2.

1

MR. LONG FILES 12-14-74

1

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the Committee substitute amendment to H.R. 17045. the Social Services Bill

LONG	1. Russell B. Long	GRIFFIN	9. Robert Griffin
TALMADGE	2. Herman E. Talmadge	BENNETT	10. Wallace F. Bennett
HUGH SCOTT	3. Hugh Scott	CURTIS	11. Carl T. Curtis
RIBICOFF	4. Abe Ribicoff	FANNIN	12. Paul J. Fannin
GRAVEL	5. Mike Gravel	HANSEN	13. Clifford P. Hansen
MOSS	6. Frank E. Moss	DOLE	14. Robert Dole
MONDALE	7. Walter F. Mondale	PACKWOOD	15. Bob Packwood
BENTSEN	8. Lloyd Bentsen	PELL	16. Claiborne Pell

70 YEAS 23 NAYS

TO THE SENATE OF THE UNITED STATES:

I am today returning without my approval S. 518, a bill which would require Senate confirmation of those who serve as Director and Deputy Director of the Office of Management and Budget.

This legislation would require the forced removal by an unconstitutional procedure of two officers now serving in the executive branch. This step would be a grave violation of the fundamental doctrine of separation of powers. In view of my responsibilities, it is my firm duty to veto this bill.

Under present law, the Director and Deputy Director of the Office of Management and Budget are appointed by the President and serve at his pleasure. S. 518 would abolish these two positions effective thirty days after enactment and then provide for their immediate reestablishment. If the officers now lawfully occupying these Office of Management and Budget positions were to continue to serve, they would have to be reappointed by the President, subject to the advice and consent of the Senate.

The constitutional principle involved in this removal is not equivocal; it is deeply rooted in our system of government. The President has the power and authority to remove, or retain, executive officers appointed by the President. The Supreme Court of the United States in a leading decision, Myers v. United States, 272 U.S. 52, 122 (1926), has held that this authority is incident to the power of appointment and is an exclusive power that cannot be infringed upon by the Congress.

I do not dispute Congressional authority to abolish an office or to specify appropriate standards by which the officers may serve. When an office is abolished, the

tenure of the incumbent in that office ends. But the power of the Congress to terminate an office cannot be used as a back-door method of circumventing the President's power to remove. With its abolition and immediate re-creation of two offices, S. 518 is a device -- in effect and perhaps in intent -- to accomplish Congressional removal of the incumbents who lawfully hold those offices.

Disapproval of this legislation is also required because of the nature of the positions it would subject to Senate confirmation. For over 50 years the Office of Management and Budget and its predecessor agency, the Bureau of the Budget, has been headed by a Director appointed by the President without Senate confirmation.

The positions of Director and Deputy Director of the Office of Management and Budget were established in the Executive Office of the President to provide the President with advice and staff support in the performance of his budgetary and management responsibilities. These positions cannot reasonably be equated with cabinet and sub-cabinet posts for which confirmation is appropriate.

The responsible exercise of the separate legislative and executive powers is a demonstration of the workability of the American system. But, if it is to remain workable, I must continue to insist on a strong delineation of power and authority, the basis of which is too fundamental to allow to be undermined by S. 518.

The point was made most succinctly by James Madison in 1789:

> "If there is a principle in our Constitution, indeed in any free constitution more sacred than another, it is that which separates the legislative, executive and judicial powers. If there is any point in which the separation of the legislative and executive powers ought to be maintained with great caution, it is that which relates to officers and offices."

THE WHITE HOUSE,

May 18, 1973.

103D CONGRESS
1ST SESSION

S. 277

To authorize the establishment of the National African American Museum within the Smithsonian Institution.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2 (legislative day, JANUARY 5), 1993

Mr. SIMON (for himself, Mr. MCCAIN, Mr. DECONCINI, Mr. DODD, and Ms. MOSELEY-BRAUN) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

---

A BILL

To authorize the establishment of the National African American Museum within the Smithsonian Institution.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National African American Museum Act".

SEC. 2. FINDINGS.

(a) FINDINGS.—The Congress finds that—

(1) the presentation and preservation of African American life, art, history, and culture within the

Amendment offered by Smith of Va.

(1) On page 68, line 23, after the word religion, insert the word sex.

(2) On page 69, line 10, after the word religion, insert the word sex.

(3) On page 69, line 17, after the word religion, insert the word sex.

(4) On page 70, line 1, after the word religion, insert the word sex.

(5) On page 71, line 5, after the word religion, insert the word sex.

O. K.
ACCEPTED
FEB 8 1964
PER

14 (1) to fail or refuse to hire or to discharge any

III

Amendment offered by Mr. Reid of New York

O. K.
ACCEPTED
FEB 8 1964
PER

Page 69, line 23

After "training"

~~Strike out~~ Insert } "or re-training, including on-the-job training"

22 adversely affect his status as an employee,

Adt. O.K. 23 such individual's race, color, religion, adt. or national origin.

24 (b) It shall be an unlawful employment practice for

4

Amendment offered by Mrs. Bolton of Ohio

O. K.
ACCEPTED
FEB 10 1964
PER

(1) Page 68, line 18

After the word "religion"

~~Strike out~~ Insert } the word "sex"

and

(2) on page 69, lines 3 and 5, after

(3) the word "religion" insert the word

"sex"

and

(4) on page 70, lines 6 and 7, after the

(5) ~~and insert~~ word "religion" insert the word

"sex"

(6) and

(7) on page 71, line 7, after the words

"religion" insert a comma and the word "sex"

(in both instances)

(on Bolton, Amy N.C., ~~include page 71, line 8~~)

adopted as amd.

ENGROSSING COPY

21 (d) It shall be an unlawful employment practice for

22 any employer, labor organization, or joint labor-management

23 committee controlling apprenticeship or other training adt. pro-

24 grams to discriminate against any individual because of his

adt. O.K.

96 Leg.

5

MAY 26 1965, 1965

Mr. Final Passage S-1569

YEAS		NAYS
1	Aiken	
2	Allott	
3	Anderson	
4	Bartlett	
5	Bass	
6	Bayh	
7	Bennett	
	Bible	+
8	Boggs	
9	Brewster	
10	Burdick	
	Byrd, Va.	1
	Byrd, W. Va.	+
	Cannon	+
11	Carlson	
12	Case	
	Church	+
13	Clark	
14	Cooper	
15	Cotton	
	Curtis	
16	Dirksen	
17	Dodd	
18	Dominick	
	Douglas	
	Eastland	2
	Ellender	3
	Ervin	4
19	Fannin	
20	Fong	
	Fulbright	
21	Gore	
22	Gruening	
23	Harris	
24	Hart	
25	Hartke	
26	Hayden	
27	Hickenlooper	
	Hill	5
	Holland	6
28	Hruska	
29	Inouye	
30	Jackson	
31	Javits	
	Jordan, N.C.	7
32	Jordan, Idaho	
33	Kennedy, Mass.	
34	Kennedy, N.Y.	
35	Kuchel	
36	Lausche	
37	Long, Mo.	
	Long, La.	8
38	Magnuson	
39	Mansfield	
	McCarthy	
	McClellan	9
40	McGee	
41	McGovern	
42	McIntyre	
43	McNamara	
44	Metcalf	
45	Miller	
46	Mondale	
47	Monroney	
48	Montoya	
	Morse	
49	Morton	
50	Moss	
51	Mundt	
52	Murphy	
53	Muskie	
	Nelson	
54	Neuberger	
55	Pastore	
56	Pearson	
57	Pell	
58	Prouty	
59	Proxmire	
60	Randolph	
61	Ribicoff	
	Robertson	10
	Russell, S.C.	11
	Russell, Ga.	12
62	Saltonstall	
63	Scott	
64	Simpson	
	Smathers	13
65	Smith	
	Sparkman	14
	Stennis	15
66	Symington	
	Talmadge	16
	Thurmond	17
	Tower	18
67	Tydings	
68	Williams, N.J.	
69	Williams, Del.	
70	Yarborough	
71	Young, N. Dak.	
72	Young, Ohio	

77 — 19

April 1965

(Presiding .....)

Jacket 35-110

U.S. GOVERNMENT PRINTING OFFICE

[PUBLIC LAW 380]
[CHAPTER 250]

H. R. 7786

6

MAY 26 1954
RECEIVED

GENERAL SERVICES ADMINISTRATION
RECEIVED
JUN 2 - 1954
NARS
FEDERAL REGISTER DIVISION

Eighty-third Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Wednesday, the sixth day of January, one thousand nine hundred and fifty-four

An Act

To honor veterans on the 11th day of November of each year, a day dedicated to world peace.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act making the 11th day of November in each year a legal holiday", approved May 13, 1938 (52 Stat. 351; 5 U. S. C., sec. 87a), is hereby amended by striking out the word "Armistice" and inserting in lieu thereof the word "Veterans".

Joseph W. Martin Jr.

Speaker of the House of Representatives.

~~*Vice President of the United States and*~~
President of the Senate. pro Tempore

Approved:
Dwight D. Eisenhower
1 June 1954
Washington, D.C.

Return Urgent

7

5532 Bartlett Street,
Pittsburgh, Penna.,
April 12, 1934.

Hon. Duncan U. Fletcher, Chairman,
Senate Committee of Banking & Finance,
Washington, D. C.

Dear Sir:-

I have been asked by my Broker to write you expressing my disapproval of the NATIONAL SECURITIES EXCHANGE ACT of 1934, known as the Fletcher-Rayburn Bill.

On the contrary, I am very much in favor of just such a bill, and I am sincerely hoping that the bill will go through.

It has the approval of my family, and you are to be congratulated when said bill has been passed and becomes a Law. I have some stock, and got badly "stung" in 1929, worse in 1930.

I am wishing you every success in having this passed, with the least possible bother.

Respectfully yours,

Margaret Sandler

HOUSE
PULL
HEPBURN RATE BILL
O.K.
U.S. SENATE
AMENDMENT
AMENDMENT
AMENDMENT
AMENDMENT
AMENDMENT
AMENDMENT
AMENDMENT
AMENDMENT
LOOKS GOOD TO ME
U.S. SENATE
Berryman

WHITE HOUSE
RAILROAD BILL
O.K. HOUSE
O.K. SENATE

DOMESTIC SERVICE	
Check the class of service desired; otherwise this message will be sent as a fast telegram	
TELEGRAM	
DAY LETTER	
NIGHT LETTER	

$
S
E

WESTERN UNION TELEGRAM

1211 (4-55)

W. P. MARSHALL, PRESIDENT

INTERNATIONAL SERVICE	
Check the class of service desired; otherwise the message will be sent at the full rate	
FULL RATE	10
LETTER TELEGRAM	
SHORE-SHIP	

NO. WDS.-CL. OF SVC.	PD. OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	TIME FILED
			Committee on the Judiciary	

Send the following message, subject to the terms on back hereof, which are hereby agreed to

March ~~19~~ 20, 1965

Honorable John T. Connor
Secretary
Department of Commerce
Washington, D.C.

Please supply the Senate Judiciary Committee with all statistics that you have prepared and submitted to the Civil Rights Commission and all other information that you may have available pursuant to Title 8 of the Civil Rights Act, 1964, Public Law 88-352, wherein you were directed to conduct a survey and to compile registration in voting statistics in such geographic areas as may be recommended by the Commissioner on Civil Rights, etc.

Time is of the essence since hearings start Tuesday, March 23 in the Senate Judiciary Committee on S. 1564, the President's draft bill to enforce the 15th Amendment to the Constitution of the United States and the Committee is instructed to report back to the Senate not later than April 9th.

James O. Eastland
Chairman
Senate Committee on the Judiciary

IN THE SENATE OF THE UNITED STATES,

May 22, 1973

The Senate having proceeded to reconsider the bill (S. 518) entitled "An Act to abolish the offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget", returned by the President of the United States with his objections, to the Senate, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

Francis R. Valeo

Secretary.

I certify that this Act originated in the Senate.

Francis R. Valeo

Secretary.

#

IN THE HOUSE OF REPRESENTATIVES, U.S.,

May 23, 1973.

The House of Representatives having proceeded to reconsider the bill (S. 518) entitled "An Act to abolish the offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget", returned by the President of the United States with his objections, to the Senate, in which it originated, it was

Resolved, That the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

Attest:

W. Pat Jennings

Clerk.

FEB 26 '46 LEG. DAY JAN 18 '46

Senate insists on its amendments and
.....asks.....a conference
with the House.

Russell
Ellender
Bankhead
Capper
Aiken
Conferees

FEB 27 1946
House disagrees to Senate amendments and ~~asks~~ agrees to a conference with Senate and appoints its managers

Flannagan
Cooley
Zimmerman
Pace
Hope
Kinzer
Andresen

MAY 23 1946
House agrees to conference report.

79TH CONGRESS
2D SESSION

H. R. 3370

AN ACT

To provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes.

MAY 24 (LEG. DAY, MAR 5) 1946
SENATE AGREES TO CONFERENCE REPORT

In the Senate of the United States,

FEB 26 '46 LEG. DAY JAN 18 '46

Resolved, That this bill pass with an amendment.

Attest:

Leslie L. Biffle
Secretary

TO THE CONGRESS OF THE UNITED STATES

We, the undersigned petitioners, citizens of ~~Massachusetts~~ New Jersey, beg most respectfully to represent to your honorable bodies, the Senate and House of Representatives, the alarming state of the country in respect to the appalling prevalence in the Southern States, of that species of lawlessness known as lynching whereby inhabitants of that section are deprived of life without due process of law by gangs of irresponsible and wickedly disposed persons; that the victims of these barbarous outbreaks and outrages are usually members of the Negro race, and that the crimes imputed to them by their self-constituted executioners, but never proved, and for which they suffer death, have ranged all the way from petty larceny to murder; that Negroes have been hanged and shot in the South by lynching mobs on mere suspicion, or because they have incurred the odium of being politically troublesome to the community in which they resided; that human life is frightfully cheap in the South, and that a Negro's life has absolutely no value whatever there when a Southern mob scents his blood; that the local police power offers him under such circumstances no adequate protection and often times are in actual or virtual connivance with his murderers:

WHEREFORE, your petitioners pray your honorable bodies to make the act of lynching a crime against the United States, to provide for its commission the sternest pains and penalties, and to empower the President of the United States and to make it his duty to intervene whenever and wherever necessary with the armed force of the nation to prevent the commission of this atrocious crime, and to rescue any person or persons from the hands of any mob in any state of the Union, and for the better prevention of lynching your petitioners further pray your honorable bodies for the creation of a Central Detective Bureau at Washington with branch offices in various parts of the section or sections subject to this kind of lawlessness, for the purpose of collecting and transmitting information promptly to the President relative to the intentions and movements of lynching bodies, and that such information may be used in subsequent prosecuting proceedings against such individuals in the Courts of the United States for violation of the law made and provided in that behalf.

Miss Clara M. Smith Englewood N. J.
Evelyn Brown. Englewood N. J.
Mrs. Annie M. Clarke Englewood N. J.
Ada Clarke. Englewood N. J.
Miss Amir Thompson Englewood N. J.
Mr. Clarence Gordon Englewood N. J.
Mrs A. Thompson Englewood N. J.
Mr. Robert Baldwin Englewood N. J.
Miss Minna Degroot. Englewood N. J.
William B. Smith Englewood N. J.
John Baldwin. Englewood. N. J.
Mrs Susan Degroot. Englewood, N. J.
Mrs Percy Degroot. Englewood, N. J.
Mr Robert White Englewood N. J.
Mrs Harriet Decker Englewood N. J.
Carrie Brown Englewood N. J.
Jennie Hyson Englewood N. J.
John Costly
George Mason
Lorenzo Coles
Arthur Jackson - Pres. Asso American Council
Robert " Sergt-Arms " " "

83D CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 1333

CHANGING ARMISTICE DAY TO VETERANS DAY

MARCH 9, 1954.—Referred to the House Calendar and ordered to be printed

Mr. McCULLOCH, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 7786]

The Committee on the Judiciary, to whom was referred the bill (H. R. 7786) to honor veterans on the 11th day of November of each year, a day dedicated to world peace, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

STATEMENT

It is the general purpose of H. R. 7786 to expand the significance of Armistice Day and to change its name to Veterans Day.

Armistice Day was declared a legal public holiday by an act of Congress approved May 13, 1938, to be observed on the 11th day of November of each year, in commemoration of the close of World War I. The holiday was dedicated to the cause of world peace, and has been regarded and observed throughout the land as a day to honor the veterans of the First World War who fought, and especially those who died, for that cause.

Since 1938, however, the United States has been involved in two other military conflicts, World War II and the Korean conflict, in each of which our country sought to advance permanent peace in the world and each of which added millions of veterans to those of World War I who had fought for the same noble objective.

This legislation does not establish a new legal holiday. Rather, it expands the significance of an existing holiday in order that a grateful nation, on a day dedicated to the cause of world peace, may pay proper homage to all its veterans who have contributed so much to that cause and the preservation of our way of life. It is altogether fitting that the United States should honor all of its veterans on a day when those of World War I, in commemoration of the cause of world peace, pause to pay tribute to their comrades who gave their lives fighting for that cause.

15

ENGROSSING COPY

Union Calendar No. 202

89TH CONGRESS
1ST SESSION

H. R. 6400

[Report No. 439]

IN THE HOUSE OF REPRESENTATIVES

O. K.
ACCEPTED ✓
JUL 9 1965
PER JB

Amendment offered by Mr. Celler, N.Y.

Page ....., *line* .....

~~After~~ .....

~~Strike out~~ / ~~Insert~~ } strike out all after the enacting clause of S. 1564 and insert in lieu thereof the provisions contained in H.R. 6400 as passed by the House.

2 ~~*Lives of the United States of America in Congress assembled*,~~

3 ~~That this Act shall be known as the "Voting Rights Act of~~

4 ~~1965".~~

5 ~~SEC. 2. No voting qualification or procedure shall be~~

6 ~~imposed or applied to deny or abridge the right to vote on~~

7 ~~account of race or color.~~

8 ~~SEC. 3. (a) No person shall be denied the right to vote~~

9 ~~in any Federal, State, or local election because of his failure~~

10 ~~to comply with any test or device, in any State or in any~~

11 ~~political subdivision of a State which (1) the Attorney Gen-~~

✓ O.K.

69TH CONGRESS
1ST SESSION

H. RES. 293

16

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1926

Mr. GRAHAM submitted the following resolution; which was referred to the Committee on Rules and ordered to be printed

RESOLUTION

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12216, a bill to amend section 2 of the Legislative, Executive, and Judicial Appropriation Act, approved July 31, 1894, as amended by the Act of May 31, 1924. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and a member of the Judiciary Committee opposed to the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House, with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage.

S. 1564 V/RTS XIV 17

Congressional Record

United States of America

PROCEEDINGS AND DEBATES OF THE 89th CONGRESS, FIRST SESSION

Vol. 111 WASHINGTON, TUESDAY, MAY 11, 1965 No. 84

Senate

(Legislative day of Monday, May 10, 1965)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Gracious God, our Father, whose still, small voice invites us to turn aside from the feverish ways of the world: Forgive us that, pursuing our way amid the false standards set up by men who have not Thee in awe, we so often make Thy love too narrow, by false measures of our own.

As we bow at this altar of Thy grace, make us vividly aware that if we live a life of prayer, Thou art present everywhere. Endow and enrich Thy servants in this national body with wisdom and purity of motives in the ministry of public affairs. In these days so fraught with destiny, make them worthy of the Nation's trust, turning to Thee with the fervent vow—

We pledge our hopes, our faith, our lives,
That freedom shall not die.
We pray Thy guidance, strength, and grace,
Almighty God on high.

Amen.

VOTING RIGHTS ACT OF 1965

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

Under the order previously entered, the Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. KENNEDY], on behalf of himself and other Senators, numbered 162, to the amendment in the nature of a substitute, as amended, numbered 124, offered by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN].

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I yield myself one-half minute.

The PRESIDENT pro tempore. The Senator from Montana is recognized for one-half minute.

Mr. MANSFIELD. I ask unanimous consent that the Subcommittee on Permanent Investigations of the Committee on Government Operations, the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, and the Committee on Foreign Relations be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment to the Constitution of the United States.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KENNEDY of Massachusetts. Mr. President, I yield 7 minutes to the senior Senator from New York.

The PRESIDING OFFICER. The senior Senator from New York is recognized for 7 minutes.

Mr. JAVITS. Mr. President, we come now to the closing moments of the debate. I believe it is important to sum up.

First, on the affirmative, I believe we have demonstrated that upon the facts banning the poll tax is justified because it represents in a broad enough area and in enough circumstances an abridgement upon the right to vote which we hold sacred, and which is so fully protected by the Constitution.

Second, I believe that we have shown that the poll tax is not a qualification for voting. It has nothing to do with a person's capacity to understand his responsibilities as a citizen. It is a tax, and it is a tax which represents a burden upon the right to vote and therefore it ought to be banned as an abridgement of the right to vote under the 15th amendment.

Third, we have demonstrated that court decisions upon the subject have not been based upon such a record as we have made in the Senate. Decisions have been made, for example, in a case, such as Breedlove against Suttles, a case with no 15th amendment impact, in which the questions of racial discrimination or the economic impact of a poll tax were not even raised, but in which other questions were raised long before the time when it was possible to make and present, as we have now made and presented, a record of fact upon which a ban by Congress could be based.

Fourth, we point to the recommendation of the U.S. Civil Rights Commission, based upon its own hearings, on the ground, as it were, in a poll tax State. Their finding, as they made it public on May 8, reads as follows:

> The requirement that any poll tax be made a prerequisite to voting in any election should be abolished, in view of the fact that poll taxes have been intended and utilized as a means of discrimination in violation of the 15th amendment. In the opinion of the Commission, there can be no reasonable doubt of the power expressly granted to Congress to enforce the 15th amendment.

Finally, we come to the proposal made by the majority leader and the minority leader in their amendment in the nature of a substitute. The following ingredients are missing from it:

First, there is in that proposal no finding of fact—and I make this statement advisedly—and that is a very critically missing ingredient, because that is the basis for a different approach from that which was taken by the Court in Breedlove against Suttles. The evidence of these facts was observed, but the finding is missing. Indeed, the Attorney General's letter asserts that a finding is there, but it is not. So the only way in which to effect the result is by enacting the amendment which we have proposed.

UNITED STATES OF AMERICA

Congress of the United States

To CHARLES E. MITCHELL, The National City Bank of New York, N. Y., 55 Wall Street -

, **Greeting:**

Pursuant *to lawful authority,* ***YOU ARE HEREBY COMMANDED*** *to appear before the* Sub *Committee on* Banking and Currency *of the Senate of the United States, on* February 21, *1933 at* ten *o'clock* A. *m., at their Committee Room* 301, Senate Office Building, *then and there to testify what you may know relative to the subject matters under consideration by said Committee.*

and further to bring with you and deliver to the Committee such books, papers and records as may be necessary for a complete examination of the operations of the National City Company from January 1, 1921, to date, and further including all records of the National City Bank which may be relevant to the above inquiry. Also all records showing trading in securities carried on or participated in by you or by any other person on your behalf or by any syndicate in which you had an interest from January 1st, 1928 to date.

Hereof fail not, *as you will answer your default under the pains and penalties in such cases made and provided.*

To RAYMOND MULLIGAN, United States Marshal

to serve and return.

Given *under my hand, by order of the Committee, this* 24th *day of* January, *in the year of our Lord one thousand nine hundred and* thirty-three.

Peter Norbeck

Chairman Committee on Banking and Currency.

Ferdinand Pecora
285 Mad. Ave

Rm-1110