

# MONTGOMERY BLAIR SIBLEY

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March 5, 2015

Via USPS Signature Confirmation  
The Honorable Mitch McConnell  
United States Senate  
317 Russell Senate Office Building  
Washington, D.C. 20510-1702

Via USPS Signature Confirmation  
The Honorable John A. Boehner  
United States House of Representatives  
1011 Longworth House Office Building  
Washington, D.C. 20515-3508

Re: *Your Article V obligation to “call a convention for proposing amendments”*

Greetings:

I write to exercise “the right, possessed by every citizen, to require that the Government be administered according to law. . . .” *Fairchild v. Hughes*, 258 U.S. 126, 130 (1922). In particular, that you see that Congress promptly discharges its duty to call an Article V convention to propose amendments to the Constitution.

As you both well know, Article V of the Constitution states in pertinent part: “The Congress . . . on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress.” Your attention is respectfully drawn to the decision in *United States v. Sprague*, 282 U.S. 716 (1931) in which the Supreme Court unequivocally stated: “[A]rticle 5 is clear in statement and in meaning, contains no ambiguity and calls for no resort to rules of construction. . . . It provides two methods for proposing amendments. Congress may propose them by a vote of two-thirds of both houses, or, on the application of the legislatures of two-thirds of the States, **must call a convention to propose them.**” (Emphasis added). The math is simple:  $50 \text{ states} \times .66\% = 34 \text{ states}$  needed to “call a Convention”.

I write first to inform that in fact thirty-five (35) states have now made the “Application” for a such a Convention and thus Congress is obligated to discharge its

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The Honorable Mitch McConnell  
The Honorable John A. Boehner  
March 5, 2015  
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Constitutionally-imposed ministerial duty to “call” such a Convention. A list of those states with reproduced copies of their respective “Applications” is enclosed.

Hence, upon your Article VI “oath or affirmation, to support this Constitution”, you are now obligated to make the “call”. I trust you will. However, please be advised that your failure to make the “call” on or before April 15, 2015, will result in the filing by several different state officials of a Supreme Court Rule 17, Motion for Leave to File an Original Jurisdiction Action pursuant to 28 U.S. Code § 1251(b)(2) seeking a Writ of Mandamus to command Congress to perform the ministerial act of making the “call” that Article V recognizes as an absolute duty. I hope and trust that such an Action will not be necessary.

I close by reminding that no less than George Mason, a Virginia delegate to the Constitutional Convention, said that without providing the states a means of amending the document, “no amendments of the proper kind would ever be obtained by the people, if the [national] Government should become oppressive.”

I would expect the courtesy of an acknowledgment of your receipt of this letter. Of course, I am available to discuss this matter further.

yours,

A handwritten signature in black ink, appearing to read "Monty BSibley", with a stylized flourish at the end.

Number	State	Exhibit Page #	Authority for Article V Convention Call
1	Alabama	1	113 CONG. REC. 10,117-18 (1967).
2	Alaska	3	ALASKA SENATE JOINT RESOLUTION NO. 18
3	Arkansas	4	121 CONG. REC. 11,218 (1975).
4	California	5	98 CONG. REC. 4003-04 (1952).
5	Colorado	7	113 CONG. REC. 18,007 (1967)
6	Connecticut	8	104 CONG. REC. 8085-86 (1958).
7	Delaware	10	124 CONG. REC. 19,683 (1978).
8	Florida	11	115 CONG. REC. 24,116 (1969).
9	Georgia	12	GEORGIA HOUSE RESOLUTION 1215
10	Idaho	14	111 CONG. REC. 1437-38
11	Indiana	16	122 CONG. REC. 931 (1976).
12	Iowa	17,18	115 CONG. REC. 12,249 (1969); 44 CONG. REC. 1620 (1909).

13	Kansas	19	97 CONG. REC. 2936 (1951).
14	Kentucky	20	121 CONG. REC. 27,821 (1975).
15	Maine	21	46 CONG. REC. 4280 (1911).
16	Maryland	22	111 CONG. REC. 5820 (1965).
17	Massachusetts	23	123 CONG. REC. 22,002 (1977).
18	Michigan	24, 25	89 CONG. REC. 2944 (1943); 87 CONG. REC. 8904 (1941).
19	Minnesota	26	34 CONG. REC. 2560 (1901).
20	Mississippi	27-28	125 CONG. REC. 2111-12 (1979)
21	Missouri	29	121 CONG. REC. 12,867 (1975).
22	Nebraska	30	111 CONG. REC. 24,723 (1965)
23	Nevada	31	121 CONG. REC. 19,117 (1975)
24	New Jersey	32	119 CONG. REC. 11,446 (1973);
25	New Mexico	33	112 CONG. REC. 199 (1966).
26	New York	34	40 CONG. REC. 4551 (1906).
27	North Carolina	35	45 CONG. REC. 7117 (1910).

28	Ohio	36	111 CONG. REC. 25,237 (1965)
29	Oregon	37	84 CONG. REC. 985 (1939).
30	Pennsylvania	38	89 CONG. REC. 8220 (1943).
31	Texas	39	113 CONG. REC. 17,634 (1967).
32	Vermont	40	49 CONG. REC. 1433 (1913) [1912].
33	Washington	41	109 CONG. REC. 5867 (1963).
34	West Virginia	42-43	1907 W. Va. Acts 433-34.
35	Wisconsin	44	109 CONG. REC. 14,808 (1963).
	Total States Calling for Article V Convention	<b>35</b>	Sources: A General Theory of Article V: The Constitutional Lessons of the Twenty-seventh Amendment, 103 Yale L.J. 677 (1993); How to count to thirty-four: the constitutional case for a constitutional convention, Harvard Journal of Law & Public Policy, Jun 22, 2011; both by Michael Stokes Paulsen
	Retreived from: <a href="http://www.MontgomeryBlairSibley.com/ArticleV.html">www.MontgomeryBlairSibley.com/ArticleV.html</a>		

the armed forces, or to avoid the draft, volunteer for other branches of the armed forces; and

"Whereas, New Mexico's largest minority group consists of Americans of Spanish descent and constitutes some twenty-nine percent of the population of the state; and

"Whereas, approximately sixty-nine percent of all inductees from New Mexico are of Spanish extraction; and

"Whereas, of fifty-eight New Mexicans killed in Vietnam during 1966, twenty-five were Americans of Spanish descent;

"Now, therefore, be it resolved by the Senate of the State of New Mexico that the congress of the United States is requested to amend the draft laws to allow a more equitable selection from disadvantaged minority groups; and

"Be it further resolved that copies of this memorial be sent to the speaker of the United States house of representatives, the president pro tempore of the United States senate and the New Mexico delegation to the United States Congress."

A joint resolution of the Legislature of the State of Colorado; to the Committee on Commerce:

#### "SENATE JOINT MEMORIAL 9

"Memorial memorializing the Congress of the United States to designate or appoint a committee to investigate the cancellation and discontinuance of contracts for the transportation of mails by railroads, and conditions resulting therefrom

"Whereas, The post office department of the United States has pursued a systematic program of replacing contracts for the transportation of mail by the railroads of this nation with contracts for the transportation thereof by other means; and

"Whereas, The National Transportation Policy of the Congress of the United States is to develop and preserve a national transportation system by rail adequate to meet the needs of the commerce of the United States, of the postal service, and of the national defense; and

"Whereas, One essential element for the continuance of a sound, efficient rail system in this nation is economic stability, which, in turn, is dependent on contracts for the transportation of mail; and

"Whereas, Many railroads have been and will be forced by economic necessity to cancel and eliminate many scheduled passenger trains across the nation, thereby depriving many areas of this nation of year-round transportation and mail facilities, as a direct result of the discontinuance of such mail contracts; and

"Whereas, The economic well-being of thousands of citizens and of hundreds of communities is being endangered by said program of the post office department, thus further increasing the manifold problems of the President and of the Congress in the current 'War on Poverty'; and

"Whereas, In times of emergency, the railroads are looked to and expected to provide safe, dependable transportation for the nation and its citizens, and of its mail, when other methods are ineffective; and

"Whereas, Previous efforts of the General Assembly of the state of Colorado and interested citizens of this state have failed to elicit any efforts by the post office department to correct the problems resulting from the cancellation of contracts for the transportation of mail by rail; now, therefore,

"Be It Resolved by the Senate of the Forty-sixth General Assembly of the State of Colorado, the House of Representatives Concurring herein:

"That the Congress of the United States be requested to designate or appoint some appropriate committee or subcommittee to investigate the over-all effects upon the railroads, in particular, and the whole transportation system, in general, of the nation, directly resulting from the cancellation and

discontinuance of contracts for the transportation of the mails by rail.

"Be It Further Resolved, That a copy of this Memorial be transmitted to each of the following: The President of the United States, the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, the Chairman of the Senate Post Office and Civil Service Committee, the Chairman of the House Post Office and Civil Service Committee, and to each member of Congress from the state of Colorado."

A joint resolution of the Legislature of the State of Washington: to the Committee on Commerce:

"I, A. Ludlow Kramer, Secretary of State of the State of Washington and custodian of its seal, hereby certify that according to the records on file in my office

"The attached is a true and correct copy of Senate Joint Memorial No. 23 as passed by the 1967 Extraordinary Session of the Legislature of the State of Washington now in session, praying that the Congress of the United States take proper action necessary to implement the intent of the Maritime Act of 1936 so as to reestablish the United States as a leading maritime power among the nations of the world. In witness whereof I have signed and have affixed the seal of the State of Washington to this certificate at Olympia, the State Capitol, April 12, 1967.

[SEAL]

"A. LUDLOW KRAMER,

"Secretary of State.

#### "SENATE JOINT MEMORIAL 23

"To the Honorable Lyndon B. Johnson, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, to the Senate and House of Representatives of the United States, in Congress assembled, and to the Secretary of Commerce:

"We, Your Memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, The Merchant Marine Act of 1936 sets forth the intent of congress that the United States shall have an American flag ship merchant fleet capable of carrying a substantial portion of our water-borne commerce and of serving as a naval or military auxiliary in time of war or national emergency; and

"Whereas, Despite the intent of the 1936 Act, our American flag merchant marine has continued to decline in number of ships, and in terms of the percentage of our cargo carried by these vessels; and

"Whereas, This decline is most strikingly demonstrated in the current Viet Nam emergency in which, as a result of increased shipping needs, our government has turned to foreign flag ships, not only to fulfill its commercial commitments, but to carry military cargoes as well; and

"Whereas, The United States is now carrying about eight percent of our imports and exports in American flag ships and holds the fourteenth place in new shipbuilding among nations of the world; and currently Russia has five hundred sixteen vessels under construction while the United States has but forty-nine;

"Now, therefore, Your Memorialists respectfully pray that the congress of the United States take proper action necessary to implement the intent of the Maritime Act of 1936 so as to reestablish the United States as a leading maritime power among the nations of the world.

"Passed the Senate April 3, 1967.

"AL HENRY,

"President of the Senate.

"Passed the House April 7, 1967.

"DON ELDREDGE,

"Speaker of the House."

A concurrent resolution of the General Assembly of the State of South Carolina; to the Committee on Foreign Relations:

"A CONCURRENT RESOLUTION EXPRESSING STRONG OPPOSITION TO THE PROPOSAL THAT THE UNITED STATES RELINQUISH ITS SOVEREIGNTY OVER THE CANAL ZONE AND THE PANAMA CANAL

"Whereas, the Executive Branch of the United States Government has publicly announced that it is in the process of negotiating a treaty or treaties with the Republic of Panama that could dilute the indispensable grant of sovereignty over the United States-owned Canal Zone territory acquired pursuant to law and purchase from individual property owners under the 1903 Treaty with Panama for the construction, operation, maintenance, sanitation, and protection of the Panama Canal; and

"Whereas, any such proposed treaty or treaties, if ratified by the United States Senate, could divest the United States of authority where there is grave responsibility and thereby render our government impotent to maintain and operate the Panama Canal in conformity with the provisions of the 1901 Hay-Pauncefote Treaty with Great Britain under which treaty the United States is obligated to maintain, operate and protect the Panama Canal on terms of equality for world shipping; and

"Whereas, the proposed new treaty or treaties, if approved, could effectively destroy all the indispensable rights heretofore exercised by the United States with respect to the Canal Zone and the Panama Canal; and

"Whereas, any withdrawal by the United States could make easier a takeover by communist authority and similar takeover of governments throughout Latin America, as in the case of Cuba, and imperil the security of the United States and the entire Western Hemisphere. Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring:

"That the General Assembly opposes the relinquishing by the United States of its existing rights, powers and authority over the Canal Zone and Panama Canal.

"Be it further resolved that a copy of this resolution be forwarded to the President of the Senate in the Congress of the United States and the Speaker of the House of Representatives, and to each United States Senator from South Carolina in the Congress and each member of the House of Representatives in the Congress from South Carolina.

"State of South Carolina, in the House of Representatives, Columbia, South Carolina, April 12th, 1967.

"I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the South Carolina House of Representatives and concurred in by the Senate.

"INEZ WATSON,

"Clerk of the House."

A joint resolution of the Legislature of the State of Alabama; to the Committee on the Judiciary:

#### "RESOLUTION No. 11

"Whereas, The relationship that exists between the Federal Government and the government of the states is a matter of vital concern; and

"Whereas, The states play an indispensable role in our Federal system of government; and

"Whereas, Unless the trend toward restrictive categorical federal grants is reversed, these grants will so entwine themselves that a state's freedom of movement will be significantly inhibited; and

"Whereas, There is a need and a justification for broader unfettered grants that will give states and localities more freedom of choice, more opportunity to express their own initiative which reflects their particular needs and preferences, all within the overall



direction of national purpose; now, therefore, be it

"Resolved by the Senate of the State of Alabama, the House of Representatives concurring, That this Legislature respectfully petitions the Congress of the United States to call a convention for the purpose of proposing the following Article as an amendment to the Constitution of the United States.

“ARTICLE—

"Beginning with the first full fiscal year after ratification of this amendment by the requisite number of states, there shall be remitted to all of the states of these United States, an amount determined by the Secretary of the Treasury to be equal to not less than 6% of the aggregate total of individuals and corporate income taxes paid to the United States during the preceding calendar year. Such funds shall be remitted to the States without restriction and this remission of funds shall be in addition to any other federal grant programs which may be enacted by the Congress. Each state shall share in such remission in proportion as the population of such State bears to the total population of all of the States, according to the last preceding Federal census; and, be it further

"Resolved, That if Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to July 1, 1969, this application for a convention shall no longer be of any force or effect; and, be it further

"Resolved, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States and the Clerk of the House of Representatives of the United States and to each Member of Congress from this State.

"I hereby certify that the above is a true, correct and accurate copy of Senate Joint Resolution No. 11 by Mr. Cooper, adopted by the Legislature of Alabama on April 6, 1967.

"McDOWELL LEE,  
"Secretary of Senate."

A resolution of the Legislature of the State of Nebraska; to the Committee on the Judiciary:

"LEGISLATIVE RESOLUTION 26

"Whereas, while prices paid to ranchers for livestock have declined, retail prices charged for meat have increased; and

"Whereas, the United States Department of Agriculture Market News Summary of January 17, 1967, shows that the spread between wholesale and retail prices on beef has gone from \$18.60 per one hundred pound carcass weight on November 6, 1965, to \$20.42 on November 12, 1966; on lamb from \$20.68 to \$26.98; and on pork from \$16.72 to \$20.69; and

"Whereas, one independent survey indicates chain stores are now realizing gross profits in excess of \$31.00 per hundred weight or more than \$180.00 per 600 pound carcass; and

"Whereas, studies made in independent surveys conducted by men of experience in the production, finishing, processing, distribution, and marketing of beef suggest that chain stores may be making excessive profits from the sale of meats at retail while others in the meat business, including ranchers, farmers, feeders and packers, are suffering from depressed prices for their production in the face of increased costs of doing business; and

"Whereas, the number of independent retail outlets for meat has decreased drastically, so that chain stores are now marketing in excess of eighty per cent of the meat sold at retail level; and

"Whereas, prices charged by chain stores for meat are substantially the same in all such chain stores; and

"Whereas, the similarity of pricing and substantial monopoly of the retail sale of meat in excessive profits to

chain food stores in the sale of meats at retail;

"Now, therefore, be it resolved by the members of Nebraska Legislature in seventy-seventh session assembled:

"1. That the Attorney General of the United States is hereby requested to conduct a study of the marketing of meat by chain food stores to determine whether or not there is collusion among the chain food stores in fixing prices, in establishing excessive markups in the retail prices of meat, in establishing a monopoly in the retail sale of meat, and of other practices which restrain trade in violation of the Sherman Anti-Trust Act.

"2. That copies of this resolution be forwarded to the Attorney General of the United States, to the President of the United States Senate and Speaker of the United States House of Representatives, and to each of the Senators and members of the House of Representatives from Nebraska in Congress.

"ELVIN ADAMSON,

"Speaker and Acting President of the Legislature.

"I, Hugo F. Srb, hereby certify that the foregoing is a true and correct copy of Legislative Resolution 26, which was passed by the Legislature of Nebraska in Seventy-seventh regular session on the sixth day of April, 1967.

"HUGO F. SRB,

"Clerk of the Legislature."

of Colorado; to the Committee on the State of Nebraska; to the Committee on the Public

"HOUSE MEMORIAL 1003

"Memorial memorializing the Congress of the United States to amend the Highway Beautification Act of 1965

"Whereas, The Highway Beautification Act of 1966 requires that states make provision for the effective control of outdoor advertising adjacent to the Interstate System and the primary system, and upon failure of any state to do so, after January 1, 1968, such state's federal-aid highway funds shall be reduced by an amount equal to ten per cent of that which otherwise would have been apportioned to such state; and

"Whereas, The Secretary of Commerce of the United States is given authority under said Act to promulgate national standards regarding the effective control of outdoor advertising; and

"Whereas, It is felt by many that agreement has not been reached upon workable standards for the Implementation of said Act; and

"Whereas, The legislatures of several states find themselves nearing the end of their legislative sessions without having taken the action required under said Act, and there is little prospect that such legislatures will meet again until after January 1, 1968; and

"Whereas, Said Act, and the standards promulgated pursuant thereto, severely limit the possibility of state action in the field of regulation of outdoor advertising, and particularly burdensome to the states are the delay in formulating standards in commercial and industrial zones, and the prohibition in said Act against the use of the police power of the state to control outdoor advertising; and

"Whereas, Section 131(g) of said Act is particularly onerous to a state, where such state has available to it, under its police power, means to effect the removal of outdoor advertising devices; now, therefore,

"Be It Resolved by the House of Representatives of the Forty-sixth General Assembly of the State of Colorado:

"That this House of Representatives hereby memorializes the Congress of the United States to amend the "Highway Beautification Act of 1965", in general, and, in particular, section 131(g) of said Act, so as to provide more workable standards for the

implementation of said Act, and, further, so as to provide a minimal invasion into the already dwindling police powers of the several states.

"Be It Further Resolved, That a copy of this Memorial be sent to each the President of the United States, the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, the Secretary of Commerce of the United States, and the members of Congress from the State of Colorado.

"JOHN D. VANDERHOOF,

"Speaker of the House of Representatives.

"HENRY C. KIMBROUGH,

"Chief Clerk of the House of Representatives?"

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on Public Works:

"SENATE JOINT RESOLUTION 20

"Joint resolution memorializing the Congress of the United States for the restoration of highway aids to Wisconsin

"Whereas, Wisconsin's highway accident death toll reached staggering proportions in 1967 while establishing a new all time high for highway deaths in a single year; and

"Whereas, the current limitation placed on the federal aid highway program, in recognition of the Vietnam effort and inflationary pressures, will reduce federal aid funds from 50 million to 25 million dollars and severely hinder the state's attempts to reduce the wholesale slaughter taking place on the highways in this state; and

"Whereas, the most critical highways in need of improvement in the state are USH 12, between Eau Claire and Tomah, a congested 35 year old two-lane highway which is carrying traffic in excess of 26,000 vehicles per day during peak periods which serving as a by-pass to the last unfinished portion of I 94; and the last unfinished portion of I 94 extending from the Tomah bypass to the by-pass located in the northern part of the city of La Crosse; and the easterly approach to the central exchange located in the heart of the downtown area in the city of Milwaukee which involves I 94, I 794 and USH 141; and

"Whereas, these critical areas were considered to be so urgently needed by this state that the legislature during the 1965 session authorized the first state bonding program for highways in the state's history and increased the motor fuel tax to accelerate the construction of state highways having a high traffic demand; and

"Whereas, Wisconsin falls abnormally far below its neighboring states in the allocation of interstate highway mileage and has compensated for this deficiency by constructing routes which serve a similar function; and

"Whereas, the financing controls established by the federal government has placed the completion of such construction projects in jeopardy and many millions of public funds already invested in highway projects will not be fully utilized until such completion; and

"Whereas, the current financing controls appear to counteract the federal government's program on highway safety; now, therefore, be it

"Resolved by the senate, the assembly concurring, That the legislature of the state of Wisconsin respectfully memorializes the Congress of the United States to grant relief from the general cut back in federal highway aid because of the severity of the results to highway users of this state; to grant permission to utilize ACI financing in Wisconsin to complete the interstate system; or to grant permission to accelerate interstate construction with state bond funds as passed by the 1965 legislature; and, be it further

"Resolved, That properly attested copies of this resolution be sent to the President of the United States, to the secretary of the United States Senate and the chief clerk of

28th Legislature(2013-2014)  
**Bill Text 28th Legislature**

00                               SENATE JOINT RESOLUTION NO. 18

01 Requesting the United States Congress to call a convention of the states to propose  
02 amendments to the Constitution of the United States that impose fiscal restraints on the  
03 federal government, limit the power and jurisdiction of the federal government, and  
04 limit the terms of office of federal government officials; and urging the legislatures of  
05 the other 49 states to request the United States Congress to call a convention of the  
06 states.

07 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

08       **WHEREAS** the founders of the Constitution of the United States empowered state  
09 legislators to be guardians of liberty against future abuses of power by the federal  
10 government; and

11       **WHEREAS** the federal government has created a crushing national debt through  
12 improper and imprudent spending; and

13       **WHEREAS** the federal government has invaded the legitimate roles of the states  
14 through the manipulative process of federal mandates, most of which are unfunded; and

15       **WHEREAS** it is the solemn duty of the states to protect the liberty of the people,  
16 particularly for the generations to come, to propose amendments to the Constitution of the  
17 United States through a convention of the states under art. V to place clear restraints on these  
18 and related abuses of power;

19       **BE IT RESOLVED** that, under art. V, Constitution of the United States, the Alaska  
20 State Legislature respectfully applies to the United States Congress to call a convention of the  
21 states for the sole purpose of proposing amendments to the Constitution of the United States  
22 that impose fiscal restraints on the federal government, limit the power and jurisdiction of the  
23 federal government, and limit the terms of office of federal government officials; and be it

24       **FURTHER RESOLVED** that this application constitutes a continuing application in  
25 accordance with art. V, Constitution of the United States, until at least two-thirds of the  
26 legislatures of the several states have applied for a similar convention of the states; and be it

27       **FURTHER RESOLVED** that the Alaska State Legislature urges the legislatures of  
28 the other 49 states to apply to the United States Congress to call a convention of the states.

29       **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of  
30 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and  
31 President of the U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of  
32 Representatives; the Honorable Patrick J. Leahy, President pro tempore of the U.S. Senate;  
33 the Honorable Nancy Erickson, Secretary of the U.S. Senate; the Honorable Karen L. Haas,  
34 Clerk of the U.S. House of Representatives; the Honorable Lisa Murkowski and the  
35 Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative,  
36 members of the Alaska delegation in Congress; and the presiding officers of the legislatures  
37 of each of the other 49 states.

New Text Underlined    [DELETED TEXT BRACKETED]

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thereof) agrees to meet such land use and control measures or to construct such a flood protection system as the Secretary may prescribe."

(f) Section 102 of the Flood Disaster Protection Act of 1973 is amended by adding at the end thereof the following:

"(d) For the purpose of this section, an area will not be deemed to be an 'area in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968' as a result of the participation in the flood insurance program by any owner of property located in that area pursuant to the last sentence of section 1305(c) of the National Flood Insurance Act of 1968."

(g) Section 202 of such Act is amended by adding at the end thereof the following new subsection:

"(c) The provisions of this section shall not apply to any financial assistance or loan applied for by any person who is or will be participating in the national flood insurance program pursuant to the last sentence of section 1305(c) of the National Flood Insurance Act of 1968, notwithstanding the nonparticipation of the community in the area in which that person's property is located."

#### A PROPOSED CONSTITUTIONAL AMENDMENT ON PUBLIC DEBT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Arkansas (Mr. BUMPERS), and an attached resolution of the Arkansas General Assembly.

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

##### STATEMENT BY SENATOR BUMPERS

The General Assembly of the State of Arkansas, during its regular session just concluded, adopted Senate Concurrent Resolution 13, expressing the concern of that legislative body with respect to the rapidly increasing federal debt. The Arkansas General Assembly requests that the Congress exercise its power under Article V of the Constitution of the United States to call a constitutional convention for the purpose of amending the Constitution to provide that no debt above the debt ceiling existing at the time the amendment is ratified may be created by or on behalf of the United States. Certain exceptions to this rigid rule would be provided under the proposed constitutional amendment. Additional debt could be incurred, for example, to repel invasion, suppress insurrection, defend the United States in war, or pay existing debt. Further, existing debt could be incurred with the concurrence of the legislatures of two-thirds of the states.

I am not certain that the approach recommended by this concurrent resolution is the only sound one to the problem, but I am convinced that the problem is one that should be attacked vigorously and promptly. I am concerned, as I know other Senators are, by the rapidly increasing level of the federal debt. The value of our currency is being depreciated daily, the federal establishment is growing, and the fiscal integrity of this country is being called into question. I will be actively working in the weeks ahead, as I know other Senators will, toward a solution to this problem. In the meantime, I would like for Senators to have the benefit of the thoughts contained in Senate Concurrent Resolution 13 of the Arkansas General Assembly.

##### SENATE CONCURRENT RESOLUTION

Whereas, the federal debt of the United States has risen steadily since World War II; and

Whereas, in 1974, the federal debt exceeded \$486 billion and the federal deficit exceeded \$3 billion; and

Whereas, the persistent and unbroken inflation that threatens the social, economic, and political stability of the United States is both caused and aggravated by the existence of the enormous federal debt; and

Whereas, the power to create the federal debt and to increase the debt ceiling of the United States is equivalent to the power to aggravate and accelerate inflation; and

Whereas, all the states that suffer the impact of soaring inflation should have a part in determining the debt policy of the United States; and

Whereas, the power to create the federal debt can be curbed only by amendment of the Constitution of the United States; and

Whereas, the states can be given a part in increasing the debt ceiling only by amendment of the Constitution of the United States; now, therefore be it

Resolved by the Senate of the Seventieth General Assembly of the State of Arkansas, the House of Representatives concurring therein:

That the Legislature of the State of Arkansas hereby memorializes the Congress of the United States to exercise its power under Article V of the Constitution of the United States and call a convention for the purpose of amending the Constitution of the United States to provide that no debt above the debt ceiling existing at the time the amendment is ratified be created by or on behalf of the United States, except to repel invasion, suppress insurrection, defend the United States in war, or pay existing debt, without the concurrence of the legislatures of two-thirds of the states; be it further

Resolved that a copy of this Resolution shall be forwarded to the President of the Senate and Speaker of the House of Representatives of the United States Congress and to each Senator and Representative in the Congress from Arkansas, with the request that this Resolution be officially entered in the Congressional Record as a Memorial to the Congress.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

#### VIETNAM CONTINGENCY ACT OF 1975

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1484. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1484) to authorize the President to use the Armed Forces of the United States to protect citizens of the United States and their dependents and certain other persons being withdrawn from South Vietnam, and for other purposes.

The Senate resumed the consideration of the bill.

RECESS UNTIL 11:15 AM

Mr. GRIFFIN. Mr. President, the Committee on Foreign Relations is now holding a meeting in connection with the legislation that is now before the Senate. With the authority of the distinguished majority leader, I move that the Senate stand in recess until the hour of 11:15 a.m.

The motion was agreed to, and at 10:46 a.m. the Senate recessed until 11:15 a.m.;

whereupon, the Senate reassembled when called, to order by the Presiding Officer (Mr. NUNN).

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

##### HUMANITARIAN-EVACUATION AID FOR VIETNAM

Mr. CHURCH. Mr. President, I voted last Friday in the Foreign Relations Committee to favorably report the pending bill to the Senate. It is my intention to vote for the bill if the limitations written into the legislation, relating to the use of U.S. Armed Forces are retained. Moreover, I am supporting the bill, only because of assurances by the administration that the removal of Americans is now proceeding at an accelerated pace, while time remains to bring them out, without the perilous resort to military intervention.

In his speech earlier this month, President Ford asked Congress to "clarify immediately its restrictions on the use of U.S. military forces in Southeast Asia for the limited purposes of protecting American lives by insuring their evacuation, if this should be necessary."

This request creates an impression which is at variance with the facts. No impediment exists in the law affecting the President's right to use U.S. military forces, if necessary, to insure the evacuation of American citizens and their dependents from South Vietnam. Indeed, President Ford has employed U.S. forces for this very purpose in Cambodia but a few days ago. No clarification of the law was needed or requested then.

Thus the President's real purpose in asking Congress to modify the law relates to the possible use of U.S. military forces to evacuate Vietnamese.

Which Vietnamese does the President have in mind?

He describes them as "those Vietnamese to whom we have a very special obligation and whose lives may be endangered should the worst come to pass." The number, we are told, may reach 175,000.

Here again, it is imperative to be plain-spoken. If U.S. Armed Forces were used to rescue such a multitude, an American Army would have to be landed to hold a perimeter sufficiently large to permit another Dunkirk. I do not believe the President has any such plan in mind. But, having been burned once by the openended Gulf of Tonkin resolution, Congress must carefully limit any reintroduction of U.S. forces into Vietnam for any purpose other than giving protective cover to the evacuation of American citizens and their dependents. I am persuaded that the legislation we consider today is directed toward that prime purpose, and that any use of American forces to evacuate foreign nationals would be only incidental to the removal of the Americans.

in regard to water rights in military establishments; and

"Whereas such doctrines of 'paramount' rights and 'exclusive jurisdiction' are contrary to American principles and all the recognized State and Federal laws; and

"Whereas the State of California already has suffered grievously at the hands of Federal officials who, under the dubious doctrine of 'paramount' rights, have wrested the submerged coastal lands of California from this State; and

"Whereas any extension of this doctrine as now represented in the Fallbrook case to the inland waters of the State of California will cause great additional injury both to individuals and the State; and

"Whereas the Federal Government, if it is sincere in obtaining an adequate water supply for Marine Camp Joseph H. Pendleton, as it alleges in its suit, can be assured of such a supply merely by application to the metropolitan water district at the same reasonable rates available to other users; and

"Whereas such a procedure of the use of Colorado River water via the second unit of the San Diego aqueduct would remove the necessity for the pending gigantic and wasteful suit: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the legislature deprecates the pending Federal suit to seize water rights in California under a specious guise of 'national defense,' which doctrine, if carried on under a precedent established here, would jeopardize all private property rights in the United States; and be it further

"Resolved, That the Attorney General of the United States is urged to dismiss the suit at once; and be it further

"Resolved, That the United States is urged to take advantage of the opportunity to obtain Colorado River water via the aqueduct for Camp Pendleton; and be it further

"Resolved, That Congress is urged to enact, at the earliest possible date, House Resolution 5368, which would confirm an agreed apportionment of the waters of the Santa Margarita River between local citizens and the military establishments of the United States and would forbid future suits of this nature by the Federal Government in defiance of State law; and be it further

"Resolved, That Congress is urged to enact, at the earliest possible date, legislation to compel all agencies of the Federal Government to recognize State laws pertaining to water rights and to preclude any such agency from claiming any right which is not recognized by State law; and be it further

"Resolved, That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the Congress of the United States, and to the Governor and the attorney general of the State of California."

#### "Senate Joint Resolution 11

"Joint resolution relative to memorializing Congress, the Department of Defense, the Department of the Interior, and the Department of the Navy to give careful consideration to the interests of national defense and the inhabitants and mining industry of Inyo County before authorization is given for the withdrawal of land in Saline Valley in Inyo County from the public domain for acquisition and use thereof for an aerial gunnery range

"Whereas representatives of the Eleventh and Twelfth Naval Districts have completed a preliminary investigation as to the feasibility of the use of a portion of Saline Valley in Inyo County for an air to air gunnery range to be used in connection with the

training of Marine Corps pilots at the permanent Navy air base at Mojave, Calif.; and

"Whereas it has been determined by said representatives that this location is suitable for an aerial gunnery range and that the establishment of such a range at this location is justified; and

"Whereas the determination and justification of the representatives of the Eleventh and Twelfth Naval Districts will be sent through appropriate channels to the Department of the Navy, the Department of Defense, and the Department of the Interior in Washington, D. C., for approval of the proposed withdrawal of land from the public domain for such purpose, and necessary legislation for such purpose will be sought in the Congress of the United States; and

"Whereas it is felt by the Legislature of the State of California that the use of the proposed area by the Navy would be extremely detrimental to national defense efforts due to the resulting curtailment of production of minerals in this area which are vitally important to the national defense effort; and

"Whereas within the proposed area there are currently being developed rich deposits of such minerals, including talc (including steatite talc, which is used in the manufacture of high frequency insulators for electronic equipment of all kinds, and of which this area is a major source), asbestos, lead, zinc, tungsten, and manganese; and

"Whereas other extremely rich deposits of such minerals are currently being developed in areas not included in the proposed aerial gunnery range but to which the only access is a county road running through the proposed range, so that the development of these deposits will also, of necessity, come to an end; and

"Whereas many of the above-mentioned minerals are currently on the critical list of raw materials essential for national defense production; and

"Whereas the United States Geological Survey has expended approximately one hundred fifty thousand dollars (\$150,000) upon a geological survey of a portion of the Saline Valley area, it being regarded by the United States Geological Survey as a potential storehouse of strategic and critical materials; and

"Whereas in addition to the critical blow that would be dealt to the national defense production program, the acquisition and use of the proposed portion of Saline Valley would, to a great extent, wipe out substantial investments made by various mining interests in this region; and

"Whereas such acquisition and use would further impoverish the county of Inyo, where already approximately 96 percent of the area in the county is not subject to taxation by the county, by taking more land on the tax rolls; and

"Whereas such acquisition and use would, in addition, have a serious effect upon the economy of Inyo County, by increasing unemployment and decreasing the spending power of its inhabitants: Now, therefore, be it

"Resolved by the Senate and the Assembly of the State of California (jointly), That the Legislature of the State of California strongly disapproves of further withdrawals of lands from the public domain unless such action is absolutely necessary for valid Federal purposes; and be it further

"Resolved, That the Congress of the United States, the Department of Defense, the Department of the Interior, and the Department of the Navy be respectively memorialized to give careful consideration to the factors pointed out in this resolution before authorization is given for withdrawal of the proposed land in Saline Valley in Inyo County from the public domain for acquisition and use thereof for an aerial gunnery range; and be it further

"Resolved, That the secretary of the senate be directed to transmit copies of this reso-

lution to the President and Vice President of the United States, the Speaker of the House of Representatives, each Senator and Representative from California in the Congress of the United States, the Secretary of Defense, the Secretary of the Interior, the Secretary of the Navy, and the Commander, Naval Air Base, Eleventh and Twelfth Naval Districts."

A joint resolution of the Legislature of the State of California; to the Committee on Interstate and Foreign Commerce:

#### "Assembly Joint Resolution 15

"Joint resolution relative to memorializing the Congress of the United States to suspend the importation of ladino clover seed

"Whereas the area having the largest production of ladino clover seed in the world is located in the State of California, to wit, the area near the city of Orland in Glenn County; and

"Whereas nearly 2,000,000 pounds of this seed were imported into this country from one foreign nation alone during the past year, while at the same time domestic surpluses were being created; and

"Whereas the domestic production of ladino clover seed is more than sufficient to meet the entire domestic demand for such seed, and the continued importation of this seed from abroad has already adversely affected the domestic industry which finds it difficult to compete with foreign seeds produced by cheap labor and benefiting from low transportation rates: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to suspend further imports of ladino clover seed until such time as domestic surpluses are used up; and be it further

"Resolved, That the chief clerk of the assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Agriculture of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on the Judiciary:

#### "Assembly Joint Resolution 8

"Joint resolution relative to petitioning Congress to call a convention for the purpose of considering an amendment to the Constitution of the United States relative to taxes on vehicles and vehicle fuels

"Resolved by the Assembly and the Senate of the State of California (jointly), That this legislature respectfully petitions the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States as follows, to wit:

#### "ARTICLE —

"SECTION 1. From and after the effective date of this article, all moneys collected from any taxes now or hereafter imposed by the United States upon motor vehicles or the operation thereof, and upon the manufacture, sale, distribution, or use of motor-vehicle fuels, supplies, and equipment, for use in motor vehicles upon public highways over and above the cost of collection, and any refunds authorized by law, shall be apportioned by the Congress to the several States and shall be used by the States exclusively for the construction and maintenance of highways in the manner provided by Congress; and be it further

"Resolved, That the Congress of the United States is hereby requested to provide as the mode of ratification that said amendment



shall be valid to all intents and purposes, as part of the Constitution of the United States, when ratified by the legislatures of three-fourths of the several States; and be it further

"Resolved, That the chief clerk of the assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the Senate of the State of California; to the Committee on Post Office and Civil Service:

#### "Senate Resolution No. 58

"Resolution relating to retirement pay for postal employees

"Whereas bills are now pending before the Congress which would increase the annuities for postal employees now on retirement and also provide an increase for those who retire in the future; and

"Whereas retired postal employees who have faithfully performed service to the country have suffered unduly from the high cost of living in the past several years due to the fixed nature of retirement payments; and

"Whereas postal employees yet to retire are entitled to a retirement income which will compensate as well as possible for recent cost of living increases; and

"Whereas two bills, S. 995 and particularly H. R. 6450, are designed to accomplish this worth-while objective: Now, therefore, be it

"Resolved by the Senate of the State of California, That the Congress of the United States is respectfully memorialized to enact H. R. 6450 or S. 995, or other legislation of similar nature to increase the retirement pay of postal employees; and be it further

"Resolved, That the secretary of the senate is directed to transmit a copy of this resolution to the President and Vice President of the United States, to the Postmaster General, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California, identical with the foregoing; to the Committee on Post Office and Civil Service.

Three joint resolutions of the Legislature of the State of California; to the Committee on Public Works:

#### "Assembly Joint Resolution 10

"Joint resolution relative to the completion of the Pacoima diversion channel

"Whereas the residents of the San Fernando Valley in the county of Los Angeles have suffered flood damages amounting to several million dollars due to the recent heavy storms which took several lives and carried mud, water, and debris into countless homes, schools, churches, and business properties; and

"Whereas similar heartbreaking tragedies will occur until the heavy runoffs can be harnessed by the completion of the Pacoima diversion channel; and

"Whereas the Pacoima diversion channel is a vital part of the general comprehensive Los Angeles County flood-control plan which was recommended by the United States Corps of Engineers and approved by Congress on August 18, 1941; and

"Whereas a Federal appropriation of \$1,575,000 is needed for the Pacoima diversion channel, which when completed will protect residents of the area from similar costly and tragic floods: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Congress of the United States is respectfully memorialized to appropriate the sum of \$1,575,000 for the completion of the Pacoima diversion channel at the earliest possible time; and be it further

675,000 for the completion of the Pacoima diversion channel at the earliest possible time; and be it further

"Resolved, That the chief clerk of the assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

#### "Assembly Joint Resolution 9

"Joint resolution relative to the construction of the Coyote Creek flood-control project

"Whereas the Coyote Creek flood-control project is a vital segment of the comprehensive plan for flood control in the basins of the Los Angeles and San Gabriel Rivers and Bollona Creek which was approved by the Seventy-sixth Congress and adopted by the State of California at the estimated cost to the State of \$22,500,000; and

"Whereas the completion of the Coyote Creek flood-control project will afford protection from disastrous floods to numerous growing communities such as Los Alamitos, Cypress, Norwalk, Artesia, La Mirada, Santa Fe Springs, and Hawaiian Gardens; and

"Whereas during the past months these communities, which include many new homes purchased by veterans, sustained heavy flood losses estimated at several million dollars; and

"Whereas the increased danger of recurrent floods due to the quick water run-off induced by the gigantic postwar construction program in Los Angeles County makes it imperative that the Coyote Creek flood-control project be constructed at the earliest possible time: Now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California (jointly), That the Congress of the United States is respectfully memorialized to appropriate the sum of \$11,291,000 for the construction of the Coyote Creek flood-control project; and be it further

"Resolved, That the chief clerk of the assembly is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

#### "Senate Concurrent Resolution 4

"Joint resolution relative to accepting permit from the Government of the United States for the transfer of lands for the use of the Golden Gate Bridge and Highway District for the purpose of widening the San Francisco approach to the Golden Gate Bridge

"Whereas the Secretary of the Army of the United States has, by grant dated the 30th day of October 1951, granted, to the Golden Gate Bridge and Highway District control over certain areas additional to the present Golden Gate Bridge and Highway District for the purpose of widening the San Francisco approach to the Golden Gate Bridge; and

"Whereas the said grant is by its term granted, an extension of the original permit to erect the Golden Gate Bridge made by the Assistant Secretary of War, dated October 27, 1930, and various permits granted subsequent to that date; and

"Whereas said permit dated the 30th day of October 1951, requires as a condition precedent to the taking effect of such permit that the State of California accept the same and conform to the requirements therein contained: Now, therefore, be it

"Resolved by the Senate of the State of California (the assembly thereof concurring), That the said permit granted by the Secre-

tary of the Army, successor to the previously designated Secretary of War, to the Golden Gate Bridge and Highway District be and the same hereby is, together with each, all, every and singular, the terms, conditions, limitations, reservations, and requirements therein contained accepted by and on behalf of the State of California; and be it further

"Resolved, That the State of California does hereby make application to Congress for a retrocession of jurisdiction over all of the lands and territories described in the original and amendatory permits heretofore or hereafter to be made; and be it further

"Resolved, That the State of California will, in case such retrocession of jurisdiction is granted by Congress, accept such retrocession of jurisdiction and will assume the responsibility for managing, controlling, and policing the same, all subject to the conditions embraced within said permit; and be it further

"Resolved, That each and every condition and restriction contained within said permit granted by the United States Government will be fully complied with; and be it further

"Resolved, That the State of California does hereby agree to accept said permit and will in all respects comply therewith and obey all of the requirements thereof; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, to the Secretary of the Army, to each House of Congress, and to the Senators and Representatives in Congress of the State of California."

A joint resolution of the Legislature of the State of California; to the Committee on Rules and Administration:

#### "Senate Joint Resolution 12

"Joint resolution relative to memorializing Congress with regard to published remarks by the Librarian of Congress

"Whereas it has come to the attention of the Legislature of the State of California that Luther H. Evans, Librarian of Congress, in a recent article published in the Sunday Star, in Washington, D. C., has made statements which question the sincerity of investigations made of books used in the American school system; and

"Whereas the Librarian of Congress has charged that the school system has been threatened with and exposed to such investigations only for selfish purposes of political and economic expediency and that literary classics as well as journals of opinion have been banned from student reading lists because portions of them gave offense to some organized group; and

"Whereas the Senate Committee on Education and other California legislative committees have found that certain textbooks used in the public schools and other books recommended for additional reading by students were subversive in character and inimicable to the principles of citizenship, the instruction of which the American system of education should have as its objective; and

"Whereas such legislative investigations were launched at the request of parents and public-minded citizens greatly concerned with the subversive character of some of the books and reading material being used in our schools; and

"Whereas the findings of the committees of the Legislature of California were based upon facts presented to them and all conclusions were reached after a fair evaluation of those facts together with the testimony of many witnesses from among those who championed the publications as well as those who condemned them: Now, therefore, be it

"Resolved by the Senate and the Assembly of the State of California (jointly), That the published remarks of the Librarian of Congress are highly objectionable in view of the legitimate investigations which have been

of the General Assembly of Ohio, which was referred to the Committee on Foreign Relations, as follows:

#### SENATE RESOLUTION 66

Resolution memorializing the 90th Congress of the United States to take whatever action may be necessary and appropriate to bring a lasting peace to the Middle East

Whereas, The recent tragic war between Israel and the Arab states has emphasized, once again, the fact that the nations of the world are highly interdependent and that, consequently, a rash and unconsidered action by any one of them may jeopardize the peaceful pursuits and well-being of all; and

Whereas, This situation has also demonstrated that such interdependence has raised the destructive potential of every nation, regardless of its rank as a primary or secondary power, to an historically unprecedented level; and

Whereas, The territorial integrity of the Middle East, together with the right of all countries to the free and unharassed use of the Suez Canal, the Strait of Tiran, and the Gulf of Aqaba, has thus become a matter of supreme human, as well as international, importance, and one which we can disregard only at our peril; and

Whereas, The events of the past several years have thoroughly illustrated the dangers inherent in a failure to thoroughly resolve such problems—which have displayed a tendency to proliferate that is in almost direct proportion to the degree of complacency with which we have regarded them; therefore be it

Resolved, That the 107th General Assembly of Ohio hereby memorializes the 90th Congress to take all necessary and appropriate action to end forever the possibility of conflict in the Middle East; to encourage fruitful negotiations between Israel and the Arab nations; and to reaffirm the position of the United States in regard to the right of innocent passage through the affected waterways; and be it further

Resolved, That a copy of this Resolution be spread upon the pages of the Journal, and that the Clerk of the Senate transmit duly authenticated copies of this Resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, the Honorable Frank J. Lausche, the Honorable Stephen M. Young, to each member of the House of Representatives in Congress from Ohio, and to the Honorable James A. Rhodes.

Attest:

THOS. E. BATEMAN,  
Clerk of the Senate.

#### PETITION FOR CONSTITUTIONAL CONVENTION

Mr. DOMINICK. Mr. President, as my distinguished colleagues know, a number of States have approved petitions calling for a constitutional convention to propose an amendment to reapportion the State legislatures. Colorado has joined those States; and, according to the rules of the Senate, I ask unanimous consent that Senate Joint Memorial No. 5, adopted by the 46th General Assembly of the State of Colorado be printed in the RECORD and appropriately referred.

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

The joint memorial was referred to the Committee on the Judiciary, as follows:

#### SENATE JOINT MEMORIAL 5

Joint memorial memorializing the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States, to secure to the people the right of some choice in the method of apportionment of one house of a state legislature on a basis other than population alone

Whereas, The United States Supreme Court has ruled that membership in both houses of a bicameral state legislature must be apportioned only according to population; and

Whereas, For one hundred and seventy-five years the people of the various states have had the freedom to apportion their state legislatures in the manner they felt best reflected the interest of the people, recognizing that a system of apportionment that might be appropriate for one state would not necessarily meet the needs of another state, but that each state should be free to make its own selection; now, therefore,

Be It Resolved by the Senate of the Forty-sixth General Assembly of the State of Colorado, the House of Representatives concurring herein:

That this General Assembly hereby respectfully petitions the Congress of the United States to call a constitutional convention for the purpose of submitting a constitutional amendment to the states, which will secure to the people the right of some choice in the method of apportionment of one house of a state legislature on a basis other than population alone; and

Be It Further Resolved, That this Memorial is rescinded if the Congress itself, no later than June 30, 1967, proposes such a plan to the states for ratification; and

Be It Further Resolved, That a duly attested copy of this Memorial be transmitted to the members of the Congress of the United States from the State of Colorado.

MARK A. HOGAN,

President of the Senate.

COMFORT W. SHAW,

Secretary of the Senate.

JOHN D. VANDERHOOF,

Speaker of the House of Representatives.

HENRY C. KIMBROUGH,

Chief Clerk of the House of Representatives.

#### REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. PROXMIRE, from the Committee on Banking and Currency, with an amendment:

S. 5. A bill to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extension of credit (Rept. No. 392).

Mr. BYRD of West Virginia subsequently said: Mr. President, earlier today the Senator from Wisconsin [Mr. PROXMIRE] filed a report on S. 5, the truth-in-lending legislation.

I ask unanimous consent that the report be printed, together with the individual views.

The PRESIDING OFFICER (Mr. YOUNG of Ohio in the chair). Without objection, it is so ordered.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HRUSKA (for himself, Mr. DIRKSEN, Mr. ERVIN, Mr. MILLER, Mr. PERCY, and Mr. HANSEN):

S. 2048. A bill to amend the Sherman Act to prohibit the investment of certain income in any business enterprise affecting interstate or foreign commerce; and

S. 2049. A bill to prohibit the investment of income derived from certain criminal activities in any business enterprise affecting interstate or foreign commerce, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. HRUSKA when he introduced the above bills, which appear under separate heading.)

By Mr. HRUSKA (for himself, Mr. DIRKSEN, Mr. ERVIN, and Mr. HANSEN):

S. 2050. A bill to prohibit electronic surveillance by persons other than duly authorized law enforcement officers engaged in the investigation or prevention of specified categories of offenses, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. HRUSKA when he introduced the above bill, which appear under a separate heading.)

By Mr. HRUSKA (for himself, Mr. DIRKSEN, Mr. ERVIN, Mr. PERCY, and Mr. HANSEN):

S. 2051. A bill to amend title 18, United States Code, to provide for improved criminal procedure, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. HRUSKA when he introduced the above bill, which appear under a separate heading.)

By Mr. BAKER:

S. 2052. A bill for the relief of Hong Sing Cheung; to the Committee on the Judiciary.

By Mr. MILLER (for himself and Mr. PERCY):

S. 2053. A bill to amend title II of the Social Security Act to provide for periodic cost-of-living increases in monthly benefits payable thereunder: to the Committee on Finance.

S. 2054. A bill to amend the Railroad Retirement Act of 1937 to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. MILLER when he introduced the above bills, which appear under a separate heading.)

By Mr. ERVIN (for himself and Mr. JORDAN of North Carolina):

S. 2055. A bill for the relief of Yaddin County, N.C.; to the Committee on Labor and Public Welfare.

By Mr. SPONG:

S. 2056. A bill to require Members of Congress to file annual financial statements for themselves, their spouses, and their minor children, and for other purposes; to the Committee on Rules and Administration.

By Mr. RIBICOFF:

S. 2057. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to provide for more effective regulation under such act, and for other purposes: to the Committee on Agriculture and Forestry.

(See the remarks of Mr. RIBICOFF when he introduced the above bill, which appear under a separate heading.)

By Mr. DOMINICK:

S. 2058. A bill to provide a practicable weather modification program for the Upper Colorado River Basin; to the Committee on Commerce.

(See the remarks of Mr. DOMINICK when he introduced the above bill, which appear under a separate heading.)

By Mr. BREWSTER (for himself and Mr. TYDINGS):

S. 2059. A bill to authorize construction of the Six Bridge Dam and Reservoir on the Monocacy River in Frederick and Carroll



## SENATE

TUESDAY, MAY 6, 1958

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

Eternal God, Thou knowest our frame and rememberest that we are dust. Our baffled minds cannot encompass the complexities of this vast and varied world; but Thy patience outlasts all our dullness of apprehension and all our stupid choices. Pressed by the practical problems which crowd our hours and cry for solution, we would keep clear in our vision and faith the eternal things amid the tempests of the temporal. Amid the din of today's struggle with forces of darkness, keep our spirits steadfast, our hearts courageous, our motives pure, and our confidence in the final victory of justice and righteousness undimmed. We ask it in the Name above every name. Amen.

## THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, May 5, 1958, was dispensed with.

## MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the Speaker had affixed his signature to the following bills and joint resolutions, and they were signed by the President pro tempore:

S. 1818. An act to direct the Secretary of the Interior to acquire certain lands as an addition to the Fort Frederica National Monument;

S. 2183. An act to amend the act of August 2, 1956 (70 Stat. 940), providing for the establishment of the Virgin Islands National Park, and for other purposes;

S. 2937. An act to provide equitable treatment for producers participating in the Soil Bank program on the basis of incorrect information furnished by the Government;

H. R. 1126. An act to amend the Tariff Act of 1930 to exempt from duty pistols and revolvers not using fixed ammunition;

H. R. 2170. An act to authorize the Secretary of the Interior to consummate desirable land exchanges;

H. R. 2935. An act for the relief of Apolonia Quiles Quetglas;

H. R. 4115. An act to authorize the conveyance of certain lands in Shiloh National Military Park to the State of Tennessee for the relocation of highways, and for other purposes;

H. R. 5149. An act to provide that whenever public lands have been heretofore granted to a State for the purpose of erecting certain public buildings at the capital of such State, such purpose shall be deemed to include construction, reconstruction, repair, renovation, and other permanent improvements of such public buildings, and for other purposes;

H. R. 5208. An act to amend paragraph 1541 of the Tariff Act of 1930, as amended, to provide that the rate of duty in effect with respect to harpsichords and clavichords shall be the same as the rate in effect with respect to pianos;

H. R. 5624. An act to clear the title to certain Indian land;

H. R. 7057. An act for the relief of Henryk Bigajer and Maria Bigajer;

H. R. 7508. An act for the relief of Harry J. Madenberg;

H. R. 7516. An act to amend the Tariff Act of 1930 so as to permit the importation free of duty of religious vestments and regalia presented without charge to a church or to certain religious, educational, or charitable organizations;

H. R. 8239. An act for the relief of Maria Dittenberger;

H. R. 8348. An act for the relief of Michael Romanoff;

H. R. 8524. An act to authorize the preparation of a roll of persons of Indian blood whose ancestors were members of the Otoe and Missouri Tribe of Indians and to provide for per capita distribution of funds arising from a judgment in favor of such Indians;

H. R. 8958. An act authorizing the Secretary of the Interior to convey certain Indian land to the Diocese of Superior, Superior, Wis., for church purposes, and to the town of Flambeau, Wis., for cemetery purposes;

H. R. 9655. An act to permit articles imported from countries for the purpose of exhibition at the Oregon State Centennial Exposition and International Trade Fair to be held at Portland, Ore., to be admitted without payment of tariff, and for other purposes;

H. R. 9917. An act to continue the temporary suspension of duty on certain alumina and bauxite;

H. R. 9923. An act to amend the Tariff Act of 1930 to permit temporary free importation under bond for exportation, of articles to be repaired, altered, or otherwise processed under certain conditions, and for other purposes;

H. R. 10112. An act to make permanent the existing privilege of free importation of gaur seed;

H. R. 10792. All act to continue for 2 years the existing suspension of duties on certain lathes used for shoe last roughing or for shoe last finishing;

H. R. 11407. An act to extend for 2 years the existing provisions of law relating to the free importation of personal and household effects brought into the United States under Government orders;

H. J. Res. 451. Joint resolution authorizing the 101st Airborne Division Association to erect a memorial in the District of Columbia;

H. J. Res. 528. Joint resolution to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens; and

H. J. Res. 556. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the California International Trade Fair and Industrial Exposition, Los Angeles, Calif., to be admitted without payment of tariff, and for other purposes.

## COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. JOHNSON of Texas, and by unanimous consent, the Labor Subcommittee of the Committee on Labor and Public Welfare was authorized to meet today during the session of the Senate.

Mr. FREAR. Mr. President, I ask unanimous consent that the Subcommittee on Fiscal Affairs of the Committee on the District of Columbia be permitted to meet this afternoon. I have contacted the acting minority leader. I believe he offered no objection.

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

## EXECUTIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. If there be no reports of committees, the nominations on the calendar will be stated.

## DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

The Chief Clerk read the nomination of Richard R. Atkinson for reappointment as a member of the District of Columbia Redevelopment Land Agency for a term of 5 years, effective on and after March 4, 1958.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

## UNITED STATES ATTORNEY

The Chief Clerk read the nomination of Osro Cobb, of Arkansas, to be United States attorney for the eastern district of Arkansas for a term of 4 years.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

## LEGISLATIVE SESSION

Mr. JOHNSON of Texas. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

## LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour, for the introduction of bills and the transaction of other routine business. In that connection, I ask unanimous consent that statements be limited to 3 minutes.

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

## PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Connecticut; to the Committee on the Judiciary:

"Senate Joint Resolution 9

"Resolution concerning application to Congress to call a convention for proposing an amendment to the Constitution of the United States

"Resolved by this assembly, That pursuant to the provisions of article V of the Constitution of the United States, the Legislature

of the State of Connecticut applies to the Congress to call a convention for the purposes of proposing an amendment to the Constitution of the United States preventing the taxation of the income of the residents of one State by another State; be it further

"Resolved, That the secretary of the State cause copies of this resolution to be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and to the respective clerks of the several State legislatures.

"ROBERT A. WALL,

"Legislative Commissioner,

"JOHN L. GERARDO,

"Clerk of the Senate,

"JOHN WASSUNG,

"Clerk of the House."

A joint resolution of the Legislature of the State of California; to the Committee on Banking and Currency:

#### "Senate Joint Resolution 12

"Relative to implementation of the Federal Flood Insurance Act of 1956

"Whereas the many flood disasters in the history of this State and particularly the recent disasters in this State have proven that relief measures on the local level can never be entirely effective; and

"Whereas relief from the enormous loss occasioned by floods concerns every citizen whether directly or indirectly affected by such floods; and

"Whereas the Federal Flood Insurance Act of 1956 offers promising possibilities for the development of a satisfactory national program of flood relief; and

"Whereas it appears that with further study and education any problems in the administration of this act could be resolved; and

"Whereas California has always freely participated in every project to provide necessary relief to its people in times of great flood disasters: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California (jointly), That the Congress of the United States is memorialized to provide funds to reactivate the Federal Flood Insurance Administration and to orient its activities in accord with the principles developed by that agency during its year of active operation from 1956 to 1957, and provide funds for the payment of such subsidies by the Federal Government as may be necessary to the operation of the flood insurance program; and be it further

"Resolved, That the secretary of the Senate is directed to transmit copies of this resolution to the Vice President of the United States, the Speaker of the House of Representatives, and to each Member of Congress representing California."

A joint resolution of the Legislature of the State of California; to the Committee on Government Operations:

#### "Assembly Joint Resolution 9

"Relative to legislative jurisdiction over Federal lands

"Whereas legislation is pending in the United States Congress to permit Federal agencies to restore to States certain jurisdictional authority now vested in the United States over federally owned or operated land areas; and

"Whereas this proposed legislation would declare it to be the policy of Congress that the Federal Government shall retain only such measure of legislative jurisdiction over federally owned or operated land areas within the States as may be necessary for the proper performance of Federal functions; and

"Whereas it is the sense of the Legislature of the State of California that, to the extent consistent with the purposes for which the land is held by the United States, the Federal Government should not retain any legislative

jurisdiction within federally owned or operated areas which might be exercised by the States, and particularly that the Federal Government should not retain any legislative jurisdiction with respect to qualifications for voting, education, public health and safety, taxation, marriage, divorce, annulment, adoption, commitment of the mentally incompetent, and descent and distribution of property, normally exercised by the States; and

"Whereas one measure pending in the Congress which will accomplish the objectives set forth in this resolution is S. 1538, introduced by Senator McCLELLAN: Now therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact S. 1538, or similar legislation, relating to the legislative jurisdiction of the United States over Federal lands; and be it further

"Resolved that the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to Senator McCLELLAN, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the Senate of the State of California; to the Committee on Interstate and Foreign Commerce:

#### "Senate Resolution 10

"Resolution relating to air space control

"Whereas in recent months the Nation has been shocked by a series of tragic aircraft accidents resulting in the loss of many lives, culminating in the collision on April 21 of a military jet plane and a civilian airliner near Las Vegas, Nev., with the loss of 49 lives; and

"Whereas these accidents are apparently due to the concentration of air traffic within the narrow confines of air lanes; and

"Whereas the problem has been made more acute by the appropriation of large areas of the air space for the operation of military aircraft; and

"Whereas the problems caused by the great increase in air traffic, both civilian and military, and in the speed of aircraft have not been met by our present methods of air space control and regulation: Now, therefore, be it

"Resolved by the Senate of the State of California, That the members of this senate respectfully memorialize the Congress of the United States to consider the subject of air space allocation and control and take whatever action is necessary to alleviate this problem; and be it further

"Resolved, That the secretary of the senate is directed to send copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the Civil Aeronautics Administration.

"I hereby certify that the above resolution was unanimously adopted by the Senate of the State of California at the 1958 second extraordinary session of the legislature.

J. A. BEEK,

"Secretary of the Senate."

A resolution adopted at a rally of Lithuanian-Americans in New York City, N. Y., on February 23, 1958, relating to Lithuanian independence; to the Committee on Foreign Relations.

Resolutions adopted by the 67th Continental Congress of the National Society of the Daughters of the American Revolution, April 14-18, 1958, relating to the protection of the Constitution of the United States, and so forth; to the Committee on the Judiciary.

A resolution adopted by the Board of Supervisors of the Los Angeles County (Calif.) Flood Control District, favoring the enactment of legislation to continue Federal flood-control work in the Los Angeles area; to the Committee on Public Works.

### THE GROWTH OF FARMER COOPERATIVES—RESOLUTION

Mr. CARLSON. Mr. President, at a meeting of the Committee of Kansas Farm Organizations last week in Topeka, Kans., there was adopted a resolution in regard to farm problems.

This committee is representative of every farm organization in Kansas, and I ask unanimous consent that the resolution be printed as a part of these remarks and be referred to the Senate Committee on Agriculture and Forestry for consideration.

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Joint resolution to reaffirm national policy to aid and encourage the establishment, operation, and growth of farmer cooperatives as an effective and proven means of helping farmers help themselves to achieve a free, expanding, and prosperous agriculture

Whereas farming has been and will continue to be affected by rapid changes growing out of tremendous scientific and technological developments that not only generate enlarged production but greatly increase the farmer's need for off-farm services of all kinds in such areas as assembling, processing, packaging, transporting, and selling his products and securing the tools, materials, and farm-business services incident to efficient production; and

Whereas farmers as individual business units are finding it increasingly difficult to cope with their marketing and purchasing problems arising from the growing concentration in industries serving agriculture which has resulted in large, well-integrated businesses having extensive resources, a considerable degree of bargaining power and mass consumer outlets requiring large amounts of uniformly graded and packaged products; and

Whereas over 50 years of experience has demonstrated that farmer cooperatives are capable agencies within the framework of the American system of private enterprise through which farm people can achieve the bargaining position they must have to secure the highest possible returns consistent with economic conditions for products sold; acquire tools, materials, and services needed for production at reasonable costs and obtain full representation of their affairs to nonfarm interests; and

Whereas it is becoming increasingly clear that further integration of farming operations through cooperatives will be required in the future if farmers are to preserve the gains they have made and press forward to new levels of achievement; and

Whereas the Congress in a succession of legislative enactments over the years has set a policy favorable to the establishment, operation and growth of farmer cooperatives; and

Whereas, it is deemed desirable to set forth such policy in one statement: Therefore be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is declared to be the policy of Congress to encourage and assist the organization, efficient operation and growth of farmer cooperatives engaged in marketing farm products, purchasing



Action, 1966–1976, at 19 (1977) hereinafter Odegaard). These efforts were reflected in a significant increase in the percentage of minority M.D. graduates. The number of American Negro graduates increased from 2.2% in 1970 to 3.3% in 1973 and 5.0% in 1975. Significant percentage increases in the number of Mexican American, American Indian, and Mainland Puerto Rican graduates were also recorded during those years. *Id.*, at 40.

The statistical information cited in this and the following notes was compiled by government officials or medical, educators, and has been brought to our attention in many of the briefs. Neither the parties nor the amici challenge the validity of the statistics alluded to in our discussion.

<sup>40</sup> D. Reitzes, *Negroes and Medicine XXVII*, 3 (1958).

<sup>41</sup> Between 1955 and 1964, for example, the percentage of Negro physicians graduated in the United States who were trained at these schools ranged from 69.0% to 75.8%. See Odegaard, at 19.

<sup>42</sup> Minorities and Women in Health Fields, United States Dept. of Health, Education, and Welfare Pub. No. (HRA) 75-22, at 7 (May 1974).

<sup>43</sup> U.S. Bureau of the Census, 1970 Census, Vol. 1, Characteristics of the Population, Pt. 1, United States Summary, sec. 1, General Population Characteristics, 1-293 (Table 60) (1973).

<sup>44</sup> See ante, at 6 n. 6 (opinion of POWELL, J.).

<sup>45</sup> See, e.g., R. Wade, *Slavery in the Cities 90-91* (1964).

<sup>46</sup> For an example of unequal facilities in California schools, see *Soria v. Oznard School Dist.*, 386 F. Supp. 539, 542 (C.D. Cal. 1974). See also R. Kluger, *Simple Justice* (1976).

<sup>47</sup> See, e.g., *Crawford v. Board of Educ.*, 17 Cal. 3d 280, 130 Cal. Rptr. 724, 551 P. 2d 28 (1976); *Soria v. Oznard School District*, 386 F. Supp. 539 (CD Cal. 1974); *Spangler v. Pasadena City Board of Educ.*, 311 F. Supp. 501 (CD Cal. 1970); C. Wollenberg, *All Deliberate Speed: Segregation and Exclusion in California's Schools, 1855-1975*, at 136-177 (1976).

<sup>48</sup> For example, over 40% of American born Negro males aged 20 to 24 residing in California in 1970 were born in the South, and the same statistic for females was over 48%. These statistics were computed from data contained in Census, supra, n. 49, pt. 6, California, sec. 2, Detailed Characteristics. 6-1146 (table 139), 6-1149 (table 140).

<sup>49</sup> See, e.g., *O'Neil*, *Preferential Admissions: Equalizing the Access of Minority Groups to Higher Education*, 80 Yale L. J. 699, 729-731 (1971).

<sup>50</sup> Congress and the Executive have also adopted a series of race-conscious programs, each predicated on an understanding that equal opportunity cannot be achieved by neutrality because of the effects of past and present discrimination. See supra, pp. 24-26.

<sup>51</sup> Negroes alone approximately 22% of California's total population. This percentage was computed from data contained in Census, supra, n. 49, pt. 6, California, sec. 1, 6-4, and id., sec. 2, 6-1146 to 6-1147 (Table 139).

<sup>52</sup> The constitutionality of the special admissions program is buttressed by its restriction to only 16% of the positions in the Medical School, a percentage less than that of the minority population in California, see id., and to those minority applicants deemed qualified for admission and deemed likely to contribute to the medical school and the medical profession. Record 67. This is consistent with the goal of putting minority applicants in the position they would have been in if not for the evil of racial discrimination. Accordingly, this case does not raise the question whether even a remedial use of race would be unconstitutional if it ad-

mitted unqualified minority applicants in preference to qualified applicants or admitted, as a result of preferential consideration, racial minorities in numbers significantly in excess of their proportional representation in the relevant population. Such programs might well be inadequately justified by the legitimate remedial objectives. Our allusion to the proportional percentage of minorities in the population of the State administering the program is not intended to establish either that figure or that population universe as a constitutional benchmark. In this case, even respondent, as we understand him, does not argue that, if the special admissions program is otherwise constitutional, the allotment of 16 places in each entering class for special admittees is unconstitutionally high.

<sup>53</sup> See Census, supra, n. 49, Sources and Structure of Family Income, 1-12.

<sup>54</sup> This percentage was computed from data presented in B. Waldman, *Economic and Racial Disadvantage as Reflected in Traditional Medical School Selection Factors: A Study of 1976 Applicants to U.S. Medical Schools* 34 (Table A-15), 42 (Table A-23) Association of American Medical Colleges.

<sup>55</sup> This figure was computed from data contained in Census, supra, n. 49, pt. 1, United States Summary, sec. 2, 1-666 (Table 209).

<sup>56</sup> See Waldman, supra, n. 60, at 10-14 (Figures 1-5).

<sup>57</sup> The excluded white applicant, despite Mr. Justice POWELL's contention to the contrary, ante, at 47 n. 52, receives no more or less "individualized consideration" under our approach than under his.

#### DELAWARE PETITIONS CONGRESS ON A HUMAN LIFE AMENDMENT

● Mr. BIDEN. Mr. President, I submit for the RECORD Delaware's petition to Congress to call a constitutional convention for the purposes of considering a "human life amendment."

The petition follows:

##### HOUSE CONCURRENT RESOLUTION No. 9

Whereas, millions of abortions are alleged to have been performed in the United States since the decision on abortions by the United States Supreme Court on January 22, 1973; and

Whereas, the Congress of the United States has not proposed to date a "human-life amendment" to the Constitution of the United States;

Now therefore:

Be it resolved that the House of Representatives of the 129th General Assembly of the State of Delaware, the Senate concurring herein, applies to the Congress of the United States to call a convention to propose an amendment to the Constitution that would protect the lives of all human beings including unborn children at every stage of their biological development.

Be it further resolved that this application shall constitute a continuing application for such a convention pursuant to Article V of the Constitution of the United States until such time as the Legislatures of two-thirds of the States shall have made like applications and such convention shall have been called by the Congress of the United States.

Be it further resolved that copies of this concurrent resolution be presented to the President of the Senate of the United States, the Secretary of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Clerk of the House of Representatives of the United States, and to each member of the Congress from Delaware attesting the adoption of this concurrent resolution by the 129th General Assembly of the State of Delaware.

#### THE NATIONAL CONSUMER CO-OPERATIVE BANK ACT

● Mr. TOWER. Mr. President, one of the major concerns I have over enactment of H.R. 2777, the National Consumer Cooperative Bank Act, is the effect which loans from such a bank would have on small business firms. This issue was discussed during the hearings held by the Subcommittee on Financial Institutions, but unfortunately it was not given the serious consideration it deserves in the bill reported by the full committee.

I have introduced an amendment, in the nature of a substitute to H.R. 2777, which would provide for a pilot lending and technical assistance program for consumer cooperatives and a 2-year study of the needs of consumer cooperatives by an interagency task force. Under this amendment, the interagency task force would, among other things, be required to study and make recommendations regarding the effect which loans from a consumer cooperative bank would have on competition between consumer cooperatives and small business firms.

In order for the Members of this body to understand more fully the importance of this issue, I am placing in the RECORD today the statement presented by the National Federation of Independent Business during the Financial Institutions Subcommittee's hearings on this bill.

In that statement, James D. "Mike" McKevitt noted the following:

It is not difficult to understand small business opposition to this bill. Despite the contention of supporters of the bill that the Bank will enhance competition in business activities and geographic areas now dominated by a few large firms, the bill would, in fact, create subsidized competition in business activities—primarily retailing and non-professional services—now dominated by small firms.

I ask that the statement by the National Federation of Independent Business be printed in the RECORD.

The statement follows:

STATEMENT OF JAMES D. "MIKE" McKEVITT, WASHINGTON COUNSEL, NATIONAL FEDERATION OF INDEPENDENT BUSINESS

Mr. Chairman, distinguished members of the Committee, I am Mike McKevitt, Washington Counsel for the National Federation of Independent Business (NFIB). In January, 1977, NFIB asked its one-half million small and independent business firms whether they favored or opposed enactment of the National Consumer Co-op Bank Act, H.R. 2777. The response was a resounding 93% in opposition, the second most lopsided vote of NFIB members in the last few years.

It is not difficult to understand small business opposition to this bill. Despite the contention of supporters of the bill that the Bank will enhance competition in business activities and geographic areas now dominated by a few large firms, the bill would, in fact, create subsidized competition in business activities—primarily retailing and non-professional services—now dominated by small firms. Table 1 shows the distribution of small retail firms employing at least one person by number of employees in the first quarter of 1973. Passage of H.R. 2777 will not only seriously threaten the economic vitality of an entire strata of the small business community: it would require small firms to help pay part of the cost of subsidizing the very cooperatives that could put these firms out of business.



bly of the **State** of California respectfully memorialize the President and **Congress** of the United States to designate July 20 as a permanent national holiday to commemorate our space pioneers; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the Governor of California, to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A memorial of the Legislature of the State of Florida; to the Committee on the Judiciary:

"SENATE MEMORIAL 397

"A memorial to the Congress of the United States requesting Congress to call a convention for the purpose of proposing an amendment to the constitution of the United States to provide for revenue sharing with the states of federal income taxes

"Be It Resolved by the Legislature of the State of Florida:

"That this legislature respectfully petitions the congress of the United States to call a convention for the purpose of proposing an amendment to the constitution of the United States to provide that a portion of the taxes collected in each of the states on the incomes of persons, associations and corporations shall be returned to the respective states to be utilized at the discretion of the state.

"Be It Further Resolved that copies of this memorial be dispatched to the President of the United States, to the president of the United States senate, to the speaker of the United States house of representatives, and to each member of the Florida delegation to the United States congress."

A resolution adopted by the Los Angeles Board of Library Commissioners, Los Angeles, Calif., praying for the enactment of legislation relating to funds for the Library Services and Construction Act; to the Committee on Appropriations.

A resolution adopted by the Naha City Assembly, of Okinawa, praying for the immediate removal of poison gas, germ and radioactive weapons from Okinawa; to the Committee on Armed Services.

A resolution adopted by the Legislative Council of Maryland, praying for enactment of legislation to break the impasse delaying construction of the Metropolitan Washington Transit System; to the Committee on the District of Columbia.

A resolution adopted by the Kiwanis Club of New Orleans, New Orleans, La., remonstrating against the enactment of legislation relating to reduction of the present depletion as applied to the oil and gas industry; to the Committee on Finance.

A resolution adopted by the city council of the city of Madera, Calif., remonstrating against the enactment of legislation relating to the tax-exempt status of interest on municipal obligations; to the Committee on Finance.

A resolution adopted by the city of Eastlake, Ohio, remonstrating against the enactment of legislation which would limit the exempt status for income tax purposes of interest paid on bonds issued by State and local governments; to the Committee on Finance.

A resolution adopted by the Board of Commissioners of the City of Lexington, Ky., remonstrating against the enactment of legislation that would in any way limit the tax exemption status on bonds issued by State or local governments; to the Committee on Finance.

A resolution adopted by the city council of St. James, Minn., remonstrating against the enactment of legislation relating to taxation of interest on municipal bonds; to the Committee on Finance.

A resolution adopted by the Dutchess County Board of Representatives, State of New York, praying for the continuance of tax exemption of bonds of local governments; to the Committee on Finance.

A resolution adopted by the city of Appleton, Wis., praying for the prevention of taxing of State and local government bond interest; to the Committee on Finance.

A resolution adopted by the city of Watsonville, Calif., remonstrating against proposed action to eliminate the tax-exempt status of State and local municipal securities issued for municipal purposes; to the Committee on Finance.

The petition of World Peace Appeal, New York, N.Y., praying for the discouragement of a nuclear confrontation between the U.S.S.R. and China; to the Committee on Foreign Relations.

The petition of World Peace Appeal, New York, N.Y., relating to protection of the right to petition for redress of grievances; to the Committee on the Judiciary.

The petition of World Peace Appeal, New York, N.Y., praying for the enactment of legislation relating to full employment; to the Committee on Labor and Public Welfare.

A resolution adopted by the Greenwich Grange, Greenwich, Ohio, remonstrating against the enactment of legislation relating to the registration of firearms; to the Committee on the Judiciary.

A resolution adopted by the Republican Club of Hicksville, Hicksville, N.Y., praying for the enactment of legislation designating Flag Day as a legal holiday; to the Committee on the Judiciary.

A resolution adopted by the National Association of Women Lawyers, Chicago, Ill., praying for the enactment of legislation relating to the equality of rights regardless of sex; to the Committee on the Judiciary.

A resolution adopted by the American Bar Association, Chicago, Ill., praying for the enactment of Senate bill 952, relating to judgeships; to the Committee on the Judiciary.

A resolution adopted by the Lambda Kappa Mu Sorority, Inc., Washington, D.C., relating to civil rights; to the Committee on the Judiciary.

Resolutions adopted by the Mississippi Association of School Superintendents, praying for the enactment of legislation to provide relief in relation to benefits under the Elementary and Secondary Education Act; to the Committee on Labor and Public Welfare.

Resolutions adopted by the 39th Illinois State Convention, Polish Legion of American Veterans, U.S.A., Chicago, Ill., praying for peace in Vietnam, and so forth; ordered to lie on the table.

The petition of World Peace Appeal, New York, N.Y., praying for the enactment of legislation relating to a Day of Fasting, Humiliation, and Prayer; ordered to lie on the table.

The petition of World Peace Appeal, New York, N.Y., praying for the enactment of legislation for the restitution to black people prior to the Civil War; ordered to lie on the table.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs, with amendments:

S. 719. A bill to establish a national mining and minerals policy (Rept. No. 91-390).

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

S. 1499. A bill to name the authorized lock and dam No. 17 on the Verdigris River in Oklahoma for the Chouteau family (Rept. No. 91-391).

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. EASTLAND (for himself, Mr. STENNIS, Mr. RANDOLPH, Mr. BYRD of West Virginia, Mr. ALLEN, Mr. SPARKMAN, Mr. ELLENDER, Mr. SPONG, Mr. LONG of Louisiana, and Mr. BYRD of Virginia):

S. 2853. A bill to provide additional assistance to the States of Alabama, Louisiana, Mississippi, Virginia, and West Virginia for the reconstruction of areas damaged by Hurricane Camille; to the Committee on Public Works, by unanimous consent.

(The remarks of Mr. EASTLAND when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. STENNIS (for himself, Mr. EASTLAND, Mr. BYRD of Virginia, Mr. THURMOND, and Mr. SPONG):

S. 2854. A bill to provide assistance for the disaster area of Hurricane Camille; to the Committee on Public Works, by unanimous consent.

(The remarks of Mr. STENNIS when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. BAKER:

S. 2855. A bill to amend section 523 of the Housing Act of 1949 to permit sale of rural housing sites to or for the benefit of qualified lower-income families in addition to participants in self-help housing programs, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. BAKER when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HART:

S. 2866. A bill for the relief of Saul Blue-stone; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 2857. A bill for the relief of Clotilde R. Vilar; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 2858. A bill for the relief of Chin Fa Chow; to the Committee on the Judiciary.

By Mr. METCALF:

S. 2869. A bill for the relief of See Ting Lip Lee (Stan Lee); to the Committee on the Judiciary.

By Mr. HART:

S. 2860. A bill for the relief of Emmanuel Karusakis; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 2861. A bill to authorize the University of New Mexico to operate a county hospital at Albuquerque, N. Mex.; to the Committee on Labor and Public Welfare.

## S. 2855—INTRODUCTION OF A BILL TO AMEND SECTION 523 OF THE HOUSING ACT OF 1949

Mr. BAKER. Mr. President, I introduce today a bill to amend section 523 of the Housing Act of 1949 to permit the sale of rural housing sites to or for the benefit of qualified lower income families in addition to participants in self-help housing programs, and for other purposes.

I ask unanimous consent that the bill be printed in full at the conclusion of my remarks.

Mr. President, this bill would amend section 523 of the Housing Act of 1946 by broadening the statement of purposes in subsection (a) to include assistance in making housing sites in rural areas available for purchase by lower income families, or nonprofit organizations or cooperatives providing housing for lower

## House Resolution 1215

By: Representatives Brockway of the 102<sup>nd</sup>, Allison of the 8<sup>th</sup>, Cooke of the 18<sup>th</sup>, Dutton of the 157<sup>th</sup>, Williamson of the 115<sup>th</sup>, and others

Georgia  
A RESOLUTION

1 Applying for a convention of the states under Article V of the United States Constitution; and  
2 for other purposes.

3 WHEREAS, the founders of the Constitution of the United States empowered state  
4 legislators to be guardians of liberty against future abuses of power by the federal  
5 government; and

6 WHEREAS, the federal government has created a crushing national debt through improper  
7 and imprudent spending; and

8 WHEREAS, the federal government has invaded the legitimate roles of the states through  
9 the manipulative process of federal mandates, most of which are unfunded to a great extent;  
10 and

11 WHEREAS, the federal government has ceased to live under a proper interpretation of the  
12 Constitution of the United States; and

13 WHEREAS, it is the solemn duty of the states to protect the liberty of our people,  
14 particularly for the generations to come, by proposing amendments to the Constitution of the  
15 United States through a convention of the states under Article V of the United States  
16 Constitution to place clear restraints on these and related abuses of power.

17 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF  
18 GEORGIA that the General Assembly of the State of Georgia hereby applies to Congress,  
19 under the provisions of Article V of the Constitution of the United States, for the calling of  
20 a convention of the states limited to proposing amendments to the United States Constitution  
21 that impose fiscal restraints on the federal government, limit the power and jurisdiction of  
22 the federal government, and limit the terms of office for its officials and for members of  
23 Congress.

H. R. 1215

- 1 -

24 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is hereby  
25 directed to transmit copies of this application to the President and Secretary of the United  
26 States Senate and to the Speaker and Clerk of the United States House of Representatives,  
27 to transmit copies to the members of the United States Senate and United States House of  
28 Representatives from this state, and to transmit copies to the presiding officers of each of the  
29 legislative houses in the several states, requesting their cooperation.

30 BE IT FURTHER RESOLVED that this application constitutes a continuing application in  
31 accordance with Article V of the Constitution of the United States until the legislatures of  
32 at least two-thirds of the several states have made applications on the same subject.

only group of people who want to close these facilities. A vote by the American people would be overwhelmingly in favor of keeping Dwight Veterans' Administration Hospital and other similar facilities in operation.

I hope the Veterans' Administration will rescind their action in this regard. The letter follows:

THE AMERICAN LEGION,  
ROY MITCHELL POST No. 647,  
Du Quoin, Ill., January 18, 1965.

Re Closing of Veterans' Administration hospital in Dwight, Ill.  
Hon. KENNETH J. GRAY,  
House Office Building,  
Washington, D.C.

DEAR MR. GRAY: Roy Mitchell Post No. 647 of the American Legion, located in Du Quoin, Ill., has read the newspaper and other media that the Dwight Veterans' Administration Hospital and other such hospitals are to be closed permanently between April 1, 1965, and June 30, 1965.

It is our understanding that the Dwight Veterans' Administration Hospital employed nearly 300 and was functioning fully and doing a good job of it.

The closing of that hospital will cause considerable hardship to those who are being hospitalized, as they will have to be hospitalized elsewhere in other hospitals that are already very crowded; and that is not a good thing. It is our understanding that some of those hospitals already have long waiting lists for admissions.

Likewise, it is our understanding that the closing of the Dwight Veterans' Administration Hospital will cause all of those 300 employees to lose their jobs. The employees will be asked to move elsewhere for employment in other veterans' hospitals, but the other hospitals just do not have room to employ additional help, as their lists are filled up.

The closing of that Dwight Hospital will, of course, work a great hardship on the town of Dwight Ill., as it was considered one of the leading employers of that community.

It is too bad that every effort made by the Government to save money has to be aimed at the war veteran and his dependents. Those veterans gave their all and are now entitled to the very best that our Government can provide for them.

Therefore, Roy Mitchell Post No. 647 of the American Legion strongly protests the closing of that Dwight Veterans' Administration Hospital and also any other Veterans' Administration hospitals, wherever located. It is our desire that you exert every bit of your personality and influence to stop the closing of those hospitals.

There is a great need for hospitals at this time. The war veteran is getting older and will need increasing hospital services. It is not proper to close existing hospital facilities at this time and then have to build new facilities later on.

Very truly yours,

TOM MCJELIAN,  
Commander.  
HAROLD SMITH,  
Adjutant.  
LESLIE EDEL,  
Service Officer.

#### CLOSING OF VETERANS' ADMINISTRATION FACILITIES

Mr. RONCALIO. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. OTTINGER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Retrieved from:

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Mr. OTTINGER. Mr. Speaker, the recent announcement of the Veterans' Administration concerning the closing of regional offices, VA hospitals, and domiciliary homes has been a matter of considerable concern to me, as I know it has been to many of our colleagues.

The apparent ground for this action is economy, but in my opinion, there must be close scrutiny to determine whether, in fact, the closing of Veterans' Administration facilities will mean savings in view of the economic impact both on individuals and communities.

The closing of the VA hospital at Castle Point, N.Y., will alone mean the disruption of 250 patients, the loss of 340 jobs, and the loss of a \$2,400,000 annual payroll to the community.

Furthermore, the closing of these veterans' facilities appears to be directly contradictory to President Johnson's announced plan to care for the aged, wage war on poverty, and establish experimental centers designed to overcome diseases which have long plagued mankind.

It is worth noting that domiciliary homes, four of which are scheduled for closing, are occupied by veterans without funds, of advanced age, and suffering from crippling diseases.

In addition, the Veterans' Administration policy of not operating hospitals in rural or semiurban areas is sure to work undue hardship on veterans, their families and their friends. At a time when more hospitals are needed in our rural and suburban areas, why close hospitals that would cost \$150 million to replace, and then ask for \$90 million to build new ones?

Mr. Speaker, any readjustment in the number or operation of our veterans' facilities should be supported by more substantial evidence than has been offered in this instance by the VA, and such action must be demonstrably in accord with the long-range health care objectives of the administration.

#### IDAHO MEMORIAL AMENDING THE U.S. CONSTITUTION

Mr. RONCALIO. Mr. Speaker, I ask unanimous consent that the gentleman from Idaho [Mr. WHITE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. WHITE of Idaho. Mr. Speaker, the Idaho State Legislature, in its current 38th session, enacted a joint memorial asking that the U.S. Constitution be amended so that one house of a State bicameral legislature be allowed to consider factors other than population in its apportionment. I include the full text of Senate Joint Memorial 1, in the RECORD.

At the present time, the Idaho Legislature is under court order to reapportion itself. The Supreme Court decision of June 22, last year, was very brief, merely citing the decisions in the Baker against Carr and Reynold against Sims cases.

Following the decision in the *Hearne against Smylie*, I introduced House Joint Resolution 1141, which would amend the U.S. Constitution to reserve to each State exclusive power to determine the composition of its legislature and the apportionment of the membership thereof. My purpose in sponsoring the resolution was to restore the principles enunciated by the Supreme Court before the Baker and Sims decisions.

When hearings were called on the proposal I stated that the basis of my sponsorship runs deeper than the inconvenience and impracticality of forcing State legislatures to meet court deadlines at inopportune times. I believe that the above-mentioned decisions are a violation of historical constitutional principles and that it is the duty of the Congress to correct them.

Senate Joint Memorial 1 calls for a constitutional convention on this matter, and I support the aims of this measure.

It is my hope that the Congress will seriously consider the memorial and promptly act upon the application of the Idaho Legislature:

#### SENATE JOINT MEMORIAL 1

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

We, your memorialists, the members of the Senate and the House of Representatives of the Legislature of the State of Idaho, assembled in the 38th session thereof, do respectfully represent that—

Whereas the Constitution of the United States should not prohibit any State which has a bicameral legislature from apportioning the members of one house of such legislature on factors other than population, provided that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of that State; and

Whereas the Constitution of the United States should not restrict or limit a State in its determination of how membership of governing bodies of its subordinate units should be apportioned; and

Whereas in proposing an article as an amendment to the Constitution of the United States implementing the above freedom from prohibition, restriction or limitation of apportionment, the article, as proposed, should 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 7 years from the date of its submission to the States by Congress;

Now, therefore, we your memorialists respectfully make application to the Congress of the United States to call a convention for the purpose of proposing an article as an amendment to the Constitution of the United States, to read as follows:

#### "ARTICLE —

"SECTION 1. Nothing in this Constitution shall prohibit any State which has a bicameral legislature from apportioning the numbers of one house of such legislature on factors other than population, provided that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of that State.

"SEC. 2. Nothing in this Constitution shall restrict or limit a State in its determination of how membership of governing bodies of its subordinate units shall be apportioned.

"SEC. 3. 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 7 years from the date of its submission to the States by Congress." Now, therefore, be It



Resolved, That if Congress shall have proposed an amendment to the Constitution identical with that contained in this memorial prior to June 1, 1965, this application for a convention shall no longer be of any force or effect; be it further

Resolved, That the secretary of state of the State of Idaho be, and he is hereby authorized and directed to forward certified copies of this memorial to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each Member of the U.S. Congress from this State, as being an application of the Legislature of the State of Idaho, pursuant to article V of the Constitution of the United States.

This senate joint memorial passed the senate on the 11th day of January 1965.

JACK M. MURPHY,

President pro tempore of the Senate.

This senate joint memorial passed the house of representatives on the 18th day of January 1965.

PETE T. CENARRUSA,

Speaker of the House of Representatives. I hereby certify that the within senate joint memorial originated in the senate during the 38th session of the Legislature of the State of Idaho.

ARTHUR WILSON,  
Secretary of the Senate.

## ELECTION OF MEMBERS TO JOINT COMMITTEES

Mr. BURLESON. Mr. Speaker, I offer a privileged resolution, and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 147

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress.

Joint Committee on Printing: Mr. Burleson, Texas; Mr. Hays, Ohio; Mr. Lipscomb, California.

Joint Committee of Congress on the Library: Mr. Burleson, Texas; Mr. Jones, Missouri; Mr. Thompson, New Jersey; Mr. Lipscomb, California; Mr. Corbett, Pennsylvania.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## THE ECONOMIC REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 20)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Joint Economic Committee and ordered to be printed with illustrations:

To the Congress of the United States:

I am pleased to report—

That the state of our economy is excellent;

That the rising tide of our prosperity, drawing new strength from the 1964 tax cut, is about to enter its fifth consecutive year;

That, with sound policy measures, we can look forward to uninterrupted and vigorous expansion in the year ahead.

PROGRESS TOWARD OUR ECONOMIC GOALS

FULL EMPLOYMENT

In the year just ended, we have made notable progress toward the Employment Act's central goal of "useful employment opportunities, including self-employment."

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ment, for those able, willing, and seeking to work, and maximum employment, production, and purchasing power."

### EMPLOYMENT

Additional jobs for 1½ million persons have been created in the past year, bringing the total of new jobs since January 1961 to 4½ million.

Unemployment dropped from 5.7 percent in 1963 to 5.2 percent in 1964 and was down to 5 percent at year's end.

### PRODUCTION

Gross national product (GNP) advanced strongly from \$584 billion in 1963 to \$622 billion in 1964.

Industrial production rose 8 percent in the past 12 months.

### PURCHASING POWER

The average weekly wage in manufacturing stands at a record \$106.55, a gain of \$3.89 from a year ago and of \$17.50 from early 1961.

Average personal income after taxes has reached \$2,288 a year—up 17½ percent in 4 years.

Corporate profits after taxes have now risen continuously for 4 straight years—from a rate of \$19½ billion early in 1961 to nearly \$32 billion at the end of 1964.

But high levels of employment, production, and purchasing power cannot rest on a sound base if we are plagued by slow growth, inflation, or a lack of confidence in the dollar. Since 1946, therefore, we have come to recognize that the mandate of the Employment Act implies a series of objectives closely related to the goal of full employment; rapid growth, price stability, and equilibrium in our balance of payments.

### RAPID GROWTH

True prosperity means more than the full use of the productive powers available at any given time. It also means the rapid expansion of those powers. In the long run, it is only a growth of overall productive capacity that can swell individual incomes and raise living standards. Thus, rapid economic growth is clearly an added goal of economic policy.

Our gain of \$132 billion in GNP since the first quarter of 1961 represents an average growth rate (in constant prices) of 5 percent a year.

This contrasts with the average growth rate of 2½ percent a year between 1953 and 1960.

Part of our faster gain in the last 4 years has narrowed the "gap" that had opened up between our actual output and our potential in the preceding years of slow expansion. But the growth of our potential is also speeding up. Estimated at 3½ percent a year during most of the 1950's, it is estimated at 4 percent in the years ahead; and sound policies can and should raise it above that, even while moving our actual performance closer to our potential.

### PRICE STABILITY

I regard the goal of overall price stability as fully implied in the language of the Employment Act of 1946.

We can be proud of our recent record on prices:

Wholesale prices are essentially unchanged from 4 years ago, and from a year ago.

Consumer prices have inched upward at an average rate of 1.2 percent a year since early 1961, and 1.2 percent in the past 12 months. Much of this increase probably reflects our inability fully to measure improvements in the quality of consumer goods and services.

### BALANCE-OF-PAYMENTS EQUILIBRIUM

The Employment Act requires that employment policy be "consistent" with "other essential considerations of national policy." Persistent balance-of-payments deficits in the 1950's reached an annual average of nearly \$4 billion in 1958–60. Deficits of this size threatened to undermine confidence in the dollar abroad and limited our ability to pursue, simultaneously, our domestic and overseas objectives. As a result, restoring and maintaining equilibrium in the U.S. balance of payments has for some years been recognized as a vital goal of economic policy.

During the past 4 years—

Our overall balance-of-payments position has improved, and the outflow of our gold has been greatly reduced.

Our commercial exports have risen more than 25 percent since 1960, bringing our trade surplus to a new postwar record.

The annual dollar outflow arising from our aid and defense commitments has been cut \$1 billion, without impairing programs.

Our means of financing the deficit have been strengthened, reducing the gold outflow and helping to build confidence in the dollar.

### CONSISTENCY OF OUR GOALS

Thus, the record of our past 4 years has been one of simultaneous advance toward full employment, rapid growth, price stability, and international balance.

We have proved that with proper policies these goals are not mutually inconsistent. They can be mutually reinforcing.

### THE ROLE OF ECONOMIC POLICY

The unparalleled economic achievements of these past 4 years have been founded on the imagination, prudence, and skill of our businessmen, workers, investors, farmers, and consumers. In our basically private economy, gains can come in no other way.

But since 1960 a new factor has emerged to invigorate private efforts. The vital margin of difference has come from Government policies which have sustained a steady, but noninflationary, growth of markets.

I believe that 1964 will go down in our economic and political history as the "year of the tax cut."

It was not the first time that taxes were cut, of course, nor will it be the last time. But it was the first time our Nation cut taxes for the declared purpose of speeding the advance of the private economy toward full employment, production, and purchasing power. And it was done in a period already prosperous by the standard tests of rising production and incomes. In short, the tax cut was an expression of faith in the American economy:

It expressed confidence that our economy would translate higher after-tax in-

## MESSAGE FROM THE HOUSE

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 12:30 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 1657. An act to amend the National Portrait Gallery Act to redefine "portraiture."

S. 1847. An act to authorize the One Hundred and First Airborne Division Association to erect a memorial in the District of Columbia or its environs.

HJ. Res. 406. A joint resolution to provide for the presentation by the United States to Israel of a statue of Abraham Lincoln to be donated by Leon and Ruth Gildesgame, of Mount Kisco, N.Y.

The enrolled bills and joint resolution were subsequently signed by the ACTING PRESIDENT pro tempore (Mr. CLARK).

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, INC.

The ACTING PRESIDENT pro tempore (Mr. CLARK) laid before the Senate the following letters, which were referred as indicated:

## REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting a secret report entitled "The F-15 Is an Example of How Weapon Systems Support Cost Can Be Reduced" (with an accompanying report); to the Committee on Government Operations.

## REPORT OF THE ASSISTANT SECRETARY OF DEFENSE

A letter from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report of the design and construction supervision, inspection, and overhead fees charged by the construction agents for the military construction projects (with accompanying report); to the Committee on Armed Services.

## REPORT OF THE OFFICE OF MANAGEMENT AND BUDGET

A letter from the Deputy Director of the Office of Management and Budget transmitting, pursuant to law, a report relating to the total in the report on initiatives (with an accompanying report); to the Committee on Finance.

## REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Audit of Federal Crop Insurance Corporation Fiscal Year 1976" (with an accompanying report); to the Committee on Government Operations.

## REPORT OF THE FEDERAL BUREAU OF INVESTIGATION

A letter from the Director of the Federal Bureau of Investigation transmitting, pursuant to law, a report with respect to positions in the FBI in grades 16, 17, and 18 (with an accompanying report); to the Committee on Post Office and Civil Service.

## PROPOSED LEGISLATION OF THE GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

A letter from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to authorize appropriations during the fiscal year 1977 for procurement (with accompanying papers); to the Committee on Armed Services.

## PROPOSED LEGISLATION OF THE SECRETARY OF TRANSPORTATION

A letter from the Secretary of Transportation transmitting a draft of proposed legislation

to amend the Hazardous Materials Transportation Act (with accompanying papers); to the Committee on Commerce.

## PROPOSED ACTS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

Three letters from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, proposed acts adopted by the Council (with accompanying papers); to the Committee on the District of Columbia.

## PROPOSED LEGISLATION OF THE DEPARTMENT OF THE INTERIOR

A letter from the Assistant Secretary of the Interior transmitting a draft of proposed legislation relating to the control of wild free-roaming horses and burros (with accompanying papers); to the Committee on Interior and Insular Affairs.

## PUBLISHED NOTICE OF THE BUREAU OF RECLAMATION

A letter from the Acting Commissioner of the Bureau of Reclamation transmitting, pursuant to law, a copy of a proposed notice of the Bureau of Reclamation (with accompanying papers); to the Committee on Interior and Insular Affairs.

## PUBLISHED NOTICES OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Assistant Secretary of Health, Education, and Welfare transmitting copies of published documents in the Federal Register relating to systems of records (with accompanying papers); to the Committee on Government Operations.

## REPORT OF THE SMITHSONIAN INSTITUTION

A letter from the Secretary of the Smithsonian Institution transmitting, pursuant to law, a report of the Institution for the fiscal year 1975 (with an accompanying report); to the Committee on Rules and Administration.

## REPORT OF THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

A letter from the chairman of the Committee on Banking, Housing and Urban Affairs transmitting the Second Report on the Conduct of Monetary Policy relating to House Concurrent Resolution No. 133; ordered to lie on the table.

## PROSPECTUS OF THE GENERAL SERVICES ADMINISTRATION

A letter from the Administrator of General Services transmitting, pursuant to law, a prospectus relating to the construction of a border station at Haines, Alaska (with accompanying papers); to the Committee on Public Works.

## CORRECTION IN PROPOSED REGULATION OF THE FEDERAL ELECTION COMMISSION

A letter from the Vice Chairman of the Federal Election Commission transmitting a correction in a proposed regulation of the Commission pertaining to allocation of candidate and committee expenditures; to the Committee on Rules and Administration.

## PROPOSED REGULATION OF THE FEDERAL ELECTION COMMISSION

A letter from a member of the Federal Election Commission transmitting a proposed regulation relating to disclosure and reporting by candidates (with accompanying explanation and justification); to the Committee on Rules and Administration.

## PETITIONS

The ACTING PRESIDENT pro tempore (Mr. CLARK) laid before the Senate the following petitions which were referred as indicated:

A concurrent resolution adopted by the Legislature of the State of Indiana; to the Committee on the Judiciary;

## "STATE OF INDIANA—CONCURRENT RESOLUTION

"A concurrent resolution directing the United States Congress to call a constitutional convention for the purpose of proposing an amendment to the Constitution of the United States concerning federal expenditures and revenues

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate Concurring:

"Section 1. That the Congress of the United States is hereby requested to call a constitutional convention for the purpose of proposing the following amendment to the Constitution of the United States:

## "Article —

"SECTION 1. Expenditures shall not exceed revenues in any fiscal year, except in time of national emergency as declared by a two-thirds vote of both Houses of Congress.

"Sec. 2. The Congress shall have the power to enforce this article by appropriate legislation."

"Section 2. The Principal Clerk of the House is directed to transmit immediately copies of this resolution to the Secretary of the Senate of the United States and the Clerk of the House of Representatives of the United States and to each member of the Congress from this state."

House Resolution 472 adopted by the House of Representatives of the State of Illinois; to the Committee on Finance:

## "STATE OF ILLINOIS—HOUSE RESOLUTION 472

"Whereas, Many thousands of American men and women have given part of their lives to the defense of their Country in time of war and national emergency; and

"Whereas, Of the thousands of persons serving in the uniformed services of our country, many endured hardship and privation which have had a lasting effect upon their lives; still others have received injuries or wounds which have resulted in disability; and

"Whereas, This Country and her People, who have benefited from the efforts and sacrifices of those who are now veterans, have given precious little in return and have been guilty of ingratitude on a massive scale; and

"Whereas, The pitifully small veterans' pensions paid to those who have been unfortunate enough to be disabled in service of Country are inadequate to discharge the debt owed by the United States to these brave men and women; and

"Whereas, Congress, in the act of the grossest ingratitude and most callous indifference to the sacrifice and sufferings of the People, has proposed to tax the already inadequate veterans' pensions being paid to those who gave so much for all of us; and

"Whereas, This action is being taken in a year in which the Congress is terminating tax deductions for honest citizens and making new ones for themselves; therefore, be it

Resolved, That we call upon the Congress of the United States to take action to kill and legislation which would place any tax burden upon the monies paid to veterans for disabilities or other benefits for old age and all other types of veterans' pensions; and, be it further

"Resolved, That a copy of this preamble and resolution be transmitted by the Illinois Secretary of State to the Speaker of the United States House of Representatives, to the Vice President of the United States, and to each Member of the Illinois delegation to the Congress of the United States."

A resolution adopted by the Commission



"Be it further resolved that the Congress of the United States is specifically requested to assist New Mexico farmers organize and finance agricultural marketing cooperatives by amending the Agricultural Marketing Act to remove the limitation on the amount the farm credit administration may loan for the construction or acquisition of facilities by agricultural marketing cooperatives and to limit the rate of interest on federal loans under the Agricultural Marketing Act to four percent a year; and

"Be it further resolved that copies of this memorial be sent to the President of the United States, to the United States Department of Agriculture, to the leadership of the Congress of the United States and to the members of the New Mexico delegation to the Congress of the United States.

"DAVID L. NORVELL,

"Speaker, House of Representatives.

"ALBERT ROMERO,

"Chief Clerk, House of Representatives."

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on Agriculture and Forestry:

"ENROLLED JOINT RESOLUTION 14

"Memorializing Congress and the U.S. department of agriculture to rescind the ban on the use of lean pork in venison sausage

"Whereas, one of Wisconsin's most significant industries is based on its great deer herd which provides enjoyment and employment for thousands of persons; and

"Whereas, a substantial part of this industry is the production of some 4 million pounds of venison sausage each year; and

"Whereas, venison sausage sometimes involves the use of one-third lean pork, of which 600 tons is used for this purpose annually; and

"Whereas, the U.S. department of agriculture has approved regulations to become effective in 1969 which will allow only fat to be added to venison in venison sausage; and

"Whereas, this regulation will seriously affect the quality of venison sausage to the detriment of this fine Wisconsin industry; now, therefore, be it

"Resolved by the assembly, the senate concurring, That the Wisconsin legislature urges the U.S. department of agriculture to rescind the regulation prohibiting lean pork in venison sausage; and, be it further

"Resolved, That the Wisconsin legislature urges Congress to enact legislation which will overturn the regulation of the U.S. department of agriculture which will prohibit the use of lean pork in venison sausage if the department fails to rescind it; and, be it further

"Resolved, That duly attested copies of this resolution be transmitted to the secretary of the U.S. department of agriculture, the secretary of the senate of the United States, the chief clerk of the house of representatives and the members of Wisconsin's congressional delegation.

"HAROLD V. FROELICH,

"Speaker of the Assembly,

"WILMER H. STRUBING,

"Assembly Chief Clerk,

"WILLIAM P. NUGENT,

"Senate Chief Clerk."

A joint memorial of the Legislature of the State of New Mexico; to the Committee on Finance:

"HOUSE JOINT MEMORIAL 24

"A joint memorial requesting the Congress of the United States to increase the income tax exemptions for individuals and their dependents to one thousand dollars (\$1,000) for each such individual and requesting the support of the New Mexico delegation to any legislation proposing such an increased exemption

"Whereas, the family is the center of our American way of life and its children are the country's greatest resource; and

"Whereas, the greatly increased cost of living has fallen most heavily on families with children or other dependents; and

"Whereas, it is to the benefit of the country to foster family life and provide minimum standards for sustenance and healthful living; and

"Whereas, the present six hundred dollar (\$600) exemption for dependents is not a realistic amount for the proper support of a dependent in relation to the greatly inflated prices of these times;

Now, therefore, be it resolved by the Legislature of the State of New Mexico that the congress of the United States be requested to increase the income tax exemption for taxpayers and their dependents from six hundred (\$600) to one thousand dollars (\$1,000) each; and

"Be it further resolved that the New Mexico congressional delegation be urged to support any proposed legislation designed to increase the personal exemption and the exemption for dependents to one thousand dollars (\$1,000); and

"Be it further resolved that copies of this memorial be transmitted to the president of the United States senate, to the speaker of the United States house of representatives and to each member of the New Mexico congressional delegation.

"DAVID L. NORVELL,

Speaker, House of Representatives.

"ALBERT ROMERO,

Chief Clerk, House of Representatives.

"E. LEE FRANCIS,

President, Senate.

"JUANITA PINO,

Chief Clerk, Senate."

A concurrent resolution of the Legislature of the State of Iowa; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION 13

"Senate concurrent resolution proposing an amendment to the Constitution of the United States and making application to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States, to allow the people of each state greater freedom of choice in the apportionment of their state legislature and local governing bodies

"Whereas, the people of each state should have greater freedom of choice in the apportionment of their state legislature and local governing bodies; now therefore,

"Be it resolved by the Senate, the House of Representatives concurring, of the sixty-third General Assembly of Iowa, That this legislature respectfully requests and makes application to the Congress of the United States to propose the following article as an amendment to the Constitution of the United States or, in the alternative, to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

"ARTICLE —

"SECTION 1. The people of a state may apportion one house of a bicameral legislature using population, geography, and political subdivisions as factors, giving each factor such weight as they deem appropriate or giving reasonable weight to the same factors in apportioning a unicameral legislature, if in either case such plan of apportionment has been submitted to a vote of the people in accordance with law and with the provisions of this Constitution and has been approved by a majority of those voting on that issue. When a plan of apportionment based on factors of population, geography, and political subdivisions is submitted to a vote of the people under this section there shall also be submitted, at the same election, an alternative plan of apportionment based upon substantial equality of population in both houses of the bicameral legislature."

"SEC. 2. Any plan of apportionment which has been approved under this article shall be resubmitted to a vote of the people, or another plan may be submitted under the provisions of section one, at the November general election held two years following each year in which there is commenced any enumeration provided for in section two of Article I, and upon approval by a majority of those voting thereon, such plan of apportionment shall continue in effect until changed in accordance with law and with the provisions of this Constitution.

"SEC. 3. Nothing in this Constitution shall prevent a state from apportioning membership of governing bodies of its subordinate units using population, geography, and political subdivisions as factors, giving each factor such weight as the state deems appropriate."

"Be it further resolved, That the Congress of the United States is respectfully requested to submit said amendment in such manner that it shall be valid as part of the Constitution when ratified by the legislatures of three-fourths of the several states within seven years of its submission to the states by the Congress, provided that each such legislature shall be apportioned on the basis of substantial equality of population in accordance with the most recent enumeration provided for in section two of Article I of the Constitution of the United States.

"Be it further resolved, That a duly attested copy of this resolution shall be valid as part of the Constitution when ratified by the legislatures of three-fourths of the several states within seven years of its submission to the states by the Congress, provided that each such legislature shall be apportioned on the basis of substantial equality of population in accordance with the most recent enumeration provided for in section two of Article I of the Constitution of the United States.

"Be it further resolved, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and each member of the Congress from this state.

"ROGER W. JEPSEN,

"President of the Senate.

"WILLIAM H. HARBOR,

"Speaker of the House.

"Attest:

"CARROLL A. LANE,

"Secretary of the Senate."

A joint memorial of the Legislature of the State of New Mexico; to the Committee on Labor and Public Welfare:

"HOUSE JOINT MEMORIAL 10

"A joint memorial relating to Federal funding of public welfare expenditures

"Whereas, the United States congress has enacted legislation over the years requiring mandatory financial participation by the states in welfare programs, and

"Whereas, these welfare programs have been expanded by congressional action and supreme court decision until the welfare programs in many states are becoming an intolerable financial burden for these states, and

"Whereas, it is extremely unlikely that the federal government will diminish, or rescind, the presently inaugurated programs, and

"Whereas, it is increasingly apparent that a state, such as New Mexico with its low per capital income, will soon reach a point where no money can be raised, and

"Whereas, the State of New Mexico does not endorse the present welfare system, but urges the federal government to implement programs with incentives:

"Now, therefore, be it resolved by the Legislature of the State of New Mexico that the United States congress is requested to withdraw the requirement that the states



Also, petition of Charles S. Hopper, jr., urging tax on stocks, bonds, and financial paper—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Porto Rico, favoring a tariff on sugar and coffee—to the Committee on Ways and Means.

Also, petition of President Ban Cleave, of St. Louis, favoring a tariff commission—to the Committee on Ways and Means.

Also, petition of Charles H. Schmitz, of New York City, favoring duty on lithographic supplies—to the Committee on Ways and Means.

Also, petition of Luyties Brothers, favoring amendment to the tariff bill to encourage the sale and exportation of articles of domestic manufacture—to the Committee on Ways and Means.

Also, petition of the Columbus Industrial Alliance, favoring protection along certain lines—to the Committee on Ways and Means.

Also, petition of Hawley & I-loops, protesting tax on cocoa beans—to the Committee on Ways and Means.

Also, petition of National Manufacturers' Association, protesting reduction of tariff on lumber—to the Committee on Ways and Means.

Also, petition of W. Van Lubken, favoring removal of duty on sugar—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Porto Rico, favoring duty on coffee, sugar, and tobacco—to the Committee on Ways and Means.

Also, petition of Business Men's Association of South Norwalk, Conn., for placing paper on free list—to the Committee on Ways and Means.

Also, petition of Cattle Raisers' Association of Texas, for reduction of duty on hides—to the Committee on Ways and Means.

Also, petition of Fred Gutman & Co. of New York, for reduction of duty on safety matches—to the Committee on Ways and Means.

Also, petition of Yellow Pine Exchange, favoring a bill to remove discriminations against American sailing vessels in the coasting trade—to the Committee on the Merchant Marine and Fisheries.

By Mr. HANNA: Petition of many citizens of North Dakota, favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HARRISON: Paper to accompany bill for relief of Joseph Nester and James Tucker—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of American Masters, Mates, and Pilots, of California Harbor No. 15, against reduction of tariff on lumber—to the Committee on Ways and Means.

By Mr. LINDBERGH: Petition of citizens of Kensington and Howard Lalre, Minn., against proposed reduction in tariff on barley—to the Committee on Ways and Means.

Also, petition of Commercial Club of Osakis, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. MORGAN of Missouri: Petition of Samuel Miller, W. A. Joslin, L. S. Thurman, and other citizens of the Fifteenth Congressional District of Missouri, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. MURPHY: Petition of various farmers' unions of the Sixteenth Congressional District of Missouri, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON: Petitions of J. P. Wait and others, of Althelmer; L. H. Morphey and others, of Stuttgart; Murphey Martin Drug Company, of Pine Bluff; Grand Rapids Transfer Company, of Hot Springs; Globe Shoe and Clothing Company, of Malvern, all in the State of Arkansas, protesting against the establishment of a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. SABATH: Paper to accompany bill for relief of Charles E. Malin—to the Committee on Claims.

Also, petition of Stereotypers' Union, No. 4, of Chicago, and Chicago Mailers' Union, No. 2, favoring same postage rates on second-class mail in town where papers are printed as out of town—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Arthur Folk, of New York, against an increase of duty on tobacco and upholding action of the Senate committee—to the Committee on Ways and Means.

Also, petition of the Durbrow & Hearne Manufacturing Company, of New York, against increase of duty on embroidery machines and needles for the same—to the Committee on Ways and Means.

## SENATE.

FRIDAY, April 30, 1909.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington. The Journal of yesterday's proceedings was read and approved.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Alice H. Pierce, widow of Allen W. Pierce, deceased, v. The United States (S. Doc. No. 25); and

In the cause of Herbert Harlan and William Beatty Harlan, administrators cum testamento annexo of the estate of David Harlan, deceased, v. The United States (S. Doc. No. 26).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented house joint resolution No. 9, of the general assembly of Iowa, which was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

STATE OF IOWA,  
SECRETARY OF STATE.

I, W. C. Hayward, secretary of state of the State of Iowa, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 9, as passed by the thirty-third general assembly and approved by the governor April 12, A. D. 1909, as the same appears of record in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of the secretary of state of the State of Iowa.

Done at Des Moines, the capital of the State, April 24, 1909.

[SEAL]

W. C. HAYWARD,  
Secretary of State.

### House joint resolution 9.

Joint resolution of the thirty-third general assembly of the State of Iowa, making application to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States.

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing submission of such amendment to the States is through a constitutional convention to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore be it

Resolved by the general assembly of the State of Iowa:

SECTION 1. That the legislature of the State of Iowa hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States.

SEC. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

Approved April 12, A. D. 1909.

The VICE-PRESIDENT presented a memorial of the congress of the Knights of Labor of Albany, N. Y., remonstrating against a reduction of the duty on wood pulp and print paper, which was ordered to lie on the table.

He also presented a petition of sundry employees of the Case Cutlery Company, of Kane, Pa., praying for the retention of the proposed duty on imported knives or erasers, which was ordered to lie on the table.

He also presented petitions of sundry citizens of New York, Massachusetts, Georgia, Illinois, Indiana, Kentucky, Minnesota, Maryland, South Carolina, Arkansas, Michigan, Oregon, Texas, Virginia, Oklahoma, Nebraska, North Dakota, Idaho, Tennessee, West Virginia, Indiana, Maine, Ohio, Wisconsin, Washington, Idaho, Louisiana, and Pennsylvania, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. SHIVELY presented petitions of sundry citizens of Indianapolis, Boswell, Fishers, Evansville, and Fairlance, all in the State of Indiana, praying for the repeal of the duty on raw hides, which were ordered to lie on the table.

Mr. DILLINGHAM presented petitions of sundry citizens of East Bethel, Newbury, West Woodstock, and Burlington, all in the State of Vermont, praying for a reduction of the duty on ram and refined sugars, which were ordered to lie on the table.

Mr. BRISTOW presented petitions of sundry citizens of Norwood, Lane, Hunter, Winfield, Ellsworth, Zurich, Caldwell, Canton, Garnett, Bums, and Argonia, all in the State of Kansas, praying for a reduction of the duty on ram and refined sugars, which were ordered to lie on the table.

Mr. FRYE presented petitions of sundry citizens of Argyle and Riverton, Me., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. O'CONOR. I have conferred with them, and I understand there is no objection on their part to the change. They concur in the action taken by the House.

Mr. WHERRY. Mr. President, I have no objection.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Maryland.

The motion was agreed to.

#### TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

#### PETITIONS.

Petitions were presented and referred as indicated:

By Mr. O'CONOR:

A resolution of the House of Delegates of the State of Maryland; to the Committee on Finance:

"House Resolution 45

"Resolution urging the Congress of the United States, to distribute tax burdens more equitably

"Whereas the Congress of the United States is presently considering increasing the Federal excise tax rate on new passenger cars from 7 percent to 20 percent, an increase of 187 percent, amounting to \$685,000,000 per year; and

"Whereas the Congress of the United States is also considering an increase in the Federal gasoline tax from 1½ cents to 3 cents per gallon, an increase of 100 percent, amounting to \$580,000,000; and

"Whereas from these two sources alone, or \$1,265,000,000, are over 40 percent of the \$3,000,000,000 contemplated increase in Federal excise taxes, thus imposing on the American motorists a disproportionate share of the tax burden; and

"Whereas since the largest proportion of highway transportation is used in commerce and industry and cannot be considered as a luxury: Now, therefore, be it

"Resolved by the House of Delegates of Maryland, That the Congress of the United States be respectfully urged to broaden the base of its excise tax program so as to distribute more equitably the tax burden; and be it further

"Resolved, That the chief clerk of the house be instructed to send copies of this resolution to the President of the United States Senate, to the Speaker of the House of Representatives, to the chairman of the Ways and Means Committee of the House of Representatives, to the chairman of the Finance Committee of the United States Senate, and to each member of the Maryland delegation in the Congress of the United States.

"By the house of delegates, March 16, 1951.

"By order Raymond H. Miller, chief clerk.

"JOHN C. LUBER,

"Speaker of the House of Delegates.

"RAYMOND H. MILLER,

"Chief Clerk of the House of Delegates."

By Mr. SCHOEPPPEL:

A concurrent resolution of the Legislature of the State of Kansas; to the Committee on the Judiciary:

"Senate Concurrent Resolution 4

"Concurrent resolution memorializing the Congress of the United States to call a convention for the purpose of considering an amendment to the Constitution of the United States relative to taxes on incomes, inheritances, and gifts

"Be it resolved by the Senate of the State of Kansas, the house of representatives concurring therein, That this legislature respectfully petitions the Congress of the United

States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

#### "ARTICLE —

"SECTION 1. The sixteenth article of amendment to the Constitution of the United States is hereby repealed.

"SEC. 2. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration: provided, That in no case shall the maximum rate of tax exceed 25 percent.

"SEC. 3. The maximum rate of any tax, duty, or excise which Congress may lay and collect with respect to the devolution or transfer of property, or any interest therein, upon or in contemplation of or intended to take effect in possession or enjoyment at or after death, or by way of gift, shall in no case exceed 25 percent.

"SEC. 4. The limitations upon the rates of said taxes contained in sections 2 and 3 shall, however, be subject to the qualification that in the event of a war in which the United States is engaged creating a grave national emergency requiring such action to avoid national disaster, the Congress by a vote of three-fourths of each House may for a period not exceeding 1 year increase beyond the limits above prescribed the maximum rate of any such tax upon income subsequently accruing or received or with respect to subsequent devolutions or transfers of property, with like power, while the United States is actively engaged in such war, to repeat such action as often as such emergency may require.

"SEC. 5. Sections 1 and 2 shall take effect at midnight on the 31st day of December following the ratification of this article. Nothing contained in this article shall affect the power of the United States after said date to collect any tax on incomes for any period ending on or prior to said 31st day of December laid in accordance with the terms of any law then in effect.

"SEC. 6. Section 3 shall take effect at midnight on the last day of the sixth month following the ratification of this article: Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of section 3, laid in accordance with the terms of any law then in effect; be it further

"Resolved, That the Congress of the United States be and it hereby is, requested to provide as the mode of ratification that said amendment shall be valid to all intents and purposes, as part of the Constitution of the United States, when ratified by the legislatures of three-fourths of the several States; be it further

"Resolved, That a duly attested copy of this resolution be immediately transmitted by the secretary of state of the State of Kansas to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each Member of the Congress from this State."

#### ALLOCATION OF MATERIALS FOR SCHOOL EXPANSION—RESOLUTION OF GLENVIEW CITIZENS ASSOCIATION, SILVER SPRING, MD.

Mr. O'CONOR. Mr. President, with full recognition of the need for giving first priority to defense construction needs in allocation of strategic materials, many of us are greatly concerned, nevertheless, with the necessity of expanding school facilities to meet at least the minimum requirements of our children, so that they may be prepared adequately to

discharge their responsibilities of citizenship in future days.

In this connection, I present for appropriate reference a resolution adopted by the Glenview Citizens Association of Silver Spring, Md., urging immediate and vigorous action for expanding school facilities, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

Whereas it is well known that schools are overcrowded and that new construction or additions to existing construction is imperative in order to relieve the overcrowded condition;

Whereas the shortage of materials is seriously impeding or stopping school construction and to date no concentrated action has been taken by those agencies charged with the responsibility of seeking to alleviate this material shortage;

Whereas salaries of teachers are such that qualified teachers cannot be obtained or retained due to the fact that other fields are greener: Therefore be it

Resolved, That the County Council of PTA's be requested to initiate immediate action on the part of the State and National PTA Congress, the county and State boards of education, the National Education Association, and the United States Office of Education, to work out some plan with the National Production Authority for allocation of sufficient materials to permit construction of necessary school facilities: and be it further

Resolved, That action be likewise initiated to plan a long-term program to encourage teacher training to insure the adequate continuous staffing of schools with qualified and trained teachers who are compensated comparable to the service rendered; and be it further

Resolved, That copies of this resolution be forwarded to Governor M. Keldin, Senator O'Connor, Senator Butler, Representative Beall, State Senator DeWitt Hyde, State Senator J. Douglas Bradshaw, chairman of Montgomery County delegation to house of delegates, and each of the organizations referred to above.

We believe the urgency of this matter requires immediate attention if our children, the future builders and stabilizers of our country, are to receive the education which a free world requires.

#### RESOLUTIONS OF NATIONAL RIFLE ASSOCIATION

Mr. WILEY. Mr. President, I have received two resolutions adopted by the National Rifle Association at the annual directors meeting on October 6, 1950, in San Francisco, Calif.

One resolution alerts the American people to the dangers which we face in the present emergency. The other offers the facilities of the rifle association and of its affiliated members and clubs to the United States Government in connection with the defense effort.

Mr. President, we are all familiar with the fact that the great tradition of marksmanship through outdoor life has contributed immeasurably to the hard-hitting quality of the American infantry and of other fighting forces. We know the rifle clubs and similar outdoor groups have contributed countless of their members to the Armed Forces who, in turn, have provided some of the basic leadership in actual combat because of their skill in the use of firearms.



# ANNUAL REPORT OF THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. MORGAN) laid before the Senate a message from the President of the United States transmitting the annual report of the St. Lawrence Seaway Development Corporation for the calendar year ending December 31, 1974, which, together with the accompanying report, was referred to the Committee on Public Works. The message is as follows:

To the Congress of the United States:

Enclosed is the Annual Report of the St. Lawrence Seaway Development Corporation for the calendar year ending December 31, 1974. This is transmitted in accordance with the provisions of section 10 of the St. Lawrence Seaway Act (act of May 13, 1954).

It is interesting to note that, although traffic levels declined during the 1974 season, the Seaway Corporation nevertheless was able to continue its program and retire a portion of its outstanding debt.

GERALD R. FORD.

THE WHITE HOUSE, September 8, 1975.

## MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 8800. An act to authorize in the Energy Research and Development Administration a Federal program of research, development, and demonstration designed to promote electric vehicle technologies and to demonstrate the commercial feasibility of electric vehicles; and

H.R. 6674. An act to declare a national policy of coordinating the increasing use of the metric system in the United States, and to establish a United States Metric Board to coordinate the voluntary conversion to the metric system.

The message also announced that the House agrees to the amendment of the Senate to the amendment of the House to the resolution (S. Con. Res. 44) to provide for the appointment of a Joint Committee on Arrangements for the Commemoration of the Bicentennial of the United States of America.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3474) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. TEAGUE, Mr. HECHLER of West Virginia, Mr. McCORMACK, Mr. DOWNING, Mr. FUQUA, Mr. FLOWERS, Mr. SYMING-

TON, Mr. MOSHER, Mr. BELL, Mr. GOLDWATER, Mr. PRICE, Mr. ANDERSON of Illinois, and Mr. RONCALIO were appointed managers of the conference on the part of the House.

The message also announced that, pursuant to the provisions of section 2(b), Senate concurrent resolution 44, 94th Congress, the Speaker has appointed Mr. PICKLE and Mr. ESCH as members on the part of the House of the Joint Committee on Arrangements for the Commemoration of the Bicentennial of the United States of America, to serve with the majority and the minority leaders of the House and the House members of the American Revolution Bicentennial Board.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. MORGAN) laid before the Senate the following letters, which were referred as indicated:

### ORDERS OF THE IMMIGRATION AND NATURALIZATION SERVICE

Three letters from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders entered in the cases of certain aliens (with accompanying papers); to the Committee on the Judiciary.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. MORGAN):

House Resolution No. 29 adopted by the General Assembly of the Commonwealth of Kentucky; to the Committee on the Judiciary; a concurrent resolution applying to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States.

"Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

"SECTION 1. That the Congress of the United States be, and it hereby is, requested to call a convention for the proposing of the following amendment to the Constitution of the United States:

"No student shall be assigned or compelled to attend any particular public school on account of Race, religion, color or national origin.

"Sec. 2. That this application by the General Assembly of the Commonwealth of Kentucky constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar application.

"Sec. 3. That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives, each member of the Congress from this state and to each house of each state legislature in the United States.

A resolution adopted by the National Association of Secretaries of State relating to the registration of voters; to the Committee on Post Office and Civil Service.

Two petitions seeking a redress of grievances from a citizen of Ohio and three citizens of Florida: to the Committee on Government Operations.

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted.

By Mr. PROXMIRE, from the Committee on Banking, Housing and Urban Affairs: Michael H. Moskow, of New Jersey, to be Director of the Council on Wage and Price Stability.

John B. Rhinelander, of Virginia, to be Under Secretary of Housing and Urban Development.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

### NOMINATION OF MICHAEL H. MOSKOW

Mr. PROXMIRE, Mr. President, the Committee on Banking, Housing and Urban Affairs to which was referred the nomination of Michael H. Moskow to be Director of the Council on Wage and Price Stability recommends with no votes opposed that the nomination be confirmed.

Confirmation of the Council's Director was a feature of the amendments which Congress passed this year to the Council on the Wage and Price Stability Act in recognition of the important role the Council can and must play in the battle against inflation.

Between last summer and this past spring, inflation tapered off. But it is far from subdued. Especially unsettling is the reacceleration of the inflation rate to double-digit heights beginning this summer. Though a substantial part of this acceleration can be traced to special and hopefully nonrecurring factors affecting food and fuel, the rate of rise in nonfuel industrial prices also has jumped again. Many believe that this reflects use and abuse of administrative pricing powers which, in turn, reflect anticompetitive concentrations of market power in our economy's industrial sector. The Wage and Price Stability Council is the only agency we have to hold such power in check. It has only a minimum of tools to do the job. It is crucial, therefore, that the Council's Director be qualified to direct the Council.

Mr. Moskow has excellent credentials. He received his Ph. D. in economics in 1965. He served on the faculties at Temple University, Drexel Institute of Technology and Lafayette College. Since August 1969, he has been in Government. He first served on the Council of Economic Advisers and then in the Department of Labor where he was appointed Assistant Secretary for Policy Evaluation and Research in March 1972. In March 1973, he was appointed Assistant Secretary of Housing and Urban Development for Policy Development and Research. He resigned that position this summer and currently is serving as an advisor member of the Council on Wage and Price Stability. He is very well prepared to do the job for which he has been nominated.

While I may disagree with some of his

THANKS FROM COMMANDER ROBERT E. PEARY.

The VICE PRESIDENT presented a telegram, which was read and ordered to lie on the table, as follows:

WASHINGTON, D. C., March 4.

Vice President JAMES S. SHERMAN,  
Washington, D. C.:

If such a request is allowable, will you kindly express to the Members of the Senate my sincere thanks for their support and my deep appreciation of the high honor shown in voting me the rare thanks of Congress? Accept my personal regards.

PEARY.

MESSAGE FROM: TEE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 10822. An act to extend the time for the completion of a bridge across the Missouri River at Pankton, S. Dak., by the Yankton, Norfolk & Southern Railway Co.;

S. 10863. An act to give the consent of Congress to the building of a bridge by the city of Northport, Wash., over the Columbia River at Northport; and

S. 10878. An act to authorize the Canyon Snake River Wagon Bridge Commission to construct a bridge across the Snake River at or near the town of Payette, Idaho.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 3982. An act for the relief of David F. Wallace;

H. R. 7549. An act providing for the erection of monuments, respectively, to Gens. Daniel Stewart and James Screven, two distinguished officers of the American Army;

H. R. 24145. An act for the establishment of marine schools, and for other purposes;

H. R. 25503. An act to provide punishment for the falsification of accounts and the making of false reports by persons in the employ of the United States; and

H. R. 32674. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32212) making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes; recedes from its disagreement to the amendments of the Senate Nos. 58 and 61 to the said bill; and agrees to the same.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31530) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. WEEKS, Mr. GARDNER of New Jersey, and Mr. MOON of Tennessee managers at the conference on the part of the House.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32909) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes; further insists upon its disagreement to the amendments of the Senate to the bill upon which the first committee of conference had been unable to agree; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. TAWNEY, Mr. SMITH of Iowa, and Mr. FITZGERALD managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint resolution adopted by the Legislature of the State of California, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

SACRAMENTO, CAL., March 3, 1911.

PRESIDENT OF THE SENATE,  
Washington, D. C.

SIR: I am hereby instructed to forward you a copy of senate joint resolution No. 24, introduced by Senator Wolfe and unanimously adopted by both houses of the California Legislature this 3d day of March, 1911.

Whereas there is now pending in the Congress of the United States a resolution demanding the universal recognition by all nations of American passports, so that there shall be no discrimination of any foreign power against any American citizen holding an American passport by reason of his race or creed: Now therefore be it

Resolved by the senate and assembly jointly, That our Senators be instructed and our Representatives requested to use their best efforts to secure the adoption of this resolution, so that all American citizens, without regard to their religion, may be on an equal footing when seek-

ing to enter foreign countries and in possession of an American passport, and that the secretary of the senate be instructed to send this

resolution to the Speaker of the House of Representatives, the President of the Senate, and the President of the United States, by wire, as soon as it shall be adopted by both houses of the legislature.

WALTER N. PARRISH, Secretary of Senate.

The VICE PRESIDENT presented a joint resolution adopted by the Seventy-fifth Legislature of the State of Maine, which was ordered to lie on the table and be printed in the RECORD, as follows:

STATE OF MAINE.

Joint resolution of the Seventy-fifth Legislature of the State of Maine, making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States.

Whereas we believe that Senators of the United States shall be elected directly by voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary, and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing submission of such amendment to the States is through a constitutional convention to be called by Congress upon application of legislatures of two-thirds of all the States: Therefore be it

Resolved by the Legislature of the State of Maine, That the Legislature of the State of Maine hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for the purpose of proposing an amendment to the Constitution of the United States providing for the election of United States Senators by popular vote.

Sec. 2. This resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the Senate and the House.

HOUSE OF REPRESENTATIVES, February 6, 1911.

Read and passed; Sent up for concurrence.

C. C. HARVEY, Clerk.

IN SENATE CHAMBER, February 21, 1911.

Read once; senate amendment A adopted. Read and passed as amended. Sent down for concurrence.

W. C. HANSON, Secretary.

HOUSE OF REPRESENTATIVES, February 22, 1911.

House receded from original action. Senate amendment A adopted in concurrence. Resolution as amended read and passed in concurrence.

C. C. HARVEY, Clerk.

A true copy.

Attest:

C. C. HARVEY,

Clerk House of Representatives.

The VICE PRESIDENT presented resolutions adopted at the second annual convention of the Jewish Community of New York City, N. Y., favoring the abrogation of existing treaties between the United States and Russia, which were referred to the Committee on Foreign Relations.

Mr. GRONNA. I present a telegram transmitting a concurrent resolution passed by the Legislature of the State of North Dakota, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and be printed in the RECORD, as follows:

BISMARCK, N. DAK., March 3.

A. J. GRONNA,

United States Senate, Washington, D. C.:

Following concurrent resolution passed landslide assembly to-day:

Whereas the navigable rivers are the heritage of all of the people of the Commonwealth; and

Whereas the Yellowstone River is a navigable stream, and has in the past served a mighty purpose in the transportation of merchandise and produce thereon; and

Whereas the stream is now, and always will be, valuable for commerce, and may become the controlling factor in the matter of rates throughout that fertile valley: Be it

Resolved by the senate of the State of North Dakota (the house of representatives concurring) That the State of North Dakota, through her legislature, heartily indorses the policy of maintaining the navigability of said Yellowstone River and of preventing any obstruction thereof that will impede or obstruct or prevent the navigation of said river or so much thereof as is in fact navigable.

That it will be detrimental to the interests of the locality through which the navigable portion of said river runs and to this State to permit any dam to be maintained in the Yellowstone River below Glendive Boat, for any purpose unless there shall be constructed in connection with such dam such lock or locks as may amply and surely keep said stream open for navigation.

And the Legislative Assembly of North Dakota does hereby urge the United States Senators and Representatives in Congress from the State of North Dakota, and each of them, to appear before the Board of Engineers for Rivers and Harbors at Washington, D. C., and urge the construction of a lock or locks in any dam that may be built across the Yellowstone River below Glendive, Mont., so that the navigability of said river shall be maintained, and to urge such other measures and improvements as may be essential and necessary to perpetually protect and maintain the navigability of the Yellowstone and the upper Missouri Rivers: Be it further

Resolved, That the Legislature of North Dakota deplores the fact that no mention of the upper Missouri River is contained in the recently enacted river and harbor bill, nor is any provision made therein for the continued improvement of either the Yellowstone or upper Missouri Rivers, and urges adequate appropriations be provided in future river and harbor enactments for the improvement of these rivers.

J. W. FOLEY, Secretary of Senate.



people, of our State, and of our Nation, not only to realize the most from our present resources for the immediate problems of today, but also to meet our future needs for the long-range future; and

"Whereas the area of southwestern Idaho known as the Mountain Home Snake River plain area contains a large body of land which is both economically and **engineeringly** feasible for the development of a highly productive and economically desirable potential for the further development of the people of this area and of the Nation, and which would add greatly to the overall economy and assist in stabilizing the existing economy of this State and of the Nation, **and would present many opportunities to stimulate the economic growth of the State and of the Nation; and**

"Whereas adjacent to this **fine** body of potential irrigated land there are adequate supplies of water in the Snake River which are now running off and unused in the State of Idaho to the detriment of the State and Nation's economy; and

"Whereas upstream developments have been demonstrated to be in the long-range interest for providing the best and most comprehensive plan of development for the utilization of the water and land potential of our river basins; and

"Whereas the Bureau of Reclamation, in cooperation with local interests, has made engineering, water resource, and land classification studies, which studies have given **conclusive** evidence of the economic and engineering feasibility of a development of this area under a plan known as the **Guffey** plan of development; and

"Whereas the orderly continued investigation and ultimate construction and development of a water resource program for the irrigation of this potentially productive area of the State of Idaho will inure to the benefit of the State and of the Nation at large: Now, therefore, be it

"Resolved by the 38th session of the Legislature of the State of Idaho, now in session (the Senate and House of Representatives concurring), That the Congress and President of the United States be respectfully petitioned to give early authorization to the construction of the Mountain Home division, Snake River project, Guffey plan of development; be it further

"Resolved, That the secretary of state of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this memorial to the President and Vice President of the United States, the Speaker of the House of Representatives of the Congress, the Department of the Interior, the U.S. Bureau of Reclamation, and to the Senators and Representatives representing this State in the Congress of the United States.

"W. E. DREVLON,  
"President of the Senate.

"PETE T. CENARRUSA,  
"Speaker of the House of Representatives.

"ARTHUR WILSON,  
"Secretary of the Senate."

**A joint resolution of the Legislature of the State of Maryland; to the Committee on the Judiciary:**

#### "SENATE JOINT RESOLUTION 1

**"Senate joint resolution applying to the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States**

"Whereas the Supreme Court of the United States has ruled that membership in both houses of a bicameral state legislature must be apportioned according to population and has thus asserted Federal judicial authority over the basic structure of Government in the various States; and

"Whereas this rule denies to the people of the respective States the right to **establish**

their legislatures upon the same pattern of representation deemed advantageous for the Congress of the United States and provided by the Federal Constitution; and

"Whereas this action of the Supreme Court goes so far as to restrict the ability of the citizens of the respective States to designate the manner in which they shall be represented in their respective legislatures thereby depriving the people of their right to determine how they shall be governed; and

"Whereas the implications of this action by the Supreme Court raise serious doubts as to the legality of the present form of the governing bodies of many subordinate units of government within the States: Now, therefore, be it

"Resolved by the General Assembly of Maryland, That this legislature respectfully applies to the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

#### "ARTICLE —

"SECTION 1. Nothing in this Constitution shall prohibit any State which shall have a bicameral legislature from apportioning the membership of one house of such legislature on factors other than population, provided that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of that State.

"SEC. 2. Nothing in this Constitution shall restrict or limit a State in its determination of how membership of governing bodies of its subordinate units shall be apportioned.

"SEC. 3. 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 7 years from the date of its submission to the States by the Congress; be it further

"Resolved, That if Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to June 1, 1965, this application for a convention shall no longer be of any force or effect; and be it further

"Resolved, That the secretary of the State of Maryland is directed to send duly attested copies of this resolution under the great seal of the State of Maryland to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and each Member of the Congress from the State of Maryland."

A resolution of the House of Representatives of the State of Washington; to the Committee on the Judiciary:

"Whereas the citizens of the United States fought two World Wars to protect the freedom of all people; and

"Whereas an essential freedom of a democratic society is the right to vote; and

"Whereas the minority groups in Alabama have attempted to exercise this right; and

"Whereas these attempts have been thwarted by the use of force, violence and fear by the State government of Alabama: Now, therefore, be it

"Resolved, by the House of Representatives of the State of Washington, That we do respectfully urge that the Congress, the President of the United States and the Attorney General of the United States take immediate action to protect the minority groups in the State of Alabama in their attempt to exercise their right to vote and that an end be brought to the blatant abuse of police power by the State of Alabama which has led to the recent violence and bloodshed in that State; and be it further

"Resolved, That copies of this resolution be transmitted by the Clerk of the House of Representatives to the President of the United States, the Senators and Representatives from the State of Washington, to the Vice President, to the President of the Senate, to the Speaker of the House of Representatives

and to the Attorney General of the United States.

"S. R. HOLCOMB,

"Chief Clerk, House of Representatives."

A resolution of the Senate of the State of Arizona; to the Committee on Labor and Public Welfare:

#### "SENATE MEMORIAL 1

"Memorial urging the Congress of the United States to direct the Veterans' Administration to provide additional facilities in Arizona for the care and hospitalization of qualified veterans

or I respectfully represents: The State of Arizona because of its excellent climate, has attracted many thousands of veterans who have become residents of the State. As a result of such residence, the Veterans' Administration facilities have been used to capacity and an urgent need exists for additional facilities; and

"The shortage of beds in veterans' hospitals within the State of Arizona has resulted in many veterans being accepted for treatment and subsequently they are transferred to facilities in other States where beds are available. However, such action retards recovery of a veteran who prefers to be hospitalized where his relatives and friends are part of the community. Moreover, such action is an unwarranted financial burden to relatives who, in order to be close to the hospitalized veteran, must change their residence.

"Wherefore, your memorialist, the Senate of the State of Arizona, prays:

"1. That the Congress of the United States give favorable consideration toward the expansion of veterans' facilities in Arizona in order that the ever-increasing number of veterans residing within the State of Arizona may obtain hospitalization within their own community.

"2. That by direction of the Congress the U.S. Veterans' Administration survey the needs of Arizona's veterans and thereby determine whether additional veterans' hospitals and facilities should be constructed or whether additions should be made to existing veterans' facilities.

"3. The secretary of state of Arizona is requested to transmit copies of this memorial to each member of the Arizona congressional delegation, the Speaker of the U.S. House of Representatives, the President of the U.S. Senate, and to the Administrator of the U.S. Veterans' Administration."

A resolution of the House of Representatives of the State of Montana; to the Committee on Public Works:

#### "HOUSE RESOLUTION 11

"A resolution of the House of Representatives of the State of Montana urging the Federal Government to construct the proposed multipurpose Glacier View Dam on the North Fork of the Flathead River with proper emphasis on flood control and also integrate the flood control and power generating capabilities of Spruce Park and Hungry Horse Dams giving persons and Arms in Montana first priority for electric power resulting from development of water resources in the State.

"Whereas additional upstream multiple-purpose storage areas are needed to get full value from water resources of the Columbia River Basin; and

"Whereas the need for additional storage areas arises because the natural runoff pattern from the Columbia River Basin permits the effective use of only a small portion of the flow and because the runoff is in large

part the result of melting snow occurring as concentrated floods during a period of 2 or 3 months each spring when peak flows are commonly 10 times those of the low-water season; and

ment, and which massive numbers of persons, including the citizens of this territory, find repulsive to the American way of life; now, therefore be it

"Resolved, that the Fourteenth Guam Legislature joins the state of Utah and other states and respectfully requests the Congress of the United States to call a convention for the purpose of drafting an amendment to the U.S. Constitution that will guarantee to every human life, from the moment of fertilization throughout its natural existence, in every state, territory, and possession of the United States, the full protection of all laws respecting life, excepting an unborn child whose mother's life would otherwise be lost; and be it further

"Resolved; that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to Utah State Legislature; Representative A. B. Won Pat; the Speaker, U.S. House of Representatives; the Vice President of the United States and to the Governor of Guam."

**POM-250.** House Joint Resolution No. 160 adopted by the General Assembly of the State of Tennessee applying to Congress to call a convention for the purpose of amending the Constitution of the United States to provide the President with the power to veto any particular item or items of any appropriations bill; to the Committee on the Judiciary:

#### "HOUSE JOINT RESOLUTION NO. 160

"Whereas, over the past thirty years, the federal government has frequently made appropriations of funds substantially in excess of revenue collections, thereby amassing considerable deficits and necessitating extensive borrowing; and

"Whereas, deficit spending by the federal government has been a major cause of and contributor to the inflation of our national currency; and

"Whereas, inflation imposes the heaviest financial burden on those least able to bear it, and deficit spending imposes the funding of federal debts on future generations of Americans who have had no voice in the incurring of such debts; and

"Whereas, the inflationary consequences of federal budgetary deficits have impaired the credit of the United States and undermined the value of its currency, and have contributed to financial and other difficulties and dislocations for state and local governments; and

"Whereas, the President of the United States could more effectively deal with this problem were he able to exercise an item veto when considering any appropriation bill passed by the Congress; and

"Whereas, there has not been, nor does it appear that there will be, any initiative on the part of the Congress to amend the Constitution of the United States so as to provide the President with such item veto; and

"Whereas, in the event of Congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change through application by the legislatures of two-thirds of the several states to the Congress, calling for a constitutional convention; and

"Whereas, the Congress is required by the Constitution of the United States to call such a convention upon receipt of such applications: now, therefore.

"Be it resolved by the House of Representatives of the Ninetieth General Assembly of the State of Tennessee, the Senate concurring, That pursuant to Article V of the Constitution of the United States, the General Assembly of Tennessee does hereby make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a Constitutional amendment, to-wit:

"1. The President shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this Constitution as to bills which fail to receive the President's approval."

"Be it further resolved, That unless rescinded by the General Assembly of Tennessee, this application shall constitute a continuing application for such convention pursuant to Article V, until the legislatures of two-thirds of the states shall have been made like applications and such conventions shall have been called by the Congress of the United States.

"Be it further resolved, That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise, and since the power to use such right in full, also carries the power to use such right in part, the General Assembly of Tennessee interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification, with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment, would be limited to such proposal, and would not have power to vary the text thereof, nor would it have power to propose other amendments on the same or different propositions.

"Be it further resolved, That certified copies of this Resolution be presented forthwith to the President of the Senate and the Speaker of the House of Representatives of the United States and to the legislatures of each of the several states, attesting the adoption of this Resolution by the General Assembly of Tennessee."

**POM-251.** A resolution adopted by the General Court of the Commonwealth of Massachusetts requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary:

**"RESOLUTIONS REQUIRING THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES PROTECTING THE RIGHT TO LIFE OF ALL HUMAN BEINGS DURING EVERY STAGE OF BIOLOGICAL DEVELOPMENT"**

"Resolved, That the General Court of the Commonwealth of Massachusetts respectfully petitions the Congress of the United States pursuant to Article V of the United States Constitution to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

#### "ARTICLE

"Section 1. With respect to the right to life, the word person as used in this article and in the Fifth and Fourteenth Articles of Amendment to this Constitution applies to all human beings irrespective of age, health, function, or condition of dependency, including their unborn offspring at every stage of their biological development.

"Section 2. No unborn person shall be deprived of life by any person, provided, however, that nothing in this article shall prohibit a law permitting only those medical procedures required to prevent the death of the mother.

"Section 3. The Congress and the several

states shall have the power to enforce this article by appropriate legislation; and be it further

"Resolved, That a duly attested copy of these resolutions be immediately transmitted by the Clerk of the House of Representatives to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, to each member of Congress from this Commonwealth, and to each house of each state legislature in the United States."

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STENNIS (for Mr. McCLELLAN), from the Committee on Appropriations:

With amendments:

E.R. 7933. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 1978, and for other purposes (Rept. No. 95-325).

By Mr. Muskie, from the Committee on Governmental Affairs:

With an amendment:

S. 2. A bill to require authorizations of new budget authority for Government programs at least every five years, to provide for review of Government programs every five years, and for other purposes (title amendment) (together with supplemental and additional views) (Rept. No. 95-326).

By Mr. CANNON, from the Committee on Rules and Administration:

Special report entitled "Report with Recommendations of the Committee on Rules and Administration on the Joint Committee on Printing and the Joint Committee of Congress on the Library" (Rept. No. 95-327).

#### HOUSE BILL REFERRED

The bill (H.R. 7933) making appropriations for the Department of Defense for the fiscal year ending September 30, 1978, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent the second time, and referred as indicated:

By Mr. METCALF (for himself, Mr. RANDOLPH, Mr. BROOKE, Mr. HELMS, Mr. HOLLINGS, Mr. JACKSON, Mr. MORGAN, Mr. MOYNIHAN, Mr. RIBICOFF, and Mr. THURMOND):

S. 1820. A bill to authorize the Secretary of the Interior to assist the States to establish programs for the maintenance of natural diversity, and for other purposes; to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works, jointly, by unanimous consent.

By Mr. HUMPHREY:

S. 1821. A bill to amend title 5 of the United States Code to provide paid leave for a Federal employee participating in certain athletic activities as an official representative of the United States; to the Committee on Governmental Affairs.

By Mr. SCHWEIKER:

S. 1822. A bill to authorize the transfer of one of the Gettysburg Address manuscripts from the custody of the Library of Congress to the custody of the Secretary of the Interior; to the Committee on Rules and Administration.

By Mr. MATHIAS:

S. 1823. A bill for the relief of Karim M Roushanel; to the Committee on the Judiciary.



"To utilize the services of these conscientious objectors on the farms of the Nation would assist in the production of food so sorely needed at this time: Therefore be it

"Resolved, That this House of Representatives of the Commonwealth of Pennsylvania hereby memorializes the Congress of the United States to enact such legislation consistent with the Constitution of the United States as will be necessary to authorize the use of all utilization of all able-bodied conscientious objectors on the farms of the Nation for the purpose of increasing the production of crops essential to the needs of the people of the Nation: and be it further

"Resolved, That copies of this resolution shall be forwarded by the chief clerk of the house to the President of the Senate and the Chief Clerk of the House of Representatives of the Congress of the United States and to the Representatives and Senators from Pennsylvania in the Congress of the United States."

(The ACTING PRESIDENT pro tempore laid before the Senate a resolution identical with the foregoing, which was referred to the Committee on Military Affairs.)

#### LIMITATION OF THE PRESIDENTIAL TERM—RESOLUTION OF MICHIGAN LEGISLATURE

Mr. VANDENBERG. Mr. President, in keeping with the immortal spirit of the great Thomas Jefferson, whose anniversary the whole Nation is about to celebrate devotedly, the Michigan State Legislature has just adopted resolutions in the Jeffersonian spirit and dedicated to one of the greatest of all the objectives which Jefferson deemed essential to the preservation of American democracy. It occurs to me that the Congress, as a part of its share in this Jeffersonian celebration, might well dramatize its own fidelity to this basic Jeffersonian tradition by making this great Jeffersonian anniversary the occasion for initiating the Jeffersonian action which the Michigan Legislature seeks. I present and ask that the Michigan legislative petition in the Jeffersonian pattern be read by the clerk and appropriately referred.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will read as requested.

The legislative clerk read as follows:

#### Senate concurrent Resolution 24

Concurrent resolution applying to the Congress of the United States under the provisions of Article V of the Constitution of the United States to call a convention for the purpose of proposing an amendment to the Constitution to limit the term of office of the President of the United States by prohibiting any one person from serving for more than two terms of 4 years each

Whereas the Constitution of the United States now contains no limitation on the number of terms which may be served by one person as President; and

Whereas the sound traditional limitation of two terms for any one person, first suggested and subscribed to by George Washington, has been adhered to by all Presidents from the creation of the United States until the year 1940; and

Whereas the wisdom of the traditional limitation has been amply demonstrated to the people of the United States by the first breach thereof; and

Whereas the tradition should be translated into a positive mandate of the people by action of the States: Now, therefore, be it

Resolved by the senate (the house of representatives concurring), That the Michigan Legislature, for the State of Michigan, invokes its power, granted under Article V of the Constitution of the United States, to apply to the Congress of the United States to call a convention of the States for the purpose of proposing an amendment to the Constitution to limit the holding of the office of President of the United States by any one person to 2 terms of 4 years each; and be it further

Resolved, That this action of the legislature on behalf of the State of Michigan is a continuing application for the call of a convention for the purpose named herein, and the Congress of the United States is hereby respectfully requested to provide by resolution that this application be presented to each succeeding Congress until two-thirds of the States have made similar application; and be it further

Resolved, That copies of this resolution be transmitted to the Speaker of the House of Representatives, the President of the Senate, and all Members of the Michigan delegation in the Congress of the United States.

Mr. VANDENBERG. Mr. President, in order to complete this brief Jeffersonian, ritual this morning, I here wish to read one sentence from Jefferson's famous letter to Mr. Weaver in June 1807:

If some period be not fixed, either by the Constitution or by practice, to the services of the First Magistrate, his office, though nominally elective, will, in fact, be for life; and that will soon degenerate into an inheritance.

Mr. President, in these days it is very good to have the country remember Thomas Jefferson.

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

The ACTING PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Pennsylvania?

Mr. VANDENBERG. I yield.

Mr. GUFFEY. In what year was the quotation written?

Mr. VANDENBERG. It was written in 1807.

Mr. GUFFEY. There are many quotations bearing on the same subject of later date than that cited by the Senator from Michigan which he may find by obtaining access to the Jeffersonian Encyclopedia.

Mr. VANDENBERG. I am very glad to have the Senator's advice. He has run out on Thomas Jefferson so often that I am not surprised that he does so again this morning.

The ACTING PRESIDENT pro tempore. The concurrent resolution of the Michigan Legislature will be referred to the Committee on the Judiciary.

(The ACTING PRESIDENT pro tempore also laid before the Senate a concurrent resolution identical with the foregoing, which was referred to the Committee on the Judiciary.)

#### RESOLUTIONS OF THE ILLINOIS LEGISLATURE—FARM AND FARM LABOR NEEDS—ALLOCATION OF WAR CONTRACTS TO CHICAGO PLANTS

Mr. BROOKS. I present for appropriate reference House Joint Resolution No. 21, adopted by the Sixty-third General Assembly of the State of Illinois, and request unanimous consent that it be included in the RECORD. This resolution deals with the food situation, farm

needs, and action of the selective-service board in the drafting of farm labor.

I invite the attention of the Senators to the recommendation of the Illinois General Assembly in this resolution.

I also present for appropriate reference Senate Joint Resolution No. 14, adopted by the Sixty-third General Assembly of the State of Illinois, and request unanimous consent to have it included following my introduction. This resolution deals with the labor scarcity areas established by the War Manpower Commission. It places the city of Chicago in the labor scarcity area, thereby prohibiting the allocation of additional war contracts to Chicago plants.

I invite the attention of the Members of the Senate to this resolution.

There being no objection, the resolutions were referred to the Committee on Military Affairs and, under the rule, ordered to be printed in the RECORD, as follows:

#### House Joint Resolution 21

Whereas it is a matter of the most extreme urgency that our agricultural production resources be maintained at a level which will insure a food supply adequate to meet the extraordinary demands of our armed forces and our civilian population: and

Whereas the imminent food crisis with which this Nation is faced constitutes a grave threat to the successful prosecution of the national war effort; and

Whereas an important contributing factor to this emergency has been the short-sighted selective-service policy which permitted the indiscriminate drafting of essential farm labor: and

Whereas unless this policy is altered immediately to defer or exempt farm labor from military service, we are faced with a complete break down of our internal stability and a consequent impairment of our war effort: Therefore be it

Resolved by the House of Representatives of the Sixty-third General Assembly of the State of Illinois (the senate concurring herein), That we respectfully urge the Congress of the United States to enact such measures as will immediately defer or exempt from military service all essential farm labor and services for the reasons enumerated in the preamble hereto: and be it further

Resolved, That copies of this preamble and resolution be forwarded by the secretary of state to the Speaker of the House of Representatives and the President of the Senate, to each Member of Congress from the State of Illinois, and to the War Manpower Commission and the National Selective Service Headquarters at Washington, D. C.

(The ACTING PRESIDENT pro tempore also laid before the Senate a resolution identical with the foregoing, which was referred to the Committee on Military Affairs.)

By Mr. BROOKS:

A joint resolution of the Senate of the State of Illinois; to the Committee on Military Affairs:

#### "Senate Joint Resolution 14

"Whereas the War Manpower Commission has classified the city of Chicago and all Illinois cities as a labor scarcity area and placed an immediate ban on the allocation of additional war contracts to Chicago manufacturers; and

"Whereas the significance of Chicago's contribution to the national war effort and the indispensable and vital function it must continue to serve during the pendency of the war cannot be too much emphasized; and



of actual receipt by bureaus and offices of the War Department, and before transmitting the same to the General Accounting Office;

H. R. 5708. An act to amend the District of Columbia Unemployment Compensation Act;

H. R. 5750. An act authorizing the procurement and issue of an Army of Occupation of Germany Medal for each person who served in Germany or Austria-Hungary during the period of occupation;

H. R. 5783. An act to authorize the construction or acquisition of certain naval local defense vessels, and for other purposes; and

H. J. Res. 237. joint resolution to repeal sections 2, 3, and 6 of the Neutrality Act of 1939, and for other purposes.

#### ORDER FOR ADJOURNMENT TO WEDNESDAY

Mr. CONNALLY. Mr. President, I ask unanimous consent that when the Senate concludes its business today it stand in adjournment until Wednesday next at 12 o'clock noon.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

#### FIFTH ANNUAL REPORT OF PRESIDENT OF THE PHILIPPINES (H. DOC. NO. 440)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read and referred to the Committee on Territories and Insular Affairs, as follows:

To the Congress of the United States:

As required by paragraph (3) of section 7 of the act of Congress approved March 24, 1934, entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes," I transmit herewith, for the information of the Congress, the Fifth Annual Report of the President of the Philippines to the President and the Congress of the United States, covering the period July 1, 1939, to June 30, 1940.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,

November 17, 1941.

(NOTE.—Report accompanied similar message to the House of Representatives.)

#### EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

#### AWARDS OF CONTRACTS FOR THE NAVY

A letter from the Secretary of the Navy, reporting, pursuant to law, relative to divisions of awards of certain quantity contracts for aircraft, aircraft parts, and accessories therefor entered into with more than one bidder under authority of law; to the Committee on Naval Affairs.

#### LEAVES OF ABSENCE OF OFFICERS AND EMPLOYEES SERVING ABROAD

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to order to the United States on their statutory leaves of absence officers and employees serving abroad, and to govern the payment of traveling expenses and duties while on leave, and for other purposes (with an accompanying paper); to the Committee on Finance.

#### ACCEPTANCE OF DECORATIONS BY SURGEON GENERAL OF THE UNITED STATES PUBLIC HEALTH SERVICE AND OTHER MEDICAL OFFICERS

A letter from the Administrator of the Federal Security Agency, transmitting a draft of proposed legislation granting permission to Thomas Parran, Surgeon General of the United States Public Health Service; Bolivar J. Lloyd, medical director (retired), United States Public Health Service; Howard F. Smith, medical director, United States Public Health Service; Herbert A. Spencer, medical director, United States Public Health Service; and Gilbert L. Dunnahoo, surgeon, United States Public Health Service, to accept and wear certain decorations bestowed upon them by the Governments of France, Cuba, Chile, Finland, and Luang-Prabang (with an accompanying paper); to the Committee on Foreign Relations.

#### REPORT OF DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

A letter from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, his second annual report as director; to the Committee on the Judiciary.

#### PETITIONS AND MEMORIAL

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A concurrent resolution of the Legislature of the State of Michigan; to the Committee on Finance:

#### Senate Concurrent Resolution 20

Concurrent resolution proposing an amendment to the Constitution of the United States relative to taxes on incomes, inheritance, and gifts

"Resolved by the Senate and House of Representatives of the State of Michigan, That application be, and it hereby is, made to the Congress of the United States of America to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

#### "ARTICLE —

"SECTION 1. The sixteenth article of amendment to the Constitution of the United States is hereby repealed.

"SEC. 2. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration: Provided, That in no case shall the maximum rate of tax exceed 25 percent.

"SEC. 3. The maximum rate of any tax, duty, or excise which Congress may lay and collect with respect to the devolution or transfer of property, or any interest therein, upon or in contemplation of or intended to take effect in possession or enjoyment at or after death, or by way of gift, shall in no case exceed 25 percent.

"SEC. 4. The limitations upon the rates of said taxes contained in sections 2 and 3 shall, however, be subject to the qualification that in the event of a war in which the United States is engaged creating a grave national emergency requiring such action to avoid national disaster, the Congress by a vote of three-fourths of each House may for a period not exceeding 1 year increase beyond the limits above prescribed the maximum rate of any such tax upon income subsequently accruing or received or with respect to subsequent devolutions or transfers of property, with like power, while the United States is actively engaged in such war, to repeat such action as often as such emergency may require.

"SEC. 5. Sections 1 and 2 shall take effect at midnight on the 31st day of December following the ratification of this article. Nothing

contained in this article shall affect the power of the United States after said date to collect any tax on incomes for any period ending on or prior to said 31st day of December laid in accordance with the terms of any law then in effect. •

"SEC. 6. Section 3 shall take effect at midnight on the last day of the sixth month following the ratification of this article. Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of section 3, laid in accordance with the terms of any law then in effect; and be it further

"Resolved, That the Congress of the United States be, and it hereby is, requested to provide as the mode of ratification that said amendment shall be valid to all intents and purposes, as part of the Constitution of the United States, when ratified by the legislatures of three-fourths of the several States; and be it further

"Resolved, That the secretary of state of Michigan be, and he hereby is, directed to send a duly certified copy of this resolution to the Senate of the United States and one to the House of Representatives in the Congress of the United States."

A petition of sundry members of the staff of the University of Southern California, Los Angeles, Calif., praying that Congress pass a resolution declaring its readiness to support all necessary measures for the defeat of Hitlerism; to the Committee on Foreign Relations.

A petition of sundry citizens of Onondaga County, N. Y., mostly members of the faculty of Syracuse University, praying for an immediate declaration of war against the Governments of Germany and Italy; to the Committee on Foreign Relations.

The memorial of Frank P. Mitten, of Redlands, Calif., remonstrating against modification of the Neutrality Act; to the table.

By Mr. CAPPER:

A resolution adopted by General Welfare Center No. 89, Crawford County, Glard, Kans., favoring the enactment of House bill 1410, the so-called General Welfare Act granting old-age assistance; to the Committee on Finance.

#### REPORTS OF A COMMITTEE

The following reports of the Committee on Military Affairs were submitted:

By Mr. THOMAS of Utah:

S. 2026. A bill to provide for the posthumous appointment to commissioned grade of certain enlisted men and the posthumous promotion of certain commissioner officers; with amendments (Rept. No. 839); and

S. 2032. A bill to amend section 7 (a) of the act of May 21, 1920 (41 Stat. 613), as amended by section 601 of the act of June 30, 1932 (47 Stat. 417), to authorize interdepartmental procurement by contract; without amendment (Rept. No. 840).

By Mr. DOWNEY:

S. Res. 194. Resolution providing for an investigation of matters relating to the national defense in the Pacific Coast and Rocky Mountain States and in Hawaii and Alaska; without amendment; and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

#### MINERAL RESOURCES OF THE PUBLIC LANDS (REPT. NO. 838)

Mr. O'MAHONEY. Mr. President, from the Committee on Public Lands and Surveys, pursuant to Senate Resolution 53, providing for an investigation with respect to the development of the mineral resources of the public lands of the United States and laws relating thereto, I submit a report upon the

or to drop the amendment. It keeps the committees all the time burdened with the duty of watching and scrutinizing these long and cumbersome bills and looking to see if these provisions are in, and after they are put in to watch and see that they are not dropped out.

As the Senator from Missouri said on Saturday, he introduced several years ago a carefully drawn general bridge bill, and it was passed through the Senate twice. The House has refused to pass it. When there is constant danger of improper legislation being passed on this subject, and when there is a constant burden on the committee, if they desire to prevent discrimination, to scrutinize these bills, why the House refused to pass that bill is more than I can comprehend.

But until the House will see fit to pass a bill which the Senate has passed, providing general legislation and making it the duty of these companies to go to the Secretary of War and get their permission under a general law, just as we now go before the Postmaster-General and get a post route under the general law, the burden will devolve on those who think there should be no discrimination to watch every one of these bills. We had this same trouble for years and years with the post routes, and at last, to get rid of the trouble, Congress passed general legislation, and it ought to be done in this case.

The PRESIDENT pro tempore. The bill is before the Senate, and section 6 will be stricken out.

Mr. COCKRELL. That is the one the Senate inserted?

Mr. VEST. It is the amendment of the Senate.

The PRESIDENT pro tempore. The amendment will be disagreed to.

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

#### PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the New York Furniture Warehousemen's Association, praying for the construction of a new post-office building in the city of New York; which was referred to the Committee on Public Buildings and Grounds.

He also presented sundry petitions of citizens of New York, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were ordered to lie on the table.

He also presented petitions of sundry citizens of New York City, of Joseph A. Greene and sundry other citizens of Brooklyn, and of Charles A. Larson, N. J. Nelson, and C. F. Flodgirt, of Brooklyn, all in the State of New York, praying for the enactment of legislation to limit the hours of daily labor of workmen and mechanics, and also to protect free labor from prison competition; which were referred to the Committee on Education and Labor.

He also presented a petition of the New York Furniture Warehousemen's Association, and a petition of the Manufacturers' Association, of New York, praying that an appropriation be made to continue the pneumatic-tube service in the city of New York; which were ordered to lie on the table.

He also presented petitions of Rev. C. E. Roning, of Brooklyn; Rev. John D. Long, of Babylon, and of the Board of Foreign Missions of the Presbyterian Church, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors, firearms, and opium in the New Hebrides; which were ordered to lie on the table.

He also presented a petition of the Woman's Missionary Society of the First Presbyterian Church of Olean, N. Y., and a petition of the congregations of sundry Presbyterian churches of Rochester, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Manufacturers' Association of New York, praying for the enactment of legislation to maintain the parity of the money of the United States; which was referred to the Committee on Finance.

Mr. CLAPP presented the following joint resolution of the legislature of Minnesota; which was ordered to lie on the table, and to be printed in the RECORD:

**Memorial to Congress.** State of Minnesota. Thirty-second session of the legislature. S. F. No. 94.

A joint resolution of the senate and house of representatives of the State of Minnesota making application to the Congress of the United States, under Article V of the Constitution, for the submission of an amendment to said Constitution making United States Senators elective in the several States by popular vote.

Be it enacted by the legislature of the State of Minnesota: SECTION 1. The legislature of the State of Minnesota hereby makes, application to the Congress, under the provisions of Article V of the Constitution of the United States, for the calling of a convention to propose an amendment to the Constitution of the United States making United States Senators elective in the several States by direct vote of the people.

SEC. 2. The secretary of state is hereby directed to transmit copies of this application to the Senate, House of Representatives of the Congress, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislatures now in session in the several States, requesting their cooperation.

Retrieved from

#### STATE OF MINNESOTA, DEPARTMENT OF STATE.

I, P. E. Hanson, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with the original resolution in my office of a joint resolution of the senate and house of representatives of the State of Minnesota, being senate file No 94, duly approved February 9, 1901, filed in this office February 9, 1901, and that said copy is a true and correct transcript of said resolution and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at the capitol in St. Paul, this 13th day of February, A. D. 1901.

[SEAL.]

P. E. HANSON,  
Secretary of State.

Mr. QUARLES presented a petition of 72 citizens of Waukesha, Wis., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was ordered to lie on the table.

Mr. TELLER presented petitions of sundry citizens of Montrose and Fort Lupton, in the State of Colorado, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Pueblo, Colo., praying for the enactment of legislation providing an adequate and permanent supply of living water for irrigation purposes for the Pima and Papago Indians in Arizona; which was referred to the Committee on Indian Affairs.

He also presented a petition of the congregation of the Methodist Episcopal Church of Fort Lupton, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the island possessions of the United States; which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. THURSTON presented a petition of the congregation of the First Presbyterian Church of Hebron, Nebr., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. MONEY presented a memorial of the Board of Trade of Las Vegas, N. Mex., remonstrating against the enactment of legislation to prohibit the people of the Territory of New Mexico in the free use of the waters of the Rio Grande River; which was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

To the Senate of the United States:

GENTLEMEN: The following resolution was passed at a meeting of the Las Vegas Board of Trade at a meeting held in the city of Las Vegas, N. Mex., on February 12, 1901:

Whereas there is pending in the Congress of the United States a bill commonly known as the "Culberson-Stephens bill," S. 3794, the same having been referred to the Committee on Foreign Relations of the Senate of the United States; and

Whereas the purpose and effect of said measure is to restrict the people of the Territory of New Mexico in the free use of the waters of the Rio Grande River, and would result in the destruction of all horticultural and agricultural interests already established in this Territory along the valley of said river, and to hinder and prevent all future development in said valley of said interests, and as well contains an admission of a duty on the part of the United States toward the Republic of Mexico to burden one of the great industries of New Mexico with an obligation which, if it exists at all, does not rest upon irrigable lands along the Rio Grande River: Therefore,

Resolved, That the Board of Trade of Las Vegas, on behalf of 10,000 people in this locality, whom it represents, earnestly protests against the passage of said bill, and hereby respectfully requests members of Congress of the United States who feel a friendly interest in the development and progress of New Mexico to join in a vigorous support to defeat a measure so destructive to one of our leading industries.

GEO. P. MONEY,

Secretary of Las Vegas Board of Trade.

Mr. FRYE presented a petition of the Woman's Christian Temperance Union of Attleboro, Me., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the New Hebrides; which was ordered to lie on the table.

He also presented a petition of the directors of the Marine National Bank and sundry other banking firms of Bath, Me., praying for the repeal of the stamp tax on bank checks and banking capital; which was ordered to lie on the table.

#### REPORTS OF COPYITTEES.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 5978) authorizing the Secretary of the Interior to appear in suits brought by States relative to school lands, reported it without amendment.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the amendment submitted by himself on the 14th instant, authorizing the construction of reservoirs for the storage of water and for other necessary works for the reclamation of the public lands within the arid and semiarid regions of the United States, intended to be proposed to the sundry civil appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PERKINS, from the Committee on Fisheries, to whom was referred the amendment submitted by Mr. SHoup on the 12th instant, proposing to appropriate \$25,000 for the establishment of a fish-cultural station in the State of Idaho, intended to be proposed to the sundry civil appropriation bill, reported it favorably, and submitted a report thereon, and moved that it be referred



Louisiana delegation to the United States Congress, and to the presiding officer of each house of each state Legislature in the United States.

RESOLUTION No. 77  
(Maryland)

Whereas, With each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds hundreds of billions of dollars.

Attempts to limit spending, including impoundment of funds by the President of the United States, have resulted in strenuous objections that the responsibility for appropriations is the constitutional duty of the Congress.

The annual Federal budget repeatedly demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues.

The unified budget of 304.4 billion dollars for the current fiscal year does not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit.

As reported by US News and World Report on February 25, 1974, of these nonbudgetary outlays in the amount of 15.6 billion dollars, the sum of 12.9 billion dollars represents funding of essentially private agencies which provide special service to the federal government.

Knowledgeable planning and fiscal prudence require that the budget reflect all Federal spending and that the budget be in balance.

Believing that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal disciplines needed to reverse this trend.

Under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments; now, therefore, be it

Resolved by the General Assembly of Maryland, That this Body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article XXVII to the Constitution of the United States, and that the General Assembly of Maryland requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues, excluding any revenues derived from borrowing, for that fiscal year; and be it further

Resolved, That this Body further and alternatively requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing such an amendment to the Federal Constitution, to be a new article XXVII; and be it further

Resolved, That this Body also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requiring it to call a constitutional convention for proposing such an amendment to the Federal Constitution, to be a new Article XXVII; and be it further

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Resolved, That the proposed new Article XXVII (or whatever numeral may then be appropriate) read substantially as follows:

"PROPOSED ARTICLE XXVII

"The total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues for that fiscal year, excluding any revenues derived from borrowing; and this prohibition extends to all Federal appropriations and all estimated Federal revenues, excluding any revenues derived from borrowing. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this Article. If the President proclaims a national emergency, suspending the requirement that the total of all Federal appropriations not exceed the total estimated Federal revenues for a fiscal year, excluding any revenues derived from borrowing, and two-thirds of all Members elected to each House of the Congress so determine by Joint Resolution, the total of all Federal appropriations may exceed the total estimated Federal revenues for that fiscal year."

and, be it further.

Resolved, That copies of this Resolution under the Great Seal of the State of Maryland, be sent by the Secretary of State to: Honorable Gerald Ford, President of the United States, Washington, D.C.; Honorable Charles McC. Mathias, Old Senate Office Building, Washington, D.C.; Honorable J. Glenn Beall, Jr., Old Senate Office Building, Washington, D.C.; Honorable Carl Albert, Speaker of the House of Representatives, Washington, D.C.; Honorable Robert E. Bauman, Longworth Building, Washington, D.C.; Honorable Clarence D. Long, Rayburn Building, Washington, D.C.; Honorable Paul S. Sarbanes, Cannon Office Building, Washington, D.C.; Honorable Marjorie S. Holt, Longworth Building, Washington, D.C.; Honorable Gladys Spellman, House Office Building, Washington, D.C.; Honorable Goodloe E. Byron, Longworth Building, Washington, D.C.; Honorable Parren J. Mitchell, Cannon Building, Washington, D.C.; and Honorable Gilbert Gude, Cannon House Office Building, Washington, D.C.; and be it further

Resolved, That under the Great Seal of the Senate of Maryland, the Secretary of State is directed to send copies of this Joint Resolution to the Secretary of State and to the presiding officers of both Houses of the Legislature of each of the other States in the Union, with the request that it be circulated among leaders in the Executive and Legislative branches of the several State governments; and with the further request that each of the other States in the Union join in requiring the Congress of the United States to call a constitutional convention for the purpose of initiating a proposal to amend the Constitution of the United States in substantially the form proposed in this Joint Resolution of the General Assembly of Maryland.

HOUSE CONCURRENT RESOLUTION No. 51

(Mississippi)

Whereas, an ever-increasing public debt is inimical to the general welfare of the people of the United States; and

Whereas, the national debt is already dangerously high and any further increases will be harmful and costly to the people of the United States; and

Whereas, a continuous program of deficit financing by the Federal Government is one of the greatest factors supporting the inflationary conditions presently existing in this country and therefore has been the chief factor in reducing the value of the American currency; and

Whereas, payment of the increased interest required by the ever-increasing debt would impose an undue hardship on those with fixed incomes and those in lower income brackets; and

Whereas, it is not in the best interest of either this or future generations to continue such a practice of deficit spending particularly since this would possibly deplete our supply of national resources for future generations; and

Whereas, by constantly increasing deficit financing the Federal Government has been allowed to allocate considerable funds to wasteful and in many instances nonbeneficial public programs; and

Whereas, by limiting the Federal Government to spend only the revenues that are estimated will be collected in a given fiscal year, except for certain specified emergencies, this could possibly result in greater selectivity of Federal Government programs for the benefit of the public and which would depend upon the willingness of the public to pay additional taxes to finance such programs; and

Whereas, there is provision in Article V of the Constitution of the United States for amending the Constitution by the Congress, on the application of the legislatures of two-thirds (2/3) of the several states, calling a convention for proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths (3/4) of the several states, or by conventions in three-fourths (3/4) thereof, as the one or the other mode of ratification may be proposed by the Congress;

Now Therefore, Be it Resolved by the House of Representatives of the State of Mississippi, the Senate Concurring Therein. That we do hereby, pursuant to Article V of the Constitution of the United States, make application to the Congress of the United States to call a convention of the several states for the proposing of the following amendment to the Constitution of the United States:

"ARTICLE —

Section 1. Except as provided in Section 3, the Congress shall make no appropriation for any fiscal year if the resulting total of appropriations for such fiscal year would exceed the total revenues of the United States for such fiscal year.

Section 2. There shall be no increase in the national debt and such debt, as it exists on the date on which this article is ratified, shall be repaid during the one-hundred-year period beginning with the first fiscal year which begins after the date on which this article is ratified. The rate of repayment shall be such that one-tenth (1/10) of such debt shall be repaid during each ten-year interval of such one-hundred-year period.

Section 3. In time of war or national emergency, as declared by the Congress, the application of Section 1 or Section 2 of this article, or both such sections, may be suspended by a concurrent resolution which has passed the Senate and the House of Representatives by an affirmative vote of three-fourths (3/4) of the authorized membership of each such house. Such suspension shall not be effective past the two-year term of the Congress which passes such resolution, and if war or an emergency continues to exist such suspension must be reenacted in the same manner as provided herein.

Section 4. This article shall apply only with respect to fiscal years which begin more than six (6) months after the date on which this article is ratified."

Be it Further Resolved, That this application by the Legislature of the State of Mississippi constitutes a continuing application

in accordance with Article V of the Constitution of the United States until at least two-thirds (2/3) of the legislatures of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical with that contained in this resolution before January 1, 1976, this application for a convention of the several states shall no longer be of any force or effect.

Be it Further Resolved, That a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States; to each member of the Congress from this state; and to each house of each state legislature in the United States.

SENATE JOINT RESOLUTION No. 22  
(Nevada)

Whereas, The national debt now amounts to hundreds of billions of dollars and is increasing enormously each year as federal expenditures grossly exceed federal revenues; and

Whereas, Payment of the increased interest on this ever-expanding debt imposes a tremendous burden on the taxpayers of this country; and

Whereas, Continuous deficit financing by the Federal Government supports inflationary conditions which adversely affect the national economy and all Americans, particularly those persons with fixed or low income; and

Whereas, Constantly increasing use of deficit financing has enabled the Federal Government to allocate considerable sums to programs which in many instances have proved to be wasteful and nonbeneficial to the public; and

Whereas, Limiting federal expenditures in each fiscal year to revenues available in that year, except during national emergencies, will result in greater selectivity of federal programs for the benefit of the public; and

Whereas, The annual federal budgets continually reflect the unwillingness or inability of both the legislative and executive branches of the Federal Government to balance the budget and demonstrate the necessity for a constitutional restraint upon deficit financing; and

Whereas, Under article V of the Constitution of the United States, the Congress is required to call a convention for proposing amendments to the federal Constitution on the application of the legislatures of two-thirds of the several states; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That, pursuant to article V of the Constitution of the United States, the legislature of the State of Nevada hereby makes application to the Congress of the United States to call a convention for the purpose of proposing an amendment to the United States Constitution which would require that, in the absence of a national emergency, the total of the appropriation made by the Congress for each fiscal year may not exceed the total of the estimated federal revenues for that year; and be it further

Resolved, That the legislature of the State of Nevada proposes that the legislatures of each of the several states apply to the Congress to call a constitutional convention for the exclusive purpose stated in this resolution; and be it further

Resolved, That this application by the legislature of the State of Nevada constitutes a continuing application in accordance with article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made

similar applications, but if Congress proposes an amendment to the Constitution similar to that contained in this resolution before January 1, 1981, this application for a convention of the several states shall no longer be of any force; and be it further

Resolved, That a copy of this resolution be immediately transmitted by the legislative counsel to the President of the Senate and the Speaker of the House of Representatives of the United States, to each member of the Nevada congressional delegation and to the presiding officer of each house of the legislatures of the several states; and be it further

Resolved, That this resolution shall become effective upon passage and approval.

LEGISLATIVE RESOLUTION 106  
(Nebraska)

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenue, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenue; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

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Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under article V of the Constitution of the United States, amendments to the federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments. We believe such action is vital.

Now, Therefore, be it resolved by the members of the eighty-fourth legislature of Nebraska, second session:

1. That this body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the State of Nebraska requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

2. That, alternatively, this Legislature makes application and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

3. That this Legislature also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the federal Constitution; or requiring: the Congress to call a constitutional convention for proposing such an amendment to the federal Constitution.

4. That the Clerk of the Legislature transmit a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretaries of State and the Legislatures of each of the several states, and the Secretary of State for the State of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?'"

SENATE JOINT RESOLUTION  
(New Mexico)

Be it resolved by the legislature of the State of New Mexico:

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under article 5 of the constitution of the United States, amendments to the federal constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments; we believe such action vital;

Now, therefore, be it resolved by the legislature, of the State of New Mexico that this body proposes to the congress of the United States that procedures be instituted in the congress to add a new article to the constitution of the United States, and that the legislature of the state of New Mexico requests the congress to prepare and submit to the several states an amendment to the constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

Be it further resolved that, alternatively, this body makes application and requests that the congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the constitution requiring in the absence of a national emergency that the



transmitting, pursuant to law, copies of international agreements other than treaties entered into by the United States within the past 60 days (with accompanying papers); to the Committee on Foreign Relations.

#### REPORTS OF THE COMPTROLLER GENERAL

Three letters from the Comptroller General of the United States each transmitting, pursuant to law, a report entitled as follows: "Upward Mobility Programs in the Federal Government Should Be Made More Effective"; "Opportunities for Savings in Interest Cost Through Improved Letter-of-Credit Methods in Federal Grant Programs"; and "The Liquid Metal Fast Breeder Reactor Program—Past, Present, and Future" (with accompanying reports); to the Committee on Government Operations.

#### REPORT OF THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS

A letter from the Director of the Administration Office of the U.S. Courts transmitting, pursuant to law, the annual report of the Director on applications for court orders made to Federal and State courts to permit the interception of wire or oral communications (with an accompanying report); to the Committee on the Judiciary.

#### PROPOSED LEGISLATION BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare transmitting a draft of proposed legislation to authorize the carry-over of excess funds under the basic educational opportunity grant program (with accompanying papers); to the Committee on Labor and Public Welfare.

### PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. GLENN):

Senate Concurrent Resolution No. 1 of the Legislature of the State of Missouri; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION No. 7

"Be it resolved by the Senate, the House of Representatives concurring, that this legislature, pursuant to the authority granted by Article V of the Constitution of the United States, respectfully applies to the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

#### "ARTICLE —

"Section 1. With respect to the right of life, the word person as used in this article and in the Fifth and Fourteenth Articles of Amendment to the Constitution of the United States applies to all human beings irrespective of age, health, function or condition of dependency, including their unborn offspring at every stage of their biological development.

"Sec. 2. No unborn person shall be deprived of life by any person: provided, however, that nothing in this article shall prohibit a law permitting only those medical procedures required to prevent the death of the mother.

"Sec. 3. The Congress and the several states have power to enforce this article by appropriate legislation.

"Be it further resolved that a duly attested copy of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each member of the Congress from this state."

A petition seeking a redress of grievances from the statewide committees opposing regional plan areas of Mabank, Tex.; to the Committee on Government Operations.

A petition seeking a redress of grievances from the statewide committees opposing regional plan areas of Terre Haute, Ind.; to the Committee on Government Operations.

A petition seeking a redress of grievances from the statewide committees opposing regional plan areas from certain citizens of the State of Montana; to the Committee on Government Operations.

A petition seeking a redress of grievances from a citizen of Franklin Lakes, N.J.; to the Committee on the Judiciary.

### REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of May 1, 1975, the following reports were submitted:

By Mr. STENNIS, from the Committee on Appropriations, without amendment:

S. Res. 32. A resolution disapproving deferral of budget authority (Rept. No. 94-102).

S. Res. 75. A resolution disapproving the deferral of certain budget authority (D75-117) relating to atomic energy which is proposed by the President in his message of November 26, 1974, transmitted under section 1013 of the Impoundment Control Act of 1974 (Rept. No. 94-102).

S. Res. 76. A resolution disapproving the deferral of certain budget authority (D75-116) relating to atomic energy which is proposed by the President in his message of November 26, 1974, transmitted under section 1013 of the Impoundment Control Act of 1974 (Rept. No. 94-102).

S. Res. 77. A resolution disapproving the deferral of certain budget authority (D75-114) relating to atomic energy which is proposed by the President in his message of November 26, 1974, transmitted under section 1013 of the Impoundment Control Act of 1974 (Rept. No. 94-102).

S. Res. 78. A resolution disapproving the deferral of certain budget authority (D75-113) relating to atomic energy which is proposed by the President in his message of November 26, 1974, transmitted under section 1013 of the Impoundment Act of 1974 (Rept. No. 94-102).

S. Res. 79. A resolution disapproving the deferral of certain budget authority (D75-112) relating to atomic energy which is proposed by the President in his message of November 26, 1974, transmitted under section 1013 of the Impoundment Control Act of 1974 (Rept. No. 94-102).

S. Res. 80. A resolution disapproving the deferral of certain budget authority (D75-111) relating to atomic energy which is proposed by the President in his message of November 26, 1974, transmitted under section 1013 of the Impoundment Control Act of 1974 (Rept. No. 94-102).

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MOSS, from the Committee on Aeronautical and Space Sciences, with an amendment:

H.R. 4700. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research

and program management, and for other purposes (Rept. No. 94-103).

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MCGOVERN:

S. 1626. A bill to assist refugees from Vietnam who wish to return to their native country. Referred to the Committee on Foreign Relations.

By Mr. MCGOVERN (for himself, Mr. ABOWEZEK, Mr. CLARK, Mr. HARTKE, Mr. HATHAWAY, Mr. HUMPHREY, Mr. KENNEDY, Mr. MCGEE, Mr. METCALF, Mr. MONDALE, Mr. RANDOLPH, and Mr. CASE):

S. 1627. A bill to amend the Food Stamp Act. Referred to the Committee on Agriculture and Forestry.

By Mr. PROXMIER:

S. 1628. A bill to repeal the Military Selective Service Act. Referred to the Committee on Armed Services.

By Mr. TALMADGE (for himself and Mr. DOLE) (by request):

S. 1629. A bill to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for two years. Referred to the Committee on Agriculture and Forestry.

By Mr. ROBERT C. BYRD (for himself and Mr. RANDOLPH):

S. 1630. A bill to increase the number of judges for the U.S. District Court for the Southern District of West Virginia. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 1631. A bill to amend the Federal Trade Commission Act to provide remedies against unfair competition in interstate and foreign commerce and for other purposes. Referred to the Committee on Commerce.

By Mr. MOSS (for himself and Mr. HUMPHREY):

S. 1632. A bill to authorize in the Energy Research and Development Administration a Federal program of research, development, and demonstration designed to promote electric vehicle technologies and to demonstrate the commercial feasibility of electric vehicles. Referred to the Committee on Commerce.

By Mr. MONDALE (for himself and Mr. CRANSTON):

S. 1633. A bill to amend the Immigration and Nationality Act to eliminate the legal custody requirement and the requirement of residence and physical presence in the United States for the naturalization of children adopted by United States citizens. Referred to the Committee on the Judiciary.

S. 1634. A bill to amend the Immigration and Nationality Act to permit adoption of more than two children. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 1635. A bill for the relief of Edwin J. Anglesey. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (by request):

S. 1636. A bill to amend further the Peace Corps Act. Referred to the Committee on Foreign Relations.

By Mr. FONG (for himself, Mr. HUGH SCOTT, and Mr. PHILIP A. HART):

S. 1637. A bill to amend the Antitrust Civil Process Act to increase the effectiveness of discovery in civil antitrust investigations, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 1638. A bill to authorize the Secretary of Health, Education, and Welfare to postpone

reporting, pursuant to law, that the appropriation, "Limitation on salaries and expenses, Railroad Retirement Board." for the fiscal year 1966, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Director, Bureau of the Budget, Executive OWce of the President, reporting, pursuant to law, that the appropriation to the Veterans' Administration for "Compensation and pensions," for the fiscal year 1966, had been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

#### REPORT ON EXPORT-IMPORT BANK INSURANCE AND GUARANTEES ON U.S. EXPORTS TO YUGOSLAVIA

A letter from the Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, that the amount of insurance and guarantees on U.S. exports by that Bank to Yugoslavia totaled \$594,970, for the month of August, 1965; to the Committee on Appropriations.

#### REPORT ON MILITARY CONSTRUCTION CONTRACT—AWARDED WITHOUT FORMAL ADVERTISING

A letter from the Secretary of the Army, transmitting, pursuant to law, a report on military construction contracts awarded without formal advertising, for the 6-month period ended June 30, 1965 (with an accompanying report); to the Committee on Armed Services.

#### FEDERAL DEPOSIT AND SHARE ACCOUNT INSURANCE ACT OF 1966

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide for an increase in the maximum amount of insurance coverage for bank deposits and savings and loan accounts, to protect further the safety and liquidity of insured institutions, to strengthen safeguards against conflicts of interest, and for other purposes (with accompanying papers); to the Committee on Banking and Currency.

#### REPORTS OF ACTING COMPTROLLER GENERAL

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on readiness of combat and combat support equipment assigned to the 2d Marine Division and force troops, Camp Lejeune, N.C., U.S. Marine Corps, Department of the Navy, dated September, 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on potential savings by direct rather than indirect procurement of selected subsystems for F-4 type of aircraft, Department of the Navy, dated September, 1965 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on need for improvement in pricing of change orders for construction of naval vessels, Department of the Navy, dated September 1965 (with an accompanying report); to the Committee on Government Operations.

#### REPORT ON TORT CLAIMS PAID BY FEDERAL AVIATION AGENCY

A letter from the Administrator, Federal Aviation Agency, Washington, D.C., transmitting, pursuant to law, a report on tort claims paid by that Agency, during the fiscal year 1965 (with an accompanying report); to the Committee on the Judiciary.

#### PLANS FOR WORKS OF IMPROVEMENT IN LOUISIANA AND PENNSYLVANIA

A letter from the Director, Bureau of the Budget, Executive OWce of the President,

transmitting, pursuant to law, plans for works of improvement on Bayou Boeuf watershed, Mauch Chunk Creek, Pa., Middle Creek, Pa., and Oil Creek, Pa. (with accompanying papers); to the Committee on Public Works.

#### RESOLUTION OF LEGISLATURE OF NEBRASKA

The PRESIDENT pro tempore laid before the Senate a resolution of the Legislature of the State of Nebraska, which was referred to the Committee on the Judiciary, as follows:

##### LEGISLATIVE RESOLUTION

A resolution memorializing Congress to call a convention for the Purpose of proposing an amendment to the Constitution of the United States

Be it resolved by the members of the Nebraska Legislature in the 75th session assembled, That this Legislature respectfully petitions the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

##### "ARTICLE —

"SECTION 1. No provision of this Constitution, or any amendment thereto, shall restrict or limit any State in the apportionment of representation in its legislature.

"Sec. 2. This article shall be inoperative unless it shall have been ratified by an amendment to the Constitution by the Legislatures of three-fourths of the several States within 7 years from the date of its submission." Be it further,

Resolved, That if Congress shall have proposed an amendment to the Constitution identical with that contained in this resolution prior to January 1, 1967, this application for a convention shall no longer be of any force or effect; be it further

Resolved, That a duly attested copy of this resolution be immediately transmitted by the clerk of the legislature to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and to each Member of the Congress from this State.

PHILIP C. SORESENSEN,  
President of the Legislature.

Attest:

HUGO F. SSB,  
Clerk of the Legislature.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 8036. An act to authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes (Rept. No. 763).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1855. A bill to provide for the establishment of the Roger Williams National Memorial in the city of Providence, R.I., and for other purposes (Rept. No. 764).

By Mr. MCGOVERN, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 9417. An act to revise the boundary of Jewel Cave National Monument in the State of South Dakota, and for other purposes (Rept. No. 766).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 2091. An act relating to the establishment of concession policies in the areas administered by National Park Service, and for other purposes (Rept. No. 765).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

H.J. Res. 309. Joint resolution to amend the joint resolution of March 25, 1953, to increase the number of electric typewriters which may be furnished to Members by the Clerk of the House (Rept. No. 768);

S. Res. 145. Resolution to provide for responding to invitations from foreign parliamentary bodies (Rept. No. 769); and

S. Con. Res. 53. Concurrent resolution authorizing the printing of the report of the proceedings of the 42d biennial meeting of the Convention of American Instructors of the Deaf as a Senate document (Rept. NO 770).

By Mr. PELL, from the Committee on Rules and Administration, with amendments:

H.R. 7059. An act to amend the act of July 2, 1940 (54 Stat. 724; 20 U.S.C. 79-79e), to authorize such appropriations to the Smithsonian Institution as are necessary in carrying out its functions under said act, and for other purposes (Rept. No. 771).

#### HEMISFAIR 1968 EXPOSITION—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 767)

Mr. FULBRIGHT. Mr. President, from the Committee on Foreign Relations, I report favorably with an amendment the bill (S. 2167) to provide for participation of the United States in the HemisFair 1968 exposition to be held at San Antonio, Tex., in 1968, and for other purposes, and I submit a report thereon.

I ask unanimous consent that the report be printed together with minority views of the Senator from Ohio [Mr. LAUSCHE] and the Senator from Delaware [Mr. WILLIAMS].

The PRESIDENT pro tempore. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Arkansas.

#### BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD (for Mr. ANDERSON):

S. 2551. A bill for the relief of Enrique Coscollar Serrano and his wife, Maria-Luz Gonzales de la Cruz Coscollar; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 2552. A bill to amend the Internal Revenue Code of 1954 with respect to the deductibility of contributions by self-employed individuals under qualified pension and profit-sharing plans, and for other purposes; to the Committee on Finance.

S. 2553. A bill for the relief of Dr. Elvira Rey de Garcia; to the Committee on the Judiciary.

By Mr. BIBLE:

S. 2654. A bill for the relief of Jose Ureta; to the Committee on the Judiciary.



By Mr. SISK:

H. Res. 545. Resolution modifying certain investigatory authority conferred by House Resolution 138; to the Committee on Rules.

By Mr. MOORHEAD of Pennsylvania:

H. Res 546. Resolution establishing a select committee to study the problem of U.S. servicemen missing in action in Southeast Asia; to the Committee on Rules.

### MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

180. By the SPEAKER: Memorial of the Legislature of the State of Nevada, relative to the Energy Independence Act of 1975; to the Committee on Interstate and Foreign Commerce.

181. Also, memorial of the Legislature of the State of Arizona, relative to the Republic of China; to the Committee on International Relations.

182. Also, memorial of the Legislature of the State of Indiana, relative to the Interstate Civil Defense and Disaster Compact; to the Committee on the Judiciary.

183. Also, memorial of the Legislature of the State of Nevada, requesting that Congress propose an amendment to the Constitution of the United States declaring that Representatives to the Congress shall be apportioned among the States according to the total number of persons residing within each State; to the Committee on the Judiciary.

184. Also, memorial of the Legislature of the State of Nevada, requesting that Congress call a convention for the purpose of proposing an amendment to the Constitution of the United States to prohibit Congress or the President or any Federal agency from withholding, withdrawing or threatening to withhold or withdraw any Federal funds from any State as a means of imposing or implementing Federal policies; to the Committee on the Judiciary.

185. Also, memorial of the Legislature of the State of Nevada, relative to the right to keep and bear arms; to the Committee on the Judiciary.

186. Also, memorial of the Legislature of the State of Nevada, relative to administration of the Charles Sheldon Antelope Range; to the Committee on Merchant Marine and Fisheries.

187. Also, memorial of the Legislature of the State of Nevada, relative to research and development in solar energy; to the Committee on Science and Technology.

188. Also, memorial of the Legislature of the State of Nevada, relative to a veterans' hospital in southern Nevada; to the Committee on Veterans' Affairs.

hospital in southern Nevada; to the Committee on Veterans' Affairs.

189. Also, memorial of the Legislature of the State of California, relative to the seizure of tuna boats; jointly to the Committees on International Relations, and Merchant Marine and Fisheries.

### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUNCAN of Oregon:

H.R. 7941. A bill for the relief of Hamish Scott MacKay; to the Committee on the Judiciary.

H.R. 7942. A bill for the relief of Willia Niukkanen, a/k/a William Mackie; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.R. 7943. A bill for the relief of P. S. Seymour-Heath; to the Committee on the Judiciary.

### PETITIONS, ETC.

Under clause 1 of rule XXII.

154. The SPEAKER presented a petition of the city council, Brunswick, Ohio, relative to deconcentration of the energy industry; to the Committee on the Judiciary.

### AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.J. RES. 499

By Mr. HECHLER of West Virginia:

On page 4, line 21, strike the semicolon and insert a comma in the following proviso: "Provided, That none of the funds made available by this joint resolution shall be obligated or expended to finance directly or indirectly any activities or operations of the Federal Metal and Nonmetallic Mine Safety Board of Review."

On page 15, after line 12, insert the following new section:

"Sec. 111. None of the funds made available by this joint resolution shall be obligated or expended to finance directly or indirectly any activities or operations of the Federal Metal and Nonmetallic Mine Safety Board of Review."

H.R. 3474

By Mrs. LLOYD of Tennessee:

Page 44, line 5, strike out "HOLIFIELD".

Page 44, lines 9 and 13, strike out "HOLIFIELD".

Page 44, after line 14, insert the following: SEC. 402. The Heavy Ion Research Facility under construction at Oak Ridge, Tennessee, is hereby designated as the "Holifield Heavy Ion Research Facility". Any reference in any law, regulation, map, record, or other document of the United States to the Heavy Ion Research Facility shall be considered a reference to the "Holifield Heavy Ion Research Facility."

By Mr. RICHMOND:

Page 19, line 20, strike the figure "\$144,700,000" and insert in lieu thereof the figure "\$194,800,000".

H.R. 7001

By Mr. LONG of Maryland:

On the first page, immediately after line 8, insert the following:

"SEC. 2. Unless the President determines that the national security requires such license or authorization, and makes a report of such determination to the Congress (which report shall be available to every Member of the Congress) at least 60 days prior to the issuance of such license or authorization, the Nuclear Regulatory Commission shall not use any of the funds herein authorized to license or otherwise authorize any export of nuclear fuel or nuclear technology—

"(1) to any country which furnishes or agrees to furnish uranium enrichment or nuclear fuel reprocessing plants to a country not a party to the nuclear nonproliferation treaty; or

"(2) to any country which is not a party to the nuclear nonproliferation treaty and which develops either any enrichment or reprocessing plant without concluding an agreement with the International Atomic Energy Agency or Euratom to adhere to safeguards established by either such agency against diversion of nuclear material."

H.R. 7500

By Mr. VANIK:

Page 11, immediately after line 9, add the following new section:

#### "INTERNATIONAL JOINT COMMISSION

"SEC. 16. After the date of enactment of this section, any commissioner of the International Joint Commission appointed on the part of the United States, pursuant to article VII of the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington on January 11, 1900 (36 Stat. 2448; TS 548; III Redmond 2607), shall be appointed by the President by and with the advice and consent of the Senate."

## EXTENSIONS OF REMARKS

### COMMENCEMENT ADDRESS

#### HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 16, 1975

Mr. CONTE. Mr. Speaker as an honor-  
ary degree recipient at recent commencement exercises at my alma mater, Boston College, I was privileged to share the dais with the eminent French philosopher Paul Ricoeur.

Professor Ricoeur gave an address to the graduates that thoughtfully dealt with our Bicentennial. I found it an insightful look at what this national time of remembrance means.

In order to share Professor Ricoeur's thoughts with my colleagues, at this time

I insert his commencement address in the RECORD:

#### COMMENCEMENT ADDRESS AT BOSTON COLLEGE

(By Paul Ricoeur)

This "Commencement" is a special one. You will have to recall it in the next years as a fortunate coincidence with another "Commencement"—French commencement is beginning—that of the Bicentennial of the independence of this nation.

Many people question the relevance of this Bicentennial celebration. Allow me, as a guest of this University and as a foreigner, more precisely as an heir of the French revolution, allow me to say that these people are right and wrong. They are wrong because they overlook the meaning of memory and festivity for any national community. But they would be right if you failed to answer a certain challenge and used this celebration to indulge yourselves in self-deception.

I do say that you are right to commemorate

the birthday of this nation and to invite your friends to join in this celebration. For one fundamental reason—modern nations are not different from the ancient Hebrews who kept existing as one people to the extent that they were able to recall the founding events and to re-enact the founding acts of their founding fathers. What you are celebrating is not different. If you object that except for historians who know the real facts in a scholarly way, this memory of the founding fathers and of their deeds is largely mythical, you merely forget that myths have a positive meaning, a creative function.

I should say that each nation, if it is genuinely a nation, has to make an image of its own existence in order to take hold of its own identity among the nations. It is not true that these images are mere distortions of the reality of the nation, because what you call mere reality is not something you might describe in terms of brute facts. Your reality as Americans is not only what you do, but



HANNA, Mr. BINGHAM, Mr. LUJAN, Mr. VANDER JAGT, Mr. MARTIN of North Carolina, Mr. FRENZEL, Mr. DOMINICK V. DANIELS, Mr. MARAZITI, and Mr. HINSHAW):

H. Con. Res. 178. Concurrent resolution authorizing and directing the Joint Study Committee on Budget Control to report legislation to the Congress no later than June 1, 1973, providing procedures for improving congressional control of budgetary outlay and receipt totals, the operation of a limitation on expenditures and net lending commencing with the fiscal year beginning July 1, 1973, and for limiting the authority of the President to impound or otherwise withhold funds authorized and appropriated by the Congress; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself, Mr. FASCELL, Mr. PEPPER, Mr. FROELICH, Mr. REES, Mr. DENNIS, Mr. JOHNSON of Pennsylvania, Mr. RAILSBACK, Mr. QUITE, Ms. HECKLER of Massachusetts, Mr. RONCALLO of New York, Mr. MCCOLLISTER, Mr. EILBERG, Mr. DE LNOO, Mr. RHODES, and Mr. O'BRIEN):

H. Con. Res. 179. Concurrent resolution authorizing and directing the Joint Study Committee on Budget Control to report legislation to the Congress no later than June 1, 1973, providing procedures for improving congressional control of budgetary outlay and receipt totals, the operation of a limitation on expenditures and net lending commencing with the fiscal year beginning July 1, 1973, and for limiting the authority of the President to impound or otherwise withhold funds authorized and appropriated by the Congress; to the Committee on Rules.

By Mr. SHOUP:

H. Con. Res. 180. Concurrent resolution requesting the President to proclaim June 21 through 24, 1973, as "National Jeep Search and Rescue Days"; to the Committee on the Judiciary.

By Mr. LEHMAN (for himself, Mr. BENITEZ, Mr. BURTON, Mrs. CHISHOLM, Mr. DRINAN, Mr. FRASER, Mr. GIBBONS, Mrs. GRASSO, Mr. GUNTER, Mr. HARRINGTON, Mr. HUNGATE, Mr. HECHLER of West Virginia, Mr. MCCORMACK, Mr. MITCHELL of Maryland, Mr. O'HARA, Mr. OWENS, Mr. PEPPER, Mr. PICKLE, Mr. PODELL, Mr. ROONEY of Pennsylvania, Mr. STARK, Mr. STUCKEY, and Mr. WON PAT):

H. Res. 345. Resolution to establish a congressional internship program for secondary school teachers of government or social studies in honor of President Lyndon Baines Johnson; to the Committee on House Administration.

By Mr. REID:

H. Res. 346. Resolution requiring certain information on social service regulations from the Secretary of Health, Education, and Welfare; to the Committee on Ways and Means.

By Mr. THOMPSON of New Jersey:

H. Res. 347. Resolution providing pay comparability adjustment for certain House employees whose pay rates are specifically fixed by House resolutions; to the Committee on House Administration.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

130. By the SPEAKER: A memorial of the

Legislature of the Territory of Guam, relative to the transfer of lands not necessary to the national defense to the Government of Guam; to the Committee on Armed Services.

131. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to the meat boycott; to the Committee on Banking and Currency.

132. Also, memorial of the House of Representatives of the State of Oklahoma, relative to assistance to North Vietnam; to the Committee on Foreign Affairs.

133. Also, memorial of the Legislature of the State of South Carolina, relative to no-fault insurance; to the Committee on Interstate and Foreign Commerce.

134. Also, memorial of the Legislature of the State of New Jersey, requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States permitting the offering of voluntary prayer in the public school system; to the Committee on the Judiciary.

135. Also, memorial of the Legislature of the State of Texas, requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States concerning the assignment of students to public schools on the basis of race, religion, color, or national origin; to the Committee on the Judiciary.

136. Also, memorial of the Legislature of the State of South Carolina, relative to assistance to North Vietnam and to veterans of the Vietnam conflict; to the Committee on Veterans' Affairs.

137. Also, memorial of the Legislature of the State of California, relative to East-West trade relations; to the Committee on Ways and Means.

138. Also, memorial of the Senate of the State of Hawaii, relative to Federal grants to Hawaii for public assistance payments; to the Committee on Ways and Means.

139. Also, memorial of the Legislature of the State of Nevada, relative to inadequacies in grants of social security and supplemental benefits; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUDE:

H.R. 6758. A bill to permit the Capital Yacht Club of the District of Columbia to borrow money without regard to the usury laws of the District of Columbia; to the Committee on the District of Columbia.

By Mr. SEIBERLING:

H.R. 6759. A bill for the relief of Michael A. Korhonen; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

129. By the SPEAKER: Petition of the Suffolk County Legislature, Riverhead, N.Y., relative to the Suffolk County Soil and Water Conservation District; to the Committee on Agriculture.

130. Also, petition of the city council, Seward, Alaska, relative to leasing offshore tracts in the Gulf of Alaska for oil and gas exploration;

to the Committee on Interior and Insular Affairs.

131. Also, petition of the legislature of Erie County, Buffalo, N.Y., relative to continuing the community mental health centers program; to the Committee on Interstate and Foreign Commerce.

132. Also, petition of Clarence Johnson, Coolidge, Arb., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

133. Also, petition of John D. Baggett, and others, Tucson, Arb., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

134. Also, petition of Louis Mira, San Luis Obispo, Calif., relative to redress of grievances; to the Committee on the Judiciary.

135. Also, petition of Clarence Morton, Washington, D.C., relative to redress of grievances; to the Committee on the Judiciary.

136. Also, petition of Robert Reichs, and others, Alpena, Mich., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

137. Also, petition of George W. Andrews, Harvey Cedars, N.J., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

138. Also, petition of Harry H. Michalls, Trenton, N.J., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

139. Also, petition of Alfred M. Martens, Baldwin, N.Y., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

140. Also, petition of Ralph Boryszewski, Rochester, N.Y., relative to direct petitioning of Federal grand juries; to the Committee on the Judiciary.

141. Also, petition of Herman Stiles, Jackson, Ohio, and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

142. Also, petition of Ronald R. Soto, and others, Lorain, Ohio, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

143. Also, petition of Barbara Schneider, and others, Carnegie, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

144. Also, petition of William L. Eckart, Aspinwall, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

145. Also, petition of Gerald M. Reardon, Coatesville, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

146. Also, petition of Ralph J. Rizzo, North Hills, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

147. Also, petition of Samuel L. Kulp, Northampton, Pa., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

148. Also, petition of Nelda D. Boetcher, Rhinelander, Wis., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

contrary to good sense and foresight in view of the outstanding contributions made by the armory affecting the quality and effectiveness of the weapons of our fighting men and women; and

"Whereas the movement for the retention of the Springfield Armory has received the enthusiastic support of countless dedicated and interested citizens of the Commonwealth, the clergy, the college community, the elected public officials of the Commonwealth, labor organizations and countless private organizations; and

"Whereas the city of Springfield and surrounding communities have throughout the years demonstrated their ability to provide maximum standards of excellence in projects at the armory and, if the armory is retained, will fulfill once again the faith and confidence of the people of the Commonwealth and the Federal Government in the economy and natural resources of the area; now, therefore, be it

"Resolved, That the Massachusetts Senate respectfully urges the Department of Defense to revoke its directive ordering the closing of the Springfield Armory, and commends the efforts of all parties and groups working unceasingly to accomplish this vital goal; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the Secretary of Defense, to the Presiding Officer of each branch of the Congress of the United States, and to each Member thereof from the Commonwealth.

"Adopted by the senate November 23, 1965.

"THOMAS A. CHADWICK,  
"Clerk.

"Attest:

"KEVIN H. WHITE,  
"Secretary of the Commonwealth."

A resolution of the Senate of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

**"RESOLUTION COMMENDING PRESIDENT LYNDON B. JOHNSON ON HIS ADMINISTRATION'S POSITION ON VIETNAM**

"Whereas the policy of the United States continues to be that of promoting self-determination of the internal governmental structure in all countries of the world; and

"Whereas the crisis in Vietnam is a prime example of the Communist influence and disruptive effect of interference with the internal deliberations of a struggling, strife-torn country; and

"Whereas the Johnson administration's position on Vietnam merits the full support of the vast majority of our citizenry, despite the ill-tempered and ill-advised attitude of a relatively small minority in the country advocating withdrawal of American forces and assistance to that proud nation: Therefore be it

"Resolved, That the Massachusetts Senate commends President Johnson's judgment on meeting the crisis in Vietnam, and deplores the attitude and unpatriotic demonstrations employed by certain dissident groups and individuals in this country in regard to the Johnson administration's conduct of United States foreign policy in Vietnam; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the State secretary to the President of the United States, the Presiding Officer of each branch of the Congress, and to each Member thereof from the Commonwealth.

"Adopted by the Senate November 1, 1965.

"THOMAS A. CHADWICK,  
"Clerk.

"Attest:

"KEVIN H. WHITE,  
"Secretary of the Commonwealth."

A resolution of the Senate of the Commonwealth of Massachusetts; to the Joint Committee on Atomic Energy:

**"RESOLUTIONS URGING THE U.S. ATOMIC ENERGY COMMISSION TO SELECT THE CITY OF HAVERHILL AS THE LOCATION FOR ITS PROPOSED 200-BILLION-ELECTRON-VOLT ACCELERATOR**

"Whereas the Greater Haverhill area, with its wide divergence of employment supply and economic and technical resources, is ideally suited as the location of the U.S. Atomic Energy Commission's proposed 200-billion-electron-volt accelerator; and

"Whereas the location of said accelerator on a thirty-five-hundred acre site in the city of Haverhill has received the enthusiastic support of countless dedicated and interested citizens of said city together with the college community, the clergy, the various chambers of commerce, the elected public officials of the Commonwealth, and scores of private organizations; and

"Whereas the city of Haverhill has throughout the years demonstrated its ability to provide the best possible site for a project of the magnitude of said accelerator and will, if selected as the location thereof, fulfill once again the faith and confidence of the people of the Commonwealth and the Federal Government in its economy and natural resources; and

"Whereas a site evaluation team will arrive on November 3 in the current year to inspect the only area in the Commonwealth which has been proposed for the location of said accelerator, which team will be escorted by leading business and labor leaders, and high public officials of city and State: Now, therefore, be it

"Resolved, That the Massachusetts senate respectfully urges the U.S. Atomic Energy Commission to select the city of Haverhill as the location for its proposed 200-billion-electron-volt accelerator, and unequivocally endorses and commends the efforts of all parties and groups working unceasingly to accomplish this worthwhile goal; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the secretary of the Commonwealth to the U.S. Atomic Energy Commission, and to each Member of the Congress of the United States from the Commonwealth.

"Adopted by the senate November 3, 1965.

"THOMAS A. CHADWICK,  
"Clerk.

"Attest:

"KEVIN H. WHITE,  
"Secretary of the Commonwealth."

A resolution of the House of Delegates of the State of Maryland; to the Committee on Foreign Relations:

**"HOUSE RESOLUTION 14**

"Resolution expressing the support of the House of Delegates of Maryland for the present policies of the United States in Vietnam

"The House of Delegates of Maryland wishes to express on behalf of the people of the State of Maryland its support for the policies of the national administration and of Congress in Vietnam.

"The house of delegates takes this action, particularly in view of the many expressions of disapproval throughout the country as to these policies. This house notes with pride also that there have been no major demonstrations in the State of Maryland opposing the present policies of the administration and of Congress.

"Millions and millions of Americans without regard to politics have endorsed and are supporting the present policies of this country in Vietnam and the House of Delegates of Maryland is pleased to add its endorsement also: Now, therefore, be it

"Resolved by the House of Delegates of Maryland, That this body expresses its support and endorsement of the present policies of the administration and of the Congress with respect to Vietnam; and be it further

"Resolved, That the chief clerk of the house is instructed to send copies of this resolution to the President of the United States, the Vice President of the United States, as presiding officer in the Senate of Maryland, the Speaker of the House of Representatives in the Congress, and each member of the Maryland delegation in the Senate and House of Representatives.

"By the house of delegates, October 21, 1965.

"MARVIN MANDEL,

"Speaker of the House of Delegates.

"JAMES P. MAUSE,

"Chief Clerk of the House of Delegates."

A joint resolution of the Legislature of the State of New Mexico; to the Committee on the Judiciary:

**"SENATE JOINT RESOLUTION 2**

"Joint resolution making application to Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States relating to apportionment of State legislatures

"Be it resolved by the Legislature of the State of New Mexico, That application is respectfully made to the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States:

**"ARTICLE —**

"SECTION 1. Nothing in this Constitution shall prohibit any State which shall have a bicameral legislature from apportioning the membership of one house of such legislature on factors other than population, provided that the plan of such apportionment shall have been submitted to and approved by a vote of the electorate of that State.

"SEC. 2. Nothing in this Constitution shall restrict or limit a State in its determination of how membership of governing bodies of its subordinate units shall be apportioned.

"SEC. 3. 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 7 years from the date of its submission to the States by the Congress; and be it further

"Resolved, That if Congress has proposed an amendment to the Constitution identical with that contained in this resolution prior to June 1, 1965, this application for a convention shall no longer be of any effect; and be it further

"Resolved, That a copy of this resolution be transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each member of the New Mexico delegation to the Congress of the United States.

"Signed and sealed at the capitol, in the city of Santa Fe.

"MACK EASLEY,

"President of the Senate.

"BRUCE KING,

"Speaker, House of Representatives."

A joint resolution of the Legislature of the State of Tennessee; to the Committee on the Judiciary:

**"HOUSE JOINT RESOLUTION 34**

"Joint resolution applying to the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States

"Resolved by the House of Representatives of the 84th General Assembly of the State of Tennessee (the Senate concurring), That



H. R. 5954. An act to authorize the Secretary of the Treasury to issue duplicate gold certificate, in lieu of one lost, to Lincoln National Bank, of Lincoln, Ill.;

H. R. 16671. An act permitting the building of a clam across the St. Joseph River near the village of Berrien Springs, Berrien County, Mich.;

H. R. 14808. An act authorizing the Choctawhatchee Power Company to erect a dam in Dale County, Ala.; and

H. J. Res. 11. Joint resolution for the publication of eulogies delivered in Congress on Hon. JOHN W. CRANFORD, late a Representative in Congress.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the legislature of the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. PLATT. I present a concurrent resolution of the legislature of New York, relative to the adoption of an amendment to the Constitution to prohibit polygamy. I ask that the concurrent resolution be read, and referred to the Committee on the Judiciary.

There being no objection, the concurrent resolution was read, and referred to the Committee on the Judiciary, as follows:

#### STATE OF NEW YORK In Senate, Albany, March 1, 1906.

Whereas It appears from the investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several States thereof, and

Whereas the practice of polygamy is generally condemned by the people of the United States and there is a demand for the more effectual prohibition thereof by placing the subject under Federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce; now, therefore,

Resolved (if the assembly concur), That application be and hereby is made to Congress, under the provisions of article 5 of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited and Congress shall be given power to force such prohibition by appropriate legislation.

Resolved, That the legislatures of all other States of the United States, now in session or when next convened, be and they are hereby respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be and he hereby is directed to transmit copies of this application to the Senate and House of Representatives of the United States, and to the several Members of said body representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

By order of the senate:

LAFAYETTE B. GLEASON, Clerk.  
IN ASSEMBLY, March 2, 1906.

Concurred in without amendment.  
By order of the assembly:

A. E. BAXTER, Clerk.

STATE OF NEW YORK,  
Office of the Secretary of State, ss:

The foregoing is a true copy of a concurrent resolution of the senate and assembly of the State of New York, filed in this office March 6, 1906.

Given under my hand and the seal of office of the secretary of state, at the city of Albany, this 20th day of March, in the year 1906.  
[SEAL.] JOHN F. O'BRIEN,  
Secretary of State.

Mr. PLATT presented a petition of the National Wholesale Lumber Dealers' Association, of New York City, N. Y., praying for the enactment of legislation to remove discriminations against American sailing vessels in the coastwise trade; which was referred to the Committee on Commerce.

He also presented a memorial of Local Division No. 148, Amalgamated Association of Street and Electric Railway Employees of America, of Albany, N. Y., remonstrating against the repeal of the present Chinese-exclusion lam; which was referred to the Committee on Immigration.

He also presented a petition of Local Council No. 29, Daughters of Liberty, of Utica, N. Y., and a petition of Empire Council No. 28, Junior Order of United American Mechanics, of Greenport, N. Y., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. GALLINGER presented a petition of Hannah Dustin Council, No. 9, Daughters of Liberty, of Franklin, N. H., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a memorial of Local Division No. 397, Amalgamated Association of Street and Electric Railway Employees of America, of Berlin, N. H., remonstrating against the repeal of the present Chinese-exclusion lam; which was referred to the Committee on Immigration.

He also presented the petition of John C. Young, of Lakeport, N. H., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

Retrieved from:

www.MontgomeryBlairSibley.com/ArticleV.html

He also presented a petition of the Coos County National Bank of Groveton, N. H., praying for the enactment of legislation to continue the appropriation for the transportation of silver coin; which was referred to the Committee on Appropriations.

He also presented a petition of the Woman's Club of Derry, N. H., and a petition of the Study Club of Whitefield, N. H., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented the petition of Arthur F. Stone, of St. Johnsbury, Vt., praying for the enactment of legislation to prohibit the killing of wild birds and animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the East End Suburban Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing for the extension of M street east of Bladensburg road in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the National Wholesale Lumber Dealers' Association, of New York City, N. Y., praying for the enactment of legislation to repeal pilotage discriminations against sailing vessels in the coastwise trade; which was referred to the Committee on Commerce.

He also presented a petition of the Council of the Civic Center, of Washington, D. C., praying for an investigation into the efficiency of the filtration plant in that city; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Westchester Woman's Club, of Mount Vernon, N. Y., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BURNHAM presented petitions of the Woman's Club of Derry, the Study Club, of Whitefield, and the Woman's Club of Henniker, all of the General Federation of Women's Clubs, in the State of New Hampshire, praying for an investigation into the industrial condition of the women of the country; which were referred to the Committee on Education and Labor.

He also presented a memorial of Local Division No. 397, Amalgamated Association of Street and Electric Railway Employees of America, of Berlin, N. H., remonstrating against the repeal of the present Chinese-exclusion lam; which was referred to the Committee on Immigration.

He also presented petitions of Granite State Lodge, No. 235, Brotherhood of Railroad Trainmen, of Manchester, and of Hannah Dustin Council, No. 9, Daughters of Liberty, of Franklin, in the State of New Hampshire, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of Tahanto Division, No. 335, Brotherhood of Locomotive Engineers, of Concord, N. H., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented the petition of John C. Young, of Lakeport, N. H., praying for the removal of the internal-revenue tax on denaturized alcohol; which was referred to the Committee on Finance.

Mr. FULTON presented memorials of sundry citizens of Portland, Oreg., remonstrating against the enactment of legislation to prohibit the coming of Chinese laborers into the United States, and for other purposes; which were referred to the Committee on Immigration.

Mr. BEYERIDGE presented a petition of the congregation of the Broadway Methodist Episcopal Church, of Logansport, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of Local Union No. 331, American Federation of Musicians, of Rochester; of Local Union No. 366, American Federation of Musicians, of Vincennes, and of Local Union No. 58, American Federation of Musicians, of Fort Wayne, all in the State of Indiana, praying for the enactment of legislation to prohibit Government musicians from competing with civilian musicians; which were referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Mount Vernon, Ind., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Club of Anderson, of the Woman's Club of Westfield, and of the Tuesday Club of



Mr. BORAH. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. OWEN. Certainly.

Mr. BORAH. I was absent from the Chamber when Idaho was supposed to have been enlisted in this matter, and I desire to say that there is no doubt in my mind that Idaho is in favor of the principle of electing Senators by popular vote, and that our legislature was not insane when it so declared.

Mr. OWEN. I have not the slightest doubt of the correctness of the view of the junior Senator from Idaho, and am glad to have the junior Senator from Idaho answer the senior Senator from Idaho as to the views of the people of Idaho, and as to the sanity of the legislature of that State.

#### NEVADA

Senate concurrent resolution relating to the election of United States Senators by direct popular vote.

Whereas the people of this State, as shown by a vote taken thereon, favor in amendment to the Constitution of the United States providing for the election of United States Senators by a direct popular vote; and

Whereas it is evident that a large majority of the American people favor such an amendment, as shown by the tone of the public press and by the resolutions of the state legislatures of the various States; and the resolution passed by the National House of Representatives; and

Whereas Article V of the Constitution of the United States provides that Congress, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments thereto;

*Resolved, therefore (if the assembly concur),* That the legislature of the State of Nevada favors the adoption of an amendment to the Constitution which shall provide for the election of United States Senators by popular vote, and respectfully requests that a convention be called for the purpose of proposing an amendment to the Constitution of the United States, as provided for in Article V of said Constitution, which amendment shall provide for a change in the present method of electing United States Senators, so that they can be chosen in each State by a direct vote of the people.

*Resolved,* That a copy of this resolution and application to Congress for the calling of a convention be sent to the President of the United States, the Speaker of the House of Representatives, and to each of the Representatives of the State of Nevada in the Congress of the United States.

*Resolved,* That our Representative in Congress be directed to urge upon Congress the calling of a convention provided for by these resolutions.

The people of Nevada directly nominate United States Senators. (Nevada primary laws, 1883, chap. 18. Mandatory; rudimentary.)

New Hampshire primary laws, 1505, chapter 95; 1907, chapter 105. Partly mandatory; partly optional; rudimentary.

#### NEW JERSEY.

##### Joint resolution 5.

Whereas Article V of the Constitution of the United States provides that "the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by convention in three-fourths thereof," etc.; and

Whereas the House of Representatives of the Congress of the United States has on four separate occasions passed by a two-thirds vote a resolution proposing an amendment to the Constitution providing for the election of United States Senators by direct vote of the people; and

Whereas the United States Senate has each time refused to consider or vote upon said resolution, thereby denying to the people of the several States a chance to secure this much desired change in the method of electing Senators: Therefore be it

*Resolved by the senate and general assembly of the State of New Jersey,* Under the authority of Article V of the Constitution of the United States application is hereby made to Congress to forthwith call a constitutional convention for the purpose of submitting to the States for ratification an amendment to the Federal Constitution providing for the election of United States Senators by direct vote of the people; and

*Resolved,* That the secretary of state be, and is hereby, directed to forward a properly authenticated copy of these resolutions to the President of the United States, to the President of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

Approved May 28, 1907.

State of New Jersey, Department of State:

I, S. D. Dickinson, secretary of state of the State of New Jersey, do hereby certify that the foregoing is a true copy of Joint resolution No. 5 of the legislature of the State of New Jersey, approved by the governor May 28, 1907, as the same is taken from and compared with the original now remaining on file in my office.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at Trenton, this 25th day of November, A. D., 1907.

S. D. DICKINSON,  
Secretary of State.

The people of New Jersey directly nominate United States Senators under the protection of the law of 1903. (New Jersey primary laws, 1893, chap. 139, and subsequent amendments. Mandatory: state wide; partly direct and partly indirect.)

New York primary laws, 1898, chapter 170, as amended each succeeding year. Mandatory; partly state wide; partly local; direct features optional.

#### NORTH CAROLINA.

A joint resolution relative to amending the Constitution of the United States to provide for the election of United States Senators by a direct vote of the people of the respective States.

Whereas there is a widespread and rapidly growing belief that the Constitution of the United States should be so amended as to provide for the election of the United States Senators by the direct vote of the people of the respective States; and

Whereas other amendments to the United States Constitution are by many intelligent persons considered desirable and necessary; and

Whereas the Senate of the United States has on far neglected to take any action whatever upon the matter of changing the manner of electing United States Senators, although favorable action upon such proposed change has several times been unanimously taken by the House of Representatives: Therefore

*Be it resolved by the house of representatives of the State of North Carolina (the senate concurring therein),* That the legislature of North Carolina, in accordance with the provisions of Article V of the Constitution of the United States, hereby apply to and request the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States; and

*Resolved,* That we hereby request our Representatives in Congress and instruct our United States Senators to bring this matter to the attention of the respective bodies and to try and induce favorable action thereon; and

*Resolved further,* That the secretary of the State of North Carolina is hereby directed to forthwith transmit a certified copy of these resolutions to the Vice-President of the United States, the Speaker of the House of Representatives in Congress, and to each of the Representatives and United States Senators in Congress from North Carolina, and to the speaker of the house of representatives of each State in which the legislature is now or soon to be in session.

In the general assembly; read three times, and ratified this the 11th day of March, A. D. 1907.

STATE OF NORTH CAROLINA, Office of Secretary of State:

I, J. Bryan Grimes, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached (two sheets) to be a true copy from the records of this office.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh this 4th day of April, in the year of our Lord 1908.

J. BRYAN GRIMES,  
Secretary of State.

North Carolina primary laws, 1907 (numerous special acts). Mandatory and optional: local; rudimentary.

#### NORTH DAKOTA.

The people of North Dakota directly nominate United States Senators under the protection of the law of 1907. (North Dakota primary laws, 1907, chap. 109. Mandatory; state wide; direct.)

#### OHIO.

The people of Ohio directly advise as to United States Senators. Ohio permits under law of 1908 the direct nomination of Senators by primary. (Ohio primary laws, 1908. Mandatory; state wide; delegate and direct; direct in cities and counties; advisory vote on United States Senator.)

#### OKLAHOMA.

Senate joint resolution 9.—Relating to the calling of a convention of the States to propose amendments to the Constitution of the United States providing for the election of United States Senators by direct vote of the people, and for other purposes, and providing for the appointment of a senatorial election commission of the State of Oklahoma.

Whereas a large number of the State legislatures have at various times adopted memorials and resolutions in favor of the election of United States Senators by direct vote of the people of the respective States; and

Whereas the National House of Representatives has on several different occasions in recent years adopted resolutions in favor of the proposed change in the method of electing United States Senators, which were not adopted by the Senate: Therefore be it

*Resolved by the senate and the house of representatives of the State of Oklahoma,* That the legislature of the State of Oklahoma, in accordance with the provisions of Article V of the Constitution of the United States, desires to join with the other States of the Union to respectfully request that a convention of the several States be called for the purpose of proposing amendments to the Constitution of the United States, and hereby apply to and request the Congress of the United States to call such convention and to provide for submitting to the several States the amendments so proposed for ratification by the legislatures thereof, or by conventions therein, as one or the other mode of ratification may be proposed by Congress.

*Sec. 2.* That at said convention the State of Oklahoma will propose, among other amendments, that section 3 of Article I of the Constitution of the United States should be amended to read as follows:

"The Senate of the United States shall be composed of two Senators from each State, chosen by the electors thereof, as the governor is chosen, for six years; and each Senator shall have one vote. They shall be divided as equally as may be into three classes, so that one-third may be chosen every year; and if vacancies happen by resignation or otherwise the governor may make temporary appointments until the next regular election in such State. No person shall be a Senator who shall not have attained the age of 30 years, and been nine years a citizen of the United States, nor who shall not when elected be an elector of the State for which he shall be chosen. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided. The Senate shall choose their own officers and also a President pro tempore in the absence of the Vice-President or when he shall exercise the office of the President of the United States."

*Sec. 3.* A legislative commission is hereby created, to be composed of the governor and eight members, to be appointed by him, not more than four of whom shall belong to the same political party, to be known as

Mr. PRICE, Mr. FISHER, Mr. BATES, and Mr. ARENDS were appointed managers on the part of the House at the conference.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 7969) to correct certain errors in the Tariff Schedules of the United States, and for other purposes, and it was signed by the Vice President.

#### REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of September 24, 1965, the following report of a committee was submitted on September 27, 1965:

Mr. BYRD, from the Committee on Finance, reported favorably, with amendments, the bill (H.R. 9042) to provide for the implementation of the agreement concerning automotive products between the Government of the United States of America and the Government of Canada, and for other purposes, and submitted a report (No. 782) thereon, together with the minority views of Senators RIBICOFF, HARTKE, and GORE; which report was printed.

#### AMENDMENT OF CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

Mr. MANSFIELD. Mr. president, I ask unanimous consent that the Senate reconsider its action taken on Friday, September 24, in agreeing to the House amendments to S. 1766, better known as the Aiken bill, to amend the Consolidated Farmers Home Administration Act of 1961 to authorize the Secretary of Agriculture to make or insure loans to public and quasi-public agencies and corporations, not operated for profit with respect to water supply and water systems serving rural areas and to make grants to aid in rural community development planning and in connection with the construction of such community facilities, to increase the annual aggregate of insured loans thereunder, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I offer amendments to the House amendments and ask that they be stated.

The VICE PRESIDENT. The amendments will be stated.

The legislative clerk read as follows:

On page 3, line 12, change the subsection designation "(4)a," to "(4)(A)".

On page 3, line 16, change the subsection designation "(b)" to "(B)".

On page 4, line 18, strike out the words "Provided further, That no" and insert in lieu thereof the word "No".

On page 4, line 23, before the word "In", insert paragraph number "(10)".

On page 5, line 16, change the word "loan" to "Act".

The VICE PRESIDENT. The question is on agreeing to the amendments offered by the Senator from Montana

[Mr. MANSFIELD], to the House amendments.

The amendments to the House amendments were agreed to.

The VICE PRESIDENT. The question now recurs on concurring in the House amendments as amended.

The amendments of the House, as amended, were concurred in.

#### LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

On request of Mr. LONG of Louisiana, and by unanimous consent, statements during the transaction of routine morning business were ordered limited to 3 minutes.

#### JOINT RESOLUTION OF OHIO LEGISLATURE

The VICE PRESIDENT laid before the Senate a joint resolution of the Legislature of the State of Ohio, which was referred to the Committee on the Judiciary, as follows:

##### S.J. RES. 16

Joint resolution to the Congress of the United States pursuant to article V of the Constitution of the United States to call a convention for the purpose of proposing an amendment to return a portion of the income tax to the political subdivision in which it was collected

Resolved by the Senate of the State of Ohio, the House of Representatives concurring: That the Legislature of the State of Ohio, pursuant to article V of the Constitution of the United States, hereby makes application to the Congress of the United States to call a convention to propose the following article as an amendment to the Constitution of the United States:

##### "ARTICLE —

"SECTION 1. Fifteen percent of the tax on the income of each citizen collected by the United States shall be returned by the United States to the State in which such citizen has his principal place of residence one-third of which shall be distributed by such State to the municipal government in which such residence is located if any, another one-third of which shall be distributed by such State to the school district in which such residence is located and the balance to be retained by such State for State purposes;

"Resolved further, That this application shall constitute a continuing application for such convention, under article V, of the Constitution of the United States, until the legislatures of two-thirds of the several States shall have made like applications and such convention shall have been called by the Congress of the United States, unless the Congress itself proposes the amendment herein set forth;

"Resolved further, That certified copies of this resolution be transmitted forthwith to the Senate and House of Representatives of the Congress of the United States and to each House of the legislature of each of the several States, attesting the adoption of this resolution by the legislature of this State.

"ROGER CLOUD,

"Speaker of the House of Representatives.

"JOHN W. BROWN,

"President of the Senate.

"Adopted July 29, 1965.

"TED W. BROWN,

"Secretary of State."

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MORSE, from the Committee on Labor and Public Welfare, with amendments:

H.R. 9022. An act to amend Public Laws 815 and 874, 81st Congress, to provide financial assistance in the construction and operation of public elementary and secondary schools in areas affected by a major disaster; to eliminate inequities in the application of Public Law 815 in certain military base closings; to make uniform eligibility requirements for school districts in Public Law 874; and for other purposes (Rept. No. 783).

By Mr. MORSE, from the Committee on the District of Columbia, with an amendment:

H.R. 1778. An act to amend the act entitled "An Act to create a Board for the Condemnation of Insanitary Buildings in the District of Columbia, and for other purposes", approved May 1, 1906, as amended (Rept. No. 784);

H.R. 3314. An act to require premarital examinations in the District of Columbia, and for other purposes (Rept. No. 785); and

H.R. 5597. An act to relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia (Rept. No. 786).

By Mr. MORSE, from the Committee on the District of Columbia, with amendments:

H.R. 9985. An act to provide for the mandatory reporting by physicians and hospitals or similar institutions in the District of Columbia of injuries caused by firearms or other dangerous weapons (Rept. No. 787); and

H.R. 10304. An act to provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children (Rept. No. 788).

By Mr. TYDINGS, from the Committee on the District of Columbia, without amendment:

S. 1314. A bill to amend the Street Readjustment Act of the District of Columbia so as to authorize the Commissioners of the District of Columbia to close all or part of a street, road, highway, or alley in accordance with the requirements of an approved redevelopment or urban renewal plan, without regard to the notice provisions of such act, and for other purposes (Rept. No. 791).

By Mr. HILL, from the Committee on Labor and Public Welfare, with amendments:

H.R. 3141. An act to amend the Public Health Service Act to improve the educational quality of schools of medicine, dentistry, and osteopathy, to authorize grants under that act to such schools for the awarding of scholarships to needy students, and to extend expiring provisions of that act for student loans and for aid in construction of teaching facilities for students in such schools and schools for other health professions, and for other purposes (Rept. No. 789).

#### AMENDMENT OF SECTION 18, CIVIL SERVICE RETIREMENT ACT, AS AMEND—REPORT OF A COMMITTEE (S. REPT. NO. 790)

Mr. MONRONEY, from the Committee on Post Office and Civil Service, reported an original bill (S. 2572) to amend section 18 of the Civil Service Retirement Act, as amended, and submitted a report thereon; which bill was read twice by its title and placed on the calendar, and the report was ordered to be printed.



for that part of our farm production required for domestic consumption; and

Whereas we recognize that the American farmer is entitled to the American market for his products to the full extent of his ability to supply that market on a cost of production basis; and

Whereas bill S. 570, of the Seventy-sixth Congress has been introduced in the Senate, which we believe, if enacted and properly administered, would fulfill these requirements: Therefore be it

*Resolved*, by the State Legislature of the State of South Dakota now assembled, that we memorialize Congress of the United States to enact S. 570, entitled "A bill to regulate interstate and foreign commerce in agricultural products; to provide for the orderly marketing of such products; to promote the general welfare by assuring an abundant and permanent supply of such products by securing to the producers a minimum price of not less than cost of production, and for other purposes," which bill we believe, if enacted and properly administered, will insure for the farmer parity or cost of production for that part of our farm crops that are consumed within the United States;

That national legislation be enacted to prevent gamblers and speculators from determining the price of the necessities of life;

That we favor the development of industrial uses for farm products as a means of enlarging the American farm market.

Whereas it has been definitely determined that the hog processing tax collected by the Department of Agriculture was actually paid by the farmers themselves; and

Whereas the Supreme Court of the United States, invalidating said Agricultural Adjustment Act, declaring said tax to be illegal and unconstitutional: Be it

*Resolved*, that we memorialize Congress to refund all such tax to the farmer; be it further

*Resolved*, that copies of these resolutions be sent to our Senators and Representatives in Congress, to the President of the United States, and to the President of the Senate, and the Speaker of the House of Representatives in the Congress of the United States.

The PRESIDENT pro tempore also laid before the Senate the following resolution of the Assembly of the State of Wisconsin, which was referred to the Committee on Interstate Commerce:

A resolution memorializing the President of the United States to cancel and the Senate not to confirm the appointment of Thomas R. Amlie to the Interstate Commerce Commission

Whereas the President of the United States has, subject to confirmation by the Senate, appointed Thomas R. Amlie, former Congressman from Elkhorn, to the Interstate Commerce Commission; and

Whereas Thomas R. Amlie in recent years has by his public utterances and other expressions of policy aligned himself with the Communist movement in this country; and

Whereas Thomas R. Amlie has given himself considerable notoriety by his sympathy for a foreign element which has been promiscuous in its slaughter of Christians and their Apostles; and

Whereas the name of Thomas R. Amlie appears prominently in the politically notorious register, "Who Is Who in Communism"; and

Whereas as a Congressman from Wisconsin Mr. Amlie cosponsored and supported the Ezekiel plan to "legislate abundance" by Government regulation of industry and taxing nonconformists into submission; and

Whereas Thomas R. Amlie, in his booklet, "The Forgotten Man," released June 27, 1935, on pages 98, 108, and 110, advocated scrapping of our Federal Constitution, a completely new social order, creating of a great central authority, without checks or balances, to run our industry and placing all men in equal economic status; and

Whereas appointment of Thomas R. Amlie to the Interstate Commerce Commission would be a severe blow to democratic government in this United States and dangerous to our American institutions and industries: Now, therefore, be it

*Resolved by the assembly*, That this legislature respectfully memorializes the President of the United States to withdraw and cancel and the Senate of the United States not to confirm the appointment of Thomas R. Amlie to the Interstate Commerce Commission; and be it further

*Resolved*, That duly attested copies of this resolution be sent to the President of the United States, to the United States Senate, and to each Wisconsin Member thereof.

Adopted: Ayes 59; noes 29.

The PRESIDENT pro tempore also laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on the Judiciary:

#### House Joint Memorial 1

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Fortieth Legislative Assembly of the State of Oregon, convened in regular session, respectfully represent that:

Whereas, pursuant to the provisions of section 1 of article IV of the Constitution of Oregon, there was approved by the legal voters

of the State of Oregon at the regular general election held on the 8th day of November, A. D. 1938, an initiative measure, entitled "A bill for an act authorizing and directing the Legislature of the State of Oregon to apply to the Congress of the United States for a convention to propose the philosophy and principles of the Townsend national recovery plan as an amendment to the Federal Constitution," which measure so adopted reads as follows:

"Be it enacted by the people of the State of Oregon:

"Section 1. The Legislature of the State of Oregon is hereby authorized and directed to make application to the Congress of the United States, not later than March 1, 1939, for the calling by the Congress, pursuant to the provisions of article V of the Constitution of the United States, of a national convention for proposing an amendment to the said Constitution to provide for the establishment and operation of the philosophy and principles of the Townsend national recovery plan, otherwise known and described as the proposed General Welfare Act of 1937 (H. R. 4199)"; and

Whereas, pursuant to the vote of the people and the laws of the State of Oregon, the Governor of the State of Oregon did, by proclamation made on the 1st day of December, A. D. 1938, give the whole number of votes cast in the State for and against the said measure, and declared said measure approved by majority of those voting thereon to be in full force and effect as the law of the State of Oregon from the date of said proclamation: Now, therefore, be it

*Resolved by the House of Representatives of the State of Oregon (the senate jointly concurring therein)*, That, in accordance with the direction of said initiative measure, the Legislature of the State of Oregon hereby does by this joint memorial make application to the Congress of the United States to call a national convention, pursuant to the provisions of article V of the Constitution of the United States, for the purpose of proposing an amendment to the said Constitution to provide for the establishment and operation of the philosophy and principles of the Townsend national recovery plan, otherwise known and described as the proposed General Welfare Act of 1937 (H. R. 4199).

*Resolved*, That a certified copy of this joint memorial be sent forthwith to the President of the United States and the President of the United States Senate, the Speaker of the House of Representatives, and to each of the Members of the congressional delegation from the State of Oregon, and that the secretary of state hereby is instructed to transmit the same.

The PRESIDENT pro tempore also laid before the Senate the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Finance:

#### Senate Joint Memorial 1

Resolution memorializing the Congress of the United States for the passage of legislation prohibiting the importation of foreign-manufactured United States flags and other national insignia sufficiently to protect their manufacture in the United States

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas the United States flags and other national insignia are being manufactured and imported from foreign countries; and

Whereas this practice is detrimental to our manufacturers of these flags and national insignia and contrary to the theory of our national Americanism: Now, therefore, be it

*Resolved by the Senate of the State of Montana (the house of representatives concurring)*, that we do hereby petition the Congress of the United States of America for the passage of legislation prohibiting the importation of foreign manufactured United States flags and other national insignia; be it further

*Resolved*, That a copy of this memorial be transmitted by the secretary of the State of Montana to the Senate and House of Representatives of the Congress of the United States and to the Senators and Representatives in Congress from the State of Montana, and that they and each of them be requested to use all honorable means within their power to bring about such legislation.

The PRESIDENT pro tempore also laid before the Senate the following concurrent resolution of the Legislature of the State of North Dakota, which was referred to the Committee on Finance:

#### Senate Concurrent Resolution 18

##### Townsend recovery plan

Be it resolved, by the Senate of the State of North Dakota (the house of representatives concurring therein):

Whereas many of our aged people are dependent upon the Government for food, clothing, and shelter, and many more are dreading the day when they will be forced from the pay rolls of industry and swell the throng of dependents; and

Whereas many of our young people in the prime of life are unable to secure employment; and

Whereas many of our middle-aged people, who are employed, are afraid of losing their jobs; and

Whereas as a result of the above-mentioned facts the vast majority of our population are living in a state of fear, and as fear is the greatest dictator in the world today and to a large extent is responsible for the increase of insanity, vice, and crime: Now, therefore, be it

*Resolved*, That the Senators and Representatives of the State of North Dakota, in the Congress of the United States, be, and hereby



provide for the addition of certain land in the State of Arizona to the Montezuma Castle National Monument, which was, on page 2, line 14, after the word "necessary", to insert "but not to exceed \$25,000."

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

The motion was agreed to.

#### EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

#### PERSONNEL REQUIREMENTS OF DEPARTMENTS AND AGENCIES

Letters from the Secretary of State, the Under Secretary of Agriculture, the Secretary of Commerce, the Chairman of the Federal Trade Commission, the Chairman of the Federal Deposit Insurance Corporation, the Comptroller General of the United States, the Administrative Officer of the President's Committee on Fair Employment Practice of the Office for Emergency Management, and the Secretary of the Smithsonian Institution, submitting, pursuant to law, estimates of personnel requirements for their respective departments and offices for the quarter ended December 31, 1943, and for the Department of Agriculture for the quarter ended September 30, 1943 (with accompanying papers); to the Committee on Civil Service.

#### REMISSION OF CLAIMS ON ACCOUNT OF OVERPAYMENTS TO CERTAIN CHARWOMEN

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to remit claims of the United States on account of overpayments to part-time charwomen in the Bureau of Engraving and Printing, and for other purposes (with an accompanying paper); to the Committee on Claims.

#### REPORT ON PERSONNEL OF THE LAND FORCES

A letter from the Secretary of War, submitting, pursuant to law, a confidential report relating to the personnel of the land forces on August 31, 1943; to the Committee on Military Affairs.

#### SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Attorney General, submitting, pursuant to law, a report stating all the facts and pertinent provisions of law in the cases of 131 individuals whose deportation has been suspended for more than 6 months under the authority vested in him together with a statement of the reason for such suspension (with an accompanying report); to the Committee on Immigration.

#### ABSTRACTING, TITLING, ETC., OF FEDERAL LANDS

A letter from the Comptroller General of the United States, reporting, in accordance with law, as to suggested legislation the purpose of which is to establish and centralize in the General Land Office, Department of the Interior, the necessary facilities for the acquisition, abstracting, titling, recording, and disposition of Federally owned and controlled lands (with an accompanying paper); to the Committee on Public Lands and Surveys.

#### FEES OF KICKBACKS, GIFTS, OR GRATUITIES TO EMPLOYEES UNDER COST-PLUS-A-FIXED-FEE CONTRACTS

A letter from the Comptroller General of the United States, transmitting, in accordance with law, a draft of proposed legislation having for its purpose the elimination of the practice by subcontractors under cost-plus-a-fixed-fee prime contracts of paying fees or

kickbacks, or of granting gifts or gratuities to employees of cost-plus-a-fixed-fee prime contractors, or of other subcontractors, for the purpose of securing the award of orders or subcontracts thereunder (with an accompanying paper); to the Committee on Expenditures in the Executive Departments.

#### REGISTRANTS DEFERRED BECAUSE OF EMPLOYMENT UNDER THE GOVERNMENT

A letter from the Director of the Selective Services System, transmitting, pursuant to law, the fifth monthly list of registrants who have been deferred because of their employment in or under the Federal Government as of September 15, 1943 (with accompanying papers); to the Committee on Military Affairs.

#### PETITION AND MEMORIAL

The VICE PRESIDENT laid before the Senate the following resolutions of the Legislature of Pennsylvania, which were referred to the Committee on the Judiciary:

Joint resolution making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States prohibiting the imposition of conditions upon grants of moneys and rebates of taxes in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

SECTION 1. The General Assembly of the Commonwealth of Pennsylvania hereby makes application to the Congress of the United States, in accordance with the provisions of article V of the Constitution of the United States, to call a convention for proposing the following amendment to the Constitution of the United States:

Resolved by the Convention for proposing amendments to the Constitution of the United States, called by the Congress of the United States, pursuant to application of the legislatures of two-thirds of the several States, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States:

#### "ARTICLE —

"SECTION 1. All grants of public moneys to the several States or political subdivisions thereof shall be outright and without condition, except as to the public purpose for which they shall be used. Congress shall not make any law providing to any State or to the people thereof any rebate, refund, or payment by way of taxes or otherwise, except in the exercise of powers delegated to the United States by the Constitution. Any State through its proper officers may enforce the provisions of this article by injunctive process.

"SEC. 2. The Secretary of the Commonwealth shall transmit certified copies of this resolution to the President of the Senate of the United States and to the Speaker of the House of Representatives of the United States and to the president of the senate and the speaker of the house of representatives of the legislatures of each of the other 47 States of the United States.

"SEC. 3. The provisions of this resolution shall become effective immediately upon its final enactment."

JOHN C. BELL,  
President of the Senate.

IRA T. FISS,  
Speaker of the House of Representatives.

Approved the 27th day of May A. D. 1943.

EDWARD MARTIN, Governor.

Concurrent resolution memorializing the Congress of the United States to amend the Constitution of the United States relative to taxes on incomes, gifts, and inheritances; and providing limitations on taxes so levied; and repealing the sixteenth amendment to the Constitution of the United States

Whereas there is now pending in the current session of the Congress of the United States proposed legislation to repeal the sixteenth amendment to the Constitution of the United States and to amend the Constitution of the United States relative to taxes on incomes, gifts, and inheritances; and providing for a limitation of taxes thereon; and

Whereas the people of the State of Pennsylvania are greatly interested in the passage of such legislation: Now therefore, be it

Resolved by the House of Representatives of the State of Pennsylvania (the Senate concurring), That the Congress of the United States be memorialized as follows: That application be, and it is hereby, made to the Congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the Constitution of the United States.

#### "ARTICLE —

"SECTION 1. The sixteenth amendment to the Constitution of the United States is hereby repealed

"SEC. 2. The Congress shall have power to lay and collect taxes on incomes from whatever source derived without apportionment among the several States and without regard to any census or enumeration: Provided, That in no case shall the maximum rate of tax exceed 25 percent.

"SEC. 3. The maximum rate of any tax, duty, or excise, which Congress may lay and collect with respect to the devolution or transfer of property or any interest therein, upon or in contemplation of death, or intended to take effect in possession or enjoyment at or after death, or by way of gift, shall in no case exceed 25 percent.

"SEC. 4. Sections 1 and 2 shall take effect at midnight on the 31st day of December following the ratification of this article. Nothing contained in this article shall affect the power of the United States after said date, to collect any tax on incomes for any period ending on or prior to said 31st day of December laid in accordance with the terms of any law then in effect.

"SEC. 5. Section 3 shall take effect at midnight on the last day of the sixth month following the ratification of this article. Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of section 3, laid in accordance with the terms of any law then in effect." Be it further

Resolved, That the Congress of the United States be and it hereby is requested to provide as the mode of ratification, that said amendment shall be valid to all intents and purposes as part of the Constitution of the United States, when ratified by the legislatures of three-fourths of the several States; be it further

Resolved, That the secretary of state be and he hereby is directed to send a duly certified copy of this resolution to the Senate of the United States and one to the House of Representatives in the Congress of the United States and to each Pennsylvania Member thereof.

IRA T. FISS,  
Speaker of the House of Representatives.

W. J. RIDGE,  
Chief Clerk of the Senate.

W. E. HABBYSHAW,  
Chief Clerk of the House of Representatives.

Mr. MILLER. Mr. President, from the Committee on Armed Services I report favorably the nominations of 46 flag officers in the Navy and one general officer in the Army. I ask that these names be placed on the Executive Calendar.

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

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Maj. Gen. Robert A. Breitweiser, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenant general while so serving;

Maurice H. Rindskopf, and sundry other officers, for temporary promotion in the Navy; and

Felix P. Ballenger, and sundry other officers, for temporary promotion & the Navy.

Mr. MILLER. Mr. President, in addition, I report also 553 appointments in the Air Force in the grade of major and below and 560 promotions in the Regular Army in the grade of first lieutenant. Since these names have already appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

The nominations, ordered to lie on the desk, are as follows:

Gene P. Abel, and sundry other officers, for promotion in the Regular Army of the United States;

Marcos E. Kinevan, for appointment as permanent professor, U.S. Air Force Academy; and

Richie S. Dryden, and sundry other persons, for appointment in the Regular Air Force.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the nominations on the Executive Calendar will be stated.

#### DISTRICT OF COLUMBIA COURT OF APPEALS

The legislative clerk read the nomination of Catherine B. Kelly, of the District of Columbia, to be an associate judge of the District of Columbia court of appeals for the term of 10 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

#### JUVENILE COURT OF THE DISTRICT OF COLUMBIA

The legislative clerk read the nomination of John D. Fauntleroy, of the District of Columbia, to be associate judge of the juvenile court of the District of Columbia for the term of 10 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

#### DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS

The legislative clerk read the nomination of Alfred Burka, of Maryland, to be associate judge of the District of Colum-

bia court of general sessions for the term of 10 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read nominations in the Public Health Service beginning with Victor E. Archer, to be medical director, and ending with John B. Wiggins, Jr., to be senior assistant health services officer.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the president be notified immediately of the confirmation of these nominations.

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

#### LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

#### PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a concurrent resolution of the Legislature of the State of Texas, which was referred to the Committee on the Judiciary, as follows:

##### SENATE CONCURRENT RESOLUTION 12

Whereas, The relationship that exists between the Federal Government and the government of the states is a matter of vital concern; and

Whereas, The states play an indispensable role in our Federal system of government; and

Whereas, Unless the trend toward restrictive categorical federal grants is reversed, these grants will so entwine themselves that a state's freedom of movement will be significantly inhibited; and

Whereas, There is a need and a justification for broader unfettered grants that will give states and localities more freedom of choice, more opportunity to express their own initiative which reflects their particular needs and preferences, all within the overall direction of national purposes; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that this Legislature respectfully petitions the Congress of the United States to call a convention for the purpose of proposing the following Article as an amendment to the Constitution of the United States6:

##### "ARTICLE —

"Beginning with the first full fiscal year after ratification of this amendment by the requisite number of states, there shall be remitted to all of the states of these United States, an amount determined by the Secretary of the Treasury to be equal to not less than 6% of the aggregate total of individual and corporate income taxes paid to the United States during the preceding calendar year.

"Such funds shall be remitted to the States without restriction and this remission of

funds shall be in addition to any other federal grant programs which may be enacted by the Congress.

"Each state shall share in such remission in proportion as the population of such state bears to the total population of all of the states, according to the last preceding Federal Census"; and, be it further

Resolved, That if Congress shall have proposed an amendment to the Constitution identical with that contained in this Resolution prior to July 1, 1969, this application for a convention shall no longer be of any force or effect; and, be it further

Resolved, That a duly attested copy of this Resolution be immediately transmitted to the Secretary of the Senate of the United States and the Clerk of the House of Representatives of the United States and to each member of Congress from this state.

#### JOINT RESOLUTIONS OF THE GENERAL ASSEMBLY OF ILLINOIS

Mr. DIRKSEN. Mr. President, I present, for appropriate reference, two joint resolutions adopted by the General Assembly of the State of Illinois, and I ask unanimous consent that they be printed in the RECORD.

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

The joint resolutions were received and referred, as follows:

To the Committee on Finance:

##### "SENATE JOINT RESOLUTION 63

"Whereas, To provide the kinds of services the people need and the financial and technical assistance the State and local governments need, the States must be made into a viable force for constructive change and progress; and

"Whereas, Rapidly increasing costs of health, education and welfare programs, coupled with dynamic expansion of population have placed financial burdens upon the State and local governments beyond the capacity of their traditional tax resources to bear; and

"Whereas, The Federal government dilutes potential sources of State revenue by extracting billions of dollars from the several States through the process of imposing burdensome and inhibiting Federal taxes upon the individual taxpayer; and

"Whereas, The individual States, which are directly responsive to the people, are in a more effective position to provide solutions for their own particular problems if the Federal government were to share these tax resources with the States; and

"Whereas, The Federal grant-in-aid system has not alleviated the tenuous financial condition of the States, but rather it has developed into an unfortunate program of confusion, duplication and overlap. The resultant impenetrable administrative entanglement has in many cases caused the administrative costs to absorb more than half of the available funds; and

"Whereas, The Federal government is too far removed from the individual problems of the States to manage state programs efficiently; and

"Whereas, The severe financial condition of the States could be rectified by implementing a system of partnership, whereby the Federal government would share its revenue resources by returning to the States each year a portion of the Federal income taxes collected therein with a simultaneous phasing out of restricted Federal grants; therefore, be it

"Resolved, By the Senate of the Seventy-fifth General Assembly of the State of Illinois, the House of Representatives concurring herein, That we respectfully petition the Congress of the United States to provide,



By Mr. DENVER: Petition of shoe workers in Bethel and Georgetown, Ohio, protesting against the passage of legislation for the placing of boots and shoes on the free list; to the Committee on Ways and Means.

By Mr. DYER: Petition of the Italian Chamber of Commerce, New York, protesting against the passage of Senate bill 3178, for the restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Judson G. Wall, New York, N. Y., favoring the passage of Senate bill 3, for Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of the Merchants' Exchange of St. Louis, Mo., favoring the passage of legislation for the reestablishment of a grain standardization laboratory in St. Louis; to the Committee on Agriculture.

By Mr. ESCH: Petition of Judson G. Wall, New York, favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the Italian Chamber of Commerce, New York, protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FORNES: Petition of the National Academy of Design, New York, N. Y., protesting against any action on the part of Congress that will interfere with the design for the development of Washington as drawn up by the Washington Park Commission; to the Committee on the Library.

By Mr. HAMILL: Petition of the Italian Chamber of Commerce of New York, N. Y., protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. KINDRED: Petition of Judson G. Wall, of New York, N. Y., and the Farmers' National Congress, Chicago, Ill., favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

Also, petition of the National Academy of Design, New York, N. Y., protesting against any action on the part of Congress interfering with the plans of the Washington Park Commission for the development of Washington; to the Committee on the Library.

Also, petition of the Italian Chamber of Commerce, New York, protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Indian War Veterans, Denver, Colo., favoring the passage of legislation granting pensions to veterans of the Indian wars; to the Committee on Pensions.

Also, petition of the Chamber of Commerce of the United States of America, favoring the passage of House bill 25106, granting them a Federal charter; to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Judson G. Wall, of New York, favoring the passage of Senate bill 3, giving Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of William Reilly, Yonkers, N. Y.; George W. Brown, James M. McGee, and Myron Wood, Philadelphia, Pa., favoring the passage of House bill 1339, granting an increase of pension to veterans who lost an arm or leg in the Civil War; to the Committee on Invalid Pensions.

Also, petition of the Italian Chamber of Commerce of New York, protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. PARRAN: Papers to accompany bill (H. R. 27395) granting a pension to Elizabeth Freeman; to the Committee on Invalid Pensions.

By Mr. REILLP: Petition of the Court of Common Council of the City of New London, protesting against the provision in the sundry civil bill for making no additional appointments of cadets or cadet engineers to the Revenue-Cutter Service unless authorized by Congress; to the Committee on Naval Affairs.

Also, petition of the Massachusetts Association of Sealers of Weights and Measures, favoring the passage of House bill 23113, fixing a standard barrel for the shipment of fruits, vegetables, etc.; to the Committee on Ways and Means.

By Air. TILSON: Petition of the Court of Common Council, New London, Conn., favoring legislation repealing the section of the sundry civil appropriation act which provides that no additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless authorized by Congress; to the Committee on Naval Affairs.

By Mr. UNDERHILL: Petition of the Social Science Section of the American Association for the Advancement of Science, favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

Retrieved from:

www.MontgomeryBlairSibley.com/ArticleV.html

## SENATE.

MONDAY, January 13, 1913.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CULLOM and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### ILLINOIS RIVER BRIDGE.

Mr. CULLOM. I should like to have passed the bill (S. 7637) to authorize the construction of a railroad bridge across the Illinois River near Havana, Ill. It is somewhat important, owing to the emergency of the situation, that it should be passed at once.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint resolution adopted by the Legislature of Vermont, relative to the submission of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary and ordered to be printed in the Record, as follows:

Joint resolution making application to Congress under the provisions of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited.

Whereas it appears from investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States, notwithstanding prohibitory statutes enacted by the several States thereof; and

Whereas the practice of polygamy is generally condemned by the people of the United States and there is a demand for the more effectual prohibition thereof by placing the subject under Federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce: Now therefore

Resolved by the senate and house of representatives, That the application be made and hereby is made to Congress, under the provisions of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the legislatures of all other States of the United States, now in session or when next convened, be, and they hereby are, respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved further, That the secretary of state be, and he hereby is, directed to transmit copies of this application to the Senate and House of Representatives of the United States and to the several Members of said bodies representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

FRANK B. HOWE,

President of the Senate.

CHARLES A. PLUMLEY,

Speaker of the House of Representatives.

Approved December 18, 1912.

ALLEN M. FLETCHER, Governor.

STATE OF VERMONT,  
Office of the Secretary of State.

I hereby certify that the foregoing is a true copy of "A joint resolution making application to Congress under the provisions of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited." Approved December 18, 1912, as appears by the files and records of this office.

Witness my signature and the seal of this office, at Montpelier, this 10th day of January, 1913.

[SEAL.]

GUY W. BAILEY,

Secretary of State.

Mr. BRANDEGEE presented a memorial of members of the German-American Alliance, of Bridgeport, Conn., remonstrating against the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. FLETCHER presented a petition of the United States Live Stock Sanitary Association, praying that an increased appropriation be made for use of the Bureau of Animal Industry, Department of Agriculture, in its work toward tick eradication and control and eradication of hog cholera, which was referred to the Committee on Agriculture and Forestry.

### REPORTS OF COMMITTEES.

Mr. WARREN. I am directed by the Committee on Appropriations, to which was referred the bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, to report it with amendments, and



fiscal year ending June 30, 1964, and for other purposes; and

H.R. 5367. An act to designate the Bear Creek Dam on the Lehigh River, Pa., as the Francis E. Walter Dam.

### HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 5366. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1964, and for other purposes; to the Committee on Appropriations.

H.R. 5367. An act to designate the Bear Creek Dam on the Lehigh River, Pa., as the Francis E. Walter Dam; to the Committee on Public Works.

### CALL OF LEGISLATIVE CALENDAR DISPENSED WITH

On request of Mr. MANSFIELD, and by unanimous consent, the call of the legislative calendar was waived.

### LIMITATION OF STATEMENTS DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

### COMMITTEE MEETING DURING SENATE SESSION

Mr. CHURCH. Mr. President, I ask unanimous consent that the Veterans' Affairs Subcommittee of the Committee on Labor and Public Welfare be permitted to sit during the session of the Senate today.

The PRESIDENT pro tempore. Without objection—

Mr. ALLOTT. Mr. President, by request, I must object to that unanimous-consent request.

The PRESIDENT pro tempore. Objection is heard.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare be authorized to sit during the session of the Senate today.

The PRESIDING OFFICER. Is there objections? The Chair hears none, and it is so ordered.

### EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

#### REPORT OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ON ADJUSTMENT OF CERTAIN CONTRACTS

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, that under date of January 3, 1962, the Administration authorized an adjustment in a contract for documentation services with the National Aeronautic Association, Washington, D.C.; under date of April 2,

1962, the Administration authorized an adjustment in a contract for launching and related services with the Department of Supply, Government of Australia, and under date of June 19, 1962, the Administration authorized an adjustment in the contract for minor items of electronic equipment with the Vectar Manufacturing Co., Southampton, Pa.; to the Committee on Aeronautical and Space Sciences.

#### IMPROVEMENTS OF FISCAL AND ADMINISTRATIVE PRACTICES IN THE NATIONAL BUREAU OF STANDARDS

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the act of March 3, 1901 (31 Stat. 1449) as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities (with accompanying papers); to the Committee on Commerce.

#### PENALTIES FOR CERTAIN OFFENSES COMMITTED IN CONNECTION WITH HIGHWAY CONSTRUCTION

A letter from the Attorney General, transmitting a draft of proposed legislation to provide penalties for certain offenses committed in connection with highway construction (with an accompanying paper); to the Committee on the Judiciary.

### PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Washington; to the Committee on the Judiciary:

#### "HOUSE JOINT RESOLUTION 15

"Whereas both Rouses of the 87th Congress of the United States of America, by a constitutional majority of two-thirds thereof, proposed an amendment to the Constitution of the United States, which is in words and figures as follows, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States relating to the qualifications of electors

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

#### "ARTICLE—

"SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation"; Therefore be it

Resolved, That said proposed amendment to the Constitution of the United States of America be, and the same is, hereby ratified by the Legislature of the State of Washington; and be it further

Resolved, That certified copies of this joint resolution be forwarded by the Governor of the State to the Secretary of State of the United States, to the presiding officer of the United States Senate, and to the

Speaker of the House of Representatives of the United States.

"Passed the house February 23, 1963.

"WILLIAM S. DAY,

"Speaker of the House.

"Passed the senate March 14, 1963.

"JOHN A. CHERBERG,

"President of the Senate."

A joint resolution of the Legislature of the State of Washington; to the Committee on the Judiciary:

#### "HOUSE JOINT MEMORIAL 1

"To the President of the Senate and Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress assembled:

"Resolved, That we, your memorialists, the House of Representatives and Senate of the State of Washington in legislative session assembled, respectfully petition that the Congress of the United States call a convention for the purpose of proposing the following articles as an amendment to the Constitution of the United States:

#### "ARTICLE—

"SECTION 1. No provision of this Constitution, or any amendment thereto, shall restrict or limit any State in which the people have the right of initiative in the appointment of representation in its legislature.

"SEC. 2. The judicial power of the United States shall not extend to any suit in law or equity, or to any controversy, relating to apportionment of representation in a State legislature in a State in which the people have the right of initiative.

"SEC. 3. 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 7 years from the date of its submission; and be it further

Resolved, That if Congress shall have proposed an amendment to the Constitution identical with that contained in this memorial prior to January 1, 1965, this application for a convention shall no longer be of any force or effect; and be it further

Resolved, That copies of this memorial be immediately transmitted by the secretary of state to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each Member of the Congress from this State.

"Passed the house March 28, 1963.

"WILLIAM S. DAY,

"Speaker of the House.

"Passed the senate March 30, 1963.

"JOHN A. CHERBERG,

"President of the Senate."

A resolution of the General Assembly of the State of Rhode Island; to the Committee on the Judiciary:

#### "SENATE RESOLUTION 478

"Resolution memorializing Congress to enact legislation to amend the immigration and nationality laws. Legislation introduced by Senator CLAIBORNE PELL (S. 751)

"Whereas the birth, growth, strength, and defense of the United States has stemmed from the combination of skills and cultures of people from many nations; and

"Whereas many people from nations all over the world seek entrance to this great Nation in the hope that they may apply their skills and add their cultures to this free society; and

"Whereas the present immigration laws are archaic and arbitrary and are not in keeping with the American philosophy of the equality of man; and

"Whereas S. 751, a bill to amend the immigration and nationality laws, introduced by Senator CLAIBORNE PELL, grants more equality to all deserving potential immigrants and proportionately and categorically presents a fair system of immigration; and

to the President of the United States upon his determined stand against the criminal trusts which have aspired to own not only the commerce but the state governments of the country; especially do we approve of his courageous position against the gigantic Standard Oil Company. He has demonstrated to the American people that the practical thing to do is to enforce the law, and the patriotic thing to do is to make even the powerful trusts respect the rights of the people. We endorse his vigorous policy against trusts and combinations, and pledge to him our cordial support in his efforts to enforce respect for the law and to curb the exactions of these monster combinations.

*Resolved, further,* that we commend the course of the President on the question of taxing incomes.

*Resolved, further,* that a copy of these resolutions be transmitted to our senators in congress with instructions to present the same to the President.

### West Virginia SENATE JOINT RESOLUTION NO. 13.

(Adopted January 23, 1907.)

Proposing an amendment to the Constitution of the United States prohibiting polygamy and polygamous cohabitation within the United States.

**WHEREAS**, it appears from investigation recently made by the senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several states thereof; and

**WHEREAS**, the practice of polygamy is generally condemned by the people of the United States and there is a demand for more effectual prohibition thereof by placing the subject under federal jurisdiction and control, at the same time reserving to each state the right to make and enforce its own laws relating to marriage and divorce; now, therefore. be it

*Resolved by the Legislature of West Virginia:*

That application be and is hereby made to congress, under the provision of article five of the Constitution of the United States,

for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and congress shall be given power to enforce such prohibition by appropriate legislation.

*Resolved*, that the legislatures of all other states of the United States now in session, or when next convened, be and they hereby are respectfully requested to join in this application by the adoption of this or equivalent resolution.

*Resolved, further*, that the secretary of state be and hereby is directed to transmit copies of this application to the senate and house of representatives of the United States, and to the several members of said bodies representing this state therein; also to transmit copies hereof to the legislatures of all the other states of the United States.

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#### SENATE JOINT RESOLUTION NO. 22.

(Adopted February 16, 1907.)

Authorizing the special joint committee of the senate and house of delegates raised by authority of House Concurrent Resolution No. 5 and House Joint Resolution No. 19, to sit in vacation and perform the duties required of it in the resolution authorizing its appointment.

*WHEREAS*, the committee appointed in pursuance of House Concurrent Resolution No. 5, and House Joint Resolution No. 19, has this day reported to the legislature that it is impossible for them to make the investigation required in said resolution and make report thereon by the eighteenth day of February, and

*WHEREAS*, in said report said committee states that it will be impossible during the present session of the legislature to make such investigation as will be of material benefit in the way of legislation, on the subject of mine disasters, therefore be it

*Resolved by the Legislature of West Virginia:*

That the said committee be and it is hereby authorized to sit in vacation and perform the duties required of it in the resolutions authorizing its appointment; the said committee shall have the



as a tribute to the memory of **Hon. Estes Kefauver**, late a Senator from the State of Tennessee.

The message announced that the House had disagreed to the amendment of the Senate to the bill (**H.R. 5555**) to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that **Mr. RIVERS** of South Carolina, **Mr. PHILBIN**, **Mr. HEBERT**, **Mr. WINSTEAD**, **Mr. NORBLAD**, **Mr. BATES**, and **Mr. BRAY** were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (**H.R. 7525**) relating to crime and criminal procedure in the District of Columbia, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President *pro tempore*:

S. 874. An act to authorize the construction and equipping of buildings required in connection with the operations of the Bureau of the Mint;

S. 1032. An act to exclude cargo which is lumber from certain tariff filing requirements under the Shipping Act, as amended;

S. 1388. An act to add certain lands to the Cache National Forest, Utah; and

H.R. 2192. An act authorizing the readmittance of **Walter Sowa, Jr.**, to the U.S. Naval Academy.

#### HOUSE BILL REFERRED

The bill (**H.R. 7525**) relating to crime and criminal procedure in the District of Columbia was read twice by its title and referred to the Committee on the District of Columbia.

#### LIMITATION OF STATEMENTS DURING MORNING HOUR

On request of **Mr. MANSFIELD**, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

#### COMMITTEE MEETING DURING SENATE SESSION TOMORROW

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that the Committee on Foreign Relations be permitted to meet during the session of the Senate tomorrow afternoon.

**Mr. KUCHEL.** I have no objection.

Has the same permission been granted for a meeting of the Foreign Relations Committee this afternoon, too?

**Mr. MANSFIELD.** Yes; that was done yesterday.

**Mr. WCHL.** Mr. President, I have no objection.

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

#### EXECUTIVE COMMUNICATIONS; ETC.

The **PRESIDENT pro tempore** laid before the Senate the following letters, which were referred as indicated:

#### REPORT ON AGREEMENTS UNDER TITLE I OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a report on agreements concluded during July 1963, under title I of the Agricultural Trade Development and Assistance Act of 1964 (with accompanying papers); to the Committee on Agriculture and Forestry.

#### REPORT ON PERSONAL PROPERTY RECEIVED BY STATE SURPLUS PROPERTY AGENCIES AND REAL PROPERTY DISPOSED OF TO PUBLIC HEALTH AND EDUCATIONAL INSTITUTIONS

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on personal property received by State surplus property agencies and real property disposed of to public health and educational institutions, for the quarterly period ended June 30, 1963 (with an accompanying report); to the Committee on Government Operations.

#### REPORT ON OPPORTUNITIES FOR ECONOMIES IN CERTAIN AVIATION FACILITIES, U.S. COAST GUARD

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunities for economies in aviation facility requirements and aircraft utilization, U.S. Coast Guard, Treasury Department, dated August 1963 (with an accompanying report); to the Committee on Government Operations.

#### REPORT ON CONCURRENT PAYMENTS OF UNEMPLOYMENT BENEFITS AND RETIRED PAY TO RETIRED MEMBERS OF THE ARMED FORCES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on concurrent payments of unemployment benefits and retired pay to retired members of the Armed Forces. Bureau of Employment Security, Department of Labor, dated August 1963 (with an accompanying report); to the Committee on Government Operations.

#### CONSOLIDATION OF LAWS RELATING TO EASEMENTS AND PERMITS UPON CERTAIN FEDERALLY OWNED LANDS

A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to consolidate and simplify laws relating to easements and permits upon certain federally owned lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

#### PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

##### By the **PRESIDENT pro tempore**:

A joint resolution of the Legislature of the State of Wisconsin: to the Committee on the Judiciary:

"Whereas under the Constitution of the United States presidential and vice-presidential electors in the several States are now elected on a statewide basis, each State being entitled to as many electors as it has Senators and Representatives in Congress; and

"Whereas the presidential and vice-presidential electors who receive the plurality of the popular vote in a particular State become

entitled to cast the total number of electoral votes allocated to that State irrespective of how many votes may have been cast for other elector candidates; and

"Whereas this method of electing the President and Vice President is unfair and unjust in that it does not reflect the minority votes cast; and

"Whereas the need for a change has been recognized by Members of Congress on numerous occasions through the introduction of various proposals for amending the Constitution: Now, therefore, be it

**"Resolved by the assembly (the senate concurring),** That application is hereby made to Congress under article V of the Constitution of the United States for the calling of a convention to propose an article of amendment to the Constitution providing for a fair and just division of the electoral votes within the States in the election of the President and Vice President; and be it further

**"Resolved,** That if and when Congress shall have proposed such an article of amendment this application for a convention shall be deemed withdrawn and shall be no longer of any force and effect; and be it further

**"Resolved,** That the secretary of state be and he hereby is directed to transmit copies of this application to the General Services Administration, the Secretary of the Senate, and the Chief Clerk of the House of Representatives of the United States and to the several members of said bodies representing this State therein.

**"ROBERT HAASE,**

**"Speaker of the Assembly.**

**"KENNETH E. PRIEBE,**

**"Chief Clerk of the Assembly.**

**"JACK B. OLSON,**

**"President of the Senate.**

**"LAWRENCE R. LARSEN,**

**"Chief Clerk of the Senate."**

A resolution adopted by the United Steelworkers of America, Local 5554, of Houston, Tex., favoring the enactment of civil rights legislation as proposed by the President; to the Committee on the Judiciary.

A radiogram in the nature of a petition from the NATO Parliamentarians Conference, Paris, France, signed by Crathorne, president, expressing sorrow at the death of the late Senator Estes Kefauver; ordered to lie on the table.

By **Mr. SALTONSTW** (for himself and **Mr. KENNEDY**):

A resolution of the House of Representatives of the Commonwealth of Massachusetts: to the Committee on Commerce:

**"Whereas** the Civil Aeronautics Board in Washington has rendered a decision rejecting the application of Northeast Airlines for a permanent certificate to run commercial flights between Boston and Florida; and

"Whereas during the past 6 years Northeast Airlines has operated under a temporary certificate to make this run and has established a successful operational effort. It now carries 80 percent of all Boston to Miami passengers, more than 60 percent of all Boston to Washington passengers, and almost 60 percent of all Boston to Philadelphia passengers; and

"Whereas Northeast Airlines is a definite asset to the economy of all New England, providing 1,600 skilled jobs, an annual New England payroll of \$13 million and \$2,750,000 in annual expenditures for supplies in New England; and

"Whereas because of the fact that Northeast Airlines has been operating under a temporary certificate, it has been impossible for the company to obtain long-term financing thus adding a drain on its resources; and

"Whereas the granting of this permanent certificate is essential if Northeast Airlines is to continue to operate: Therefore be it

**"Resolved,** That the Massachusetts House of Representatives hereby requests' the Civil