



Congressional Record

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 their eyes, 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.

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 161, 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 Joint Committee 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 PRESIDENT pro tempore. The clerk will call the roll.

THE LEGISLATIVE CLERK. The roll is called.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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.

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 161, 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).

that the poll tax is not a qualification for voting. It is 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 and 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 requirements 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 those 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.

Second, I believe that we have shown

the amendment which we have proposed.

9725

S. 1564 V/R/S XIV 17

16

MR. LONG FILES 12-14-74

CLOSURE 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. *James O. Eastland* GRIFIN
- TALMADGE 2. *Henry E. Talmadge* BENNETT
- HUGH SCOTT 3. *Hugh H. Scott* CURTIS
- RIBICOFF 4. *Carl Albert* FANNIN
- GRAVEL 5. *Frank P. Graham* HANSEN
- MOSS 6. *Frank E. Moss* DOLE
- MONDALE 7. *Walter F. Mondale* PACKWOOD
- BENTSEN 8. *Sam H. Bentsen* PELL
- 9. *James O. Eastland* GRIFIN
- 10. *James O. Eastland* BENNETT
- 11. *Carl T. Curtis* CURTIS
- 12. *Gaul P. Simon* FANNIN
- 13. *Clayton B. Kistner* HANSEN
- 14. *Robert Dole* DOLE
- 15. *Bob Packwood* PACKWOOD
- 16. *Clayton B. Kistner* PELL

70 YEARS 23. May 11

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.

18

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, 1925 to date.

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

To RAMOND 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.

Richard Pearce
285 Madison Ave
Rm-1110

Pat. Norbeck
Chairman Committee on Banking and Currency.

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. SPONG (for himself, Mr. McCAIN, Mr. DECONCINI, Mr. DODD, and Mr. MOSLEY-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.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

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

6 SEC. 2. FINDINGS.

7 (a) FINDINGS.—The Congress finds that—
8 (1) the presentation and preservation of African
9 American life, art, history, and culture within the

Return Unsent

6606 Bartlett Street,
Pittsburgh, Penna.,
April 15, 1934.

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

Dear Sirs—

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,

Amendment offered by Smith of Pa

(1) On page 66, 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 3, after the word religion, insert the word sex.

O. K.
ACCEPTED
FEB 8 1964
PER J.P.

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

Amendment offered by Mr. Reid of New York

O. K.
ACCEPTED
FEB 8 1964
PER J.P.

Page 69, line 23

After "training"

Insert "or re-training, including on-the-job training"

22 adversely affect his income

23 such individual's race, color, religion, or national origin.

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

act. O.K.

Amendment offered by Mrs. Bolton of Ohio

O. K.
ACCEPTED
FEB 10 1964
PER J.P.

(1) Page 68, line 18

After the word "religion"

Insert the word "sex"

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

(3) the word "religion" insert the word "sex"

and

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

(5) word "religion" insert the word "sex"

and

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

"religion" insert the word "sex" (in both instances)

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 pro-

24 grams to discriminate against any individual because of his

act. O.K.

DOMESTIC SERVICE		WESTERN UNION TELEGRAM		INTERNATIONAL SERVICE	
Check the class of service desired, otherwise this message will be sent as a fast telegram.		1211 (4-55)		Check the class of service desired, otherwise the message will be sent at the full rate.	
TELEGRAM		FULL RATE		10	
DAY LETTER		LETTER TELEGRAM		SHORE SHIP	
NIGHT LETTER		W. P. MARSHALL, PRESIDENT			
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

20
March 28, 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

96 Log. 5
MAY 26 1965
Mr. J. P. [unclear]
5-1568

YEAR	NAME
1	Allen
2	Albright
3	Anderson
4	Bartlett
5	Bas
6	Bayh
7	Bennett
8	Bills
9	Brewster
10	Burdick
11	Byrd, W. Va.
12	Cannon
13	Cass
14	Church
15	Clark
16	Cooper
17	Cotton
18	Curtis
19	Dickson
20	Dodd
21	Dominick
22	Douglas
23	Eastland
24	Ellender
25	Ervin
26	Fahs
27	Fong
28	Fulbright
29	Gore
30	Grassley
31	Harold
32	Hart
33	Hartke
34	Hayden
35	Hickenlooper
36	Hill
37	Holland
38	Hruska
39	Inouye
40	Jackson
41	Javits
42	Jordan, N.C.
43	Jordan, Idaho
44	Kennedy, Mass.
45	Kennedy, N.Y.
46	Kucinski
47	Lausche
48	Long, Mo.
49	Long, La.
50	Magnuson
51	Manfield
52	McCarthy
53	McClellan
54	McGee
55	McGovern
56	McIntyre
57	McNair
58	Metcalfe
59	Miller
60	Mondale
61	Murphy
62	Murphy
63	Murphy
64	Murphy
65	Morton
66	Moss
67	Mundt
68	Murphy
69	Murphy
70	Nelson
71	Nelson
72	Neuberger
73	Pastore
74	Peason
75	Pell
76	Proby
77	Proxmire
78	Randolph
79	Ribicoff
80	Robertson
81	Russell, S.C.
82	Russell, Ga.
83	Sabot
84	Scott
85	Stennis
86	Stennis
87	Sparkman
88	Stennis
89	Springston
90	Talmadge
91	Thurmond
92	Tower
93	Tydings
94	Williams, N.J.
95	Williams, Del.
96	Yarborough
97	Young, N. Dak.
98	Young, Ohio

April 1965
77 (Presiding) 19
Jach4 25-110

[PUBLIC LAW 380]
[CHAPTER 250]

H. R. 7786 6

Eighty-third Congress of the United States of America
AT THE SECOND SESSION

Began 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".

Sam W. Rayburn
Speaker of the House of Representatives.

Frank B. Rowland
Vice President of the United States and
President of the Senate, pro Tempore

Approved:
Wright Patterson
June 1954
Washington, D.C.

RECEIVED
JUN 2 - 1954
U.S. SENATE

11

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:
F. R. Valco
Secretary.

I certify that this Act originated in the Senate.

F. R. Valco
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:
Arthur J. Fleming
Clerk.

FEB 26 '46 LEG. DAY JAN 16 '46 12

Senate insist on its amendments and
..... *ask* a conference
with the House.

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

Russell
Ellender
Bankhead
Capper
Aiken

Polley L. Biggley
Secretary

FEB 27 1946
House disagree to Senate amendments and agree to conference with Senate and appoints its managers

Flannagan
Coolley
Zimmerman
Pace
Hope
Kinger
Andersen

MAY 23 1946
House agrees to conference report. ✓

FEB 26 '46 LEG. DAY JAN 16 '46
Resolved, That this bill pass with an amendment.
Submitted.

In the Senate of the United States.

14

83d CONGRESS } HOUSE OF REPRESENTATIVES } REPORT
2d Session } } 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.

42066

