the influence of one in the largest district.

In Tennessee, a voter in the smallest district has six times the influence of one in the largest district. This was also a factor which led to a decision in the Supreme Court case of Baker against Carr.

In Texas, a voter in the smallest district has 9.4 times the influence of one in the largest district.

In Utah, a voter in the smallest district has 6.9 times the influence of one in the largest district.

In Vermont, a voter in the smallest district has 6.4 times the influence of one in the largest district—which is much better than in the House.

In Virginia, a voter in the smallest district has 5.5 times the influence of one in the largest district.

In the State of Washington, a voter in the smallest district has 7.3 times the influence of one in the largest district.

In West Virginia, a voter in the smallest district has 3.4 times the influence of one in the larger district.

In Wisconsin, a voter in the smallest district has 2.8 times the influence of one in the largest district.

In Wyoming, a voter in the smallest district has 9.8 times the influence of one in the largest district—virtually 10 times as much.

I have taken every State in the Union, with the population figure for 1960, and the reduction in that year or the year after it, for both the lower house and the upper house. I think this shows that this malrepresentation in terms of the smallest districts and the largest districts is universal. It differs only in degree. In all cases, it is really shocking; but in some cases, it is especially shocking. This is not confined to a few States; it is universal, over the country.

Mr. President, I have enough material to enable me to proceed for many hours; but this happens to be a convenient breaking point, and I am ready to yield the floor, with the understanding that I will resume on another day. It is my intention at that time to discuss the percentage of the population which can elect a majority of the house in each of the 50 States and the percentage of the population which can elect a majority of the senate in each of the 50 States. Then I intend to discuss the question of why the States have not reapportioned in the past, why the Supreme Court ordered reapportionment and the constitutional justification for reapportionment, the points made in the various decisions by the Supreme Court, the real reasons why so many persons fear reapportionment, and why there is so much prejudice and why there is so much feeling in opposition to reapportionment; and I intend to consider the emotional and other factors which lie behind this.

Mr. President, I believe this subject should be much more fully debated than

it has been. I regret that my colleague [Mr. DIRKSEN] did not take the floor this afternoon. He implied that he might take the floor at a later hour tonight.

However, since I have been speaking for approximately 2 hours, I do not wish to fatigue my listeners by proceeding too long. I do not see many Senators on the floor. So I shall be glad to yield the floor, with the understanding that I shall resume on another day.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, for the consideration of certain measures on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

On motion by Mr. MANSFIELD, the following calendar measures were considered and acted on, and excerpts from the reports were ordered printed in the RECORD, as follows:

ETHEL R. LOOP

The bill (S. 284) for the relief of Ethel R. Loop, the widow of Carl R. Loop was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 5 of the Act entitled "An Act to make certain increases in the annuities of annuitants under the Foreign Service retirement and disability system", approved May 1, 1958, as amended (22 U.S.C. 1079d), Carl R. Loop, who died in 1923, while serving as consular officer at Catania, Italy, shall be held and considered to have been a participant under the Foreign Service retirement and disability system at the time of his death.

SEC. 2. No annuity shall be payable as a result of the enactment of this Act for any period prior to the date of such enactment.

EXCERPT FROM REPORT

This bill, would grant to Mrs. Loop, widow of Carl R. Loop, a consular officer in the Foreign Service, the sum of \$2,400 per annum under the Foreign Service retirement and disability system as the result of her husband's death in Italy in 1923. His death followed a series of painful operations from an infection of the lungs suffered as a result of his action in saving a Sicilian girl from drowning in polluted sea water. Mr. Loop's name appears on the memorial plaque in the Department of State Building as one of the diplomatic and consular officers of the United States who lost his life in heroic or tragic circumstances.

Mrs. Loop received the sum of \$4,000, approximately the total of 1 year's salary of her husband, in 1924. Inasmuch as her husband died prior to the establishment of the Foreign Service retirement system, she does not qualify for an annuity under the act subsequently adopted for the provision of annuities to needy widows.

Mrs. Loop is now 86 years of age, and in dire financial straits. She has had three recent major operations and is unable to support herself even with what help is offered by relatives.

A similar case is that of Mrs. Mary Leute, the widow of a vice consul, who died in