ant Attorney General Pottinger's testimony before our Subcommittee on Constitutional Rights, that although actions were not brought under section 3, actions were brought under the 15th amendment. I quote from what he said:

Therefore, we have brought suit on numerous occasions under the 15th Amendment without needing to rely on section 3. That is the first thing that needs to be cleared on the record. We have not failed to bring suit to enforce the 15th Amendment rights. Where we have had—

Mr. STONE. The Senator from Florida does not dispute that and finds no fault with that.

Mr. TUNNEY. But the Senator from Florida uses as one of his justifications for the amendment that the Attorney General has not acted.

Mr. STONE. Not at all because the Senator from Florida forecasts more frequent use of section 3 by reason of the testimony of Assistant Attorney General Pottinger, and he finds no fault with that.

Mr. TUNNEY. Mr. President, will the Senator yield further?

Mr. STONE. Yes.

Mr. TUNNEY. I would also point out that in the amendment to section 3 we are giving to private citizens the opportunity to bring lawsuits, and within the amendment itself we say that the court, upon its own finding that it would be equitable, can award attorney's fees to the prevailing party, which would mean the private attorney.

So we have taken care so that in a particular State or jurisdiction which is not automatically covered under sections 4 and 5 a private person can go into court and sue to eliminate acts of discrimination. So the act will apply with full force in the uncovered jurisdictions.

I might just point out that if the Senator's amendment——

Mr. STONE. Will the Senator yield?

Mr. TUNNEY. Just let me conclude my remarks.

If the Senator's amendment carries, it would be a significant gut of the Voting Rights Act as it presently exists. I would hope that Senators who are not on the floor would realize what they were doing if they support the amendment of the Senator from Florida.

And, of course, it would completely overburden the Justice Department, as we have indicated, if they had to have preclearance for every State or county of the country.

Mr. STONE. The Senator from Florida will answer very briefly and then yield to the Senator from Georgia for further answer to the remarks of the Senator from California.

The Senator from California cannot have it both ways. If it has never been used, then to use it would not overburden the Justice Department.

If there are complaints, the Senator from Florida would like to point out to the Senator from California, if there are complaints, then all remedies appropriate to eliminate the discrimination involved are appropriate and fair.

The Senator from Florida would further point out that his amendment does not eliminate the private suit complaint and the Senator from Florida proves it.

Therefore, the Senator from Florida cannot see how this will gut the bill in any way, shape, or form, because if there are conditions sufficient to trigger the Attorney General's movement under section 3, which it has been testified had never been used because the constitutional approach had been sufficient, then they are sufficient to provide all of the other remedies involved.

The Senator from Florida yields to the Senator from Georgia for further answer.

Mr. NUNN. I thank my colleague from Florida.

I would like to support this amendment. I am a cosponsor of it. I think it carries out the intention expressed yesterday by several different Senators around the Senate Chamber.

The Senator from California made it clear yesterday he felt section 3 really did give this act national coverage.

Now, what we are saying is that if section 3 is implemented by the Attorney General of the United States by bringing a lawsuit, then that particular subdivision, or political subdivision, whether a State or local government, would be covered under the automatic provisions of the other sections, under which the Southern States are now covered.

The Senator from California made the statement yesterday in arguing against the Talmadge-Nunn amendment that would have made this act nationwide in scope instead of regional in scope, that this was an attempt to overburden the Justice Department, that the Justice Department would be overburdened under this national scope approach and, thereby, dilute the act.

I do not agree with that particular contention, but if that is true, the Stone-Nunn amendment cures that problem because this does not automatically cover every jurisdiction in the United States as far as the automatic preclearance provisions are concerned.

What this amendment says simply is that if the Attorney General of the United States brings action under section 3, then, certainly, there is a serious enough problem in other jurisdictions outside the so-called regional jurisdictions of the South to warrant the automatic preclearance coverage provided by section 5.

Now, the Senator from California argues that the 15th amendment has been used by the Attorney General, rather than section 3. It seems to me the Senator from California is arguing directly against the overburdening argument he used yesterday because this amendment would not affect jurisdictions if the Attorney General brought the action under the 15th amendment, as I understand it.

Mr. STONE. That is true.

Mr. NUNN. It would only affect jurisdictions sued by the Attorney General of the United States under section 3.

Mr. TUNNEY. Will the Senator yield for a question?

Mr. NUNN. It is totally incongruous.

Mr. TUNNEY. Will the Senator yield for a question?

Mr. NUNN. Yes.

Mr. TUNNEY. In other words, what the Senator from Georgia wants is to have the Attorney General bring all his suits under the 15th amendment rather than under section 3.

Mr. NUNN. This would be a matter for the Attorney General to decide. So far, the Senator from California, says he has moved in this direction. If that continues, the Stone-Nunn amendment will not even be applicable because the jurisdiction will not be used under section 3.

Mr. TUNNEY. Then what value has the amendment in bringing about national coverage if the Senator from Georgia admits it will have no effect if the Attorney General brings his action under the 15th amendment?

Mr. STONE. If the Senator from Georgia permits——

Mr. NUNN. Surely.

Mr. STONE. That would allow the Attorney General's office two options, either to have the option of suing under the Constitution, in which case the only thing that would happen would be a lawsuit, or to have the option of not only suing under the act, but triggering all the other protective mechanisms, not as to the whole country, only as to the jurisdiction offended, and I think the time has come when the rest of this body should recognize that what we want here is applicability of the benefits and protections wherever the offenses occur.

With that approach, this regional feeling will be dissipated and one will not have to worry, not to have to worry about the use of the rules, or delays, or anything else.

Mr. TUNNEY. Will the Senator yield for another question?

Mr. NUNN. Will the Senator yield?

Mr. STONE. I yield to the Senator from Georgia for 1 minute.

Mr. NUNN. What this really does is give someone in the United States of America namely, the Attorney General of the United States, an open invitation to apply a law across the Nation rather than in one section, and it lets those people in this body and in the House who are really interested in the voting rights of minorities, as opposed to a bill that hits only one section of the country, put their rhetoric into action because it gives the Attorney General the discretion, if he sees a county in California, or even the whole State of California, has so flagrantly violated the voting rights of their citizens so as to warrant coverage by section 5, to bring a 15th-amendment suit to substantially have California covered under these other provisions.

I think it would be used very judiciously. I think the Attorney General would be very careful before he brought such an action that would automatically cover other jurisdictions.

I am sure the Senator from California would also think that. So really, this is an effort to be equitable and it will separate those people who want to insure voting rights for minorities and those people who are really intent on enforcing

this kind of law only in one section of the country.

Mr. TUNNEY. Will the Senator yield for another question?

Mr. STONE. Certainly.

Mr. TUNNEY. It is my understanding at the time that the Attorney General files his complaint there would be automatic coverage.

Mr. STONE. That is correct.

Mr. TUNNEY. Before there was any proof.

Mr. STONE. Well, the Attorney General would not file a proceeding which he has not even used in 10 years without proof.

Mr. NUNN. Will the Senator will yield.

Mr. STONE. I yield to the Senator from Georgia.

Mr. NUNN. A much greater presumption of innocence exists under this particular amendment than there is in the present law aimed toward the States in the South.

We are already deemed guilty. We have already been tried and convicted under the provisions of the law right now. The Senator from California is now incredibly bringing up the question of whether there is a presumption of guilt in this situation.

Certainly, there is some presumption here, but not nearly to the extent already being pronounced as a verdict on the States in our section of the country.

Mr. TUNNEY. Will the Senator yield for a question?

Mr. JAVITS. Will the Senator yield on my time, yield to me on my time?

Mr. TUNNEY. Well, it is the Senator from Florida.

Mr. STONE. The Senator from Florida yields to the Senator from New York on his time.

Mr. JAVITS. On my time.

Mr. President, as to the particular amendment, the Senator from California, I think, has put his finger on the main point, which is the no proof with respect to this proceeding, and yet, the particular restraints of the law apply.

I cannot agree on the whole scheme of the legislation respecting the reason why it applies in given Southern States.

We argued that 20 times, a long history in this particular field, the remains of which still continue in the disparities in the registration, which were explained yesterday.

The courts have upheld that as a proper distinction.

Rather than to argue this particular amendment, if I could have the attention of the manager of the bill—and this is on my time—I think it is very important to lay down some ground rule here because of the feeling on the part of the manager of the bill and the manager on the minority side, as well as many of the supporters of the bill, that our problem right now is not so much with the validity of any particular amendment as with the amendment process itself. The fact is that there will be enormous prejudice to the effort to enforce voting rights constitutionally if this bill lapses for any length of time at all. We have gone into that time and again.

So it is my understanding now that it is the intention of the manager of the bill not to accept any amendments and to move to table each amendment which is offered. Is that correct?

Mr. TUNNEY. I would say to my good friend and distinguished colleague from New York that it is my intention not to accept any amendments. I am not sure that I am going to move to table every amendment. We may vote up or down on the merits on one or two amendments. But certainly the great majority of the amendments I am going to move to table.

Mr. JAVITS. Do I understand, therefore, that this is necessary in order to avoid a conference with the House which might delay completion of final action on the bill before August 6, and that this is intended to avoid prejudice to the basic purpose for which the bill is sought to be enacted?

Mr. TUNNEY. That is correct.

Mr. JAVITS. Now, may I proceed to ask a few other questions?

Will the Senator, the manager of the bill, please advise the Senate of the amendments which were adopted by the Senate Judiciary Committee which appear in the Senate version of the bill but not in the House version of the bill, whereas it is the House version which is now before us?

Mr. TUNNEY. There were four amendments. The first which was adopted in the subcomimttee in response to the Supreme Court decision in Alyeska versus the Wilderness Society would provide for the awarding of attorneys' fees in cases brought under civil rights statutes.

The second amendment changed the date for the required census mandated by title IV.

The third amendment, which was offered yesterday by Senator SCOTT of Virginia and which was tabled by the Senate, would have provided an exemption from the bilingual provisions of title II and III where the language in question was extinct.

The fourth amendment required the Justice Department to provide an opportunity for consultation with State officials within 45 days after the attorney general determined there was a probability he would object to a voting change.

I might say to my friend that I very much regret that some of these amendments cannot now be considered because of the very real threat of a filibuster which became evident earlier this week. I feel that it is necessary to conform to the House bill, much as I would have liked to have considered a number of amendments on their merits.

Mr. JAVITS. Does the Senator, in his capacity as chairman of the Constitutional Rights Subcommittee and as manager of the bill, plan any further action on these amendments which he has just outlined which are in the Senate and not in the House bill and on other serious amendments to this bill?

Mr. TUNNEY. Yes. I plan to introduce separate legislation incorporating the four committee amendments. If necessary, I will have hearings in the subcommittee before the end of the year.

At this time, also, I want to give the following assurance to Senators proposing amendments to the pending bill: when the four committee amendments are heard, we will also consider other amendments which may have merit but which, because of the exigencies of time, just have to be tabled or have to be voted down.

Mr. JAVITS. Mr. President, I think that is an extremely important assurance. I hope Members will pay serious attention to that. Also I believe it fair to say that for myself—and I have talked with a good many other supporters of the bill—there will be a very open attitude toward any need for amending the bill after the bill becomes law. We are simply up against the kind of pressure which will defeat the objective of all of us and harm seriously the policy of the country unless this idea which we have urged upon the manager of the bill is carried through.

I thought that early in the debate, when the first amendment was up, it was critically important to make that clear to the whole Senate.

May I say, too, that I have another matter I would like to cover. I know other Members are waiting but this is very brief. That is again a question for the manager.

It is a question which has been raised with me by the Orthodox Jewish community in New York which qualifies for funds under bilingual education programs because many members of these groups speak Yiddish as their first language. They are concerned that the definition of language minorities in this bill, which is limited to Spanish, Arabian, Indian, Eskimo, and Aleut, will, by inference, be adopted by other Federal agencies in the administration of other programs as being the sole language minorities which there are, thereby excluding Orthodox Jews from participation in bilingual education or other programs.

May I ask the manager whether my understanding is correct that it is not the intention of the proponents of the bill to so limit other language programs administered by the Federal Government or in any way to set a precedent to be followed in the Federal establishment that the specified language minorities are the only ones which exist in our country?

Mr. TUNNEY. I want to make it very clear that the floor manager's understanding is precisely as suggested by the Senator from New York. We intend to have no impact upon funds that might be disbursed under other laws to other types of so-called language minorities.

When we talk about language minorities for coverage under this act, we are not in any way referring to other types of language minorities that would receive benefits under other acts of Congress.

Mr. JAVITS. I thank my colleague. I yield to the Senator from Maryland.

Mr. MATHIAS. As a matter of legislative history, I would want to concur with the remarks made by the Senator from California, the manager of the bill.

I would also like to refer to a subject which the Senator from New York wisely and prudently raised a few minutes ago. That is the subject of what happens if there is an amendment to this bill, what kind of difficulties lie ahead of us in view of the agreement of the Congress that we will adjourn on the 1st of August.

It has been 7 years since I left the other body. I never was an expert on the rules of the House of Representatives, and I do not claim to be an expert on the rules of the House of Representatives now. But my understanding is that if there is an amendment, it will take a unanimous-consent request propounded in all probability by the chairman of the House Judiciary Committee. If there is 1 out of 435 Members of the House of Representatives who objects then this legislation is in trouble. There may be some who object out of conscience and there may be some who object out of benevolence. But for whatever reason, the legislation can be in serious trouble. The alternative then is to get a rule. That was not always the easiest thing to do and I do not suppose it is the easiest thing to do now, particularly with the kind of time frame in which we have to work.

So the Senator from New York, I think, with his usual careful approach to legislation has given us a warning of just what will happen if we get into the situation where we become dependent upon the favorable response of every single Member of the House of Representatives in order to get an amendment added to this bill.

I think it is a great pity that we find ourselves in this situation, but that is where we are.

Mr. JAVITS. I thank the Senator very much for his contribution. The Senator from New York has also tried to show a way out to Senators who have serious and deserving amendments, and I hope that the friends of the bill will have that very much in mind as we act upon individual amendments, because that is the way in which to do justice, and also to do the even greater justice of getting this bill through in time.

Mr. President, I thank the Senator from Florida for allowing me to speak while he had the floor. The time is charged to me, with no loss to him, and I reserve the remainder of my time.

Mr. CRANSTON. Mr. President, will the Senator yield to me?

Mr. STONE. I yield to the Senator from California under the same terms.

The PRESIDING OFFICER (Mr. FORD). The Senator from California is recognized on his own time.

Mr. CRANSTON. I think that the Senator from New York has performed a valuable service in asking the questions that he has asked of the manager of the bill. I would like to say I think it is very unfortunate that we have been forced into the position where we are unable to consider good amendments or bad amendments. Some good amendments, from my point of view, have been offered on the legislation, and some have been offered which I do not like, which I will call bad amendments.

But I think it is very unfortunate that we are in a situation where we dare not give adequate consideration to each amendment on its merits. We are dealing with procedure rather than with principle, and I think that is very unfortunate. But why is that?

We are in this situation because certain opponents of this bill made it very, very plain by many actions that they took that they originally intended, whatever their intentions may be now, to resort to every parliamentary maneuver, tactic, rule, and precedent to block this bill, so that we would be confronted, first, by the deadline of the congressional recess on August 1, and second, by the deadline of August 6 when certain of the provisions of the Voting Rights Act will no longer be effective.

Facing that possibility, the manager of the bill, my colleague (Mr. TUNNEY), very wisely sounded the alarm, talked with the leadership, and talked with other Senators about the need for proceeding as rapidly as possible. The leadership responded magnificently, and Senator MANSFIELD and Senator ROBERT C. BYRD have been of invaluable help in moving the legislation along and using the strength of the leadership and the knowledge of the rules possessed by Senator BYRD to move the legislation as swiftly as we have seen it moved.

So some of those who have had amendments that they wanted to have seriously considered are themselves responsible for the fact that we find it very difficult if not impossible to give the consideration that those amendments may or may not merit. Some amendments that will be offered or have been offered certainly merit great consideration, and I would like to vote for some of them. But it is not the decision of the leadership and it is not the decision of the Senator from California that we get into a situation where we cannot deal with amendments on their merits. We would like to deal with them in that way.

I hope my colleague will not move to lay on the table every amendment. I think we should, as much as possible, even now under the prevailing circumstances, vote up or down on as many as possible, consistent with moving along the action in the Senate. As my colleague knows and as the Senator from West Virginia, the majority whip, knows, I have suggested that we might explore other ways of giving greater opportunity to consider amendments on their merits, and I am very sorry that the circumstances make that impossible.

I hope that we can, under future circumstances if not during the consideration of this particular bill, find a way to give ample opportunity to review the legislation and to consider improving amendments; for there are many amendments that would improve this legislation.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Florida yield to me?

Mr. STONE. I yield, under the same conditions.

Mr. ROBERT C. BYRD. I yield myself 1 minute from my own time.

TIME LIMITATION AGREEMENT—TREASURY-POST OFFICE APPROPRIATIONS—H.R. 8597

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, this request having been cleared on the other side of the aisle, that at such time as the Treasury-Postal Service appropriation bill is called up and made the pending business before the Senate, there be a limitation of 2 hours on the bill, to be equally divided between and controlled by the Senator from Oregon (Mr. HATFIELD) and the Senator from New Mexico (Mr. MONTOYA); that there be a time limitation on any amendment of 1 hour; and that there be a time limitation on any debatable motion or appeal of 30 minutes. I ask unanimous consent, with respect to the division of time, that the agreement be in the usual form.

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

The text of the unanimous-consent agreement is as follows:

Ordered, That, during the consideration of H.R. 8597, the Treasury-Postal Service Appropriation Bill for 1976, debate on any amendment shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 30 mintues, to be equally divided and controlled by the mover of such and the manager of the bill: Provided, That in the event the manager of the bill is in favor of any such amendment or motion or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Oregon (Mr. Hatfield) and the Senator from New Mexico (Mr. Montoya): Provided, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

ORDER FOR RECOGNITION FOR SENATOR CULVER TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the Senator from Idaho (Mr. CHURCH) is recognized tomorrow under the order previously entered, the Senator from Iowa (Mr. CULVER) be recognized for not to exceed 15 minutes.

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

Mr. ROBERT C. BYRD. I thank the Senator from Florida.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. STONE. Mr. President, the Senator from Florida is going to conclude and ask for the vote, the yeas and nays on which have already been ordered, after using a minute or so to sum up.

I was a part of the movement which proceeded the flow of this legislation along expeditiously. I signed a cloture motion. I voted for cloture twice. I intend to vote for this bill.

But for the manager of the bill to say that, in addition to cloture, no amendment, no matter how deserving, can be listened to or considered on the merits, is a condition that I believe to be intolerable to any legislation as important as

this, particularly when not hours remain before the recess, but days.

The real issue, where there are amendments which to improve the bill, which do eliminate this feeling which, deserved or not, persists that the framers of the legislation have regional desires in mind, and are unwilling or unable to accept an equal impact wherever discrimination occurs, would be most unfortunate for the national interest.

I conclude, therefore, by urging that this amendment be considered on its merits with an up or down vote, the yeas and nays on which have already been ordered.

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

Mr. STONE. I yield on my own time for the Senator's brief question.

Mr. TUNNEY. I appreciate the Senator's courtesy. I would just like to point out to the Senator from Florida that the bill that emerged from the Senate Judiciary Committee, as well as the bill that came over from the House of Representatives, significantly expand section 4 and section 5 coverage by covering "language minority groups."

Mr. STONE. I do not object to that.

Mr. TUNNEY. Through the triggering device, the act would now include parts of Oklahoma, New Mexico, Florida, New York, and other States throughout the Union.

There is no desire to be regional in this regard. It just so happens that in certain parts of this country, for many decades, there was the worst kind of discrimination and abridgement of the right to vote of blacks and the language minorities.

Mr. STONE. Will the Senator yield right there?

Mr. TUNNEY. And now we know of other language minorities, such as the Spanish-speaking minorities, American Indians, and others.

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

Mr. TUNNEY. I yield.

Mr. STONE. Does the fact that discrimination existed for decades in other parts of the country excuse the discrimination that may not have existed for decades, but exists now and has for years, in other parts of this country?

Mr. TUNNEY. If the Senator will permit me to finish——

Mr. STONE. I would like to have an answer.

Mr. TUNNEY. I do not want to use up all the time.

Mr. STONE. I am still accepting the time.

Mr. TUNNEY. I would like to make very clear that we do not want to see one region of the country set off against another region of the country.

Mr. STONE. Then why not accept this amendment?

Mr. TUNNEY. That is one reason why we included the private attorney general provision under section 3, to give people all over the country the right to file their own complaints. The Attorney General has had that power for the past 10 years.

Mr. STONE. Reluctantly, I must reserve the remainder of my time because I have other amendments.

Several Senators addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute. May I say I will have to object to Senators interrogating other Senators on the time of the Senator who is doing the interrogation.

The PRESIDING OFFICER. The Chair is well aware of that. The Chair will try to see that it does not happen again.

Mr. NUNN. Mr. President, just summarizing my position, I share the views of the Senator from Florida. I commend the Senator from Florida whose State is not currently covered by this act for being fair-minded, for wanting to insure equity throughout the country and for making sure that the intent of this act is carried out not just in one section of the country but throughout the country. I believe his amendment would do that. I think he would leave to the discretion of the Attorney General the duty to ascertain if any evidence existed of discrimination against minorities, in any section of the country, based upon which he could bring suit and thereby make sure that they are subject to the same provisions of the act as the States in the South.

The Senator from Florida does not have a personal stake in this amendment or this particular act, except he is interested in making sure that every section of the country is treated fairly. I happen to be one who would like very much to vote for final passage of this act. I believe very strongly that every person in this country, regardless of race, regardless of creed, color, or language, should be able to enjoy the full fruits of citizenship and certainly a prerequisite to that is the right to vote. But I believe that it is not only long overdue, that we not have discrimination against anyone by reason of their color, it is also long overdue, Mr. President, that we not discriminate against one section of the United States of America. We are all Americans; we are all citizens. Every State has the same rights as every other State.

I think that this amendment would go a long way to insuring that principle and making certain that, while we are eliminating one form of discrimination, we do not create another form.

So I commend the Senator from Florida for his initiative in this regard and for his deep concern that every section of the country be treated alike. In doing that, he would be expanding, not contracting, the right of minorities to participate fully in their government. So he would be creating equity between sections of the country and at the same time making certain that every citizen of this country, whether he lived in the South or North, would be protected even if he happened to be a member of a minority group.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, I feel obliged to oppose this amendment, and I oppose it on two grounds, first, on the procedural grounds which we have already discussed, that any amendment is going to expose the bill to the possibility of defeat because either the unanimous consent of every Member of the House of Representatives cannot be obtained or, in the alternative, a rule cannot be obtained in the House before the date of expiration of the bill, and I think that is a serious objection.

But I also oppose the amendment on the basis of its substance, because it provides a new trigger which is a totally new approach to the whole problem of discrimination. The historic approach, the one which we have followed and which we have followed successfully in this bill and in other bills in other areas of civil rights legislation, is that we are trying to extinguish a pattern or practice and that is what the bill is designed to go after, a pattern or practice. I think, much as we may regret isolated and individual incidents which violate the spirit and the letter of the 14th and 15th amendments, I think it is impossible for anyone to say that such isolated incidents of unfortunate human conduct will not occur. They occur everywhere. None of us are so disciplined that we do not occasionally make mistakes. It is not the occasional, the isolated incident.

Mr. NUNN. Mr. President, will the Senator from Maryland yield on my time.

Mr. MATHIAS. When I finish my statement, I will be happy to.

It is not the isolated, the individual incident that we can reasonably hope to prevent. It is the pattern or practice which deprives large numbers of people of their rights, and that is what this bill goes after, and it is that principle which I think should be embodied in the law, and that is why I will vote against this amendment.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Maryland yield?

Mr. MATHIAS. I will yield to the Senator on his time. I regret that I cannot on my own.

Mr. ROBERT C. BYRD. Mr. President, the Senator can only yield for a question and cannot yield to another Senator on his time.

The PRESIDING OFFICER. The point of order is well taken. He may yield for a question.

Mr. MATHIAS. On the Senator's time.

The PRESIDING OFFICER. On the Senator's time.

Mr. NUNN. I will wait and be recognized in my own right.

Mr. MATHIAS. No, I am happy if we can yield on his time.

The PRESIDING OFFICER. On the Senator's time.

Mr. MATHIAS. On his time.

The PRESIDING OFFICER. No.

Mr. NUNN. I would like to ask the Senator——

Mr. ROBERT C. BYRD. Just yield for a question.

The PRESIDING OFFICER. The Chair states that the Senator cannot yield for a question on another Senator's time. If he will not yield on his time, the Senator cannot be recognized.

The Senator from Tennessee is recognized next.

Mr. BROCK. Mr. President, I will comment on the two points raised by the Senator from Maryland, the first being the procedural question.

I have favored this bill and I voted

for it back in the House of Representatives, but I do think there is a serious question as to validity of arguments as to procedures. If that were the case, this Senator would have to vote against every Senate amendment that is offered on the bill, and that has hardly been his experience in the last several years in the Senate. So we either have a new precedent, a new argument, or a change in posture on the part of the Senator from Maryland, if the——

Mr. MATHIAS. We have a change in circumstances. The bill expires on the 6th of August.

Mr. BROCK. That does not change the fact that the House of Representatives could, and I think quite obviously would, act before that deadline to resolve this one modest change.

But more fundamentally that that, the Senator wants to establish a pattern or practice as the criteria. I understood that when the bill was first discussed and passed.

The question now though is whether or not there is a pattern or practice in extent now. If that is not the case, then the Senator's own logic would argue against his position in support of the bill. If there is a pattern or practice, the bill should have prohibited it, so the bill is not working. So that argues against the Senator's position.

The fact is that the vestiges of discrimination have been largely eliminated, and we now have a situation in which the civil rights of 200 million Americans should be operated or protected under an equal standard of law and justice. I see no merit to the Senator's position whatsoever based upon pattern or practice.

If there is a pattern or practice that somebody is not enforcing the existing law, they ought to be fired, or the law ought to be improved so as to eliminate that pattern or practice. If there is not a pattern or practice, then there is no standard for the Senator's own position, no standard at all. And that, too, argues for the Senator from Florida's position that the law should apply to 220 million Americans and 50 States, not just to those who happen to live within a defined geographical area.

But the Senator apparently and the advocates of this particular posture will not address those questions. I do not know why. It makes it very difficult for those of us who believe in voting rights and who have supported this legislation to do so on an inconsistent basis such as is presented to us in this particular debate.

I would hope that the Senator would reacquaint himself with the merits of the amendment offered by the Senator from Florida and offer his support to protect the rights of all Americans wherever they happen to live.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I certainly join in the comments of my colleague from Tennessee, and I would just take 1 minute to offer a comment on the substantive argument of the Senator from Maryland rather than a procedural argument. On the substantive argument that we had a historical pattern of discrimination in the South whereas in other sections of the country there is only isolated——

Mr. MATHIAS. If the Senator will observe, I never made such argument.

Mr. NUNN. I thought the Senator from Maryland said only in other sections of the country where there were isolated incidents.

Mr. MATHIAS. I did not mention sections of the country. I said the historic approach to civil rights legislation was to deal with patterns or practices and not with isolated incidents. It had no geographical reference whatever.

Mr. NUNN. Perhaps the Senator from the South is just a little sensitive on the subject, but I think that any fairminded person hearing that argument would draw an innuendo that isolated instances were outside of the South and the historical practices were in the South. I assume that is what the Senator from Maryland intended because, without arguing against extending section 3(a) to other sections of the country, I assume he is intending to say that only other parts of the country have isolated instances.

Mr. MATHIAS. The Senator's judgment of my intentions was practically totally in error. I had no such intention. I am talking about purely the approach to civil rights legislation wherever it happens. In this case, the act is triggered by the State of New York, for one example, because a pattern or practice that existed there.

Mr. NUNN. That is what this amendment does. I think the Senator from Maryland should read this amendment, because he seems to be arguing now in favor of it.

The amazing thing to me is that when we talk about isolated instances wherever they may be, the Senator from Georgia remembers back about 5 or 6 years ago that people said that the discrimination in schools was a historical pattern only in the South and that anywhere else it was certainly an isolated instance. I think that any fairminded person reading the history of this country since then would see that when you put any section of the country under the microscope, you see a lot of germs that you might not have seen when you put the microscope on another section of the country.

Any fairminded person also would see, when looking at the voting situation in other parts of the country as closely as it has been looked at in the South, while it would not excuse any transgressions that may have taken place in the South in voting, that it certainly would be beneficial to other sections of the Nation, and that is what this amendment would do. It would not automatically cover any section of the country, which I would have liked to have done under the Talmadge-Nunn amendment yesterday. It gives to the Attorney General of the United States the authority to look at patterns of discrimination in other sections of the country. If he believes there is a pattern and he can bring a suit under section 3(a), then everybody will be fed from the same pot. That is exactly what the authors of this amendment, if they really are looking to broaden the participation of minorities in this country, should be aiming toward.

I have a hard time seeing how anyone rationally could oppose this amendment.

I have one final comment on the procedural question. The Senator from Georgia has been in the Senate only 3 years and cannot go back any further than that; but I have never seen it argued so successfully before that we cannot have any amendment at all because if we have any amendment at all, the August 6 date, which is some 2½ to 3 weeks off, might catch us and that thereby the act would expire. I have to say that that is a very scanty argument for refusing to look at the merit of any amendment, regardless of its equity, regardless of its merit. This is a very important act. It is going to be with certain sections of this country, as it now stands, for 10 years.

It seems to me to be a very bad practice to have the admission, over and over again, that we are not going to look at the merits of amendments because the time may run out, particularly in light of the fact that we all know that the minority leader and the majority leader can call us back into session, and we all know that every Senator in this Chamber intends to get through with this measure one way or the other before we recess.

I think the procedural argument is being used to impede and object to any matter of substance, regardless of its equity. I find that a very poor practice and a very bad precedent for this body to take in such a major measure.

Mr. TUNNEY. The precedent already has been established many times.

Mr. NUNN. If there is a precedent on it, the Senator from Georgia is not aware of it. It is a very poor precedent, and we should break it right now.

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

Mr. NUNN. I yield.

The PRESIDING OFFICER. The Senator from Georgia has the floor, and he yields for a question.

Mr. NELSON. I regret that I was occupied elsewhere when the Senator from Georgia called up his amendment.

What is the circumstance under which the provisions of the act would be activated under the Senator's amendment?

Mr. NUNN. If the Attorney General of the United States brought a lawsuit against any political subdivision in the country under section 3, the other sections then would become applicable to that particular jurisdiction. The theory is that the Attorney General would have the discretion to require that a particular subdivision of this country be under the act, just as others are, if we found a pattern of discrimination.

Mr. NELSON. The amendment specifically addresses itself to a particular jurisdiction, whether it be a municipality or a county. Is that correct?

Mr. NUNN. That is correct.

Mr. NELSON. This could be initiated by the Attorney General, on his own motion?

Mr. NUNN. Under section 3. He already has the authority under section 3

to do this. With this amendment, if he takes this initiative, which he has never done—there never has been any section 3 action so far—but if the Attorney General decided to go in this direction, we are giving him the discretion to do it. If he does it, then the other sections—that is, the preclearance provision—would apply to this subdivision, just as they now apply to States that are under the formula.

Mr. NELSON. Perhaps the Senator can advise me, since I have not looked at that statute in a long time, what procedure is followed currently if in some part of the country, in a State not now under the act, a municipality does engage in a discriminatory act by ordinance or in some other way. What is the remedy now, under the law?

Mr. NUNN. As I understand it, there would be two remedies on which the Attorney General could decide.

Mr. NELSON. Under the current law?

Mr. NUNN. Under the current law and under this act if it is passed as now stated, without any amendment. He would have the right to bring a 15th amendment law suit not based on the Voting Rights Act. That would be one remedy. That is the remedy he has been pursuing.

He would have the alternative of proceding under section 3 of this act. So he would not have to bring an action under section 3 of this act, thereby keeping off the automatic coverage if he chose, and bring a 15th amendment lawsuit even if this amendment is agreed to. This would not restrict his discretion; it would broaden his discretion.

Mr. NELSON. I was trying to get fixed more precisely in my mind how this broadens the present statute and the Attorney General's authority to remedy a situation of discrimination beyond what the statute now permits or authorizes him to do. That distinction is not clear in my mind.

Mr. NUNN. It would not broaden his jurisdiction or his discretion in terms of bringing a lawsuit for any kind of discrimination. It would do this: If he, in his discretion, chose to bring the lawsuit under section 3 of this act rather than under the 15th amendment, the other sections of this act then would be activated automatically as to that particular subdivision. It would not really broaden his initiation of a lawsuit, but it would greatly broaden the coverage of this Voting Rights Act to that particular subdivision.

Mr. NELSON. The Senator is saying to me that under the present law, the Attorney General is unable to initiate such an action under section 3?

Mr. NUNN. No. I am saying that he already can initiate that action; but the effect of it under section 3, if he did it, would not make these other sections, the preclearance sections, applicable to that subdivision.

Mr. NELSON. So the Senator's amendment broadens it to the extent that it makes all the provisions of that act applicable to that jurisdiction in the event——

Mr. NUNN. The Senator is correct.

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

Mr. TUNNEY. Will the Senator yield for a question?

Mr. NELSON. I am just trying to get something cleared up.

The PRESIDING OFFICER. The Senator from Georgia has the floor. He is being questioned by the Senator from Wisconsin.

Mr. NUNN. The Senator from Tennessee would like to continue this discussion. I yield to the Senator from Tennessee.

Mr. BROCK. I want to try to explain the difference.

Right now, the predescribed areas that are covered by the existing law are under a preclearance procedure for changes in precincts, voting standards, and so forth. That is based upon the statement, as the Senator from Maryland said, that we found or Congress found a pattern or practice of discrimination in the past. What the Senator from Florida has proposed is that, if the Attorney General finds, in some new area not delineated under existing law, some additional area, a pattern or practice of discrimination, not only could he sue for relief in a particular instance, but the other preclearance procedures would come in and then safeguards would come into play so as to protect the individuals, the minorities, in that area from further abuse. That is all the amendment does.

The PRESIDING OFFICER. The Chair is advised that the Senator from Tennessee was on his own time.

Mr. BROCK. Fair enough.

Mr. NUNN. I yield to the Senator from California.

I do not want to cut off the Senator from Wisconsin.

Mr. NELSON. No, the Senator has answered my question.

Mr. NUNN. I yield, then, to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I am really seeking the floor in my own right for a few minutes, but I am glad to ask a question, if I may, of the Senator from Georgia.

Mr. NUNN. I yield the floor then, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi is recognized on his own time.

Mr. STENNIS. Mr. President, I thank the Chair. If the Senator from California has a question he wants to put to the Senator from Georgia, I will yield. I ask unanimous consent that I may yield, even on my time, Mr. President, for not over 3 minutes.

Mr. TUNNEY. I thank the Senator. It would be just 30 seconds. I thank my distinguished friend from Mississippi.

The PRESIDING OFFICER. The Chair must state that under the cloture motion, questions and answers are on the time of the Senator who has the floor. The Senator from Mississippi now has the floor, so it is on his time.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield 3 minutes on my time to the Senator from California, the manager of the bill.

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

Mr. TUNNEY. I thank my distinguished friend. I promise him I shall not use the 3 minutes. I want to point out one thing to the Senator from Wisconsin with respect to this amendment. That is, at the time the Attorney General files the complaint, there is an automatic triggering of coverage under sections 4 and 5. There does not have to be any proof rendered at that point, just the filing of the complaint. I say the amendment is fatally deficient in that very aspect.

If the Senators want to give the Attorney General that power, in any jurisdiction, just by filing a complaint, they will support this amendment. If they do not want that, they will vote against it.

Mr. NUNN. Will the Senator yield to me 1 minute?

Mr. STENNIS. I ask unanimous consent that I may yield 2 minutes of my time to the Senator from Georgia for a question.

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

Mr. NUNN. The Senator from California is correct in that the initiation of the suit would kick off the coverage, would not require the proof of it. But the Senator from California has not brought out that there are seven States in this Nation that are already prejudged as guilty, with a verdict rendered, that is on much less proof than what the Attorney General, in his discretion, would need to initiate a lawsuit. So I think the Senator from California, in pointing out that defect, really argues against having any one with the preclearance provisions rendered on some States, because that would be done in advance. I prefer that everybody be judged by the same standard.

Mr. STENNIS. Mr. President, I shall take very little time of the Senate. I thank the Senator from Georgia on the point raised by the Senator from California. He has spoken well and he has rendered a judgment on the case.

This bill, which the ukase says must not be amended under any circumstance, but must go to the President's desk as passed by the House—and the President has already said in effect, as I understand, that he will sign it; that is, he would have to to a certain extent—already passes judgment, automatically, on the States that are included in its terms. We do not even have to file a lawsuit. The Attorney General does not have to suggest anything. The terms of this bill bring judgment before any suit is filed, before the facts are looked at or examined. This bill has not even been referred to a committee. So further judgment is rendered so far as those States are concerned.

These little amendments are just fragments, after all, of an effort to get this matter applied nationally. If I can get the time, it will be my privilege to represent that question that was presented so well yesterday by the two Senators from Georgia.

Back to the point: Judgment has already been passed here and this amendment, for which I commend the two authors, merely says that the Attorney General at least may enforce the law

uniformly throughout the Nation. He will not be confined—he will not be confined—to these States that are named and a few small areas in addition thereto; just a chance to let him be the same Attorney General for all the Nation that he will be for a part of the Nation under the terms of the bill as written now. That is all it asks for. That is all. That is the same old question we had here with reference to passing laws with reference to schools: Put it on the other fellow, but do not let it touch us. That is the substance of what was said here for years and years and years.

With reference to busing, for instance, when those chickens come home to roost—I am not trying to retry any cases. I am talking about the principle of it. But when those same facts and matters and problems come home to roost, they want nothing more of it. Therefore, I say now, Mr. President, after 10 years of this discriminatory area in the bill, and after 10 years of experience, they want to add on 10 more years, with no one having any rights to come in or get the cause heard or anything else except under the mandates of this limited application. This amendment just says that the Attorney General can be the same Attorney General in all the 50 States that he is in this little area that is designated in the bill.

How can we vote against it? How can we vote against it? How can they bring the bill in here and say "no amendment"? We have destroyed the parliamentary nature of this body when we fall to an argument of that kind. Let us get down to the merits of this thing and let no more be heard of "no amendment."

I thank the Chair.

What time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Mississippi has 55 minutes.

Mr. STENNIS. I reserve that time, Mr. President. I yield the floor.

Mr. NUNN. Will the Senator yield for a quick question to the Chair of how much time the Senator from Georgia has remaining?

The PRESIDING OFFICER. The Senator from Georgia has 42 minutes remaining.

Mr. NUNN. I thank the Chair.

Mr. TUNNEY. Mr. President.

The PRESIDING OFFICER. The Senator from Wyoming has been standing for some time for recognition.

Mr. HANSEN. Mr. President, I came to the floor after this discussion had been initiated. As a consequence, I have not heard all of the debate that has preceded my appearance in the Chamber. I find it strange and startling, indeed, that my good friend from California would hold out the fearful specter that the Attorney General of the United States might happen, upon his own initiative, to question how fairly registration and voting is taking place someplace in the United States. It seems to me that what has been said by the distinguished Senator from Mississippi needs to be heard by everyone, everyone in all of these United States.

I support the concept of seeing that we treat all minorities fairly. It just happens that in my State of Wyoming, our biggest minority group is the American Indian. I suspect that in second place would be people with Spanish surnames. We have roughly one-half of 1 percent of the population of Wyoming represented by black people.

I have no reason at all, as far as my constituency is concerned, to have a black on my staff. I happen to have a black on my staff. His home is in Washington, D.C. I think I can fairly say that I do not believe I have any more than the average amount of prejudice that I find in this body. I do not hold any prejudice in my heart against any man. I respect a very competent person on my staff who happens to be a black man. He does a great job and I am proud of him. I do not mind telling anyone, if people in Wyoming wonder how it happens that I have him, I say for one very good reason: he is the best records clerk that I know of in this town and I am grateful to him for the excellent job he does.

Incidentally, he has not finished high school. But he does a truly fine job.

Having said that, let me now say that if there is merit in this bill, if there is any reason at all to continue for another 10 years, as has been proposed, this law, I see no reason at all not to make its application nationwide.

Frankly, I do not think there is any need to extend it, but if there is, and I know some believe very sincerely that it should be extended, I see no reason at all not to extend it to every nook and cranny, to every one of the 50 States.

I feel the same way about busing. It started out—and I was a Member of this body when some of the later Civil Rights Acts were passed—and I know that the argument was made that the only discrimination in schools occurs in the South, so let us strike down de jure discrimination. Now we know that de facto discrimination has been charged and challenged in other parts of the country.

We know that one of our good colleagues from New England has at least displeased some of his constituents because of his support of busing as a means of achieving racial integration.

All I can say is I think my position on this bill is exactly the same as it has been on busing all along. If it is good for the South, let us make it nationwide, and I think that is exactly what we ought to do on this bill.

I just have to say I believe people who do not agree with that—this is a charge I am very reluctant to make—have to be a little hypocritical on this issue, because all we are saying is let us allow people who can be objective or at least to whom we attribute a certain objectivity look the situation over, and if the Attorney General of the United States—and it could very well be a Democratic Attorney General before long, it might be a Republican, I hope it is a Republican, but whoever it is, whoever it may be, will have been confirmed by the Senate of the United States—finds himself persuaded that he should invoke the reaches of this law, wherever it is, I say let us give him that authority.

I am going to support an amendment that I hope may later be proposed that will do this, and I support the amendment now before this body because, it seems to me, there is no reason at all to continue to pick out seven States or parts of seven States in the United States and say:

> Here and here alone, to the exclusion of the other 43, is evidence of the kind of discrimination we think has to be struck down.

And justify the extension of a law for another 10 years.

I was disappointed, frankly, and I say this because I have nothing but the highest regard for my good friend from California, the manager of this bill, when I heard him say either yesterday or the day before he was going to have to oppose every single amendment that might be offered on this bill because, as I recall his words at the time, he was distressed over the damage that could result if we were to let this law lapse and had to wait until after the recess before we got another law put into place.

And somehow—I do not say this was spoken by the Senator from California—someone said:

> You know, there is a chance that if we get to look at it, if we wait long enough, we might just not get it reenacted.

Mr. President, I think this is precisely the road that the framers of the Constitution and those persons who had so much to do with bringing about the written word of law in this country had had in mind when they said, "This should be a deliberative body."

I was here on the floor when Senator Dirksen switched on cloture and made it possible to get a vote on some of the civil rights laws enacted after the mid-1960's, and he said one other thing that I think needs to be recalled by Members of this body, and that was this: That he had never yet seen a time when cloture—and back in those days it required a two-thirds majority—when after sufficient discussion and sufficient understanding, sufficient accommodation by those who had a numerical superiority, on the one hand, and those who were in a numerical inferiority on the other side, or the minority on the other side, when an accommodation had been brought about that was reasonable, that it was impossible to get action by the Senate of the United States because of cloture.

We have changed that law, and now it requires fewer than two-thirds. As I understand it, the law is now that, excepting in the case of changing the rules of the Senate itself, 60 Members must be present and voting for cloture in order to invoke it.

I know we have invoked cloture, and I am sure that what I say will not really change very many minds, but I hope there are some people—and I am persuaded there are many—in this body who are objective and who want to be fair and want to be reasonable, who would listen to the words of the distinguished Senator from Mississippi (Mr. STENNIS) and understand and take time, if they would, to reread, Mr. President, what he said back when we were talking about busing. I heard him, and I remember very well at that time he made the point that the time would come when the tables would be turned around and some

who were on the liberal side and who were then saying, "Let us give the Senate a chance to invoke its will," would be on the other side.

I have been here, despite the fewness of my years, long enough to see that happen. I have been here long enough to see some of the persons who were out in the front in their opposition to the Senator from Mississippi hide behind what they said was this cloture rule to prevent a vote on busing up or down. I have been here long enough to see that happen.

It is for that reason, among others, I say that I do not think that, all in all, there are too many people here who are completely objective on every single issue.

I would be the first to admit that I have a lot of bias, but I think on this issue there really is not all that much room for bias. If this is a good law, and it has been in effect now for 10 years, I see no reason at all, Mr. President, not to make its application nationwide.

For those who say, "Well, the Attorney General might move in and without anybody having any right to present any case he might say there is discrimination," Mr. President, all I can say is that that is what the South would say, what some of the States that come under this bill have been saying, for a long time, and there is little recognition given to what has been happening since then.

In the Washington Post a few days ago there appeared a letter from the secretary of state of the State of Texas, and he took the Post to task because, in his opinion, its reporters either did not understand what the facts were or they ignored those facts. He made the point that in his State, the State of Texas, there was a higher percentage of some minority ethnic groups who were represented in office in some of the counties in Texas than were reflected by the percentage that those minority groups represented in terms of the overall percentage of the people living in that county.

I reserve the remainder of my time, although I would be happy to yield to my good friend from Georgia on my time.

The PRESIDING OFFICER (Mr. FORD). The Senator cannot yield on his time, it has to be on the time of the Senator from Georgia.

Mr. TALMADGE. Mr. President, I express my deep and profound appreciation for the logic, effectiveness, reasonableness, fairness, of the great speech the Senator from Wyoming has just delivered on the floor of this body. It has been my privilege to have served on the Committee on Finance with the distinguished Senator from Wyoming for a good many years and I know of his fairness, his logic, and his reasonableness.

The Senator from Wyoming is eminently correct when he states that laws ought to have general application throughout this Nation of ours. They should not be designed as a snare to catch certain areas of the country to the exclusion of other areas of the country, yet that is exactly what this bill does. It was deliberately designed to do that.

It has been in effect now for 10 years and we have enjoyed the benefits of this act. We want other sections of the Nation to enjoy some of these benefits.

I congratulate the Senator.

Mr. HANSEN. Mr. President, I thank my good friend from Georgia very much. I appreciate his kind words and all of the adjectives he used.

I might find some little, teeny shred of merit in some of them. However, as far as my effectiveness is concerned, I would have to say at that point the Senator from Georgia went far overboard.

Mr. STONE. Mr. President——

Mr. THURMOND. Mr. President, will the Senator yield on my time?

Mr. President, I want to take this opportunity to commend the distinguished and able Senator from Wyoming upon the remarks he just made.

I would just remind the Senate that the Senator from Wyoming does not come from a State in the South. I would remind the Senate that he has very small minority groups in his State of any kind. He has no reason to have any bias. I point this out because frequently it seems that the Senators from the South are accused, either openly or not openly, with being biased on matters of this kind.

The Senator from Wyoming, in my judgment, is one of the finest and ablest Senators in this body and I have held him in high esteem ever since he has been here, and after his remarks today I would say that every Senator in this body could well emulate this fair, this just, this honorable citizen who is a member of this body.

Mr. President, I am in favor of this amendment. I am in favor of it because it is a fair and just amendment.

If there is discrimination in some States other than the South, why should not the Attorney General investigate and approach it regardless of where it occurs?

Why does the Senate want to continue harassing the South? Why does the Senate want to go back to 1964 figures instead of using later figures? That is a long time ago, that is 11 years that have passed. Conditions have changed and if the southern people and southern leaders have changed the situation and have improved the situation, they ought to be commended. They ought to be encouraged, instead of having Senators come here and introduce a bill that lends no encouragement, but shows a complete lack of knowledge of the situation in the South and shows a very unobjective attitude towards the South.

Mr. President, for instance, in my State of South Carolina, as of 1974—and catch these figures—60.8 percent of all blacks of voting age were registered to vote in South Carolina. That speaks for itself. Not quite two-thirds, but almost.

Now, one may say, "Well, what about the whites?" Well, let me give the figure on the whites.

This compares favorably with the voting registration for white citizens of 61.3 percent. In other words, only one-half of 1 percent of the white people in my State were registered than were black people.

So we have just about as many blacks registered, and yet the percentage of whites to blacks in South Carolina is about 70 to 30, and we have as large a percentage, less one-half of 1 percent, of the blacks who registered as compared with the whites.

Mr. President, there is no discrimination in my State. I have said that before, and I say it again now, and I challenge anyone to show any discrimination. If there is discrimination, it should be corrected. If it exists in California, it should be corrected, or Connecticut, or any other State.

Mr. President, why not treat the whole country alike? That is what the Constitution provides.

Mr. President, I hope this amendment will be adopted.

Mr. STONE. The Senator reserves the remainder of his time. The yeas and nays have been ordered and we ask for the vote.

Mr. TUNNEY. Mr. President, I move to lay the amendment on the table.

Several Senators addressed the Chair.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. HATFIELD). Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Mississippi (Mr. EASTLAND) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

The result was announced—yeas 49, nays 46, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—49

Abourezk	Hatfield	Muskie
Beall	Hathaway	Pastore
Biden	Huddleston	Pearson
Brooke	Inouye	Pell
Burdick	Jackson	Percy
Case	Javits	Proxmire
Church	Kennedy	Schweiker
Clark	Leahy	Scott, Hugh
Cranston	Magnuson	Stafford
Culver	Mansfield	Stevenson
Eagleton	Mathias	Symington
Fong	McGee	Taft
Ford	McGovern	Tunney
Glenn	McIntyre	Weicker
Gravel	Mondale	Williams
Hart, Gary W.	Montoya	
Hartke	Moss	

NAYS—46

Allen	Garn	Nelson
Baker	Goldwater	Nunn
Bellmon	Griffin	Packwood
Bentsen	Hansen	Randolph
Brock	Haskell	Ribicoff
Buckley	Helms	Roth
Bumpers	Hollings	Scott, William L.
Byrd, Harry F., Jr.	Hruska	Sparkman
Byrd, Robert C.	Humphrey	Stennis
Cannon	Johnston	Stevens
Chiles	Laxalt	Stone
Curtis	Long	Talmadge
Dole	McClellan	Thurmond
Domenici	McClure	Tower
Fannin	Metcalf	Young
	Morgan	

NOT VOTING—4

Bartlett Eastland Hart, Philip A.
Bayh

So the motion to lay on the table was agreed to.

Several Senators addressed the Chair.

Mr. TUNNEY. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. MATHIAS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The VICE PRESIDENT. The Senate will be in order.

Mr. NUNN. Mr. President, I ask for the yeas and nays on that.

Mr. HUMPHREY. The Senator is too late.

The VICE PRESIDENT. The result has been announced.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I have a letter from the President of the United States.

Mr. President, I ask for order.

The VICE PRESIDENT. The Senate will be in order. Senators will please take their seats.

Mr. MANSFIELD. Mr. President, under the date of July 21, I am in receipt of a letter from the President of the United States relative to the pending business. It reads as follows:

DEAR MIKE: With only two weeks left before the Congressional recess, I want to let you know how important it is that Congress extend the temporary provisions of the Voting Rights Act before the August recess.

These provisions expire August 6, 1975, and they must not be allowed to lapse.

My first priority is to extend the Voting Rights Act. With time so short, it may be best as a practical matter to extend the Voting Rights Act as it is for five more years; or, as an alternative, the Senate might accept the House bill (H.R. 6219), which includes the important step of extending the provisions of the Act to Spanish-speaking citizens and others. To make certain that the Voting Rights Act is continued, I can support either approach.

However, the issue of broadening the Act further has arisen; and it is my view that it would now be appropriate to expand the protection of the Act to all citizens of the United States.

I strongly believe that the right to vote is the foundation of freedom, and that this right must be protected.

That is why, when this issue was first being considered in 1965, I co-sponsored with Representative William McCulloch of Ohio a voting rights bill which would have effectively guaranteed voting rights to eligible citizens throughout the whole country.

After it became clear at that time that the McCulloch-Ford bill would not pass, I voted for the most practical alternative, the Voting Rights Act of 1965. In 1970, I supported extending the Act.

Last January, when this issue first came before me as President, I proposed that Congress again extend for five years the temporary provisions of the Voting Rights Act of 1965.

The House of Representatives, in H.R. 6219, has broadened this important law in this way: (1) The House bill would extend the temporary provisions of the Act for ten years instead of five; and (2) the House bill would extend the temporary provisions of the Act so as to include discrimination against language minorities, thereby extending application of the Act from the present seven States to eight additional States, in whole or in part.

In light of the House extension of the Voting Rights Act for ten years and to eight more States, I believe this is the appropriate time and opportunity to extend the Voting Rights Act nationwide.

This is one nation, and this is a case where what is right for fifteen States is right for fifty States.

Numerous civil rights leaders have pointed out that substantial numbers of Black citizens have been denied the right to vote in many of our large cities in areas other than the seven Southern states where the present temporary provisions apply. Discrimination in voting in any part of this nation is equally undesirable.

As I said in 1965, when I introduced legislation on this subject, a responsible, comprehensive voting rights bill should "correct voting discrimination wherever it occurs throughout the length and breadth of this great land."

I urge the Senate to move promptly—first, to assure that the temporary provisions of the Voting Rights Act do not lapse. As amendments are taken up, I urge you to make the Voting Rights Act applicable nationwide. Should the Senate extend the Act to American voters in all 50 states, I am confident the House of Representatives would concur.

I shall be grateful if you will convey to the members of the Senate my views on this important matter.

Sincerely,

GERALD R. FORD.

Several Senators addressed the Chair.

AMENDMENT NO. 776

Mr. STENNIS. Mr. President, I have an amendment that I submitted this morning, which is largely a re-run of the Talmadge-Nunn amendment passed on yesterday afternoon. There is an added provision there that is not controversial.

I call up now, Mr. President, for consideration by the Senate that amendment that was introduced this morning. As far as I know, it has not been printed. But all of the provisions except one are in the Talmadge-Nunn amendment No. 704.

The VICE PRESIDENT. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. STENNIS), for himself and Mr. NUNN, proposes an amendment, No. 776.

The amendment is as follows:

On page 1, strike out lines 3 through 6 and insert in lieu thereof the following:

"That this Act may be cited as the 'Voting Rights Amendments of 1976'.

"TITLE I

"SEC. 101. (a) Section 4 of the Voting Rights Act of 1965 is repealed.

"(b) Section 5 of such Act is amended by striking out 'a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect' and inserting in lieu thereof: 'any State or political subdivision'.

"(c) Section 6 of such Act is amended by—

"(1) striking out 'unless a declaratory judgment has been entered under section 4(a),', and

"(2) striking out 'named in, or included within the scope of the determination made under section 4(b)'.

"(d)(1) Section 12(a) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, or 10' and inserting in lieu thereof 'section 2, 3, 5, 7, or 10'.

"(2) Section 12(c) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, 10, or 11 (a) or (b)' and inserting in lieu thereof 'section 2, 3, 5, 7, 10, or 11 (a) or (b)'.

"(3) Section 12(d) of such Act is amended by striking out 'section 2, 3, 4, 5, 7, 10, or 11, or subsection (b)' and inserting in lieu thereof 'section 2, 3, 5, 7, 10, or 11, or subsection (b)'.

"(e)(1) Section 14(b) of such Act is amended by striking out 'section 4 or'.

"(2) Section 14(d) of such act is amended by striking out 'section 4 or'.

"TITLE II"

On page 1, line 7, strike out "102" and insert "201".

On page 2, beginning with line 7, strike out through line 20, on page 7.

At the appropriate place in the bill add the following section:

The Attorney General of the United States shall report to Congress by July 1, 1976 criteria by which any State or political subdivision may be exempted from the provisions of title I section 5 and section 6 of this Act. In developing this criteria the Attorney General shall consider all jurisdictions of the Nation covered by this Act and their record of performance in assuring all citizens the right to vote regardless of race, creed, color, or language.

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

Mr. STENNIS. I am glad to yield on his time. Mr. President, I ask unanimous consent that I may yield to the Senator on his time.

Mr. HRUSKA. On my time.

Mr. STENNIS. How much?

Mr. HRUSKA. Just 2 minutes.

Mr. STENNIS. Three minutes.

Mr. HRUSKA. Mr. President, this Senator has been in receipt of a letter which is identical in text with the letter that has just been read by the majority leader, with the request also that it be communicated by me to the Members of the Senate. In a very few minutes photocopies of that letter will be distributed and placed on the desk of each Senator. It is my intention to support the amendment of the Senator from Mississippi, and in due time I expect to talk at greater length and detail on the text and merits of it.

Mr. STENNIS. Mr. President, I thank the Senator.

Mr. President, on a matter of perhaps importance, on my time I ask unanimous consent that I may yield to the Senator from Alabama 2 minutes.

Mr. ROBERT C. BYRD. Mr. President, I will not object.

The VICE PRESIDENT. The Senator can only yield for a question.

Mr. ROBERT C. BYRD. I will not object in this instance, but at some point objection will have to be made to yielding on other Senators' time.

Mr. STENNIS. I will yield on my time. I appreciate the leader's suggestion. I am not going to abuse his patience.

Mr. HUMPHREY. Mr. President, will the Senator yield for just a unanimous-consent request? Will the Senator from Mississippi yield to me?

Mr. STENNIS. I ask unanimous consent that I may yield to the Senator for a noncontroversial unanimous-consent request.

Mr. HUMPHREY. I merely ask unanimous consent that a member of my staff, Louise Bracknell, be accorded the priv-

ilege of the floor during this debate of the Voting Rights Act?

The VICE PRESIDENT. Without objection, it is so ordered.

Order in the Senate, please.

Mr. MATHIAS. Mr. President, I ask unanimous consent that Mr. Colbert King may have the privilege of the floor during the debate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, will the Senator yield for a unanimous-consent request?

The VICE PRESIDENT. The Senator from Alabama has the floor.

Mr. STENNIS. I am rightfully under fire here from the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, is it for a unanimous-consent request for a staff member to be accorded the privilege of the floor?

Mr. BELLMON. Yes.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may let the Senator from Oklahoma make a unanimous-consent request.

Mr. BELLMON. Mr. President, I ask unanimous consent that Mr. Charles Waters, my legislative assistant, be accorded the privilege of the floor.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I have already yielded to the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from Mississippi. I did not request the Senator from Mississippi to yield to me. Some of the Senators over here were somewhat interested.

Mr. TALMADGE. Mr. President, may we have order.

The PRESIDING OFFICER. Order in the Chamber, please.

Mr. ALLEN. Some of the Senators, who were interested in the last amendment, stated to me that they would have voted for the amendment which in a sense would have made the law nationwide to a limited extent, if they had been assured that further discussion would not have been made of the conference report, if there be a conference report.

I give assurance, as far as the Senator from Alabama is concerned, if this amendment now being proposed by the distinguished Senator from Mississippi is agreed to and it becomes part of the bill, Senators will not hear anything further from the Senator from Alabama, because he believes that this bill should be applied nationwide, and that would remove the chief objection the Senator from Alabama has.

I comment, also, on the letter of the President of the United States. The Senator from Mississippi yesterday charged that this is a political bill, and it is a political bill.

But this strong statement that the President of the United States has made about making this bill apply nationwide is the greatest stroke that he has made yet toward fairness and toward the promotion of unity in this country. I say it is going to serve him in good stead next year. I would certainly advise this Democratic Congress to meet the President halfway on this issue.

I thank the distinguished Senator.

Mr. STENNIS. Mr. President, I do not propose now to detain the Senate very long. This matter has already been argued and well debated in the Chamber yesterday afternoon, by the two Senators from Georgia, and was voted on by the membership and lost by a close vote. But as more than one has told me, there was some confusion as to just what the issue was and that they would cast a different vote.

Mr. President, I do not care to rehash and go over again and again the hard, cold facts of this case. This law has been in effect 10 years. It was designed to bring about better understanding and conditions for voting rights, and it has made a difference and made progress.

I read the figures here yesterday. I was able to show here by the tabulation that in my own State now we have 191 black elected officials. I was thinking in terms here of the number of elected black officials, which is a mighty good indication of free participation. We have 191 black elected officials, and that is the second highest number of any State in the Union, except Michigan, and that State has a population of three, four, or five times as much.

Mr. President, I yield for a question to the Senator from Connecticut. May we have quiet? I do not want to ask for order. I just ask for quiet, Mr. President.

Mr. RIBICOFF. Mr. President, I would like to stay for the entire debate, but the Finance Committee is marking up the energy bill.

I will support the amendment of the Senator from Mississippi.

On February 9, 1970, the same problem was before the U.S. Senate on the question of busing, and at that time I thought it was only eminently fair that the entire Nation should have the same rules and should be guided by the same laws and the same regulations.

I think that if we are ever going to have equity and understanding in this Nation, we cannot have one set of rules for one section of the country and another set of rules for another section of the country. The North should be willing to be bound by the same rules as the South.

On the basis of fairness and equity, this is a proper amendment, and I shall vote and support the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. I thank the Senator very much.

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

Mr. STENNIS. I am glad to yield to the Senator from California if he will speak on his time.

Mr. TUNNEY. On my time, yes.

I point out to my friend from Connecticut that when he says that he is supporting the amendments that have been offered by the Senator from Mississippi he thereby suggests that it is not a nationwide bill now. It is a nationwide bill. There is nothing that singles out individual States in this legislation.

The act has a trigger formula that picks up areas where voting discrimination was most severe.

The same kind of discrimination did not exist to the same degree in other parts of the Nation. After hearing testimony, the committee decided to expand the law with a bill similar to the one before us, by including language minorities. And, we are giving individuals the right to bring their own suits under section 3, the private attorney provision.

I say to my friend that if we apply section 5 nationwide, it in all probability would be declared unconstitutional. The Constitution says in article I, section 4, the time, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislation thereof, but Congress may at any time make or alter such regulations except as to the place of choosing Senators.

The Supreme Court, in South Carolina against Katzenbach, said:

> The Act suspends new voting regulations pending scrutiny by Federal authorities to determine whether their use would violate the 15th Amendment. This may have been an uncommon exercise of Congressional power, as South Carolina contends, but the Court has recognized that exceptional conditions can justify legislative measures not otherwise appropriate.

I should like the Senator from Connecticut to recall that those special circumstances, those exceptional circumstances, have not been demonstrated to exist in areas other than where there are language minorities, and we include language minorities under the bill as it is presently before the Senate.

Mr. RIBICOFF. Then, it will not be a problem in those States.

All I am asking is that there be uniform application of the law in the 50 States; and if it is uniform, it certainly is not going to be declared unconstitutional.

I think the time has come when we cannot be dividing this country on a sectional basis. If there is wrongdoing in connection with civil rights in the South, we should address ourselves to it. If there is wrongdoing in connection with civil rights in California, we should address ourselves to it. All I am asking is that when we pass a law in the U.S. Senate, the same principles, the same rules, the same regulations should apply to the entire Nation.

How can anyone take exception to that type of principle? I think it is wrong to try to write a law on the floor of the U.S. Senate by which we make fish of one and fowl of another. I can understand why people from other sections of the country can be upset.

I said in 1970, and I say again, that the time has come for the North to cut out its hypocrisy. There is enough hypocrisy in the North. I said in 1970 that we also must recognize that it is easy to find fault and make corrections 1,500 miles away from home; but we are unable and unwilling to address ourselves to problems right around the corner from where we live.

If we are going to solve the dissension in this country, one of the places to start is to make sure there is uniformity in

the application of national laws in the 50 States.

Mr. TUNNEY. Perhaps the Senator does not understand the meaning of preclearance. Under the proposed amendment, every State and county throughout the country would have to submit all changes in its election laws or procedures to the Attorney General for approval. The Supreme Court has made it very clear that to have an intervention like that by the Federal Government in the State election process, there have to be exceptional circumstances. What we have done in this bill is to recognize that there are exceptional circumstances in certain parts of Connecticut, in certain parts of California, in certain parts of New Mexico, Oklahoma, and other States where there are language minorities, and we have included language minorities in those jurisdictions.

But this amendment is probably, almost certainly unconstitutional, and I cannot think of an amendment better designed to destroy the action of the Voting Rights Act than the amendment that is being offered. Maybe we do not need the Voting Rights Act any more, but I happen to think we do. I should like to believe that we will not need an extension of the Voting Rights Act 10 years from now. It is my fervent hope that we never will need it.

I point out what Congressman ANDY YOUNG said, the first black elected in the deep South since Reconstruction:

> What is it like to be under the Voting Rights Act, to be under the strictures of the Federal Government? I'll tell you what it's like. It's just great. It's just great.

Mr. RIBICOFF. How is that going to be destroyed by the amendment of the Senator from Mississippi? I am at a loss to understand. I do not understand the amendment of the Senator from Mississippi to be that he is trying to change the rules for Georgia or Mississippi. My understanding is that he is saying that the same rules and application of law that apply in Mississippi should apply to Connecticut and California.

Am I incorrect, as I analyze the purpose of the Senator from Mississippi's amendment?

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

Mr. RIBICOFF. I am asking the Senator from Mississippi. Is the Senator from Mississippi asking that Mississippi or Georgia or Alabama be treated any differently from the way Connecticut or California are treated?

Mr. STENNIS. Absolutely not. The substance of this amendment is merely to make the act apply uniformly in the 50 States, and with equality—just the same.

Mr. RIBICOFF. Will that destroy the Voting Rights Act?

Mr. STENNIS. Not a bit. It will extend the act. It will extend the act to every possible area that may feel a need for it, or in which the Attorney General may feel that he should institute a suit, or where an individual might want to institute a suit. It is not trying to do anything to anyone or any State. It is trying to make the act uniform and do it for those officials or those individuals who want to intervene. This is the test; that is all.

Mr. RIBICOFF. I think that we in the Northern States are in a very poor position to keep saying constantly that the South should do something we are unwilling to do. If we are looking for equity and justice, all of us in the 50 States have to put ourselves in the position in which we say to the people of our States and of the Nation that we want to be treated exactly the same as the poeple are being treated in any of the 50 States; and if something is wrong in our State, the same law should be applicable to us as in the State of Mississippi or the State of Alabama.

Mr. TUNNEY. Does the Senator feel that in the State of Connecticut, for example—where certain counties already are covered under the act and more counties will be covered if the bill is passed, that there are such exceptional conditions as to justify an act which is going to impose a situation in which the State, itself, must get preclearance and all the communities in the State must get preclearance for any changes in the voting laws.

Mr. RIBICOFF. No. I think Connecticut is fair in the way it treats every minority. But I would not be so smug and so self-righteous in any State in the Nation. We sense great movement.

In 1970, when we were faced with the problems of de facto and de jure busing, I pointed out the fact that there was no difference between the two. I am for busing, but I felt they should be treated the same.

There are great movements and great emotions in this land, and I have no assurance that in the next 5 or 10 years one of the Northern States will not be guilty of the same problems. When we see the turmoil in Boston at the present time, what happened in Mississippi and Alabama could happen in Massachusetts.

All I am saying is that if we are going to pass a law applicable to civil rights in the United States, everybody's civil rights should be protected. We are not writing a law just for 1961 or 1965 or today. We are writing a law for the next 5 years, and I cannot predict what the emotional factors will be in any State in the 5 years ahead of us.

Mr. TUNNEY. We are talking about voting discrimination here. We are not talking about educational discrimination or other forms of discrimination. We are talking about voting discrimination. If the Senator feels that his State justifies this kind of coverage because of the exceptional circumstances that exist in the way of voting discrimination in his State, then I can understand his position.

Mr. RIBICOFF. I say to the distinguished Senator from California that I am not going to allow him to shift the argument. Connecticut does not discriminate.

All I am saying to my distinguished friend is that I want the State of Connecticut to be governed by the same rules and regulations and principles that govern the State of Mississippi. I do not want any exception. The State of Connecticut is a State that observes the law; I have no fear of the law. But if the State of Connecticut were at fault, I would want the law to apply to the State of Connecticut as well as to the State of Mississippi.

I cannot advocate a law on the floor of the U.S. Senate that would be discriminatory against a group of States and have a law apply only to a group of States and say that I am unwilling to have the same principles apply to my own State.

Mr. ALLEN. Mr. President, will the Senator yield for 1 minute?

Mr. STENNIS. Mr. President, I do not want to appear to hold the floor. I want to make a few remarks and then yield to the Senator from Nebraska. I ask unanimous consent that I may yield to the Senator from Alabama for 1 minute only.

Mr. RIBICOFF. For the distinguished Senator from Mississippi, it can be done on my time.

Mr. STENNIS. Yes, but I have the floor.

Mr. ALLEN. Mr. President, I wish to state that there are few statesmen in this Chamber, but, based on the position that the Senator from Connecticut took with respect to forced desegregation in the public schools throughout the country, his stand for uniformity in that regard, and his stand for uniformity with regard to voting rights, it is clearly indicated to the Senator from Alabama that the distinguished Senator from Connecticut (Mr. RIBICOFF) is a true statesman and such an appellation is certainly capable of being applied to mighty few individuals in this entire Congress.

Mr. STENNIS. Mr. President, I thank the Senator.

Mr. President, I am just going to make a two-sentence comment.

The Senator from Connecticut has made a powerful point here, in that those who have been trying to bring about affirmative, positive results with reference to everyone exercising his voting rights are entitled to some encouragement. This bill as written will discourage them. It will tear down, and disassemble, and retard, and put a drawback to the accomplishments already being made. Here are the figures.

No. 2. I want this bill, in all the country, to move forward. Progress in Mississippi, progress in California, progress in Nebraska—anywhere and everywhere. Let us move together. This is not discriminating against a State or any individual. This is opening up the doors of the church. Let anybody come in who wants to. There is no reason, with regard to cities, why one rule should apply in New Orleans and a different rule in Chicago, at the other end of the valley. No one has given a reason for that.

Mr. President, I do not want to hold the floor. The Senator from Nebraska is held here from an important conference. I yield such time as he may wish on his time, then I shall yield the floor.

Mr. HRUSKA. I yield myself 10 minutes, Mr. President.

Mr. President, the merits of the amendment of the distinguished Senator from Mississippi have been discussed at length today and yesterday. I believe there is growing sentiment among Members of this body in support of this measure.

I remind my colleagues that this Sen-

ator has a long acquaintance with the pending legislation. The original Voting Rights Act was processed in 1965 while I was a member of the Committee on the Judiciary, as I still am. I have long been in sympathy with civil rights legislation. In 1965 I supported the Voting Rights Act.

The results achieved under this 1965 act were impressive and I believe all thoughtful individuals recognize that the act served the extraordinary purposes for which it was enacted. It must also be recognized, however, that the facts and circumstances which the act sought to rectify have changed dramatically in the 10 years since its enactment.

It should be noted, I believe, that when the act was passed in 1965 it was done so with the thought that it was a temporary measure designed to apply unusual remedies to a few States of the Union where voting discrimination seemed prevalent. The act's provisions were a departure, I believe, from the general rules of good legislation in that they produced a troublesome precedent of Federal interference in State matters. This departure was tolerated by this Senator, and by at least some others in this body, in the belief that the discrimination which existed at that time was of the proportion that serious remedies were required.

Ten years have now passed since the act was implemented. A review of the voter registration figures of the six Southern States originally covered under the 1965 act indicate a tremendous increase in minority voter registration, in some cases the totals being higher than in many States of the Union.

Nevertheless, the legislation as presently drafted seems to ignore the reversal of discriminatory practices in those States and their large gains in voter registration. Under the terms of the bill, the six States originally covered would continue to be covered for an additional 10 years, no matter how successful they are in removing all vestiges of discrimination. I do not believe the regional onus which these States have been under for the past few years should be continued in view of their performance in the past decade.

The legislation before us, H.R. 6219, in its present form, totally ignores the record of gains made in those States initially covered and automatically extends coverage, based upon prior misdeeds, which have long been corrected. To extend the act to these States for an additional 10 years based upon standards which existed in those States some 10 years ago lends credence to those who argue that this bill is punitive in nature.

The amendment before us would remove this regional onus while at the same time protecting citizens all over the country in the exercise of their constitutional right to vote.

The Attorney General would be able to bring action wherever individuals were being discriminated against, including those several States originally covered under the act, if discrimination was found to presently exist. Those States, however, originally "caught" under the act would not continue to be "frozen" under the Attorney General's supervision if discrimination did not presently exist.

Mr. President, in 1970, a strong case was made for legislation which contained the very thrust of the amendment which we have before us today. In 1970 the House passed an extension to the Voting Rights Act, supported by the Attorney General and the administration, which would have applied the act on a nationwide basis. At that time, although this feature was not ultimately accepted by the Senate and, therefore, not enacted, testimony was received from a number of extremely credible and well informed experts, during the hearings on the 1970 extension, in support of nationwide application. The case for such application has been made even stronger in the past 5 years in light of the significant advances in voter registration in those States initially covered by the act.

The PRESIDING OFFICER. Will the Senator suspend?

Mr. HRUSKA. Five more minutes.

I want to stress the point that was made by the Senator from Connecticut and also the comments made thereon by the Senator from Mississippi, that this amendment will not detract in substance from the applicability of the terms and provisions of this law to the States which are presently covered by the act if it be shown that discrimination continues to exist in those jurisdictions.

I do not want to belabor those arguments, the record is clear and ample on this point. Rather, I wish to read from the text of President Ford's letter to me, which is similar to one which he addressed to the majority leader.

This letter, I believe, lends much support to the notion of a nationwide coverage of the Voting Rights Act, as is embodied in the amendment now pending.

Mr. President, I will read now part of the text of this letter, dated July 21, 1975, from the President.

Mr. STENNIS. May we have quiet, Mr. President?

The PRESIDING OFFICER. There will be order in the Senate. Will the Senators please take their seats and refrain from discussion?

The Senator may proceed.

Mr. HRUSKA. The President's letter states:

In light of the House extension of the Voting Rights Act for ten years and to eight more States, I believe this is the appropriate time and opportunity to extend the Voting Rights Act nationwide.

This is one nation, and this is a case where what is right for fifteen States is right for fifty States.

Numerous civil rights leaders have pointed out that substantial numbers of black citizens have been denied the right to vote in many of our large cities in areas other than the seven Southern states where the present temporary provisions apply. Discrimination in voting in any part of this nation is equally undesirable.

As I said in 1965, when I introduced legislation on this subject, a resposible, comprehensive voting rights bill should "correct voting discriminaion wherever it occurs throughout the lengh and breadth of this great land."

I urge the Senate to move promptly—first, to assure that the temporary provisions of the Voting Rights Act do not lapse. As amendments are taken up, I urge you to make the Voting Rights Act applicable nationwide. Should the Senate extend the Act to American voters in all 50 states, I am confident the House of Representatives would concur.

I shall be grateful if you will convey to the members of the Senate my views on this important matter.

Copies of this letter in its full text are on the way to the Chamber for distribution.

Mr. President, I ask unanimous consent that the complete text of this letter be placed in the RECORD at this point.

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

THE WHITE HOUSE,
Washington, D.C., July 21, 1975.

Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR ROMAN: With only two weeks left before the Congressional recess, I want to let you know how important it is that Congress extend the temporary provisions of the Voting Rights Act before the August recess.

These provisions expire August 6, 1975, and they must not be allowed to lapse.

My first priority is to extend the Voting Rights Act. With time so short, it may be best as a practical matter to extend the Voting Rights Act as it is for five more years; or, as an alternative, the Senate might accept the House bill (H.R. 6219), which includes the important step of extending the provisions of the Act to Spanish-speaking citizens and others. To make certain that the Voting Rights Act is continued, I can support either approach.

However, the issue of broadening the Act further has arisen; and it is my view that it would now be appropriate to expand the protection of the Act to all citizens of the United States.

I strongly believe that the right to vote is the foundation of freedom, and that this right must be protected.

That is why, when this issue was first being considered in 1965, I co-sponsored with Representative William McCulloch of Ohio a voting rights bill which would have effectively guaranteed voting rights to eligible citizens throughout the whole couhtry.

After it became clear at that time that the McCulloch-Ford bill would not pass, I voted for the most practical alternative, the Voting Rights Act of 1965. In 1970, I supported extending the Act.

Last January, when this issue first came before me as President, I proposed that Congress again extend for five years the temporary provisions of the Voting Rights Act of 1965.

The House of Representatives, in H.R. 6219, has broadened this important law in this way: (1) The House bill would extend the temporary provisions of the Act for ten years, instead of five; and (2) the House bill would extend the temporary provisions of the Act so as to include discrimination against language minorities, thereby extending application of the Act from the present seven States to eight additional States, in whole or in part.

In light of the House extension of the Voting Rights Act for ten years and to eight more States, I believe this is the appropriate time and opportunity to extend the Voting Rights Act nationwide.

This is one nation, and this is a case where what is right for fifteen States is right for fifty States.

Numerous civil rights leaders have pointed out that substantial numbers of Black citizens have been denied the right to vote in many of our large cities in areas other than the seven Southern states where the present temporary provisions apply. Discrimination

in voting in any part of this nation is equally undesirable.

As I said in 1965, when I introduced legislation on this subject, a responsible, comprehensive voting rights bill should "correct voting discrimination wherever it occurs throughout the length and breadth of this great land."

I urge the Senate to move promptly—first, to assure that the temporary provisions of the Voting Rights Act do not lapse. As amendments are taken up, I urge you to make the Voting Rights Act applicable nationwide. Should the Senate extend the Act to American voters in all 50 states, I am confident the House of Representatives would concur.

I shall be grateful if you will convey to the Members of the Senate my views on this important matter.

Sincerely,

GERALD R. FORD.

Mr. HRUSKA. Mr. President, I believe that the summary of the letter well supports the amendment at hand. There should be a nationwide law; there should not be regional discrimination. Discrimination should not be practiced against States in the name of a bill which professes to have for its objective the elimination of individual discrimination.

It is for those reasons that I urge an overwhelming approval of the amendment which has been proposed by the Senator from Mississippi. I thank him for having yielded.

Mr. STENNIS. Mr. President, I am glad to yield.

I do not propose to try to keep the floor, Mr. President. I propose to yield the floor in just a few minutes. I have conferred with the Senator from Massachusetts. Members have come here who have asked for a few moments. They have come here from a conference.

Mr. GOLDWATER. Mr. President, I am prepared to speak on my own time. If the Senator will yield without losing his right to the floor——

Mr. STENNIS. The Senator from South Carolina wants only 2 minutes.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the Senator from Mississippi be allowed to hold the floor for the duration of his hour and yield to those who want to speak using small portions of his hour, without losing the floor.

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

Mr. STENNIS. I did not request that.

Mr. President, I ask unanimous consent that I may—it has already been given—now yield 2 minutes on his time to the Senator from South Carolina because I am about to run out.

Mr. HOLLINGS. Mr. President, I just want to say amen to the eloquence of our distinguished colleague, the Senator from Connecticut, Senator RIBICOFF.

I had the pleasure of serving with him at the time he served as Governor, I worked with him when he was a member of President Kennedy's cabinet, and now it is my privilege to serve with him in this body.

There is no more conscientious and dedicated public servant in the Senate.

While I was getting all stirred up to make some kind of argument here he has stated the question better than any of us. I do not know where the Senator from California has gone to—but if he says the application of the doctrine of equal justice under the law destroys either this bill or any part thereof, then bless it, let it be destroyed, because equal justice is all the amendment of the Senator from Mississippi asks for.

The plea that is made now by the Senator from Connecticut—is for this very concept of equal justice. He is not acknowledging discrimination in his own State. On the contrary, he knows of none in his own State.

I happened, at that particular time when they came to our State and they were burning the voting records in a sister sovereign State, I photostated the records for the FBI and the Federal officials. I think there are many other things that go into this computer other than racist participation.

We still have less than 50 percent of those eligible in South Carolina actually participating in an election. On that basis other southern Senators and I have been voting for cloture, against delay, and intend fully to vote for the passage and extension of this Voting Rights Act. But, Heaven's above, do not put us into the position of trying to explain some of you fellows when we go home and say that we could not apply the doctrine of equal justice under the law. That is all this amendment of the Senator from Mississippi does. He just says, "Fine business, do not change it or anything else other than one factor: just apply that doctrine of equal justice under the law to this particular law."

That is all the Senator from Connecticut has called for in the most eloquent fashion, and I join with him.

I would ask my distinguished colleague from Mississippi to add me as a cosponsor, as I was with the Senator from Georgia.

Mr. STENNIS. I thank the Senator very much.

Mr. President, the Senator from Massachusetts is here.

The PRESIDING OFFICER. The Chair recognizes the Senator on his own time.

Mr. BROOKE. I thank the Senator.

Mr. President, my friend from South Carolina has just said, "We want equal justice under the law."

Well, equal justice under the law is the reason why we have the Voting Rights Act of 1965.

The distinguished Senator from Connecticut has supported the amendment offered by the distinguished Senator from Mississippi. It is a very appealing amendment on its face. It does sound like equal justice under the law. It does sound like equity to apply it to all 50 States. But I suggest that the Voting Rights Act already does apply to all 50 States.

The Senator from Connecticut is a very able and skillful lawyer, and I am going to read from the law itself as to why this law is applicable to all 50 States, and I ask him to go along with me. I read the triggering section which says that:

Provisions of section (a) shall apply in any State or in any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1964 any test or device and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the persons of the voting age residing therein were registered on November 1, 1964 or that less than 50 per centum of such persons voted in the Presidential election of November, 1964.

Now, that is the provision of the law. It does not mention South Carolina or Mississippi or Georgia or any other State.

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield?

Mr. BROOKE. It says any State where the determination has been made.

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield?

Mr. BROOKE. If I may just have one moment then I will be pleased to yield.

The Senator from Connecticut also stated that he does not know of any discrimination in his State. Well, I want to read from the U.S. Commission on Civil Rights report "Ten Years After the Voting Rights Act," where it says that discrimination was found in the State of Connecticut. And, I am ashamed to say, it was also found in my own State of Massachusetts. The report says:

More recently it was discovered that certain New England towns met the tests and they have also been covered.

Connecticut: the towns of Southbury, Groton, and Mansfield. New Hampshire: the towns of Rindge, Stewartstown, Stratford, Benton, Antrim, Boscawen, Newington, and Unity; Millsfield Township, and Pinkhams Grant. Maine: the towns of Limestone, Ludlow, Woodland, New Gloucester, Sullivan, Winter Harbor, Chelsea, Charleston, Waldo, Beddington, and Cutler; Caswell, Nashville, Reed, Somerville, Carroll, and Webster plantations, and the unorganized territory of Connor. Massachusetts: the towns of Bourne, Sandwich, Sunderland, Amherst, Belchertown, Ayer, Shirley, Wrentham, and Harvard.

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

Mr. BROOKE. Yes.

Mr. RIBICOFF. The town of Southbury and the town of Mansfield are the locations of the two large institutions for mental retardation. Many of those residing there are adults over 21 and, consequently, the percentage of people voting in Southbury and Mansfield does not come up to what we would like to have had because they do not have the mental capacity to vote.

In the town of Groton, that is the home of the U.S. submarine base, and many of the people who are living there do not acknowledge the State of Connecticut and the town of Groton as a legal residence. They have their own hometowns, their own States and, consequently, the voting record in the town of Groton is low.

What I say to the distinguished Senator is that I still do not understand the objection of the sponsors of this bill to the amendment of the Senator from Mississippi. As I understand his amendment, all he is saying is that the rules, regulations and the law apply equally to the 50 States. Maybe I misread, maybe I misunderstand the Senator's amendment, and if I misinterpret the Senator's amendment I hope he will correct me; but that is my understanding of the amendment.

Mr. BROOKE. I suggest that is not the purpose of the amendment, as I read

the amendment offered by the distinguished Senator from Mississippi.

As I said, I think it has appeal, it sounds like that is what it is, but I think it is really a smokescreen.

The point is that the Voting Rights Act is premised on the fact——

Mr. RIBICOFF. Mr. President, will the Senator yield to me? Will the Senator tell me where it is a smokescreen. I am curious to know what is the smokescreen that the Senator from Mississippi's amendment is accused of creating.

Mr. BROOKE. I am not charging the Senator with a smokescreen. I think the amendment itself is a smokescreen, and it does——

Mr. RIBICOFF. That is what puzzles me.

Mr. BROOKE. First of all, I have pointed out to the Senator from Connecticut that the Voting Rights Act already covers all 50 States. Therefore, No. 1, there would be no necessity for the Senator from Mississippi's amendment if all 50 States are already covered.

Mr. RIBICOFF. If that is the case, and the Senator from Mississippi is just repeating this principle, why is there this objection from the Senator from California and the Senator from Massachusetts to the amendment of the Senator from Mississippi? This is why I am puzzled.

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

Mr. RIBICOFF. I do not have the floor.

Mr. TUNNEY. Mr. President, will the Senator yield on my time?

Mr. BROOKE. I yield.

Mr. TUNNEY. What the amendment does, to begin with, is strike out section 4 of the bill, which is the section which allows registrars and examiners and others to be sent to the covered States for the purpose of registering voters, and for making sure that the potential registerees are identified so that local registrars can register them. It allows for the sending of poll watchers so that they can make sure that the elections are handled in a fair fashion so that everybody who comes to the polls has a right to vote.

It strikes out section 4, that is what this amendment does.

Now, if the Senator from Connecticut wants to be associated with that kind of amendment, fine, but this is at the very guts of the Voting Rights Act.

Mr. CRANSTON. If the Senator will yield, I would like the Senator from Connecticut to listen to the answer.

I would like to ask my colleague to yield.

I am not an attorney and I do not understand the precise consequences of this amendment, but it is my understanding that the amendment of the Senator from Mississippi, in effect, strikes section 4 of the Voting Rights Act.

Mr. TUNNEY. That is correct.

Mr. CRANSTON. I understand also that there are reasons to believe that the amendment may be unconstitutional, is that correct?

Mr. TUNNEY. It may well be unconstitutional insofar as it relates to section 5 coverage because it spreads section 5 coverage across the entire country without any exceptional circumstances being shown to justify that type of coverage, that is the preclearance coverage.

Mr. MUSKIE. Will the Senator yield on that?

Mr. TUNNEY. Yes.

Mr. MUSKIE. It does repeal section 4 and, in addition, as I read it, what this amendment says is that every voting precinct, every square inch of land in the United States, the whole country must hereafter submit any changes in its election laws whether or not any discrimination has been found or any case for discrimination has been made.

In other words, every change in the election laws of any State must be submitted to the Attorney General of the United States for preclearance and approval before a State legislature can enact them into law.

Mr. TUNNEY. That is correct.

Mr. MUSKIE. In other words, the effect of this, if it becomes law, is to hereafter make the State's prerogatives with respect to writing the laws covering its elections subject to the approval of the Attorney General of the United States and that is completely divorced by the terms of Senator Stennis' amendment from any consideration of discrimination.

Mr. TUNNEY. That is correct.

Mr. MUSKIE. It simply makes the State election laws subject to the supervision of the Attorney General of the United States, as I read the amendment.

Mr. TUNNEY. That is the way I read the amendment.

Mr. MUSKIE. And it takes the discrimination basis.

Mr. TUNNEY. That is correct.

Mr. MUSKIE. For the Voting Rights Act.

Mr. TUNNEY. That is correct.

Also, the Senator has pointed this out most articulately, it eliminates section 4. If the amendment were adopted and later held unconstitutional, there would be no protections for minorities in the areas where the need is the greatest.

Mr. MUSKIE. Will the Senator yield further?

Mr. TUNNEY. Yes; on the Senator's time.

Mr. MUSKIE. On my time.

I would say to the Senator that I could wish that section 4 were more precise, period, because I think there has been progress in the South.

I wish there were some way of recognizing that, and I would agree that there is discrimination in areas of the North, mostly in nonvoting rights citizens, that ought to be subject to the same kind of discipline from national policy that some other regions of the country are. But what concerns me about the Stennis amendment is that under the cloak of giving equal treatment in terms of this policy to the whole country, its effect would be to make the election laws in every State subject to the supervision of the Attorney General of the United States without any basis in any finding of discrimination at all.

It takes the discrimination finding out of the law.

Mr. TUNNEY. That is correct.

I would like to point out to the Senator from Maine and to the rest of my colleagues that in Oregon versus Mitchell, the Supreme Court struck down the 18-year-old vote as unconstitutional as it related to State elections. Preclearance is a much greater intrusion into the State election process.

Almost certainly, this amendment is unconstitutional under the Oregon case. Now, the constitutional precedents are very clear, that the only way we can have this kind of intervention by the Federal Government in local elections is if we have a severe constitutional abridgment of another right, namely, the 15th amendment right to vote. The Supreme Court has held when we weigh one constitutional right, the right to hold your own election and hold the place and time of those elections, against the other constitutional right, that the right to vote prevails.

I just do not see how a Senator can justify passing legislation that would kill the Voting Rights Act unless he is from one of the covered States. But no Senator who has looked at the history of the voting right abridgment in the covered jurisdictions can say that that law is not justified.

I would just like to read something which occurred recently, in 1970. I read this into the RECORD yesterday, this is the Civil Rights Commission report, and they state:

> Acts of violence against blacks involved in the political process still occur often enough in Mississippi that the atmosphere of intimidation and fear has not yet cleared.
>
> In 1970 John Buffington, who is black, was a candidate for mayor in West Point, Mississippi. During the campaign he received so many threatening telephone calls that it was necessary to get three additional lines in order to conduct the campaign. He recalled:
>
> "Some of the callers threatened my life, others told me that I should not start the ignition of the car. Many were obscene or racial in nature. Frequently my car was tailgated during the campaign by cars driven by whites. On several occasions white West Point police officers called obscenities to me as they drove by in their patrol cars."
>
> Despite the threats and intimidation Buffington placed second in the first primary and resumed campaigning for the runoff. On August 15, 1970, John Thomas, Jr., a "key campaign worker" was murdered as he sat parked in a campaign van. "A white man approached the van and shot Johnnie Thomas five times and killed him."
>
> Although a white factory worker was disarmed at the scene of the crime and subsequently tried for the murder, he was acquitted by an all-white jury.

The Civil Rights Commission in its report, the Voting Rights Act, 10 years after has indicated that in all the covered jurisdictions, there have been continuing acts of discrimination. The justification for enacting this law initially is still there. Hopefully, 10 years from now it will not be there.

This has nothing to do with busing, this has nothing to do with economic discrimination of another kind in other parts of the country. There may be that discrimination, we all know it and none of us are hypocrites on that point. We know that on various matters.

But voting rights have not been abridged the way they have in other re-

gions of the country on the basis of race or on the basis of color.

I just feel very strongly that any Senator who votes for this amendment is voting to kill the Voting Rights Act.

If that is what a Senator wants, fine. But let us not use the mellow language, the melifluent rhetoric that we are extending this act nationwide to justify killing the act.

Mr. BROOKE. Will the Senator yield?

Mr. NUNN. Will the Senator yield for one brief technical question?

Mr. BROOKE. I would just like to pursue my colloquy with the Senator.

Mr. NUNN. Will the Senator yield for one clarification, this will not take but 30 seconds?

Mr. BROOKE. I will be pleased to.

Mr. NUNN. I do not want to engage in a dialog, but reference has been made here that the Stennis-Nunn amendment deletes section 4 and thereby deletes the Federal registrars. The Senator from Georgia would like to point out that section 4 is a triggering device section. Section 6 is the section dealing with the Federal registrars. I think that ought to be clarified because that is extremely misleading. This does not repeal the section dealing with registrars.

Mr. TUNNEY. But what it does do is to repeal the triggering which has allowed those examiners and registrars to go down to the covered States at the discretion of the Attorney General.

Mr. NUNN. Of course, it covers the whole country now. The registrars would be able to go anywhere. That is the very purpose of the amendment.

Mr. TUNNEY. But it is not an automatic coverage. That is what section 4 provides for, the automatic coverage.

Mr. NUNN. All the States are automatically covered. The Senator's argument is erroneous and very misleading. Section 6 on the registrars would remain on the bill. There is no deletion of section 6.

Mr. BROOKE. I am glad the Senator from Georgia clarified that. Every State in the Nation is covered under this bill.

Mr. NUNN. Why did the Senator from Massachusetts vote against the amendment proposed a few minutes ago which would give the Attorney General the right to expand the other sections of this bill to all the States? That amendment was argued against and failed by three votes. If that amendment had passed we would have a national law. We would have everybody eating out of one pot. We would have every citizen in this country in the same position in relation to the Federal laws of this country.

I might add while I have just a moment, that if this amendment passes we will not have to worry about a filibuster, we will not have to worry about a conference report, we will not have to worry about any debate. We can have this bill passed in the next 20 minutes if that is what the Senators want.

Mr. BROOKE. I would like to suggest that the Senator from Georgia is exactly right. If this amendment passes, we will not have to worry about a filibuster because the Voting Rights Act will be dead. There is no question that if we take out section 4, which is the triggering device, as the Senator from Georgia describes it, it will gut the Voting Rights Act. I do not think any Senator wants to see the Voting Rights Act gutted. I think they want the Voting Rights Act. I think the President of the United States wants the Voting Rights Act. He wants it to apply to the country. We all want it to apply to the country. But I say to the Senator from Georgia: It already does apply to all States in this Nation. There are areas in the East, in the North, in the South, and in the West that have been found guilty under this trigger device of discriminatory practices.

Mr. NUNN. May I say to my colleague, the Senator from Massachusetts, I have a great deal of respect for his opinion on this matter or any other matter. But I would have to say if the Senator's argument is correct and if the argument of the Senator from California is correct, that we have a national act, we would hope that the President of the United States has some further knowledge. He sent a letter asking us to make it nationwide. I would say he is under some kind of severe apprehension. I would say the Attorney General had something to do with this letter. I would say if the Senator from California is correct and the Senator from Massachusetts is correct, the President of the United States and the Attorney General cannot read the law.

Mr. TUNNEY. He never said anything about amending the law.

Mr. NUNN. Will the Senator from California tell the Senator from Georgia how to make it nationwide without eliminating section 4?

Mr. TUNNEY. Let me read from section 2:

> No voting qualification or prerequisite to voting, or standard, practice, or procedures shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

That applies nationwide.

Mr. NUNN. The Senator picks out one section. Why do we not let the Senator from California have an amendment that would make this whole act apply all the way across the Nation? If he wants to do it in technical language——

Mr. TUNNEY. The reason that section 4 is in there is because there were certain regions of the country that had a history of discrimination and abridging the right to vote of blacks, a history that did not exist in other regions of the country.

Mr. NUNN. We have been through that over and over again. If the Senator wants to argue history, that is fine. But we are talking about trying to eliminate one form of discrimination which the Senator from Georgia hopes we can eliminate, not just in the South but throughout the country. But at the same time the Senator from Georgia hopes we do not set up by this act 10 years of further discrimination against a section of the country. I think that is exactly what the President of the United States is aiming for. If there is anything technically wrong with this amendment, if the Senator from California has the expertise and staff to be able to correct it and carry out the intent of making it nationwide in application, we would certainly accept it. But I do not think we should throw out red herrings about different sections applying across the Nation when everybody knows this act does not apply across the Nation. It applies mainly to the South.

Mr. TUNNEY. I would like to point out that the Civil Rights Commission in their report 10 years after indicated that there were still acts of discrimination existing in the covered States under section 4.

They point out that it is absolutely essential that the Voting Rights Act be extended, and that it be extended with section 4 and section 5 intact, not with section 4 eliminated, not with an extension of section 5 across the country, preclearance across the country, in a way that would be unconstitutional.

Mr. NUNN. Does the Senator from California have any suggestions about how we can perfect this amendment so that his great and I know sincere apprehensions are alleviated? In other words, does the Senator have any kind of perfecting amendment he could offer so that we can apply this whole act across the Nation without deleting section 4?

Mr. TUNNEY. I think that the act does apply across the Nation. If the Senator has some suggestions, I would be happy to listen to them. But I am not prepared to offer any other recommendations than the extension of the act.

Mr. NUNN. The suggestion we have is in the form of the amendment which the Senator has before him.

Mr. TUNNEY. I know. It is good, from the Senator's point of view, because it eliminates the act as far as it has worked in the past.

Mr. BROOKE. Will the Senator yield?

Mr. TUNNEY. Yes.

Mr. BROOKE. The Senator from Georgia raised the question about the President's letter. I think the President's letter states that he just wants to be sure that this act applies to the Nation. Well, I think we all say that. But I do not think the President has any intentions of eliminating section 4 of the Voting Rights Act. If we accept the Stennis amendment, it is clear that we will not have a Voting Rights Act in this country. And I think every Senator ought to understand that the acceptance of this amendment will gut the Voting Rights Act and we will not have a Voting Rights Act. I just cannot believe that here in 1975 on the floor of the Senate we are ready to say to the American people, black or white, red or brown, "You just cannot even be assured the basic right to vote in this country."

What kind of a Bicentennial year will we have in 1976 when we jeopardize the right to vote? We are not talking about busing. We are talking about voting. That is a basic right of every American citizen, and the Senator knows it is a basic right. I cannot believe that the U.S. Senate, and I do not believe the Senator from Connecticut, wants to see

us gut the Voting Rights Act by adopting the Stennis amendment.

Mr. NUNN. Will the Senator explain how we are gutting the act?

Mr. BROOKE. I can explain time and time again to the Senator how this amendment would gut the act. And I can also explain time and time again how the bill already covers the Nation.

Mr. NUNN. If he is assuming this bill covers the Nation and every section covers the Nation, the Senator has not read the bill. Nobody can stand on the floor of this Senate and say that every section of this bill covers every part of this country. That is impossible.

Mr. BROOKE. I say the bill covers the Nation, that we have a triggering device, and that all sections of the country are affected by it, if they are not in compliance with the law. The Senator knows that is right. He is an able lawyer. He can read the bill. He has read the bill, I am sure.

Mr. NUNN. That is as if the Senator is saying that if we pass a law saying that every State in the Union with a population of 100,000 is covered by this act, then the Senator from Massachusetts would stand up and say it is a national act, it applies to everybody.

That is impossible. That is the kind of national act we have here.

Mr. BROOKE. The Senator from Georgia knows there are no States mentioned in the act. Not one State is mentioned.

Mr. NUNN. The Senator from Georgia was brought up in the legislative process in Georgia where we passed all sorts of classification acts. We would say that all counties between the population of 50,500 and 50,505 were covered by this act.

We took the position that that was a State act only for the purpose of following a Supreme Court decision that said you could not classify it. If that is the kind of classification we have here, if the Senators just want to do it by population, they can do it by any device they want to. What we are doing is eliminating devices, making it clear that it applies to every State in the Union, and that every section of the act applies to every State in the Union.

Mr. BROOKE. How does it apply to New York? How does it apply to California? How does it apply to Massachusetts?

Mr. NUNN. I can answer the one on Massachusetts very quickly, because Massachusetts has had so-called de facto segregation of the schools rather than de jure. We have had de jure in the South, but the courts of this country have finally decided, as I think they should have years ago, that de facto is just as bad as de jure.

The Senator knows that "dual school system" as defined by the Supreme Court, covers only the South and nowhere else.

Mr. BROOKE. My friend knows that is not true. Moreover, we are not talking about busing, and we are not talking about school systems. We are talking about voting. We are talking about the Voting Rights Act of 1965.

Mr. NUNN. If the Senator would read the court decisions, he would find that a device under this act, a part of the triggering mechanism, is defined as a dual school system.

Mr. BROOKE. That is specious, as the Senator from Georgia very well knows.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

Mr. President, it was to be expected that the passage of this bill in the time we had to pass it would not be easy. What we see now is proof of that fact. I hope, Mr. President, that the proponents of the bill, who have been in very substantial number, will not be panicked by the fact that the President has sent the letter.

He has sent the letter, and it is entitled to great respect. But I have not seen every measure recommended by President Ford passed here, and those who are now wildly enthusiastic about the fact that he asks by this letter, in effect, that this amendment be adopted should not panic us either. There are plenty of measures the President wanted that he has not had. They have been denied not only by votes on the other side, but also by a good many votes here. So let us keep our heads straight on our shoulders.

The first thing the President himself wants is this bill passed, and he wants it to become law by August 6, 1975. He takes for granted the fact, and he says so, that if we adopt this amendment, "I am confident," says he, "the House of Representatives would concur."

Well, we are not confident. On the contrary, everything we know about the situation induces us to believe that exactly the dire results which the President predicts in prejudice to the whole voting rights concept would come to pass if we do not have a law by August 6, and those of us who are working hard for this bill believe that is exactly what will happen if we adopt this amendment. It is a fine rubric and a great slogan, "Make it national."

But the fact is it is national, and I will explain that in a minute. Irrespective of that banner, I hope the proponents of the bill, and they are a decisive majority in this Chamber, will not be panicked by the President's letter. We are going to give the President the essence of what he wants, to wit, a law by August 6. We are convinced that we cannot do it at this time in any other way than by turning down this amendment.

The manager of the bill has already promised, in complete good faith, joined by the Republican manager of the bill, that we will give consideration, through the committee, to any amendments which are of serious character, which would, of course, include this one.

So, Mr. President, I hope, first and foremost, while we can understand that naturally the opponents of this bill, who are deeply convinced of the rightness of their position, are going to leap aboard this vehicle for the purpose of exploiting it to the hilt, Senators will realize that does not mean the rest of us have to cut and run. The fact is, Mr. President, that this bill is indispensable, and the President himself says so, to the laws of the United States in the days ahead, and we are deeply convinced there is only one way to get it, which is by passing the House bill as it is. Otherwise, we believe this piece of legislation will get caught in the trap of rules, unanimous-consent requests, and conferences, and will go down the drain until after we come back from the recess, if indeed we do take a recess under those circumstances. So I hope very much——

Mr. JOHNSTON. Mr. President——

Mr. JAVITS. I do not yield at this time, Mr. President.

So I hope very much, in the first place, that above everything else, we will keep calm and appraise the situation in a fair and balanced way, giving every respect to the President's letter, but not being chased into a tailspin by it.

Now, Mr. President, what is at stake in addition to the bill itself, which will inevitably run into enormous complexities in getting passed by August 6 if we adopt this amendment, is the very nature of the measure itself. Originally it was designed to be a measure which would deal with some way of correcting past derelictions. The scheme of the legislation carries that out. Because it has been carried out in good faith, the trigger has worked, not only for States which have a heritage—and they do have such a heritage, there is no getting away from that—of bitter discrimination against blacks, but many other States, including my own. So I am a very fit person to speak to this issue. There are three very large counties in New York, it might interest Members to know, with a population in excess of 6 million, between 6 and 7 million, which are covered by the Voting Rights Act under the triggering procedure.

Mr. President, what we who are seeking extension of this act contend for is that the triggering procedure as well as the ability to come out from under the procedure continue in effect. That is just as national and as universal as any other law. The fact that we pass a law against trading in drugs does not mean that every American is guilty in trading in drugs. The law applies to those whom its terms cover, and we have good reason, and the Supreme Court has sustained us in this, based on the history of these jurisdictions, to seek the kind of coverage which the act gives, based upon the paucity of voting in areas which are heavily impacted with minority groups that have been discriminated against. So it is national in coverage, in the first instance, in the sense that it applies to every State and every political subdivision which qualifies under the definition of the law, and the law has been held constitutional by the Supreme Court.

Second, where the triggering mechanism may not work and there is discrimination, the Attorney General has, under section 3, the right to sue.

The question was raised here a few minutes ago as to why Senator BROOKE voted against the amendment which was proposed by Senator NUNN and Senator STONE. I voted against it, too, Mr. President. I believe it was an entirely proper and intelligent vote, for this reason: it proposed to place the restraints of the act upon a defendant simply because the Attorney General filed the suit. That,

Mr. President, is quite a stretch for a legal doctrine. The Attorney General is not God, either, and he files lots of suits, including lots of indictments, which are thrown out of court as inadequate or insufficient, or where juries and judges bring in verdicts the other way. So I voted against it because I consider it highly improvident jurisprudence to have a finding against the defendant merely upon the entry of a suit, without even a court being entitled to issue an injunction or other relief, whether pendente lite or permanently, based upon a hearing.

I think that amendment, quite substantively, without regard to any need for getting a law passed within the time limit we have, should not have been either approved or voted upon on the merits.

Coming now to the amendment, which, as I say, calls up the slogan of being national in effect, every law is national in effect, but it has certain restrictions and limitations which apply it to many places. For example, Mr. President, we do not make a general law about Indians.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. JAVITS. I yield myself another 3 minutes.

We do not make a general law about dams and other public works. We make a law specifically about a particular area. It may have a dam or some other public work. If we do make general laws, as we do in many cases, many States do and many States do not qualify. My State does not get very much out of the fact that we have some kind of support for cotton, for example, and the same is true of many other States.

So, Mr. President, it is as I say it is, a slogan that one can go for if one is not really thoughtful about it, but it is only a slogan.

Mr. President, finally there is very considerable question about the constitutionality of this amendment as to whether you can place these various requirements upon the States in terms of voting as far as a U.S. official is concerned where there has been no cause shown for it and simply because of "universal applicability."

I believe that with the combination, Mr. President, of running down the drain the trigger mechanism, that was worked and is working, and the fact that it is unnecessary to apply this law to many areas of the country and where it is necessary to apply it, either by the operation of the trigger or by litigation suit by the Attorney General, which is already provided for in law, the law can be applied; we have a perfect system for this legislation, which has worked for 10 years, is working now, and will continue to work, if we do not break it down ourselves by running it down the drain in this way.

The opponents of this particular measure have obviously seized upon this device—and that is what it is—with great pleasure and great alacrity, and I can very well understand that, if the Senate does not really think it through. But I believe the Senate has thought it through before, in its previous voting, will think it through now, and will not be panicked by the President's letter. The President is only a man, too, and he reflects in this letter, by the way, only his own history as a legislator. I yield to no one in my respect for President Ford, but like the rest of us, he is subject to the mores, the gods, and the ideas which he has served all his life. The fact that he sends a message up here—that is not magic in anything else—why should it be in this? We get lots of messages from the President upon which we do not act.

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

Mr. JAVITS. I will just finish the thought, I say to the Senator from Massachusetts (Mr. KENNEDY), if I may.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. JAVITS. I yield myself another 3 minutes.

So, Mr. President, let us just see what he says.

The President says that this has been his tradition. He says, and I read from page 2 of his letter:

> As I said in 1965, when I introduced legislation on this subject, a responsible comprehensive voting rights bill should "correct voting discrimination wherever it occurs throughout the length and breadth of this great land."

In other words, he is simply saying that for 10 years he has had this view of what the voting rights bill should do when he was a Congressman, et cetera.

That does not mean I have to follow his example or thinking. I respect it. I receive it thoughtfully, but I do not intend to follow it. I do not think the Senate should follow it in its own interest of getting a bill here which can do, does do, and has done for 10 years what needs to be done, without being frustrated at the 11th minute—at the 11th hour by the fact that it will adopt an amendment, which seems interesting on its face to a number of our Members, and yet which will run this whole scheme of legislation down the drain so that it will be impossible to reconstruct.

Mr. President, I hope very much, for all those reasons, that the Senate will not fall for this—and I think it is a curbstone way of expressing it, but it is the fact—and frustrate itself in terms of defeating this whole effort by adopting this amendment.

Mr. JOHNSTON. Mr. President, this amendment has been referred to as a smokescreen and generally as a trick by those who oppose the amendment, by those who oppose the Voting Rights Act, and by those in general who are opposed to extending the right to vote to all citizens of this Nation.

Mr. President, I, for one, would like to say that I voted twice for cloture, that I have indicated all across my State and in this Chamber that I was for the bill. I think it is totally unfair, improper, incorrect, unjust, and inequitable for that charge to be put upon us, who are in fact supporting the bill and supporting the right to vote.

Mr. President, all we are trying to do is to end a law which applies to one part of the country but which does not apply to the rest of it. Anything to the contrary, Mr. President, is just so much hogwash. This law does not apply nationwide, because it depends upon a trigger which depends, in turn, upon facts as they existed in 1964, and not upon facts that exist today.

Mr. President, last weekend I was home in Louisiana in a little town called Jonesboro. I was invited to be the featured speaker there at a black political action meeting, a voter's league meeting there in Jonesboro. Mr. President, at that meeting we had black elected officials from around north Louisiana, we had white elected officials, and we had leaders in both the black and white communities there.

We discussed, among other things, this voting rights bill. Among other things, I told the group that I was for a continuation of the bill and that sentiment was approved by both the black and the white community in that little town of Jonesboro which, with so many other towns of the South, has made such progress.

Mr. President, it was interesting to me to see in that small southern town the changes that had taken place in the 10 years since this bill has been in effect. One of the changes was that a lot of blacks are coming home to the South, coming home from Chicago, from Los Angeles, and from other places in the country, because they sense that things are doing better, they sense what Henry Grady calls a new South is coming to the South.

Mr. President, it is not only a feeling which one can see when one talks to people who come back from Chicago and from Los Angeles to the South, blacks that are coming back because things are better, but it is something one can prove, Mr. President, by looking at all of the statistics, by looking at all of the civil rights reports which show that the South has made more progress, and has done more integration than any other part of the country. So, herein, Mr. President, lies one of our deep-seated problems and deep-seated feelings in the South.

We feel that this act, which we have done so much under and under which we have achieved so much, ought to be applied equally across the Nation, because we think we would get no credit at all for the progress we have made, no credit at all.

Mr. President, I am voting for this amendment, not because the present law is discriminatory against the South, but because the present law is discriminatory against blacks in the North and because the present law is discriminatory against all those people who live out of those triggered areas that are not protected by this bill.

Mr. President, we are told this amendment is unconstitutional. Mr. President, that argument is so much hogwash. In the first place, there has been a decision of the U.S. Supreme Court which has held that, insofar as the act is now applicable, it is constitutional.

If, in fact, it is unconstitutional as applied to any other State in the Nation, the whole act does not fall. They do not throw out the voting rights bill with all its protection. All they would do, in effect, is declare this amendment unconstitutional, and no one would suffer. It would be simply unconstitutional as applied to California, or other States in the Nation.

So, Mr. President, the unconstitutional argument makes absolutely no sense at all.

Mr. President, we are told that if this amendment is tacked on something is going to happen to this bill and it is going to be killed over in the House of Representatives.

Mr. President, we have seen the vote in the House of Representatives. It is overwhelming. The House rules over there do not permit a filibuster. We have found, Mr. President, that there is overwhelming sentiment there. We can pass the bill with this amendment.

I think Senator MUSKIE really put his finger on the opposition to this amendment, and that is that other States do not want to have to clear their voting laws with the Attorney General. They do not want to have to clear them in advance.

Mr. President, I can well remember that in my State in 1965, when this bill was first passed, there were loud cries of dismay. People said:

> What is going to happen to us when we have a Voting Rights Act? What is going to happen when the Federal Government takes over?

I can remember all those old arguments that are almost antebellum in their quaintness.

We found that the sky did not fall under the 1965 Voting Rights Act, that things worked pretty well in the South, the deep South States of the old Confederacy, which readjusted their ways of thinking, readjusted their patterns of voting, readjusted their attitudes toward all people. It worked, Mr. President; it worked.

All we are asking is that that law, which worked so well, which has not been such a burden, be applied nationwide. It is an article of principle with us.

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

Mr. JOHNSTON. I yield to my distinguished colleague from Florida.

Mr. STONE. Is it not the case that there exist in parts outside the South gerrymandered districts, precincts that are gerrymandered in the sense that might have existed in the regions affected by this original bill?

Mr. JOHNSTON. Everybody in this Chamber knows that that is true.

Mr. STONE. Mr. President, will the Senator yield further?

Mr. JOHNSTON. I yield.

Mr. STONE. Is it not the case that some of the same offenses under which acknowledged progress has been made under this bill in the South exist in the North with regard to the multimember districts which are set up, as opposed to single member districts, wherein a single member district might elect a black representative but a multimember district might not elect a black representative in such districts?

Mr. JOHNSTON. Of course, that is correct.

Mr. STONE. In those cases, would it not be fair, just, and equitable for preclearance with the Attorney General, who would scrutinize it on the same basis that the Attorney General scrutinizes the same proposed laws and ordinances in the previously-covered territory?

Mr. JOHNSTON. Of course, it would.

Mr. STONE. Is that not what the Senator from Louisiana, who intends to vote for this bill, in all events, means, in the same way as the Senator from Florida, who already has announced not only his cloture votes but also his desire to vote for the bill on final passage?

Mr. JOHNSTON. Absolutely.

There is nothing magical about submitting one of these laws to the Attorney General. Either before or after the law is submitted, you send a copy of it to the Attorney General and say, "Is this discriminatory?" He will keep it for a few days and send it back and say, "No, it is not," or "I recommend these changes." There is nothing onerous or burdensome about that.

Why can it not be done in California, New York, and the other States? Why should blacks and minorities in all sections of this country not be entitled to that minimal protection? It escapes me.

Mr. President, we talk about a smokescreen. I have never heard such a smokescreen on the floor of the Senate, such wonderfully constructed arguments built out of nothing, to try to prove that the law should not be made applicable and its protections should not be made applicable to people all across this land. People should be entitled to those protections everywhere. They should have to meet the same standards everywhere.

Mr. President, we are told about discrimination in the South, and we plead guilty to lots of discrimination in the South in the past. But I challenge someone to compare the South today with Vermont or California or Illinois or Ohio or any of the other States. I challenge that, because I can prove, from the reports of the Civil Rights Commission, that we have made more progress and we have more real integration than in any other section of this Nation. It is sort of in that sense that we get no credit, that we are still looked upon as the land of magnolias and mint juleps, that we are not given any credit at all for having made progress and surpassed the rest of the country; and we are told that we need to be kept as some special little province down there.

I repeat: I want it to be well understood that I speak not as someone who wants to repeal this law or gut this law or end this law or curtail its operations or scuttle it or smokescreen it or do anything but pass it and extend it, not only to those people who live in my State, not only to those people who live in the States of the old South, but to people all across this country as well. If there is a smokescreen in that, if there is a trick in that, I would like to hear it explained to me, because no trick is intended and no smokescreen is intended; but there is, rather, a sentiment that we should extend these protections to all people.

Mr. KENNEDY. Mr. President, I yield myself such time as I may use.

During the course of the exchange here this afternoon, a good deal has been said about the existence of discrimination in different parts of the country. I say to my good friend from Louisiana, and to my friends from all the States which are represented in this body, that there is no attempt by any of us who support this legislation and who have cosponsored it to say that there is no discrimination in other parts of the country. There is not a Member in this Chamber who does not recognize that. There has been racial discrimination in all parts of the country. There is discrimination in the North, as well as in the South. As the result of the finding of a judgment, a Federal district court in Boston, Mass., such discrimination was found in the public school system. Now, the city from which I come is going through a painful situation in an attempt to adjust to that problem. I have stated my complete and unqualified support for the court order, and I believe that the city of Boston will meet its responsibilities.

I also point out, Mr. President, that when the Civil Rights Commission held hearings in Boston, in 1967, about racial discrimination in Massachusetts, I testified about the patterns of discrimination which existed in Boston and actually predicted some of the tragic results that we have experienced in recent times in that city if we did not take action at the local level. But I believe we are on the road now, and I wanted at least to give assurances to our friends in other parts of the country that I do not think that any of us who have supported the rights of all our citizens have been exclaiming with a holier-than-thou attitude on the question of discrimination.

I think there was one critical failure of our Founding Fathers 200 years ago, and that was the failure to face the race issue. As a result of failing to face the race issue, we had a civil war that divided this country, and we have paid a fearsome price in terms of discrimination in various sections of the country during our entire 200-year history.

We are now addressing ourselves to what I consider to be perhaps the most important civil rights legislation we could possibly enact, and that is the Voting Rights Act. I have heard a great deal of talk about how this is singling out different parts of the country. Yet, no Member of this body can suggest any place in this act where we name a State. Quite to the contrary. All one need do is read the language of section 3 of the Voting Rights Act, which says that when the Attorney General institutes a proceeding to enforce the guarantees of the 15th amendment "in any State or any political subdivision," the court may bring that State or subdivision under the full force of the law. In section (b), as well, it talks about the proceedings instituted by the Attorney General under any statute to enforce the guaranties of the 15th amend-

ment "in any State or political subdivision." There is no naming of particular States.

There are towns in my own Commonwealth of Massachusetts which fall within the triggering standards that are included in the Voting Rights Act, which fall within the purview of that legislation.

It is important to recognize that a triggering device was established in the Voting Rights Act to reach the patterns of discrimination which were attested to with the blood and agony and anguish of tens of thousands of American citizens. That record is clear. That record is clear and it is uncontroverted. So a triggering device, was established in legislation. And the Attorney General was authorized to bring the full force of the law upon "any State." It does not say all States but Massachusetts, or all States but Rhode Island, or all States but those in the North or the West or the East.

It is important that we understand that this is all-encompassing legislation. It does have, as I mentioned, the language which sets into motion triggering where the operative sections of the legislation go into effect. It was based upon the testimony not only that was taken in 1965 but which has been reinforced by the Civil Rights Commission and other witnesses in subsequent periods of time, including the hearings on this bill.

Now, after the invocation of cloture, we are asked by the President of the United States—who does a disservice to this body by his letter—to change the scope and standards of the bill. Let me read sections of his letter, and see what he suggests.

First of all, in his third paragraph, he says:

> My first priority is to extend the Voting Rights Act. With time so short, it may be best as a practical matter to extend the Voting Rights Act as it is for 5 more years—

So he wants to extend it for 5 years—

> or, as an alternative, the Senate might accept the House bill.

So on the one hand, he wants the extension for 5 years, but on the other hand, he wants the House bill, which has a 10-year extension.

In the rest of the letter, however, he comes out in support of a general dramatic revision of all the application and tests in the bill—the very heart of the whole legislation. He wants to have it all ways.

He says, I want it one way or another way, or I am prepared to support a completely different kind of alternative.

He cannot have it all those ways. We have a few hours left to consider this legislation and he proposes this particular measure in the final hours, after months of hearings by the Constitutional Rights Subcommittee, after hours of markup by the Committee on the Judiciary, and after debate and after cloture by the U.S. Senate.

I dare say, Mr. President, that this correspondence from the President, offering three different alternatives for the Senate, does very little to clarify the situation on this particular measure. I think, quite frankly, it does a good deal to confuse exactly what the position is of the President of the United States when we are faced with the final hours before the expiration of this legislation.

Mr. TUNNEY. Will the Senator yield?

Mr. KENNEDY. I yield on my time.

Mr. TUNNEY. I thank the Senator.

I point out that the date of the letter is July 21. Senator HRUSKA mentioned, on the floor of the Senate, that he had just gotten it. It leads me to believe that the President of the United States is playing politics with this bill. For 2 days, this letter has been floating around town somewhere before it came down to Senator HRUSKA's desk. We do not know when Senator MANSFIELD got the letter; I have not had the opportunity to ask him. Senator HRUSKA said he just got it. I wonder if this letter was cleared with the Attorney General of the United States.

Mr. MANSFIELD. Will the Senator yield?

Mr. TUNNEY. Yes.

Mr. MANSFIELD. I got the letter yesterday morning.

Mr. TUNNEY. I wish to say to the Senator from Montana that I wish he had showed it to me. I had no idea that the President in his letter was going to indicate that he felt that there ought to be nationwide coverage, which would then be used as a justification for knocking out section 4 and extending the preclearance covering to section 5. As the floor manager of the bill, I wish I had known that.

Mr. MANSFIELD. Mr. President, I did not show the letter to anybody. It was a privileged communication, as far as I was concerned, until I was prepared to read it to the Senate. I read it to the Senate because the last paragraph, the Senator will recall, of the letter says:

> I shall be grateful if you will convey to the Members of the Senate my views on this important matter. Sincerely, Gerald R. Ford.

So as a matter of courtesy, I believe there was nothing else that I could have or should have done. I feel that I acted properly, that I acted on my own, that I made available to the Senate a communication from the President of the United States, and that is the story, as far as I am concerned.

Mr. KENNEDY. Mr. President, if the Senator will yield, the letter that has been circulated is headed, "Dear Roman," the one I am reading from. That is what I understand has just been circulated. At least, it has just come to our attention. I wish the Senator from Nebraska were here and I would give him the opportunity to respond. That is the letter that is supposedly representing the President's position.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I hope that there is no allegation, implied or otherwise, that I am being used by the President of the United States in the reading of this letter. If there is such an allegation or such a thought in the mind of anyone, I wish that he would disabuse himself of that immediately and finally.

As far as the Senator from Nebraska is concerned, when I got through reading the letter, he got up and said that he had received a letter similar in content—exactly similar in content—to the one I had just read to the Senate. I had no knowledge that there were other letters about. I thought this was a letter to me. On that basis, I felt that it was necessary for me to read it to the Senate at that time.

Mr. KENNEDY. Mr. President, if the majority leader was on the floor when I referred to it, he would understand my confusion about the letter. It was not in any way suggesting anything but, as far as my interpretation is concerned, a matter of confusion about the letter. The President says on the one hand he is for the extension of the Voting Rights Act for 5 more years; on the other that the Senate might accept the 10-year House bill. He said he will support either approach. So he has it going either way with regard to those two alternatives.

Then in the next 2 pages of the letter, he comes forth with an entirely new test, which he expounds on.

The point I am making is, no matter how one wants to say it, whether it was yesterday or today or the majority leader or ranking Republican leader, I fail to understand how this kind of communication serves as any clarification of the President's view on this. That is my own personal interpretation of this correspondence.

I was asking the manager of the bill whether he did not have a similar interpretation or a similar confusion about the purposes of this correspondence. That was the point that I was making in my comments with regard to the President's letter.

Mr. MANSFIELD. If the Senator will yield, may I say that is a good point.

Mr. KENNEDY. I thank the leader.

Finally, Mr. President, I know that the argument has been made here that the constitutional aspects that have been raised by the floor manager of the bill, I thought with very great persuasion, are very real. The Constitution is quite clear in pointing out that determining the time, manner, and place of elections will be reserved for the several States. In reviewing those legal decisions which uphold the voting rights cases, it is quite clear that they stated that it was only with the obstruction of the basic and fundamental right to vote guaranteed by the 15th amendment, that the court has recognized the power of Congress to be able to initiate procedures or requirements that would strike down the various tests and devices and other voting procedures which have been used as means for discrimination.

I am talking about a vague proposal, Mr. President, and why many of us have serious reservations about the Stennis amendment. What we would be doing by adopting this amendment would be passing a bill that has got "Voting Rights Act" written all over it but it will be a mile wide and an inch deep, and fail to reach down to meet the particular problems that have existed and do exist in the area of the right to vote.

Mr. President, I reserve the remainder of my time.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Massachusetts knows that I hold him in the highest respect and affection. And he knows

that it is not my purpose in speaking to defend the President of the United States—yet in this regard I agree with the President, and I do not find duplicity nor do I find any chicanery or trickery in the submission of this particular amendment.

It was taken from Senator TALMADGE'S amendment on yesterday, of which I was a cosponsor.

When the distinguished Senator from Massachusetts rises and he reads from section (a), which is very clear——

Whenever the Attorney General or an aggrieved person institutes a proceeding under any statute to enforce the guarantees of the fourteenth or fifteenth amendment, in any State or political subdivision . . .——

That is fine.

But now, my distinguished deskmate does not read further. He, in a very clarion voice, says that no State is named in this bill.

On the contrary, I am going to show him where they name States. They paint a very clear selection as of 1965. If he will only turn to page 47 of the House report which, I think, is in the distinguished Senator's hand because we are considering the House bill—here is section (b) under this section 4 where it says, "The provisions of subsection (a) shall apply in any State or in any political subdivision of a State which"—ah, now they begin naming them, and you do not have to be a law graduate or a Member of the Senate to understand this kind of meaning. It is that old joke where they used to give the literacy test and they brought out the Chinese newspaper down there in Mississippi, and the poor black said, "Yes, I can read that. That means no black votes in Mississippi today." That is what it said.

Section (b) of that act is where they start naming—any State which "(1) the Attorney General determines maintained on November 1, 1964, any test or device and with respect to which (2)"—they want them narrowed down first, they do not want just any State, any test or any device determined by the Attorney General, but plus further description, further restriction by, "(2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964"—that is further language of description, naming those States, but that was not good enough to make sure, so they said "that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964."

Now, in the name of voting rights and equality there is the language of inequality. In the name of nondiscrimination, there is the language of discrimination. In the name of equal justice under the law, there is the unequal justice under the particular political approach used in this bill, which the President of the United States is talking about, and which a substantial body of Senators has been concerned about, including the Senator from Connecticut.

What did the amendment say? What does the Stennis amendment say? It says to take that section 4 out and go to section 5 and reword it.

Incidentally, let me say what the Senator from California said about section 5. It reads on and on; it even describes my home town, the city of Charleston, and said how well it worked there, and he says in the Senate report, "For the reasons above, the committee is convinced that it is largely section 5 which has contributed to the gains thus far achieved in minority political participation." So section 5 is the real guts of this bill.

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

Mr. HOLLINGS. Yes.

Mr. KENNEDY. Just in reference to my earlier comments, I was listening to the Senator suggest what I did not suggest and then disagree with it with great eloquence, as I stated.

There is no naming. I also stated quite clearly that there was a procedure which went into effect which would qualify any particular State, not any particular Southern State but any particular State, under this language. The language that the Senator from South Carolina read is language that applied to Massachusetts. So what is the Senator from South Carolina suggesting? It is a test that was used to meet the problems of discrimination. The Senator still has not named a State. All the language that the Senator has stated will, under section (b) of section 4—as a matter of fact, that is the very provision that qualifies even, I believe, nine of my own counties under Massachusetts.

So I think it makes the point I was making that it does apply to any State. That section happens to catch Massachusetts. It catches a number of other counties, too, but it makes the very point I was making, and that is the language says any State, and then goes on to have a triggering device. The basis for that triggering device is a pattern or a use of tests or devices of discrimination, and that is the thrust of the Senator from Massachusetts' argument.

I fail at this point to be persuaded that that argument has been met by my good friend and distinguished colleague from South Carolina.

Mr. HOLLINGS. All right, Mr. President, I am going to turn to page 6. On page 6 there is a chart. If there is any doubt about that language of description, if there was any doubt about naming a State, there was not any in the Civil Rights Commission or in the Senator from California or in the House committee or anybody else who considered this particular bill, because the entitlement of the chart is "Registration by Race and State in Southern States Covered by the Voting Rights Act," and there is a chart and the named States. They do not name any Massachusetts there. They do not name any States anywhere else. It is Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia.

There is no use playing Mickey Mouse about this thing and what the language is. If the Senator feels that no State is named, then he should go along with the amendment. That is what the Senator from Mississippi (Mr. STENNIS) says, to eliminate that descriptive language, going all the way back to November 1964 which had, No. 1, the testing device; which had, No. 2, less than 50 percent registered; and which had, No. 3, less than 50 percent voting in the 1964 election. That is exactly how they restricted it.

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

Mr. HOLLINGS. In just a second, because now we will get back to section 5, which is the real heart of the bill, according to the Senator from California because he wrote this report, and if you get over here you see what the Stennis amendment does. Look at page 49 of the House report, and when you get to section 5, that presently reads, "Whenever a State or political subdivision"—ah, now we start naming, here is how we start naming—"with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the first sentence of section 4(b)"—aha—name them, they renamed them, section 5 all over again. They want to make sure—there is no equal justice under the law there. They are still back to November 1964 and the election of November 1968, and so what does Senator STENNIS do? He says in his amendment, "Strike that and let it read 'Whenever any State or political subdivision shall enact or seek to administer' "—and that is his amendment, that was the Talmadge amendment and that is the Stennis amendment, and there is no gutting of any bill. The States are named. They know they are named, but they do not want to read the full text.

I will be glad to yield to the Senator from Florida.

Mr. CHILES. I just enjoyed listening to the discussion of the distinguished Senator from South Carolina.

As I recall, the Senator from South Carolina voted for cloture on this bill, did he not?

Mr. HOLLINGS. I certainly did.

Mr. CHILES. More than once?

Mr. HOLLINGS. I will again to get to the vote, and to get voting privileges all over the country. I hope we can extend these privileges to Massachusetts.

Mr. CHILES. The Senator voted more than once for cloture under the bill?

Mr. HOLLINGS. Yes. I am just fighting for the people of Massachusetts to get under this bill.

Mr. CHILES. The Senator from Florida also voted for cloture and expects to vote for this bill.

Mr. HOLLINGS. That is right.

Mr. CHILES. It seems that part of the debate here today, yesterday, and some other days on this particular bill, some of us were saying that we want to vote for a voting rights bill, we want to see there is no discrimination, but because there was a past history, do not hold that past history on a section of the country forever, do not hold a section of the country forever down to where they cannot ever show they worked their way out of it.

They are going to pass a 10-year act. Not only that, they are not going to allow an amendment to one district part or one tweedle of this particular bill.

Now, we saw all kinds of amendments, and regardless of the merit of the amendment, there was a motion to table.

Not the amendment, we want no amendment whatsoever. We want a 10-year act that is going to lock in so that there is no way to get out.

The State of Florida does not happen to be one of those named, so we are not worried about getting out, but it seems to me we should be talking about something that is going to apply.

Does this act, if we strike section 4, does this allow South Carolina, or Georgia, or Mississippi, or Louisiana, or Alabama, does this ease their burden in any way?

Mr. HOLLINGS. No, sir, it does not.

Mr. CHILES. Does it allow them to have any kind of discrimination, does it do any change from the present act in regard to those States if we eliminate this section?

Mr. HOLLINGS. No sir, it does not relieve any of the States covered.

I think that is the very important point to be made here, because I was in praise and I still stand in praise of our colleague, the Senator from Connecticut, who stood to support this. He became concerned at the dialog that took place on the floor, particularly with the junior Senator from Massachusetts, inferring only there be no bill, or somehow the States covered would all of a sudden by gimmick be relieved, and otherwise, and in contrast, what he was supporting in good conscience was really some intrigue or device to turn us around at the very last minute voting on a misunderstanding to ball up the voting rights law.

I went back into the cloakroom, double-checked this amendment, and compared the language, to clarify it a little. But of course, under the cloture rule we cannot clarify it further.

I think maybe that would be a pretty good idea, but there is no knowledge.

Mr. TALMADGE Could we not direct the Secretary of the Senate to make clerical and technical corrections of the errors?

Mr. HOLLINGS. The Secretary of the Senate certainly can be directed, but I do not think, really, there is anything technically wrong.

It just happens, if we read the reports about the States covered here, and if in every way they did it as in 1964 and 1965 when they originated this particular act, they were looking right at my State. They were not looking at Massachusetts. They never heard of busing. Mrs. Peabody was in St. Augustine. Does the Senator not remember Mrs. Peabody?

She was in St. Augustine 10 years ago.

So using the same measure of a 10-year vintage they do not want to change it to read the language loud and clear about any State and any political subdivision, but the section 4(b) and the section 5(a) and the guts of this bill, according to the committee report, refers every time back to those particular States, that is why this particular legislation is discriminatory.

Mr. CHILES. So that if we adopt this amendment, none of the Southern States, none of those States now under the act, would be relieved in any way, is that correct?

Mr. HOLLINGS. None of them would be relieved.

They would still have reports, and still be subject to the reviews, still have to submit our proposed amendments and changes, and still have Federal election registrars that would come down and observe us during an election time.

Mr. CHILES. But now, for the first time, there would be a uniform application in that the other States where they were attempting to change their election laws or attempting to change their boundaries, they would have to have some kind of a preclearance before the Attorney General, is that correct?

Mr. HOLLINGS. That is exactly right.

In fact, it is very interesting to read the Senate report and see that when they come to the one man, one vote decision, that really filling up the resolution and everything else that has been used in other sections of the country, gerrymandering, and other things of the citizenry at large, they say this is an unusual thing to occur.

But this is what is happening. The distinguished Senator from Georgia pointed it out on yesterday in that debate of different counties, in Indianapolis, New York City, Chicago, and various other places, but they do not want the language to apply to Massachusetts.

Mr. CHILES. I understand there is a problem again being raised——

Mr. KENNEDY. Will the Senator yield, or if he is going to yield to my friend——

Mr. HOLLINGS. Well, I am a U.S. Senator and I am delighted to represent Massachusetts.

Mr. KENNEDY. Just——

Mr. CHILES. Will the Senator yield for my question now?

Mr. HOLLINGS. I yield to the Senator from Massachusetts.

Mr. KENNEDY. I want to make it very clear, in spite of what my good friend from South Carolina says, Massachusetts is covered, Massachusetts is covered.

Now the Senator from South Carolina can go and say, and say it in a loud, booming voice, that it is not, but it is. And I can say it just as loud as the Senator from South Carolina can say that it is not.

So it is covered, Mr. President.

Mr. JOHNSTON. Will the Senator yield?

Mr. KENNEDY. Not until I finish these comments.

So I just want to make that extremely clear and no one is arguing in the development of the Voting Rights Act, and back in 1965, that a test was set on the basis of pattern or practices of discrimination. Some States fell in it, some did not, but that is the test that was applied, Mr. President.

I just say finally about any kind of comment about Mrs. Peabody, or about a number of other people that came from my State, there were three young people that came from Massachusetts who died in the Southern part of this country as a result of racial discrimination and I am not going to sit here and hear the ideals of any of those young people put on as some kind of a laughing or joking matter.

This is a serious matter, Mr. President, and all of us are attempting to meet our responsibilities seriously.

I, for one, will not remain silent when there are going to be aspersions or misrepresentations in terms of either the motivations or the attempt of any of the citizens of my State to battle against discrimination.

Mr. JOHNSTON. Will the Senator yield?

Mr. HOLLINGS. Wait a minute, now, Mr. President, I have still some time.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator from South Carolina has the floor.

Mr. HOLLINGS. I shall yield in just a minute.

Let me get this a bit in perspective.

I did not mean any aspersion against any persons from Massachusetts who died.

I did not talk about three people dying. I am just as serious as the Senator from Massachusetts is. He says all the tests. He finally admits there is a test. Some States come under it and some States do not. I wish I had the reporter here to read it back. Now the Senator is finally coming to agreement with the Senator from South Carolina on the test. They did not have this in Massachusetts on November 1, 1964. He said they did not qualify under that test and that is how they named them. So, we are at starting point 1. This, in and of itself, applies to those States that meet that very, very peculiar 10-year vintage test.

Now I yield.

Mr. CHILES. If the Senator will yield, I think it is interesting that the Senator from Massachusetts says that he is covered under the act, that he kind of wants his State to be covered under the act. That is what we want. Florida is covered under the act the way Massachusetts is now, but the Senators from Florida are willing for Florida to be covered under the act like the Senator from Connecticut is willing for his State to be covered under the act, like every other of the 49 States would be covered, so that we all could be covered exactly the same way. That is an inconvenience to Florida because we do not have to file now. We do not have to have a preclearance now. But we are satisfied that the Attorney General is going to be able to look at the history and the pattern of the State of Florida and know that we have not been discriminating and that we are not discriminating. He can make a pro forma clearance of those things that come up there. But then it allows, for the first time, for all of the States to be treated equally. It allows for South Carolina, which is doing better now, to hold its head up and say, "Yes, we are under the Voting Rights Act. We do not discriminate. Everyone is under it. We will get our preclearance like everyone else."

For the life of me, I cannot understand what is wrong with that. I heard some kind of argument that it would dissipate the resources. I do not see how it dissipates the resources for the Attorney

General to have a stamp made for a preclearance, and for every State. If it is Massachusetts not doing anything wrong, and they are complying with the law, what is wrong with the letter going up there and getting that preclearance?

Mr. TUNNEY. Will the Senator yield?

Mr. CHILES. I do not have the floor.

Mr. TUNNEY. Will the Senator yield to me?

Mr. KENNEDY. Will the Senator yield? Massachusetts was mentioned again.

Mr. HOLLINGS. We are not going home yet. We will be around.

When the Senator concluded his question, I wanted to yield to the Senator from Louisiana.

Mr. JOHNSTON. I wanted to make something clear as we have had so much confusion about covering and not covering. I would like to ask the Senator from Massachusetts: Does Massachusetts come under the present requirement that is imposed upon Louisiana to have its Voting Rights Act of its legislature and of its towns precleared by the Attorney General?

Mr. KENNEDY. The answer to that particular question would be no.

Mr. JOHNSTON. Second, does Massachusetts have the provision for Federal registrars as the Deep South States have?

Mr. KENNEDY. No, we do not.

Mr. JOHNSTON. Without reference to all the words and all of that, the point is that some of the Deep South States are covered by provisions, by requirements, by protections that are not applicable elsewhere. We are not trying to get out from under those protections. We are just trying to protect every citizen of this Nation, wherever he may reside, from arbitrary action, whether it be by a city council or a State. We know that States and towns everywhere, in all 50 States, are capable of that action. That is all we are trying to do. We are not trying to disparage the ideals, motivations, the actions or the sacrifices of all those who came South, from the Senator's State and elsewhere. That is not the point. We are saying that everybody in all 50 States enjoys the same right and the same protection.

Mr. KENNEDY. Just as a comment to the Senator, the point that I was making in the earlier time is that this is national legislation. All States are within the Voting Rights Act statute. None of us are trying to dodge the issue that there is established in here a triggering device that does apply where there is discrimination or where there has been discrimination.

I say my friend, the manager of this bill, has pointed out the existing situation based upon current testimony before the committee. But let me point this out: The Senator from Florida, the Senator from Louisiana and the Senator from South Carolina have all supported national legislation that had different tests. To listen to the arguments that have been made here suddenly a test is something entirely new on the Voting Rights Act. Florida gets a certain amount of food stamps and so does Louisiana. So does Massachusetts. But some States get more than others. We put a test in there based upon income and other qualifications. Some States get more under title I of elementary education. What is the basis for that? We say it is a national act. We set out in the statute various requirements.

Mr. JOHNSTON. If the Senator——

Mr. KENNEDY. Can I finish on this point?

It is not dissimilar from the kind of language that has been read into the RECORD. It has a different application, whether it is directed to food stamps, registration or health, whatever it might be. Nevertheless, there is language in there which qualifies some areas for food stamps, title I, health programs, whatever you might say. That is based upon what we have ascertained as to be a need—to be a need. The particular need in this area happens to be on the question of discrimination against the right to vote. I really do not understand those who are suggesting that suddenly the idea that we are going to have some kind of language that will be a triggering device based upon the findings and the testimony over a period of time is some entirely new, innovative and creative concept. It is as old as legislation itself.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. KENNEDY. I will yield for a comment and then I would like to reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. HOLLINGS. Mr. President, I will yield in a moment.

To equate the inalienable right of each and every citizen to vote without discrimination with economic conditions, rules, and regulations with respect to economic assistance under the food stamps, and with respect to income levels, tax levels, and everything else, with respect to schools and impact aid, is very specious indeed. All citizens are created equal. Certainly, the inalienable, fundamental, and primary right is to vote. Certain it is that the citizen of Massachusetts and the citizen of South Carolina are equal.

Why have different tests? Why have a test that would apply only to South Carolina? Why go back to the November 1964 test? Why not bring it up to date? This is 1975. There has been a marked change in many, many conditions. We have all grown and matured. We do enjoy a greater freedom today than we did 10 years ago. We are blessed in that particular regard. Then why not do what the President, Senator TALMADGE, and Senator STENNIS would do? Eliminate that yik-yak about the voting, how many people voted under the poll tax or whatever the device. We do not have poll taxes any more. We do not have literacy tests any more. If they are archaic, or extinct, then why use an archaic or extinct measure? That is all the Stennis amendment is saying. Equal justice under law.

I yield to the Senator from Georgia.

Mr. TALMADGE. It is a fact that even a convicted murderer in due course of time becomes eligible for parole.

Mr. HOLLINGS. That is right. But the murderers of Massachusetts are in better shape than the murderers of South Carolina because those in South Carolina are under this test of 1964. That is the thing that rankles everybody.

How in the name of equality, and in the name of voting rights, can we have Senators stand and deny the equal application of this law? How can we in good conscience do such a thing, unless we reworded it wrongly? That is why I was addressing my comments in specific to the support which has been given this particular measure by the Senator from Connecticut. There is no gimmickry involved. We are not trying to get out from under it. We are under it, and we intend to continue under it, but we would like the equal justice under the law doctrine to apply throughout its entire provision and not let 5(a), which has all the meaningful guts and the meaningful parts, refer back to 4(b) and 4(b) start that 1964 Attorney General, testing and everything else under it.

Mr. President, I yield the floor.

Mr. BROOKE. Will the Senator yield?

Mr. TUNNEY. Mr. President——

The PRESIDING OFFICER. The Senator from California.

Mr. TUNNEY. The Senator from Florida a few minutes ago, and I believe also the Senator from Louisiana, asked what was wrong with national coverage. I can only assume, inasmuch as the bill has national coverage, that they must be talking about what is wrong with having a national preclearance.

I will ask the Senator from Florida if that is what he meant by national coverage was a national preclearance?

Mr. CHILES. Having the bill apply uniformly across the Nation.

Mr. TUNNEY. Does he mean by that national preclearance?

Mr. CHILES. To the 50 States, that all the provisions of the bill would apply across the Nation to the 50 States.

Mr. TUNNEY. All of the provisions of the bill do apply nationwide.

Mr. CHILES. They do not apply when you have a corrective that you are going back and assessing on a record of history, on a record of what past discrimination has been. That is why we say, "If you are going to use preclearance, use it across the country."

Mr. TUNNEY. That is what I thought the Senator was referring to. The problem with that is that a national preclearance is unconstitutional, and the court has made it very clear that when you start at the Federal level to tamper with local election laws, you have to do it in a way that demonstrates that there was an urgent and clear need to do so. The court, in the Katzenbach case, uses the phrase "exceptional conditions can justify legislative measures not otherwise appropriate."

Mr. CHILES. Will the Senator yield further?

Mr. TUNNEY. Not at the moment. "Not otherwise appropriate." Exceptional circumstances. And the court found in the case of the six States totally covered and the one State that is half covered that those exceptional circumstances existed.

However, in the case of Oregon against Mitchell, the Supreme Court found that those exceptional circumstances did not exist, when it struck down an act of Con-

gress which would have extended the right to vote to 18-year-olds in State elections.

What is really happening here is that we are passing a law which is, on its face, unconstitutional, so we can get rid of the entire Voting Rights Act, so Senators can go home and say to their constituents, "We have done it; we have eliminated the Voting Rights Act, because we have passed an unconstitutional section; it will be struck down by the Supreme Court, and we will not have any Voting Rights Act."

We can do that, but I think it would be a tragedy.

Mr. CHILES. Will the Senator yield?

Mr. TUNNEY. On the Senator's own time.

Mr. CHILES. Section 201 of the act provides for a national prohibition against a literacy test. I do not think anyone would argue that that is unconstitutional, and yet it goes against the right of a registrar to impose a literacy test.

Having been a member of a State legislature for a number of years, and having heard lawyers argue whether a bill is constitutional or unconstitutional for a number of years, I would say that any of us who are handicapped with a law degree, I think, can stand up and say this is or is not constitutional, but I will take the other side and say there is nothing in the Stennis amendment that would be unconstitutional, absolutely nothing that would prohibit the Congress of the United States from passing a uniform application of law that would govern the constitutional giving of voting rights to citizens.

Nothing whatsoever would be unconstitutional. I would stake my reputation on that. I stake it on it today. I have no problem in doing that whatsoever, and just as the Senator from California can say it is unconstitutional, I say there is no way in the world anyone can determine that, but I have every confidence that the Supreme Court of the United States is not going to knock down a law seeking to protect, on a uniform basis, the rights of citizens to vote and not to have discrimination against them in the exercise of that right. There is no doubt whatsoever in my mind on that.

Mr. MATHIAS. Mr. President, repeatedly this afternoon the question has come up as to whether or not this legislation is sectional or national in nature.

I think it should be very clear to anyone who has followed the history of the act at all that it is national legislation. For anyone who has any doubt of it, I would suggest they turn to the Senate committee report on page 65, appendix A. I ask unanimous consent, Mr. President, that appendix A be printed in the RECORD at this point.

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

APPENDIX A: STATES AND SUBDIVISIONS COVERED BY THE VOTING RIGHTS ACT OF 1965

1965

Alaska.
Alabama.
Georgia.
Louisiana.
Mississippi.
South Carolina.
Virginia.

North Carolina: Anson County, Beaufort County, Bertie County, Bladen County, Camden County, Caswell County, Chowan County, Cleveland County, Craven County, Cumberland County, Edgecombe County, Franklin County, Gaston County, Gates County, Granville County, Greene County, Guilford County, Halifax County, Harnett County, Hertford County, Hoke County, Lee County, Lenoir County, Martin County, Nash County, Northampton County, Onslow County, Pasquotank County, Perquimans County, Person County, Pitt County, Robeson County, Rockingham County, Scotland County, Union County, Vance County, Wake County,[1] Washington County, Wayne County, Wilson County.

Arizona: Apache County,[1] Coconino County, Navajo County,[1] Yuma County.

Idaho: Elmore County.[1]

Hawaii: Honolulu.

APPENDIX B: STATES AND SUBDIVISIONS COVERED BY THE VOTING RIGHTS ACT AMENDMENTS OF 1970

1970

Coverage continued as to Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, the 39 North Carolina counties, and Honolulu County, Hawaii. Newly covered jurisdictions were:

[1] Alaska: Anchorage Election District, Kodiak Election District, Aleutian Islands Election District, Fairbanks-Fort Yukon Election District.

Arizona: Apache County,[1] Cochise County, Coconino County,[1] Mohave County, Navajo County,[1] Pima County, Pinal County, Santa Cruz County.

California: Monterey County, Yuba County.

Connecticut: Southbury, Groton, Mansfield.

Idaho: Elmore County.[1]

New Hampshire: Rindge, Millsfield, Pinkhams Grant, Stewardstown, Stratford, Benton, Antrim, Boscawen, Newington, Unity.

New York: Bronx County, Kings County, New York County.

Maine: Caswell plantation, Limestone, Ludlow, Nashville plantation, Reed Plantation, Woodland, Unorg. Terr. of Connor, New Gloucester, Sullivan, Winter Harbor, Chelsea, Somerville plantation, Carroll plantation, Charleston, Webster plantation, Waldo, Beddington, Cutler.

Massachusetts: Bourne, Sandwich, Sunderland, Amherst, Belchertown, Ayer, Shirley, Wrentham, Harvard.

Wyoming: Campbell County.

Mr. MATHIAS. It makes it clear that this is a national bill. What are the States covered under the 1965 act? Alaska, Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and some counties in North Carolina, Arizona, Idaho, and Hawaii.

The question came up a minute ago as to whether Massachusetts was covered.

Look at appendix B, showing what happened under the 1970 amendments. I am not going to read the detail, because it will appear in the RECORD. Alaska, Arizona, California, Connecticut, Idaho, New Hampshire, three counties in New York which have to prefile, which have to send in their municipal ordinances to the Attorney General, from metropolitan New York.

It is a national bill. Counties in Maine, counties in Massachusetts, Campbell County in Wyoming.

[1] Obtained exemption via Section 4(a) lawsuit.

This is a national bill, and when people raise that question, if they will just refer to appendix A, it is all laid out there: A, B, C.

Mr. HOLLINGS. Mr. President, will the Senator from Maryland yield?

Mr. MATHIAS. It is my understanding that the——

Mr. HOLLINGS. On my time, just for a question.

Mr. MATHIAS. Yes.

Mr. HOLLINGS. Where is the State of Maryland? If it is a national bill, where is Maryland?

Mr. MATHIAS. There are States to the north of Maryland, States to the south of Maryland, and States to the west of Maryland that are all covered. There is not anything sectional about that.

Mr. HOLLINGS. What about Maryland?

Mr. MATHIAS. We have had the happy experience that we overcame this problem at an earlier date than some of the others.

Mr. HOLLINGS. Oh?

Mr. MATHIAS. There are some to the north, some to the west, and some to the south, and there would be some to the east if we had anything to the east.

Mr. HOLLINGS. I am looking at appendix A. I want to read it over again, and I shall ask that it be printed in the RECORD, with the notation under there, "Minus Maryland."

Mr. MATHIAS. Happily so, Mr. President. Happily so.

Mr. JAVITS. Mr. President, one of the questions as to this bill is whether the trigger mechanism would remain with the adoption of this amendment.

The amendment itself says no. The trigger mechanism would be wiped out by this amendment. If Senators will read page 1 of the amendment, lines 6 and 7, nothing could be more clear. It reads as follows:

SEC. 101. (a) Section 4 of the Voting Rights Act of 1965 is repealed.

Is there any doubt about that? We would be left, Mr. President, with only a bill which requires reports to the Attorney General on various redistricting and other matters. That would be a big burden, because in 10 years they had some 4,400 items of that kind to pass on, and that, relatively speaking, is a small part of the United States. One could, at a very minimum, multiple that by 5 or 10 times.

And this amendment, Mr. President, cannot be changed, because no one could anticipate what would occur, and therefore another amendment to change it does not qualify. It could only be changed by unanimous consent. So the Senate is locked into voting on this as it is.

That is very important, and for this reason: The figure relating to 10 years, Mr. President, is in section 4 of the bill. That is the figure that relates to 10 years. It is found at page 1 of the bill—now speaking of the bill, not the amendment—lines 4 to 6, inclusive, which reads as follows:

Section 4(a) of the Voting Rights Act of 1965 is amended by striking out "ten" each time it appears and inserting in lieu thereof "twenty".

Mr. President, if that is stricken out because all of section 4 is stricken out, including what is in this bill as well as what is in the old law that has carried over into the new law, then this becomes a bill without a date at all, in perpetuity. Therefore, every State in the United States would have to qualify before the Attorney General on anything it does about voting.

I think that raises a most serious question as to whether it stands up at all in terms of constitutionality. And even if it should survive that, it is an extremely cumbersome and unintended action on the part of the U.S. Senate, and for those reasons alone, Mr. President, this amendment ought to be rejected.

Mr. DOMENICI. Mr. President, can the Senator from New York answer a question that is disturbing to me?

Mr. JAVITS. I yield for a question.

Mr. DOMENICI. First of all, I think the notion that we would want to apply this everywhere in the United States certainly is one that every Senator can easily associate himself with. I would like to say that although some parts of this bill disturbed me, in that three counties in my State are covered under one section because of the triggering mechanism, and I do not think that those three counties, because of the way the triggering mechanism was, written really have any discrimination. Two of them happen to have military institutions in them of a large size and they are triggered because not more than 50 percent of the registered voters voted during that election that we use as the new triggering date. I certainly would not want to be supporting an amendment to this bill on that score alone because I think we can rectify that eventually.

I am rather concerned that we might be voting for an amendment that could render the bill unconstitutional, and that is what is bothering me. I do not want to vote for such an amendment. Yet I want to support an amendment that broadens the scope as much as possible within constitutional limits.

I do not subscribe to the argument that the triggering mechanisms have made this a national bill because what they have done is to the extent that they make sense they have brought those States and counties within its scope, but to the extent that that 5 percent and 50 percent do not make sense they are arbitrary.

I will vote in favor of the bill rather than see it destroyed by an unconstitutional amendment.

So I ask the Senator from New York: I have tried to read the amendment. It is very difficult for me to put it into context. Would the Senator explain to me in light of the major cases in point what his views are as to the proposed amendment versus the total constitutionality of the act?

Mr. JAVITS. I believe that the amendment, because there is no basic cause, even historic cause, for bringing about this kind of regulation, the voting procedures in the States, raises questions of very doubtful constitutionality. I believe those questions are made even stronger against the amendment by the fact that, if we pass it as I have just demonstrated, it will be a law without date. It will be in perpetuity. Therefore, I believe there are very serious questions, and it is very doubtful this amendment, if enacted, would stand up.

On the basic issue of national applicability, I will read just one paragraph which answers the question in the Katzenbach case. I think the Senator's own assistant had it. At least, it was just here in front of me a minute ago.

The Katzenbach case answers the question of the national character of this bill by saying, and I quote from page 334 to 335 of the opinion, speaking of this act:

> The Act suspends new voting regulations pending scrutiny by federal authorities to determine whether their use would violate the Fifteenth Amendment. This may have been an uncommon exercise of congressional power, as South Carolina contends, but the Court has recognized that exceptional conditions can justify legislative measures not otherwise appropriate.

It cites a case:

> Congress knew that some of the States covered by § 4(b) of the Act had resorted to the extraordinary stratagem of contriving new rules of various kinds for the sole purpose of perpetuating voting discrimination in the face of adverse federal court decrees. Congress had reason to suppose that these States might try similar maneuvers in the future in order to evade the remedies for voting discrimination contained in the Act itself. Under the compulsion of these unique circumstances, Congress responded in a permissibly decisive manner.

The court, therefore, sustained the constitutionality of that section.

The rest of the national coverage is completed by the fact that section 3 gives the Attorney General the power to sue in situations which are not covered by the trigger. So that in terms of liability for voter discrimination based upon, first, the trigger, which has been sustained, or discrimination, otherwise, the act gives complete coverage to every person and every State in the United States.

Mr. CHILES. Mr. President, will the Senator from New Mexico yield for some further comments with regard to constitutionality?

Mr. DOMENICI. I am glad to yield to the Senator from Florida.

Mr. CHILES. I am not sure the Senator was in the Chamber at the time I rendered my opinion. I felt that this would not in any way hold the act to be unconstitutional. I stand by that opinion.

Mr. DOMENICI. I am interested in the Senator's explanation. I apologize for not being present. I think it would be only fair to those of us who were not present but then did hear the Senator from New York to hear the Senator from Florida once again. It is on my time. So I would like him to express his views to me.

Mr. CHILES. I say to the distinguished Senator from New Mexico that, if he has any problems in that regard of the constitutionality, I really do not think he needs to have them. If he listens to the language of the Katzenbach case, the reason for the court's discussion and how the court was really sort of agonizing for a reason in that case, it was on the basis that in 1965 and when the amendments were passed what Congress had done was to say to a section of the States as to the trigger provision that these States are going to be treated differently. The court was reaching for how one could do that and have it be constitutional, without having the unequal application of the law, without applying the law unequally. That was the real concern of the court, and that was the concern of that decision and the language cited.

I do not think the court would have had any problem, and I do not think they will have any problem in this act, by saying that we, the public policymakers of the country, are going to pass an act that is going to apply uniformly to all 50 States, and the purpose of that act is to protect the voting rights of the citizens of the United States, and that we are going to see that no one in any State discriminates against those citizens, regardless of what their past actions have been, regardless of what their future actions would be.

I really think the court would not have had any problem in the Katzenbach case, and it could have rendered a decision, with no problem at all, had all of the States been covered at that time.

But because they only covered a section of the States, that was the reason for the language in the Katzenbach case and that was the reason that the court had to go through an agonizing process to determine whether one could give that unequal application. That is the only problem in that case and the only real reason.

So to cite it to say that it now would raise some specter that this act would be unconstitutional, because of the uniform application, I think is the furthest thing from any problem.

I assure the Senator from New Mexico that the act will be constitutional.

Mr. TALMADGE. Mr. President, will the Senator yield for an observation?

Mr. DOMENICI. Let me ask the Senator from Florida one question. Then I shall be delighted to yield.

Would the distinguished Senator look at the language in the amendment which charges the U.S. Attorney General with the responsibility set forth in the amendment and indicates he is to report back as to exemptions under it by July 1, 1976?

Mr. CHILES. No. That language gives him the duty to report back to Congress what he thinks the States have done. That does not exempt any State, if the Senator will read that language. It does not give him the right to exempt any State. It tells him to give his recommendations, give his report of what he finds the history has been going on and what his proposal is, because many of us feel that we should have a way, or any State should have a way to be able to earn its way out of this and, if we are going to cover the 50 States, provide that would have him report his findings. In no way does that give him any discretion.

I do not think that should give the Senator any concern.

Mr. NUNN. Mr. President, may I add that: Is the Senator talking about the report language in this amendment?

Mr. CHILES. Yes.

Mr. NUNN. The Senator from Florida is entirely correct on that. This is strictly asking for the Attorney General to give the report to Congress by which he could recommend criteria to allow States to so-called bailout, in other words, to earn their way out from under this act. All it is is a report.

Mr. DOMENICI. What criteria does he use in the meantime?

Mr. NUNN. Under this provision everyone would be covered.

Mr. DOMENICI. No.

Mr. NUNN. This covers everyone in the United States.

Mr. DOMENICI. What criteria do we use in the United States in the meantime?

Mr. CHILES. It would be the same criteria he is using today, and as to any one of the five or six States that are covered, when they are having a voting act law changed or they are changing a boundary or changing a polling place, then it has to come to the Attorney General for preclearance. If he feels it is a State that has no history of discrimination, he gets the stamp out and he says "clear."

Mr. DOMENICI. What criteria does he use to determine whether or not they are clear, under the Senator's last explanation? Is that from the Attorney General of the United States?

Mr. CHILES. I cannot tell the Senator, other than the same criteria he is using with respect to the States that are covered.

Mr. DOMENICI. We have a statute that specifically tells him what to use right now. Is that going to be carried over in this?

Mr. CHILES. It would be. There is nothing here to repeal that. Anything he has would not be changed. It is just that he would be applying it to all the States, including my own State of Florida, because we are not under the act. He would be applying that criteria to Florida as well as to Alabama and everywhere else.

Mr. DOMENICI. And any new criteria in this bill would also be applied across the land by the Attorney General, under the Senator from Florida's interpretation of the Senator from Mississippi's amendment. Is that correct?

Mr. CHILES. That is correct.

Mr. DOMENICI. There would not be any pure discretion on his part as to what is discrimination or is not? The Senator is saying that it would be statutorily defined?

Mr. CHILES. No different from what it is today. If he has some kind of wide discretion today over those six States, he would have it over all of them.

Mr. DOMENICI. If we pass this bill with this amendment, with the other criteria in this bill, it would be applied nationally by the Attorney General, under the Senate's amendment?

Mr. CHILES. That is correct.

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

Mr. DOMENICI. I yield.

Mr. TALMADGE. The distinguished Senator from New Mexico made an inquiry as to whether or not the proposed amendment would invalidate the constitutionality of the act. I think the distinguished Senator from Florida correctly answered that it would not. However, I wish to read from the highest authority in the United States—to wit, the Constitution of the United States:

AMENDMENT XV

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

I certainly think that under this provision, congressional action, such as the proposed amendments, to guarantee the right of citizens to vote would be declared constitutional.

Mr. DOMENICI. Would the Senator from Georgia care to comment on the case the Senator from New York discussed? Is it the Senator's interpretation of that case——

Mr. TALMADGE. The Katzenbach case?

Mr. DOMENICI. The Katzenbach case.

Mr. TALMADGE. I believe that the interpretation of the Senator from Florida was correct. Under the 15th amendment, which I have just read, Congress can pass legislation to guarantee the right to vote, and that legislation would be upheld, under the provisions of section 2 of the 15th amendment.

Mr, DOMENICI. I thank the Senator.

Mr. TALMADGE. I thank the Senator from New Mexico.

Mr. MATHIAS obtained the floor.

Mr. BROOKE. Mr. President——

Mr. MATHIAS. Does the Senator from Massachusetts seek recognition?

Mr. BROOKE. Yes.

Mr. MATHIAS. Mr. President, I surrender the floor.

Mr. BROOKE. Mr. President, we have had a very lengthy debate on this issue. It may be the most important vote that the Senate takes on the whole question of the Voting Rights Act. With all the debate we have heard, I do not think any of the proponents of the so-called Stennis amendment have said that the effect of the Stennis amendment would be to repeal section 4 of the Voting Rights Act of 1965. In fact, the language in the amendment clearly spells out that its purpose, its primary purpose, is to repeal section 4 of the Voting Rights Act.

If that is true, if that is clear, and there is no dispute as to that, then there is further no doubt that by repealing section 4 of the Voting Rights Act of 1965, we are gutting the Voting Rights Act.

The Senator from South Carolina said that we all wanted to get under the tent. Well, there would not be any tent if we were to adopt this amendment, because repealing section 4 of the act would remove the tent. So we would not be talking about anything—we would not have a Voting Rights Act.

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

Mr. BROOKE. I yield.

Mr. CHILES. It seems to me that the tent is section 5, if the Stennis amendment is agreed to. No State comes out if the amendment is agreed to. South Carolina is still under the act; Alabama is still under the act; Georgia is still under the act; Louisiana is still under the act; Mississippi is still under the act.

The only thing we do if we adopt the Stennis amendment is to add some 44 more States. We enlarge the tent. Section 3 is still there. There is no way in the world that we take anybody out.

The Senator says we repeal the trigger. We extend the trigger. We make it apply to everybody. We repeal language that says, "You go back and take the history prior to 1965." We repeal that, and we say that every citizen in this country is entitled to have his voting rights protected, in every State.

The Senator from Massachusetts is making a mistake if he says we are relieving any State, any Southern State that is now under the act, from anything, from any provision.

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

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

Mr. BROOKE. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, it is easy to carry things away forensically in a debate of this kind, on a very delicate question of constitutionality; but the point is that the whole structure of the law is dismantled by this amendment.

The structure of the law depends for its constitutionality on the fact that there has been a history in given areas based upon the triggering device of patterns or practices of the denial of voting. So the court has sustained constitutionality, based upon the fact that there is an antecedent state of facts. But the proponents of this amendment are sweeping away that state of facts. Therefore, all they are doing is saying that the Attorney General of the United States is given authority, with no criteria, to review everything that relates to voting. That is all he is told.

The PRESIDING OFFICER (Mr. STONE). Does the Senator from Massachusetts yield to the Senator from New York for a question?

Mr. BROOKE. Yes.

Mr. JAVITS. It is on my time, anyway.

The PRESIDING OFFICER. That is not the rule. It is only for a question.

Mr. JAVITS. I ask the Senator from Massachusetts this question: Is it not a fact that this amendment sweeps away the whole constitutional justification for the act as found in the Katzenbach case and gives to the Attorney General simply power to review everybody's voting procedures and voting actions, with no criteria at all?

Mr. BROOKE. Which is an impossible situation.

Mr. JAVITS. And which must be declared unconstitutional.

Mr. BROOKE. I am sure that the proponents must know that it is an impossible situation. I called it a smoke screen, because obviously it is. The Senators know that the Attorney General could not possibly do that. Of course, the Senator from New York is correct.

Let us stop fooling ourselves, and let us stop fooling the people. We know what the effect of the repeal of section 4 would

be on this act. We just would not have a Voting Rights Act.

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

Mr. BROOKE. I yield.

Mr. HOLLINGS. Following the thought of the Senator from Florida, which I share: Is it not a fact—asking a question—that what is being done is updating the entire 1965 act to 1975 and that in the updating thereof, different experiences are being added? One experience is the bilingual situation and the testing going on.

Another situation is under Baker versus Carr, where there was redistricting and gerrymandering. There are all kinds of tests now that this particular law updates, and when you go back to section 4, that is the old test, the literacy test, the poll tax, and not having less than 50 percent as certified.

What you are doing is enlarging that test. You are not extinguishing that test at all, but you bring in all the States, a general test for every one of the 50 States. That does not relieve the State of South Carolina one iota from submitting, under the voting rights laws as proposed in this legislation. Is that not correct?

Mr. BROOKE. I respect the opinion of the Senator from South Carolina, but I disagree with him. I do not believe that is the effect of the amendment at all.

I believe the effect of repealing section 4 is to do away with the Voting Rights Act.

Mr. CHILES. Will the Senator yield?

Mr. TUNNEY. Will the Senator yield?

Mr. BROOKE. Yes, I yield.

The PRESIDING OFFICER. The Senator yields to the Senator from California?

Mr. BROOKE. Yes, on his time.

Mr. TUNNEY. I wish to read to the Senate a letter which was sent by Stanley Pottinger on June 2 to Congressman EDWARDS, who is chairman of the Subcommittee on Civil Rights and Constitutional Rights in the House of Representatives and floor manager of the bill in the House. What was at issue was an amendment that Congressman WIGGINS had introduced, which would have applied nationwide. It would have extended the preclearance provisions to every State, every municipality, every jurisdiction in which there was less than a 50-percent turnout of a minority. A minority was defined as blacks or the language minorities. In other words, a national coverage under preclearance.

Pottinger replies, and to save time, I shall not read the whole letter, but I will read the last paragraph:

I believe it would be entirely appropriate for Congress to consider various approaches to omnibus voting rights legislation once the Voting Rights Act of 1965 has been extended. Presently, the paramount concern of Congress in this area should be extension of the Act. I do not believe that consideration of radically new approaches this late in Congress' deliberations on extension would be consistent with the Administration's position that first priority must go to the enactment of an extension act by August 6, 1975. Each of H.R. 6985's—

That is the amendment—

changes which is listed above raises considerable legal, administrative and policy issues. I do not believe such issues could be adequately explored on the floor of the House without prior committee hearings. While I am sympathetic with the goal of designing permanent, national voting rights legislation, I recommend that the Congress extend the Voting Rights Act promptly, so that it will then be in a position to give mature, reflective consideration to proposals such as H.R. 6985.

That is signed by Pottinger.

I have tried for the past 45 minutes to get the Attorney General of the United States on the phone—Mr. Levi. He indicated, apparently to his secretary, that he was on the phone; that he would call me back. We called again; he said he was on the phone; he would call me back. Forty-five minutes have gone by. He still has not called me back. I have to assume that Stanley Pottinger, who is the Assistant Attorney General for the Civil Rights Division, still speaks for the administration. He testified at the House hearings and this is his letter saying, let us get an act and let us not get involved in byways with mischievous amendments that may very well undermine the very nature of what this bill is about.

Mr. STENNIS. Will the Senator yield?

Mr. BROOKE. I have the floor.

Mr. TUNNEY. On the Senator's time?

Mr. BROOKE. I think I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. TUNNEY. I ask unanimous consent to have the letter printed in the RECORD.

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

DEPARTMENT OF JUSTICE,
Washington, D.C., June 2, 1975.

Hon. DON EDWARDS,
Chairman, Subcommittee on Civil Rights and Constitutional Rights, Judiciary Committee, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN EDWARDS: This is in reply to your letter of May 28, 1975, requesting our opinion of the appropriateness of H.R. 6985 as a substitute for H.R. 6219.

H.R. 6985 appears designed to serve as permanent nation-wide voting rights legislation. It provides for several notable changes from the Voting Rights Act of 1965:

1. The trigger formula would rely solely on statistics, and not on any discriminatory practices;

2. Coverage would be redetermined every two years;

3. Covered jurisdictions would be required to submit all their voting practices and procedures for federal review rather than limiting such review to changes in practices and procedures;

4. The Act would forbid discrimination on account of national origin;

5. The Bureau of Census would be required to conduct a biennial survey of voting age persons to determine voter registration and participation by race, color, or national origin. All persons would be required to provide this information.

I believe it would be entirely appropriate for Congress to consider various approaches to omnibus voting rights legislation once the Voting Rights Act of 1965 has been extended Presently, the paramount concern of Congress in this area should be extension of the Act. I do not believe that consideration of radically new approaches this late in Congress' deliberations on extension would be consistent with the Administration's position that first priority must go to the enactment of an extension act by August 6, 1975. Each of H.R. 6985's changes which is listed above raises considerable legal, administrative and policy issues. I do not believe such issues could be adequately explored on the floor of the House without prior committee hearings. While I am sympathetic with the goal of designing permanent, national voting rights legislation, I recommend that the Congress extend the Voting Rights Act promptly, so that it will then be in a position to give mature, reflective consideration to proposals such as H.R. 6985.

Sincerely,

J. STANLEY POTTINGER,
Assistant Attorney General,
Civil Rights Division.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. STENNIS. Will the Senator yield to me to ask one question of the Senator from California?

Mr. BROOKE. Yes; I am very pleased to yield.

Mr. STENNIS. The Senator says the letter is dated June 2. I am sure he heard the President's letter this afternoon, dated yesterday. When it comes to speaking for the administration, is it not rather clear that the letter from the President, dated yesterday, is the voice of the administration, more so than a letter by an Assistant Attorney General in June?

Mr. TUNNEY. The President's letter states that, "My first priority is to extend the Voting Rights Act."

Mr. STENNIS. Yes, I know.

Mr. TUNNEY. So I think we have to take the President's letter at face value. He says his first priority is to extend the Voting Rights Act.

Quite honestly, I tell my friend from Mississippi, I do not see anything in the President's letter that specifically addresses itself to the problem that is posed by the amendment of the Senator from Mississippi, namely, the repeal of section 4 and the extension of the preclearance provisions to every district in the country.

Mr. STENNIS. Is it not clear that the President has advocated in that letter the application of this act nationwide? Is that not the substance of a major part of his letter?

Mr. MATHIAS. Will the Senator yield?

Mr. TUNNEY. I think it is fair to say that the letter does state that the President would like to see a nationwide law, but he does not refer to what he wants in such a nationwide law. He does not say that he would like to see section 4 repealed. Nor does he say that he would like to see the preclearance provisions of section 5 extended nationwide. It just says he wants a nationwide law.

Mr. STENNIS. Every Senator can judge for himself. I wanted to point out the difference in the dates and that the President has written a strong letter.

Mr. MATHIAS. Will the Senator yield?

Mr. STENNIS. I do not have the floor.

Mr. MATHIAS. Will the Senator from Massachusetts yield to me on my own time for just 1 minute?

Mr. BROOKE. Yes.

Mr. MATHIS. The distinguished Senator from Mississippi has made some point of the chronological sequence of the letter from the Assistant Attorney General and the letter from the President. I think we ought to take this letter from the President in some historical perspective.

I was serving with the President in the other body in 1965, when this bill was first passed. The President, at that time, moved to substitute, which would have virtually destroyed the bill at that time. That was his position. He has been perfectly open and consistent and forthright about it.

In 1970, when the extension of the bill was up, the President moved what was, at that time, called the Mitchell bill, or the Mitchell amendment. The President moved it as a Member of the House. That was his position. It is on the record. His position has not changed in that letter. It is the same position he had in 1965, the same position he had in 1970, and the same position he expresses in the letter. It is all on the record.

So the letter really does not add anything to this debate, nor does it take anything away.

Mr. BROOKE. Mr. President, the Senate has acted twice, overwhelmingly, to invoke cloture. Those votes indicate the Senate's desire to take up and to resolve this question of the extension of the Voting Rights Act of 1965. We have heard a rather lengthy, sometimes very spirited debate on this issue. And now the distinguished Senator from New Mexico, who has indicated already, by his votes, that he favors an extension of the Voting Rights Act of 1965, has raised some valid questions. He is concerned as to whether the repeal of section 4 would make this act unconstitutional.

Lawyers will disagree as to the constitutionality of the act. That is why we have the Supreme Court of the United States. I cannot tell the distinguished Senator from New Mexico any more than the distinguished Senator from Florida can tell him whether this act will be unconstitutional or not. I personally believe that if section 4 is repealed the act would be unconstitutional. The Senator from Florida personally believes it will be constitutional. But the distinguished Senator from New Mexico will have to decide the question on his own. I respect him for having raised that question and I hope some assistance will be given to him as to whether it is constitutional or not.

Mr. DOMENICI. Will the Senator yield?

Mr. BROOKE. I am pleased to yield.

Mr. DOMENICI. I have read the case and I think, with respect to this bill and with respect to that bill, they are both right. I do not think the case stands for anything with respect to constitutionality. I think that, under one interpretation, it could be valid; under another interpretation, it could be invalid. I think we shall have to wait for a decision by the Supreme Court.

I think the Senator from Florida finds some excellent language in there indicating that they were squirming to find it constitutional because it applied only to a region. I think the Senator from New York found some other language in there that they found some very valid national reasons, even though it was only regional. That is the essence of the question as to constitutionality. So I do not think that case stands squarely for either proposition.

Mr. BROOKE. I think the Senator from New Mexico has arrived at a very understandable conclusion. I think the Senator from New York unquestionably is one of the most able lawyers in the country, and I think the Senator from Florida is a most able lawyer. I think the Senator from New Mexico is right; we are going to have to wait for the Supreme Court to decide on the issue of constitutionality.

Mr. DOMENICI. Will the Senator yield?

Mr. BROOKE. Yes.

Mr. DOMENICI. I want to ask the Senator from Massachusetts this question and I want to ask the Senator from California this question. If the Senator from Florida wants to comment on it, I should appreciate his comment.

If the Senator from California will give me his attention, as I read the amendment, the section that is stricken from the bill is a section that, for the first time, brings into play the language barrier problem of the Spanish-American, the Indian, the Alaskan Indian, and the Asian speaking. That is not in any old bill. That is brand new, is that not right?

Mr. TUNNEY. That is correct.

Mr. DOMENICI. If we strike it then what we have done is taken out of this bill, excellent motives to make the bill apply nationally, but we have taken out the new thrust that the President of the United States said in his letter he hoped we would keep in, to wit, the extension of this bill to those who have linguistic problems because of their heritage, mentioning specifically Spanish-Americans.

I look at the bill——

Mr. TUNNEY. That is correct.

Mr. DOMENICI (continuing). And we strike that section and then there is no other criterion or reference to discrimination based upon inability to communicate and, therefore, no statutory basis to find the action by a State which might or might not deny voting rights because of that inability, and there would be no statutory basis for that; is that correct?

Mr. TUNNEY. That is correct.

Mr. DOMENICI. The Senator from California knows I have been arguing with him about the procedure which did not permit us to make some proper amendments to these procedures, to these triggering mechanisms, and the Senator from Massachusetts knows of my concern that section 3 covers some counties under the guise of Spanish-speaking discrimination that really if you looked into them you should have supported an amendment that would clarify them.

I do not think we are going to get an opportunity to make those amendments. But I make this point: We could have cleared them up if we were not in this bind of accepting no amendments. I think every Senator here who is concerned about Spanish Americans and discrimination against them ought to understand that we are deleting the section that is any statutory basis for an Attorney General, even under the amendment of the distinguished Senator from Georgia, if it were the law, and we no longer have any criterion that is linguistically related to culture and heritage for him to base discrimination on or voter discrimination on in any of those States.

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

Mr. DOMENICI. Yes.

Mr. BROOKE. I am cognizant of the Senator's very unusual ethnic problem in the State of New Mexico, and I very well recall the Senator's amendment. But I think the Senator is primarily interested in seeing that the voting rights of his constituents, all of his constituents, are protected. And I can clearly say to the Senator—and I do not think this is a matter for interpretation—that if you repeal section 4, you will not get that protection.

Mr. DOMENICI. I can tell the Senator, whether or not I find that the triggering mechanism is not terribly reasonable in terms of my State, that rather than support an amendment that will delete all reference to discrimination based upon one's language, in particular the 25 million-some-odd Spanish Americans, I will vote for the onerous burden on my State for a few years if we cannot clear it up in dialog as to the intentions so as to clear the inconsistencies between the preamble, the purpose clause, and section 3.

If you can clear them up, we do not have any terribly onerous problem, but I will take the problem rather than delete totally reference to that kind of discrimination, which is just as real as the kind the Senator is trying to cure when we passed the first act.

Mr. BROOKE. I respect the Senator for what he has tried to do. And I also respect the Senator for his decision on this particular amendment.

Mr. President, we have had, as I said, a very lengthy debate. I said earlier in the debate that I thought it regrettable that in 1975 the Senate of the United States had to spend so much time on legislation which guarantees all Americans the basic right to vote.

As I said before, this is not a busing issue. This is the Voting Rights Act. And I think everyone will agree, both proponents and opponents alike, that the Voting Rights Act has been effective, it has been good for this country, and it will continue to be good for the country.

And I say once again that a vote for the Stennis amendment, which would repeal section 4 of the Voting Rights Act will, in effect, gut the Voting Rights Act. It will remove the strongest weapon we have to assure American citizens of their voting rights.

Thus, Mr. President, I move to table the Stennis amendment.

Mr. STENNIS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield and withhold that for just a minute?

Mr. BROOKE. Yes.

Mr. MANSFIELD. Mr. President, the pending amendment before us, the Stennis amendment, does that state that section 4 of the Voting Rights Act of 1965 is repealed?

Mr. BROOKE. Yes, it does; it says it specifically; the language is very clear.

Mr. THURMOND. Mr. President, I was pleased to join the distinguished Senator from Mississippi in his proposal to extend the application of the Voting Rights Act to the entire Nation. This act should not just be focused on the South.

It has been my contention since the inception of this act that if the act should be applied at all, it should be applied on a nationwide basis. No one in this body is foolish enough to think that voting discrimination exists only in the South. Voting discrimination knows no particular section nor State of the country.

Mr. President, the South has borne this burden too long. What obligations are imposed on the South should be imposed on the rest of the Nation. Discrimination is not a phenomenon known only to one section of the country, as recent events have demonstrated. Discrimination should be eliminated wherever it exists, whether in the South, in the North, in the East, or in the West.

I challenge my colleagues to apply the same rules equally across the Nation. America is one country. It is unfair and unjust to treat one section of our Nation differently from other sections. Furthermore, it is unconstitutional to do so.

I urge my colleagues in the name of fairness and justice to adopt this amendment, which I am pleased to cosponsor.

Mr. DOLE. Mr. President, certainly the substance of this amendment proposed by the distinguished Senator from Mississippi (Mr. STENNIS) addresses the very foundation stone of the entire voting rights, indeed the civil rights movement. It speaks directly to our most basic of all legal guarantees—the right to equal and uniform application of the law.

I have no doubt whatsoever that the people of Kansas, indeed the people of this Nation, demand and cherish the safeguards given to them by the 14th amendment. Accordingly they are not ready to promote any abridgement of or variation from those criteria as a feature of legislation which we develop in this Congress.

The times have changed, Mr. President, and no longer are the voting abuses that persisted through the early 1960's a matter of regional identification. The progress which has come about as a result of the Voting Rights Act of 1965 should be a signal to us that it is time to ease the selective nature of the law and expand it to include every citizen in every State.

As the distinguished Senator from Nebraska (Mr. HRUSKA) pointed out earlier, there is no justification for utilizing discriminatory Federal statutes to address situations which are themselves labeled as discriminatory. In my view, that is exactly the practice we would be endorsing if we fail to agree to this amendment—thereby extending a punitive policy which not only lacks positive incentives, but also fosters bitterness and divisiveness.

It seems to me that is contrary to the whole spirit of our American heritage, something we should be especially mindful of as we celebrate our Bicentennial year. If we act in keeping with that tradition and adopt this amendment, I have no doubt it will serve as a springboard to a new and refreshing feeling of unity and joint resolve throughout our Nation.

I am confident that is part of what the President had in mind when he took the highly commendable initiative of delivering the letter which was read in our Chamber this afternoon. I believe he expressed the true sentiment of the grassroots citizenry of this country when he said that—

> This is one nation, and this is a case where what is right for fifteen states is right for fifty states.

President Ford further spelled out his personal observations about the thrust of this legislation when he noted that, as in 1965:

> A responsible, comprehensive voting rights bill should correct voting discrimination wherever it occurs throughout the length and breadth of this great land.

So again, it comes down to a question of equal protection of the law—which includes the voting rights law. I am impressed by the fact that no one is asking for special treatment here—only that they be covered uniformly and without exception to the principles which that landmark measure encompasses.

The Senator from Connecticut (Mr. RIBICOFF) said in very eloquent fashion near the beginning of this discussion that he had no reservations whatsoever about his State being in full conformity with the provisions of this bill. Why, therefore, he submitted, give cause to question their practices by excluding them from its reaches?

I feel precisely the same way about my State of Kansas—and want to be on record as expressing pride in the operation of our electoral process there over the years. Were the Voting Rights Act to be expanded to include us, I think we might perhaps have only one county which would even meet the 5-percent "triggering" conditions established in this extension bill—yet we would have the greater and more significant satisfaction of knowing that our voting system was evaluated in the same manner as that of Georgia, California, or New York.

By that I mean we would welcome such an opportunity to demonstrate that our registration and voting provisions are among the best in the country. In responding to that challenge, I firmly believe a new air of reassurance that their voting rights were in fact being protected would evolve for not only the residents of Kansas, but for those in every jurisdiction.

This has already been the experience in some areas of my State where a substantial Spanish-speaking minority resides. And just to reflect our initiative in those locations, special arrangements have been made to insure that voting instructions are given in both Spanish and English, and that upon request, one is accompanied in the voting area by a person fluent in English.

I am certain that other States are enjoying similar success in implementing the voting guarantees of the 15th amendment—including our friends in the South. But the point is, we can stimulate even greater advances in the future by implementing uniform standards for everyone and working together toward a common, not partitioned goal.

This amendment is essential if we are to convince those we represent that we believe in evenhandedness and do not ourselves condone discrimination in the name of eliminating that very stigma. It is also necessary if we are to avoid the serious paradox which is presented when a well-intentioned majority seeks to limt the rights of one minority in the name of protecting the rights of another.

I, for one, would like to get away from the principles embodied in H.R. 6219 which presume guilt for some areas and presume innocence for others. Moreover, I find it extremely difficult to reconcile the argument that since "resources" do not permit application of the same Federal standards—be they preclearance requirements or whatever—to all States, we should sanction a policy of selective enforcement in only a few.

Mr. President, I urge all my colleagues to carefully consider the ramifications of this amendment and to join me in defeating the tabling motion. The President has alluded to the unique opportunity we have here to be a voice for fairness and equality across the land. I am hopeful we will use it wisely.

Mr. STENNIS. Mr. President, in view of the colloquy here, I ask unanimous consent that I take at least 1 minute to respond to the inquiry.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senator from Mississippi is recognized for 1 minute.

Mr. STENNIS. Mr. President, let me say this now: After having charges made more or less that this was just a scheme to get the Southern States out from under the operation of law, all these provisions were given the most microscopic examination, and we all concluded that it did not change anything as to the Southern States; that they would have to continue to meet the requirements, but it would just apply nationally, and that is the effect of it. That is all I wanted to say, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts to lay on the table the amendment of the Senator from Mississippi. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, may we have quiet? We cannot hear.

The VICE PRESIDENT. Order, please, in the Senate.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The VICE PRESIDENT. Order in the Senate, please. Senators will please take their seats.

The assistant legislative clerk resumed and concluded calling the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Mississippi (Mr. EASTLAND) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

The result was announced—yeas 58, nays 38, as follows:

[Rollcall Vote No. 312 Leg.]

YEAS—58

Abourezk	Hatfield	Nelson
Beall	Hathaway	Packwood
Biden	Huddleston	Pastore
Brooke	Humphrey	Pearson
Burdick	Inouye	Pell
Case	Jackson	Percy
Church	Javits	Proxmire
Clark	Kennedy	Roth
Cranston	Leahy	Schweiker
Culver	Magnuson	Scott, Hugh
Domenici	Mansfield	Stafford
Eagleton	Mathias	Stevens
Fong	McGee	Stevenson
Ford	McGovern	Symington
Glenn	McIntyre	Taft
Gravel	Metcalf	Tunney
Hart, Gary W.	Mondale	Weicker
Hart, Philip A.	Montoya	Williams
Hartke	Moss	
Haskell	Muskie	

NAYS—38

Allen	Fannin	Nunn
Baker	Garn	Randolph
Bellmon	Goldwater	Ribicoff
Bentsen	Griffin	Scott,
Brock	Hansen	William L.
Buckley	Helms	Sparkman
Bumpers	Hollings	Stennis
Byrd,	Hruska	Stone
Harry F., Jr.	Johnston	Talmadge
Byrd, Robert C.	Laxalt	Thurmond
Cannon	Long	Tower
Chiles	McClellan	Young
Curtis	McClure	
Dole	Morgan	

NOT VOTING—3

Bartlett	Bayh	Eastland

So Mr. BROOKE's motion to lay on the table was agreed to.

Mr. BROOKE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. TUNNEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The Senator from West Virginia.

AMENDMENT NO. 721

Mr. ROBERT C. BYRD. Mr. President, I call up my amendment and ask that it be stated.

Mr. PASTORE. May we have order, Mr. President.

The VICE PRESIDENT. The Senate will be in suspension for a second until everyone has the chance to take their seats. Will Senators please take their seats? The Senate cannot proceed until it is quiet in the Chamber.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia, for himself, Mr. RANDOLPH, and Mr. NUNN, proposes an amendment No. 721.

The amendment is as follows:

On page 1, line 6, strike the word "twenty" and insert the word "fifteen".

TIME-LIMITATION AGREEMENT—S. 521

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 521, a bill to increase the supply of energy in the United States from the Outer Continental Shelf Lands Act, and for other purposes, is called up and made the pending business before the Senate, there be a time limitation thereon of 4 hours to be equally divided between Mr. FANNIN and Mr. JACKSON; that there be a time limitation of 1 hour on any amendment, with a time limitation on any amendment to an amendment of 30 minutes, and a time limitation on any debatable motion or appeal of 30 minutes.

Mr. ALLEN. Reserving the right to object, which bill is this?

Mr. ROBERT C. BYRD. This is on the Outer Continental Shelf Lands Act.

Mr. PASTORE. Mr. President, may we have order? We cannot hear the speakers.

The text of the agreement is as follows:

Ordered, That, during the consideration of S. 521 (Order No. 277), a bill to increase the supply of energy in the United States from the Outer Continental Shelf Lands Act; and for other purposes, debate on any amendment in the first degree shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any amendment in the second degree, debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment, debatable motion, appeal, or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

Order further, That on the question of the final passage of the said bill, debate shall be limited to 4 hours, to be equally divided and controlled, respectively, by the Senator from Arizona (Mr. FANNIN) and the Senator from Washington (Mr. JACKSON).

Mr. ALLEN. I have no objection.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered

Mr. PASTORE. I did not hear the request.

Mr. TALMADGE. What is the request?

Mr. ROBERT C. BYRD. That on the Outer Continental Shelf Lands Act, at such time as that bill is called up——

Mr. TALMADGE. What is the number of that?

Mr. ROBERT C. BYRD. S. 521.

Mr. TALMADGE. I have no objection.

Mr. HUGH SCOTT. It has been cleared on this side, I assume.

Mr. ROBERT C. BYRD. It was cleared with Mr. FANNIN.

Mr. SYMINGTON. Reserving the right to object, Mr. President, and I shall not object, may I ask when it is expected that this bill will be brought up?

Mr. ROBERT C. BYRD. Certainly not before the pending measure is disposed of, may I say to my distinguished friend.

Mr. President, was my request agreed to?

The VICE PRESIDENT. Yes, it was.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I am willing to enter into a time agreement on my amendment. I am willing to agree to a 20-minute time limitation or a 10-minute time limitation, equally divided.

Mr. TUNNEY. Reserving the right to object, is the Senator talking about his amendment to this bill?

Mr. ROBERT C. BYRD. Yes.

Mr. TUNNEY. There are a number of Senators, I know, who would like to address this issue. I think that 30 minutes to a side would be appropriate.

Mr. ROBERT C. BYRD. Mr. President, this very simply cuts back the extension of provisions of the Voting Rights Act from 10 years to 5 years. The Senate, when it enacted the original legislation in 1965, provided that that act extend for 5 years. Then in 1970, when the Congress extended the act, it was for 5 years.

The PRESIDING OFFICER (Mr. STONE). Will the Senators take their seats? Will the Senators in the rear of the Chamber please move to the cloakrooms?

The Senator from West Virginia.

Mr. ROBERT C. BYRD. So, Mr. President, the Senate has established a pattern of 5-year periods. I take the position that the Congress ought not to extend this act 10 years on this occasion, basing its decision today on the conditions that were prevalent when the act was first passed 10 years ago. This amendment would simply mean that in 1980 the Congress would again take another look at the act and, based upon the circumstances at that time, could extend the period again if necessary.

Mr. GOLDWATER. Will the Senator yield for a question? I believe I heard the clerk read that as reducing it from 20 to 15 years.

Mr. ROBERT C. BYRD. That is technically correct, but it really means that the extension of the act would be only for 5 years instead of 10 years.

Mr. PASTORE. Mr. President, will the Senator yield to me?

Mr. ROBERT C. BYRD. I yield.

Mr. PASTORE. We are all here on the floor, and I think this is a very simple amendment, whether you are for it or against it. I think we can cut down the time to about 15 minutes for each side, and we will all stay here and listen to the eloquence, and then make our judgment.

Mr. ROBERT C. BYRD. Mr. President,

That has not been true of the other States, the other six States in which the full State is under the provisions of the temporary legislation.

This would apply to all States. It would not repeal the Gaston decision. It would only nullify that portion having to do with segregation within our public schools. I feel that anyone who thinks this matter through can realize why less than 50 percent of the people voted in the States prior to 1964.

I am not going to speak further. I am ready for a vote.

Mr. TUNNEY. Mr. President, I move to table the amendment of the Senator from Virginia.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Virginia.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from North Dakota (Mr. YOUNG) is necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent to attend the funeral of a friend.

The result was announced—yeas 67, nays 21, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—67

Abourezk	Glenn	Montoya
Baker	Gravel	Moss
Beall	Griffin	Muskie
Bentsen	Hart, Gary W.	Packwood
Biden	Hartke	Pastore
Brock	Haskell	Pearson
Brooke	Hatfield	Pell
Bumpers	Hathaway	Proxmire
Burdick	Hollings	Randolph
Byrd, Robert C.	Huddleston	Ribicoff
Cannon	Humphrey	Roth
Case	Inouye	Schweiker
Chiles	Jackson	Scott, Hugh
Church	Javits	Stafford
Clark	Johnston	Stevens
Cranston	Kennedy	Stevenson
Culver	Leahy	Stone
Dole	Magnuson	Taft
Domenici	Mansfield	Tunney
Eagleton	Mathias	Weicker
Fong	McGee	Williams
Ford	Metcalf	
Garn	Mondale	

NAYS—21

Allen	Hruska	Scott, William L.
Buckley	Laxalt	Sparkman
Byrd, Harry F., Jr.	Long	Stennis
Curtis	McClellan	Talmadge
Fannin	McClure	Thurmond
Hansen	Morgan	Tower
Helms	Nunn	
	Percy	

NOT VOTING—11

Bartlett	Goldwater	Nelson
Bayh	Hart, Philip A.	Symington
Bellmon	McGovern	Young
Eastland	McIntyre	

So the motion to lay on the table the amendment (No. 770) of the Senator from Virginia was agreed to.

Mr. NUNN obtained the floor.

Mr. MANSFIELD. Will the Senator yield on my time?

Mr. NUNN. I yield to the majority leader.

THE GOLDEN GAVEL AWARD

Mr. MANSFIELD. Mr. President, at the hour of 9:38 p.m. the distinguished Senator from Florida (Mr. STONE) marked the 100th hour of his presiding over the Senate. As such, he is the champion, the winner of the Golden Gavel Award, and I think at this time we owe to the distinguished Senator, who has been a bulwark in the affairs of this institution, who has conducted himself with dignity and integrity, a vote of thanks, at least, for what he has done so unstintingly and so well.

So, congratulations and best wishes.

[Applause, Senators rising.]

Mr. FORD. Mr. President, will the Senator from Georgia yield to the Senator from Kentucky?

Mr. NUNN. On the time of the Senator from Kentucky.

Mr. FORD. On my time. I have not used any yet so I have a whole hour.

Mr. NUNN. I am glad to yield and I would like the Senator to use as much as his time as he would like.

Mr. FORD. Mr. President, I would like to ask a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FORD. Since the distinguished freshman Senator from Florida has received this Golden Gavel Award and so many of the freshmen have yielded their hour in the chair to the Senator from the great State of Florida, do we receive a portion or could our names be engraved upon the golden gavel, or do we start taking our time from 1 to 2 and 3 p.m. in the afternoon?

The PRESIDING OFFICER. Yes.

Mr. FORD. That shall be recorded in the RECORD.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I yield to the Senator from California on his time.

The PRESIDING OFFICER. The Chair wishes to express his deep appreciation for the opportunity for leadership and the time the Chair's colleagues have extended in allowing the Chair to serve.

Mr. MANSFIELD. If the Senator will yield on my time further, there is only one stipulation. From now on the Senator has to attend closed meetings.

AMENDMENT OF THE VOTING RIGHTS ACT

The Senate continued with the consideration of the bill (H.R. 6219) to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, and for other purposes.

The PRESIDING OFFICER. The Senator from Georgia yields to the Senator from California without losing his right to the floor.

Mr. TUNNEY. Mr. President, I ask unanimous consent that a citation contained in the Senate report at page 42, footnote 46, the last line of the page which reads 1049–50, be changed to 1060–62.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Georgia.

AMENDMENT OFFERED BY MR. NUNN

Mr. NUNN. Mr. President, I have an amendment that I plan to propound a unanimous-consent request as to in just a moment, but I would like to very briefly explain the amendment.

This amendment pertains only to section 5 of the act. This amendment provides preclearance authority nationwide for both 15th amendment purposes and for minority language groups.

This amendment is in the form of a totally new title. It does not affect the act of 1965, it does not affect the act as amended in 1970, nor does it change any of the provisions of the House-passed extension which we have been debating for 4 days here on the floor of the Senate.

This is a totally new title. It is severable, that is to say, if it is ruled unconstitutional it would not in any way affect any other provision of the law.

There is no constitutional problem here that would in any way threaten any other provision of the bill.

Of course, the Senator from Georgia does not feel that this amendment is unconstitutional in the first place.

This would provide permanent coverage of section 5 on a nationwide basis.

This amendment would grant rulemaking authority to the Attorney General of the United States, so that he could effectively and efficiently carry out the provisions of section 5 throughout the entire country.

It does not even change one comma or one period in section 4. It does not in any way alter the coverage of the Southern States nor does it alter coverage of any other covered part of the section of the country presently under this bill. All it does is extend the principle of protection to minorities throughout this land rather than to only a few areas. It would not prejudge anyone's guilt. It would simply provide a review mechanism for the Attorney General to exercise, in his sound discretion.

I would hope that as we move toward our 200th anniversary this body would want to recognize the inevitable, and that is that we are all citizens of the United States of America. We are all part of this country. We do not have two countries; we do not have 10 countries; we do not have 15 countries. We have one country. The great majority of citizens in the State of Georgia vigorously support the right of every person, regardless of race, to vote. I am not in any way trying to dilute this act. I am not in any way trying to sabotage or render unconstitutional any provision of this act.

What I am trying to do is to make this

act acceptable to the people of a wonderful section of our Nation. That section is the South.

We have made mistakes in the South.

No one in this body has heard me defend the voting practices that existed prior to 1965. No one has heard me say that there were never any problems in the South. But what I have pleaded for over and over again this week is for the Members of this body to recognize that we want to be part of the Union; that we want to be treated just like everybody else. While we want our minorities protected, we also want the minorities throughout this great land protected.

Mr. President, I propose this amendment. The amendment is at the desk. I ask unanimous consent that the amendment be in order with a 5-minute limitation of time on both sides.

Mr. JAVITS. Mr. President, reserving the right to object, I would like to ask the Senator, because of the fact that the document was submitted to me not by the Senator from Georgia with amendments both to section 5 and section 6 of the Voting Rights Act, this question: The Senator has said it only dealt with section 5. Does it also deal with section 6?

Mr. NUNN. The Senator from New York is correct. We did prepare section 6, but at this hour the Senator from Georgia did not want to in any way complicate the matter. That provision is not part of this amendment as now offered. Of course, if the Senator from New York would like to offer that as an amendment to this amendment, the Senator from Georgia would welcome that effort.

Mr. JAVITS. The Senator has no such interest. But I did want to ask. The paper shown to me is not the document which has been offered.

Mr. NUNN. The Senator is correct except that the paper offered to the Senator is identical in part. The amendment at the desk does not in any way pertain to section 6. The South would still be the only section of the country covered under section 6. The Senator from Georgia would be glad to expand that coverage nationwide. At this late hour I wanted to have an up and down vote on the question of whether we are going to extend section 5 throughout the land.

Mr. JAVITS. Mr. President, I hope no one has assured the Senator he is going to have an up-and-down vote, that the motion to table has been waived.

Mr. NUNN. The Senator from Georgia would welcome an opportunity to vote on a motion to table. My main concern at this moment is that the Chair rule my amendment in order.

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

The amendment of Mr. NUNN reads as follows:

On page 15, at the end of the bill, insert the following new title:

THE NATIONAL VOTING RIGHTS ACT OF 1975

SEC. 501. Whenever a State or political subdivision as defined in section 14(c)(2) of the Voting Rights Act of 1965 shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1972, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2) of the Voting Rights Act of 1965, as amended, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the Attorney General's failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

SEC. 502. The Attorney General shall issue rules and regulations to assure the effective and expedient administration of this title and of the provisions of sections 4 and 5 of the Voting Rights Act of 1965, as amended.

SEC. 503. Nothing in this title shall be construed to derogate or impair any provision of the Voting Rights Act of 1965, as amended.

SEC. 504. If the provisions of this title or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mr. TUNNEY. Mr. President, I cannot think of an amendment which would be more damaging to our desires, all of our collective desires, to have a bill go through which is going to be acceptable by the House of Representatives, which is going to allow us to get an extension of the Voting Rights Act than this particular amendment. It comes very late in the day. We had a full discussion of the issues on this point yesterday. I am not going to waste the Senate's time to discuss it again.

In my view, this amendment is clearly unconstitutional. The Supreme Court of the United States has said that it takes a unique, special circumstance to have the Federal Government intervene in local election boards. They found that there was that unique situation in the case of a pattern of discrimination in the South over a period of generations, when they decided the South Carolina against Katzenbach case.

It requires something unique. It is clearly written into the Constitution that the States have the right to decide the time and place of holding their own elections. What are we doing with this amendment is to say that we are going to apply these very special provisions nationwide to every single ordinance of every city in every part of the land, every ordinance of every county board of supervisors, and every law of every State as it relates to elections.

I understand the sympathy that is elicited by the Senator's remark: if it is good for the South it ought to be good for the country. I can understand that. It is a sympathetic argument. The only problem is, we did not have the same kind of pattern of discrimination in other parts of the country that we had in the South related to blacks. We are expanding the coverage of this act as it relates to language minorities because we recognize that there was this pattern as it related to certain of the language minorities—Mexican-Americans, Puerto Ricans, Asia-Americans, American Indians, et cetera.

I just think that this amendment is destructive in the extreme. What is going to happen, if this passes, is we will go to the House of Representatives and there is just not going to be a bill. They are not going to accept it. Then we can take upon our collective shoulders the responsibility for torpedoeing the extension of the Voting Rights Act. That would be a tragedy in the extreme.

At the appropriate time, I am going to move to table this amendment.

Mr. WILLIAM L. SCOTT. Will the Senator yield?

Mr. NUNN. How much time has the Senator from Georgia remaining?

The PRESIDING OFFICER. Five minutes.

Mr. NUNN. I yield.

Mr. WILLIAM L. SCOTT. I will use my own time, Mr. President.

The PRESIDING OFFICER. The Senator cannot use his own time.

Mr. NUNN. I will yield the Senator 1 minute.

Mr. WILLIAM L. SCOTT. I would only say, Mr. President, it is very tiresome to listen over and over again to what the House of Representatives does.

Many of us, perhaps most of us, came from the House. It was said we were going to the other body, sometimes the upper body, sometimes the House of Lords. I like to think that we are two branches, two co-equal branches, of the Congress and we should be able to make decisions not dependent upon what action will be taken in the House of Representatives. I am just sick and tired of hearing that argument.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Allow me to present one point in rebuttal to the Senator from California.

We heard so much about the Katzenbach case yesterday that I did read it today. I have never seen a case quoted in so many different directions by so many astute lawyers. The Katzenbach case was one that originated in South Carolina. South Carolina's main contention under that case was that the provisions of the Voting Rights Act were aimed at one section of the country.

The Supreme Court said that aiming the provisions at one section of the country was constitutionally justified because of past acts of discrimination. The Supreme Court said that Congress could do anything it wanted in this regard pursuant to the 15th Amendment, as long as it treated all parts of the country equally. The constitutional challenge was based on the fact that the act itself discriminated between States. When you use that case, to say that we cannot apply something across the Nation under the 15th amendment, then it is a gross, gross distortion of the opinion rendered by the Court.

That is not what the court said, and I think any fair reading of that decision would produce that conclusion.

Mr. RIBICOFF. Will the Senator yield?

Mr. NUNN. I yield.

Mr. RIBICOFF. Is the Senator from Georgia saying to all of us if it is right for the State of Georgia it is right for the State of Connecticut and the State of California?

Mr. NUNN. That is exactly the premise of the Senator from Georgia.

Mr. RIBICOFF. Is the Senator from Georgia saying that we in the other 49 States have no right to be expected to be treated differently than the State of Georgia?

Mr. NUNN. That is exactly what the Senator from Georiga is saying.

Mr. BROOKE. Mr. President——

Mr. NUNN. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. I yield to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, what the Senator from Georgia and the Senator from Connecticut in their brief colloquy had to say is very appealing. But I caution that this is a wolf in sheep's clothing.

I do not charge the Senator from Georgia with having created this wolf, but whether he knows it or not, that is exactly what it is. It would effectively destroy the Voting Rights Act of 1965.

We had this debate for several hours yesterday. This provision was included in the amendment by the distinguished Senator from Mississippi (Mr. STENNIS). We discussed it, and we discussed it at great length.

It was brought out in that debate that it would be impossible for the Attorney General to go to court and preclear all the districts, all the counties, and I think the Senator from Georgia knows this. The effect would obviously be that it would be impossible for the Attorney General to do it, and we would not even have a Voting Rights Act.

We sat by and allowed the Senator from Georgia to get unanimous consent to bring it up. We could have objected to it, but we wanted to be fair. We wanted to be equitable. We wanted to give everyone an opportunity to call up his amendments. I think only the distinguished Senator from North Carolina (Mr. MORGAN) was deprived of his right on a point of order.

The PRESIDING OFFICER. The time of the Senator from California has expired. The Senator from Georgia has 2 minutes.

Mr. NUNN. I yield the Senator from Massachusetts 30 seconds of my time.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BROOKE. I have a parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BROOKE. Because I feel that the Voting Rights Act of 1965——

Mr. NUNN. Mr. President, I did not yield for a parliamentary inquiry.

Mr. BROOKE. My parliamentary inquiry is, Will a point of order lie against it?

Mr. NUNN. I ask unanimous consent that the parliamentary inquiry not be charged to my time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator may proceed to state his parliamentary inquiry.

Mr. BROOKE. My parliamentary inquiry is, Is a point of order in order at this time?

The PRESIDING OFFICER. Against the amendment?

Mr. BROOKE. Yes.

The PRESIDING OFFICER. No, it is not. Who yields time?

Mr. NUNN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. NUNN. I yield 30 seconds to the Senator from North Carolina and 30 seconds to the Senator from Louisiana.

Mr. MORGAN. Mr. President, I wanted to make one comment. I was attorney general of the State of North Carolina during the period of time that every new precinct change was submitted to the Attorney General of the United States. We submitted 194. They were routine, and every one was approved except six, according to the record. I remember only one being disapproved. There was no problem at all.

Mr. NUNN. I yield 30 seconds to the Senator from Louisiana.

Mr. LONG. Mr. President, the Senator from Louisiana knows what this is all about. I was the majority whip at the time the Voting Rights Act of 1965 was passed. I had previously asked John F. Kennedy to recommend this kind of voting rights bill to the Senate, although I was a Senator from Louisiana and could not very well vote for it, and it was finally recommended by President Johnson.

But even though I voted against it, there are Democrats sitting right here who know I urged them to vote for cloture on that bill, although my colleague was leading the filibuster, because I felt that the bill should have been passed and made applicable to Louisiana.

The Senate knows that it should have been made applicable to the Puerto Ricans in New York. This bill makes it applicable to them, years later. But, Mr. President, seven Southern States are not the only violators. Our States were at fault, and the law should have been passed. Mr. President, those seven Southern States have been made to do right, and I am glad they were. I will vote for the bill even if it applies only to Louisiana. I only wish, Mr. President, that we had equal justice in this country. That is what the Senator from Georgia is asking for in his amendment.

Mr. NUNN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TUNNEY. Mr. President, I move to lay the amendment on the table.

Mr. NUNN. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California (Mr. TUNNEY) to lay on the table the amendment of the Senator from Georgia (Mr. NUNN). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from North Dakota (Mr. YOUNG) is necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent attending the funeral of a friend.

The result was announced—yeas 48, nays 41, as follows:

[Rollcall Vote No. 327 Leg.]

YEAS—48

Abourezk	Hartke	Packwood
Bayh	Hatfield	Pastore
Beall	Hathaway	Pearson
Biden	Huddleston	Pell
Brooke	Humphrey	Percy
Burdick	Inouye	Proxmire
Case	Jackson	Roth
Church	Javits	Schweiker
Clark	Kennedy	Scott, Hugh
Cranston	Leahy	Stafford
Culver	Magnuson	Stevens
Eagleton	Mathias	Stevenson
Fong	McGee	Taft
Ford	Mondale	Tunney
Glenn	Montoya	Weicker
Gravel	Muskie	Williams

NAYS—41

Allen	Curtis	Hruska
Baker	Dole	Johnston
Bentsen	Domenici	Laxalt
Brock	Fannin	Long
Buckley	Garn	Mansfield
Bumpers	Griffin	McClellan
Byrd, Harry F., Jr.	Hansen	McClure
	Hart, Gary W.	Metcalf
Byrd, Robert C.	Haskell	Morgan
Cannon	Helms	Moss
Chiles	Hollings	Nunn

Randolph	Sparkman	Thurmond
Ribicoff	Stennis	Tower
Scott, William L.	Stone	
	Talmadge	

NOT VOTING—10

Bartlett	Hart, Philip A.	Symington
Bellmon	McGovern	Young
Eastland	McIntyre	
Goldwater	Nelson	

So the motion to lay Mr. NUNN's amendment on the table was agreed to.

Mr. BROOKE. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. MATHIAS and Mr. TUNNEY moved to lay the motion on the table.

The motion to lay on the table was agreed to.

SEVERAL SENATORS. Third reading.

Mr. PERCY. Mr. President, Senator GOLDWATER and I do not intend to call up our amendment, but I express deep appreciation to Senator TUNNEY and Senator MATHIAS for offering to hold early hearings on a bill that would restore voting rights to convicts who have paid their full price to society and would put them back in the mainstream of society. This is an important measure.

Senator GOLDWATER and I do not want to encumber this bill. We do appreciate very much, indeed, the assurance given both of us that hearings will be held.

Mr. TUNNEY. I thank the Senator from Illinois. We will hold those hearings this year.

AMENDMENT NO. 759

Mr. ALLEN. Mr. President, I call up my amendment No. 759.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes an amendment numbered 759.

The amendment is as follows:

On page 1, between lines 6 and 7, insert the following new section:

"SEC. 102. Section 5 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new sentence: 'The provisions of this section shall not apply with respect to any voting qualification or prerequisite to voting or standard, practice, or procedure with respect to voting that is different from that in force on November 1, 1964, as a result of any annexation by a political subdivision of a State of any occupied or unoccupied land if any such annexation was accomplished pursuant to State law enacted prior to August 6, 1965.' ".

On page 1, line 7, strike out "SEC. 102" and substitute "SEC. 103".

Mr. ALLEN. Mr. President, I ask unanimous consent that the name of my distinguished senior colleague, Mr. SPARKMAN, be added as a cosponsor of the amendment.

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

Mr. ALLEN. Mr. President, I introduce an amendment to H.R. 6219. In doing so, I do not in any way diminish my opposition to the arbitrary and irrational triggering procedures of the bill nor to what I consider to be unconstitutional prior approval procedures imposed on states as a condition to the validity of their legislation.

The amendment that I now introduce is narrow in scope. It would not adversely effect the reach of the Voting Rights Act intended by its most ardent advocates, but only redress a retroactive provision of the bill which I consider to be unconstitutional.

This narrow amendment deals solely with annexations of land by any municipality which took place prior to passage of the act, that is, before August 6, 1965. The amendment provides that such an annexation of land shall not be subject to prior approval provisions of section 1973(c) of the act.

As you will recall, the prior approval procedures of the act cover all legislation effecting changes in voting requirements or procedures and it was made to apply retroactively to state legislation enacted after November 1, 1964, some 11 months prior to enactment. The retroactive feature of the act works injustices which I am confident was never intended by Congress. My proposed amendment would right these injustices. Let me illustrate by reference to an example of an annexation by the city of Bessemer, Ala.

The water wells in a small area—known as Greenwood—near Bessemer, Ala., were running dry. Greenwood had no other source of water and its residents had to haul water to their homes in jars and buckets. Consequently, the city of Bessemer was requested to extend its water lines to serve the Greenwood area. For economic and other reasons, the city of Bessemer could not furnish water outside its city limits. In order to do so, Greenwood would have to become incorporated into the city of Bessemer.

A vacant 40 acres of land lay between the Greenwood area and the city limits of the city of Bessemer, and a special State enabling statute was needed to permit the annexation. At the request of the city—and of interested residents of Greenwood—the Alabama legislature passed an act in August of 1964 which authorized the annexation, subject to an election and a majority vote of the people residing in the area to be annexed. Under the statute, the annexation was to become effective on January 1, 1965. The election was held in March of 1965, some 5 months prior to passage of the Voting Rights Act.

Thus, without an awareness of the Voting Rights Act of 1965, the residents of the Greenwood area voted to join the city of Bessemer and thereby become subject to its ordinances and to the taxing power of its city government and were supposedly to enjoy all the rights and privileges of other citizens of the city. In response to their vote, Greenwood was annexed to the city of Bessemer.

Then, the following August, Congress passed the Voting Rights Act of 1965. I have found no evidence to indicate that a majority of Members of Congress had any idea that annexations were contemplated as a change in voting procedures. You will recall that municipalities throughout the Nation were desperately seeking to expand their respective tax base and that urban developments spilling beyond county and municipal boundaries created a demand for water and other services which could be economically provided only by adjacent municipalities. But in 1971 the Supreme Court of the United States held in *Perkins* v. *Matthews*, 400 U.S. 379 (1971), that an annexation was a change in voting procedures and was therefore subject to prior approval provisions of the act.

Thus, the residents of Greenwood, who are now subject to the taxing power of the city, may be prohibited from voting in city elections unless and until approval is received from the Attorney General of the United States.

I am certain Congress did not intend that people who voluntarily voted to become a part of the city of Bessemer before passage of the act should have their right to vote in the city made contingent upon the approval of the attorney general or that such right to vote could be revoked by the attorney general by reason of a Federal statute passed after they became a part of the city.

Mr. President, it is not in keeping with the dictates of common sense and fair play—without regard to questions of constitutionality—to change the consequences of an election after an election has been held and an annexation choice has been made. That, however, is what the retroactive feature of the Voting Rights Act and the Supreme Court has done by applying the law to annexations.

Mr. President, let us look at the constitutional question.

When the Alabama Legislature authorized the city of Bessemer to annex certain territory, the statute carried with it a logical, necessary, and constitutionally guaranteed presumption of validity.

Almost a year later, Congress enacted a statute that eliminated the presumption of validity and in lieu thereof created a presumption of invalidity. Congress then imposed on States an extraordinary validation procedure in the form of submission of State statutes for prior approval of the U.S. Attorney General as a condition of giving full force and effect to law to annexation statutes.

Mr. President, it is utterly impossible for a State to comply with prior validation procedures before the procedures are prescribed by law.

It is irrational for Congress to enact a statute which prescribes conditions with which it is impossible to comply.

Mr. President, I do not question the power of Congress to enact retroactive legislation under narrowly defined circumstances and conditions. But the question of retroactive effect of a law relates to the power of Congress or a legislature to enact the law and does not reach the question of the constitutionality of its application under particular circumstances. More specifically, I question the retroactive aspects of the bill as it relates to this set of circumstances.

"Taxation without representation" is accomplished by reason of the retroactive effect of the Voting Rights Act of 1965. Such principle was condemned by residents of this continent some 200 years ago and was an important factor in bringing about the American Revolution—an event, whose 200th birthday we are about to celebrate. If taxation without representation was not good for the colonies, neither is it desirable for

the residents of Greenwood within the city of Bessemer, Ala.

Now, if we are to extend the Voting Rights Act, it is simply not appropriate for the unfortunate, unintended injustice worked upon the residents of Greenwood to be perpetuated by Congress. My amendment would correct this injustice by exempting from the reach of that section of the act which requires the approval of the Attorney General only those annexations which were accomplished by a municipality prior to the time that the 1965 act became law. This amendment makes no change of significance in the reach of the 1965 act and has only this narrow and proper effect.

Mr. President, I urge the passage of this amendment.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TUNNEY. Mr. President, the Senator from Alabama called this amendment to my attention earlier today. I checked with the Justice Department on the measure, and I found that at the present time there are three cases to which this amendment would apply.

Mr. ALLEN. "Instances," rather than "cases." There is no case pending.

Mr. TUNNEY. I should say three instances to which this amendment would apply. Stanley Pottinger, the chief of the Civil Rights Division, said that he did not favor the amendment. I do not have any personal information as to how damaging this amendment would be to the Voting Rights Act. I am under the impression that Mr. Pottinger did not feel that it would be terribly damaging, but he did say that the Justice Department opposed the measure. Because of that, I am going to vote against it.

I should like to make a motion to lay the amendment on the table, and I will ask for the yeas and nays at an appropriate time.

Mr. ALLEN. Mr. President, the people in this small community have enjoyed the privileges of citizenship of this town. They have city water. They have paved streets. They go to city schools, patronize city hospitals, vote in city elections, and no one has raised any complaint among the residents there. I think this would be only fair, since this was 5 months prior to the passage of the Voting Rights Act, long before the Supreme Court had ever said that annexation had anything to do with voting procedure.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TUNNEY. Mr. President, I certainly will include this provision in the hearings we will be holding later this year, and I would like to get a statement at those hearings from Mr. Pottinger of the Civil Rights Division. This is a matter we can handle later. I do not think it is a matter we can pass on tonight. Because of the opposition of the Justice Department to the amendment, I will have to vote against it.

I yield back the remainder of my time.

Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MATHIAS. Mr. President, I ask unanimous consent that this rollcall vote be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the motion to table the Allen amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from North Dakota (Mr. YOUNG) is necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent attending a funeral of a friend.

The result was announced—yeas 59, nays 30, as follows:

[Rollcall Vote No. 328 Leg.]

YEAS—59

Abourezk	Hartke	Muskie
Bayh	Haskell	Packwood
Beall	Hatfield	Pastore
Biden	Hathaway	Pearson
Brooke	Hollings	Pell
Bumpers	Huddleston	Percy
Burdick	Humphrey	Proxmire
Cannon	Inouye	Randolph
Case	Jackson	Ribicoff
Church	Javits	Roth
Clark	Kennedy	Schweiker
Cranston	Leahy	Scott, Hugh
Culver	Magnuson	Stafford
Domenici	Mansfield	Stevens
Eagleton	Mathias	Stevenson
Fong	McGee	Taft
Ford	Metcalf	Tunney
Glenn	Mondale	Weicker
Gravel	Montoya	Williams
Hart, Gary W.	Moss	

NAYS—30

Allen	Fannin	Morgan
Baker	Garn	Nunn
Bentsen	Griffin	Scott, William L.
Brock	Hansen	Sparkman
Buckley	Helms	Stennis
Byrd, Harry F., Jr.	Hruska	Stone
Byrd, Robert C.	Johnston	Talmadge
Chiles	Laxalt	Thurmond
Curtis	Long	Tower
Dole	McClellan	
	McClure	

NOT VOTING—10

Bartlett	Hart, Philip A.	Symington
Bellmon	McGovern	Young
Eastland	McIntyre	
Goldwater	Nelson	

So the motion to lay Mr. ALLEN's amendment (No. 759) on the table was agreed to.

Mr. TUNNEY. Mr. President, I am not aware of any other amendments. Are there any other amendments?

The PRESIDING OFFICER. If there be no further amendments——

Mr. TUNNEY. Mr. President, I shall only take a minute of my colleagues' time. I ask for third reading.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

Mr. TUNNEY. Mr. President, I should like to say just a few words before we vote on this bill.

First of all, I want very much to thank the leadership—Senator MANSFIELD and Senator BYRD—for having made it possible for us to vote on final passage of this legislation tonight. Had it not been for their efforts, I think we would have been here into next week. I think this is such an important bill that it deserves special notice that they did such a tremendous job of making it possible.

I also want to say to Senator STENNIS, who is here, Senator MORGAN, Senator ALLEN, Senator NUNN, and others, who raise very legitimate concerns about the legislation and the operation of the legislation, that it is the intention of the Subcommittee on Constitutional Rights to hold more hearings on the act and the way it has been implemented, to see if we can draft some new language which might make it fairer in its application.

I could not, and I hope that the Senators understand, accept any amendments because of my belief that it would have prevented the extension of the Voting Rights Act. I do fully intend, however, to hold these extensive hearings and to take the very best ideas and see if we can move them at a future time.

I have in my hand a letter from PETER RODINO and DON EDWARDS which states:

My colleagues and I am delighted with the passage tonight of H.R. 6219, the Voting Rights Act Extension. Senator TUNNEY is to be commended for his skillful and dedicated management as the floor leader insuring the passage of this important bill in the face of intense opposition.

While not totally satisfied with the prospects of a seven year extension instead of ten years, as contained in the House bill, it is our intention to go to the Rules Committee and seek a rule acceding to this Senate Amendment. The time constraints imposed in the expiration date of August 6th do not permit a conference.

H.R. 6219 in every other respect is intact and we believe an important step forward in civil rights legislation.

PETER W. RODINO, Jr.,
Chairman, House Committee on the Judiciary.

DON EDWARDS,
Chairman, Subcommittee on Civil and Constitutional Rights.

So Senator BYRD was right.

Mr. THURMOND. Mr. President, once again, the Senate is considering whether or not the Voting Rights Act of 1965 should be renewed. In my opinion, this act should not be renewed, but if renewed, it should be applied on an equal basis throughout the Nation. This act has subjected South Carolina and six other Southern States to discriminatory Fed-

eral intervention in the administration of their election laws. Unless the Senate and the Congress refuse to grant the renewal of this act, this unwarranted Federal involvement will continue.

Although I fully believe in the right of all citizens to vote and urge that everyone exercise that right in each election, I do not feel the administration of those elections should be the subject of a "Big Brother" review in Washington.

South Carolina was covered in 1965 by the "triggering provisions" of section 4 (b) of the Voting Rights Act of 1965 because, first, it maintained a literacy test as a condition for voter registration on November 1, 1964, and second, less than 50 percent of the voting population voted in the Presidential election in 1964.

The State was originally covered for a period of 5 years. Under section 4(a) South Carolina could have been released from coverage after August 6, 1970, through an action for a declaratory judgment in the U.S. District Court for the District of Columbia by demonstrating that it had not used any test or device in order to deny the right to vote in the previous 5 years. In my opinion, there would have been no difficulty in making this demonstration because literacy tests and devices had been suspended in South Carolina and in the other States and political subdivisions covered by section 4(a) of the act. However, the Voting Rights Amendment of 1970 extended the time during which a covered State seeking release must not have used a test or device as a measure of discrimination from 5 to 10 years.

The "triggering provisions" of section 4(b) are based on the assumption that there is generally a casual connection between low voter turnout and voting discrimination. In testimony before a subcommittee of the House Judiciary Committee on March 18, 1965, in support of the act, Attorney General Katzenbach said that:

> The premise (of section 4(b)), as I have said is that the low coincidence of low electoral participation and the use of tests and devices results from racial discrimination in the administration of the tests and devices.

In my opinion, South Carolina had demonstrated that this premise is invalid. In its "1961 Report: Voting," the U.S. Commission on Civil Rights discussed "sworn complaints" that it had received from persons who alleged that they had been denied the right to vote or to have their vote counted by reason of race, color, religion, or national origin. The Commission stated that no sworn complaints had been received from Arkansas, Georgia, South Carolina, Texas, or Virginia, and only one from Oklahoma. However, Georgia and South Carolina were included in the coverage by the Voting Rights Act on the premise that low voter turnout in these States resulted from voter discrimination.

Since the enactment of the Voting Rights Act, the Attorney General has designated only two counties in South Carolina for the assignment of Federal examiners, under section 6, to list eligible voters for registration. Only 2 out of 46 counties have been so designated, and they were both designated on the same date, October 29, 1965. This means that for a period of over 9 years the Attorney General has found no reason to believe that there is voting discrimination anywhere else in South Carolina which would warrant assignment of examiners. From this information, I think it is fair to conclude that there has been no voting discrimination on account of race or color in South Carolina since 1958, which was the year in which the Civil Rights Commission became operative and compiled data.

Mr. President, the absence of voting discrimination in South Carolina demonstrates that there is no general causal connection between low voter turnout and voting discrimination. The record of South Carolina throws into question the very premise upon which the "triggering provisions" of section 4(b) is based. It is my contention that States and subdivisions covered by section 4(b) have been subjected to an arbitrary presumption of guilt based in no way on conclusive evidence. These few States have been punished by legislative enactment—by what amounts to a bill of attainder—without recourse to judicial process. It appears to me that the provisions of section 4(b) are arbitrary and unreasonable and should be allowed to expire.

There is no need for South Carolina to be subjected to the Voting Rights Act any longer since it is a fact that the black voters in the State exercise political power sufficient to elect a considerable number of black candidates to public office. As of April 1974, there were 116 black elected officials in South Carolina. Three of these were State representatives, 18 were county commissioners, supervisors or councilmen, 2 were other types of county officials, 6 were mayors, 51 were municipal councilmen, aldermen, or commissioners, 12 were judges, justices, or magistrates, and 24 were school board members. It should be noted that these electoral successes have been achieved without Federal examiners in 44 out of the 46 counties in the State.

Mr. President, I feel that this is ample evidence that there is no concerted effort by State and local officials or by the white population of South Carolina to deny the black population the right to vote.

ADDITIONAL STATEMENTS ON H.R. 6219

EXTENSION OF THE VOTING RIGHTS ACT

Mr. BAYH. Mr. President, for the past several days the Senate has considered what I believe is one of the most important matters we have had before us thus far in the 94th Congress—the renewal of the Voting Rights Act of 1965. There is no question but that this legislation has proved to be the most effective tool ever enacted by the Congress to secure the franchise for all Americans.

In addition to the simple extension of the 1965 act, the bill before the Senate today contains new provisions which I introduced. These new sections will expand the act's coverage to protect other minorities as to which the Congress has been presented substantial evidence of discrimination. I would like to review briefly for the Senate why I believe that the act must be extended as well as the reasons which justify the new provisions which we propose to add.

By any measure, the Voting Rights Act has been a success in steering American democracy toward resolving a fundamental and explosive question—the exclusion of some of its citizens from the electorate on the basis of race. Between 1964 and 1972 more than 1 million new black voters were registered in the seven covered States. Black voter registration in these States overall went from 29 percent in 1965 to 56 percent in 1974.

Some gains were made by blacks seeking local office. From 1965 to 1974 the number of black officials has risen from 100 to 964 out of a total at present of 32,977.

The record before our committee clearly shows, however, that this basic change in the political and social fabric of the South remains unfinished.

Most State and local officials in the covered areas have attempted in good faith to comply with the act's provisions, but pockets of official resistance to the act remain a serious problem. In Alabama, Louisiana, and North Carolina, the percentage point disparities between black and white registration still stand at 23.6 percent, 16 percent, and 17.8 percent respectively. More commonly, the percentage disparities in registration remain severe in rural counties in many of the States.

In 8 of the 10 least populous parishes in Louisiana, for example, the disparity is more than 20 percentage points. In addition, black elected officials in these States are only a small percentage of the total black population.

It is these continuing disparities in percentage registration figures plus the number of objections imposed by the Attorney General pursuant to the preclearance procedures of section 5 which convinced our committee, and I might add, the administration, that extension of the act was needed. The evidence strongly suggests that in the absence of the act's protections, there could be some backsliding.

The distinguished Senator from California (Mr. TUNNEY) has ably laid before the Senate the full case for extension of the act. I do not believe that reasonable men can differ on the prudence and reasonableness of building on what clearly has been a success.

I would like to point out to the Senate one particular concern I have with the 1965 act which was brought to our attention recently by the Supreme Court's opinion in City of Richmond against United States.

There the Court held that any redistricting plan in an area covered by section 5 of the act must afford minorities "representation reasonably equivalent to their political strength" (43 U.S.L.W. 4865, 4868). This means that where blacks are more than 40 percent of the population as in Richmond, section 5 requires a redistricting plan in which a comparable portion of the seats have substantial black majorities.

Section 5 is designed to go beyond the constitutional standard required by the 14th and 15th amendments and is justi-

fied as necessary to put a stop to the practice of gerrymandering districts or adopting at-large systems so that blacks rarely or never win elections. The committee's interpretation of the legal standards for redistricting cases under section 5 was spelled out in detail in the hearings before our committee by Mr. Howard A. Glackstein, the former staff Director of the Civil Rights Commission.

In recent years, Mr. President, it has become increasingly apparent that there were other minority groups in our society who were being excluded from the franchise by official practices. Most of the evidence related to those of Spanish heritage living in the Southwest. Subsequently, evidence was presented to our committee which suggested similar problems among other groups based on language.

I believe that the guarantee of the right to vote is the most basic tenant of a working democracy. I was convinced that the Voting Rights Act had proved an effective tool toward this end. Accordingly, on April 7, 1975 I introduced an amendment to the Hart-Scott extension bill which expanded the coverage of the act to include other identifiable minority groups as to which the committee had substantial evidence of discrimination.

Much debate has occurred over the adequacy of the factual record presented to the committee to justify the need to apply the special provisions of the act to the newly covered areas. I believe it is important to remember, first of all, that as to those who are complying in good faith with the act's provisions, it poses no substantial burden. The loudest complaints have been heard about the paperwork involved in the preclearance procedure.

Yet evidence before the Congress indicated that reporting the necessary paperwork to the Justice Department required only the part-time work of one State of Virginia employee. If the burden on the States affected is not great, then I believe that we can justify extending the act's provisions as a safeguard whenever the evidence indicates that there is a substantial problem.

The record before the Senate on this bill is full of statistics which do indeed tell the real story of voter participation. But there is a human factor as well. I would like to relate to the Senate a few human situations involved in this policy question which impressed me during our hearings.

The evidence before the committee clearly shows that a number of Chicano candidates and activities have lost their jobs or been threatened with dismissal for political activity in Texas.

In Uvalde, Tex., one Chicano candidate who filed for office for the city council had his name left off the sample ballot printed in the local newspaper. The city council later determined that he was not qualified to run since he could not receive the salary of both a teacher and a city councilman. Councilmen are paid a token fee of $2 per month. After long litigation, a Federal appellate court declared that the city council's action had deprived this candidate of his constitutional rights but declined to overturn the election.

One county official in Texas told the staff of the Civil Rights Commission that:

> We should go back to poll taxes or some sort of registration fee that would keep a lot of these people from voting . . . I feel it is a privilege to vote . . . and not a right.

In Cotulla, Tex., police officers entered the polling place in a 1973 election taking note of voters as they came in.

Although the election judge informed them that they were in violation of State law, they refused to leave. Only after the district attorney and the county judge were called did they comply with the order.

These are only a few examples, Mr. President, of the petty harassment and discrimination to which some language minority voters are subjected. But these examples fill out the statistical record which clearly shows the differential in voter participation. The bill which we are considering today will be a major step in eliminating these problems.

Mr. PERCY. Mr. President, I have an amendment to H.R. 6219 at the desk, amendment No. 734, dealing with the subject of voting rights for ex-offenders. The Senator from Arizona (Mr. GOLDWATER) has joined me in sponsoring this amendment.

While I do not intend to call up my amendment or press for a vote on it at this time—we are all concerned about the pressing time constraints surrounding this legislation—I do want to take this opportunity to express my concern over this one particular aspect of the voting rights issue which has received little attention in these debates.

There is in this country a very sizable class of people who are not subject to the terms of the Voting Rights Act, despite the fact that they are systematically and purposefully discriminated against at the polls. I speak of the population of former offenders, who have paid in full their debt to society and are presumed to be prepared for reintegration into the community and resumption of the responsibilities of full citizenship.

But just as so many other of our theories on rehabilitation have remained just that, theories, so it is also with this. There is no right that is more basic and fundamental to the maintenance of full citizenship than the right to vote. By systematically denying that right to individuals deemed qualified and responsible to take an active and constructive role in society, I think we are displaying a very basic hypocrisy in our criminal justice system.

The normal justifications for imposing prison and other sentences upon individuals convicted of crimes: deterrence, retribution, protection, and rehabilitation, simply do not apply in this context. We are talking about individuals who have already suffered their punishment through sentences in jail or terms on parole. The function of deterrence has already been fulfilled in their cases. For the protection of society we continue to have criminal laws and law enforcement organizations. And as for rehabilitation, it is hard to conceive of disenfranchisement as anything but a backward step.

My amendment specifically prohibits any such former offender from being denied the right to vote in Federal elections if otherwise qualified. This is not the first time that such legislation has been before the Congress. I have twice before introduced legislation into the Senate for this purpose, as S. 2162 in the 93d Congress, and as S. 1534 in the 94th. Senators BAYH, BURDICK, JAVITS, and MATHIAS joined me in introducing S. 1534. On the House side, similar legislation introduced by Congressmen KASTENMEIER and RAILSBACK was unanimously referred out of the House Judiciary Committee's Subcommittee on Courts, Civil Liberties, and the Administration of Justice in January of 1974. This legislation has been reintroduced into the present Congress as well.

Presently, only about half of the States provide for automatic reenfranchisement of former offenders upon completion of their designated sentences. To clarify the laws of the different States on this matter, I would like to have inserted in the RECORD a chart that appeared in the American Criminal Law Review. This chart sets forth in graphic manner the current legal status of this issue across the country. I ask unanimous consent that this chart be printed in the RECORD.

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

Mr. PERCY. Mr. President, because of the limitations on time, I will complete my remarks on this amendment by pointing out that we will soon be entering a major election year, entailing the selection of a President and a Vice President, a third of the Senate, the entire House of Representatives, and many State and local officials. There could hardly be a more opportune time than the present to enact legislation insuring the right to vote for all qualified Americans, including the ex-offender.

EXHIBIT 1

STATE LAWS ON EX-OFFENDER VOTING

TABLE I.—STATE DISENFRANCHISEMENT PROVISIONS

State	Felony	Infamous crimes	Crimes involving moral turpitude	Specified offenses	Election crimes	While incarcerated or under sentence	Crimes punishable by incarceration	Treason
Alabama		X	X	X	X		X	X
Alaska	X					X	X	
Arizona	X					X		X
Arkansas	X							

State	Felony	Infamous crimes	Crimes involving moral turpitude	Specified offenses	Election crimes	While incarcerated or under sentence	Crimes punishable by incarceration	Treason
California		X		X		X		
Colorado						X		
Connecticut	X			X[1]				
Delaware	X				X	X		
District of Columbia	X							
Florida	X					X		
Georgia			X	X			X	X
Hawaii	X							
Idaho	X	X		X	X			X
Illinois	X					X		
Indiana	X	X[1]			X	X		
Iowa		X			X			
Kansas	X			X			X	X
Kentucky	X			X[1]	X	X		X
Louisiana	X					X	X	
Maine					X[1]			
Maryland		X		X	X			
Massachusetts					X			
Michigan						X[1]		
Minnesota	X	X[1]		X[1]				X
Mississippi				X				
Missouri	X			X	X	X	X	
Montana	X							
Nebraska	X							X
Nevada	X			X				X
New Hampshire				X	X	X		X
New Jersey				X[1]		X		
New Mexico	X	X						
New York	X	X		X	X			
North Carolina	X						X	
North Dakota	X				X			X
Ohio	X	X[1]		X[1]				
Oklahoma	X					X		
Oregon						X	X	
Pennsylvania					X			
Rhode Island		X		X			X	
South Carolina				X	X			
South Dakota	X					X		X
Tennessee		X[1]						
Texas	X			X				
Utah					X	X		X
Vermont					X			
Virginia	X							
Washington		X						
West Virginia	X				X			X
Wisconsin	X	X		X	X			X
Wyoming	X	X						

[1] Enabling provision.

TABLE II.—STATE PROVISIONS FOR RESTORATION OF VOTING RIGHTS

State	Automatic restoration	Disenfranchisement for a determinate period	Disenfranchisement for a determinate period: only certain offenses	Pardon by Governor	Other procedures
Alabama					X
Alaska				X	X
Arizona				X	X
Arkansas				X	
California				X	X
Colorado	X			X	
Connecticut					X
Delaware	X		X	X	
District of Columbia		X			X
Florida	X			X	X
Georgia					X
Hawaii	X			X	
Idaho				X	X
Illinois	X				
Indiana		X		X	
Iowa			X	X	
Kansas	X			X	
Kentucky			X	X	
Louisiana				X	
Maine		X[1]		X	
Maryland				X	
Massachusetts		X		X	
Michigan				X	
Minnesota	X			X	
Mississippi					X
Missouri			X	X	X
Montana	X			X	
Nebraska	X			X	X
Nevada				X	X
New Hampshire	X			X	
New Jersey	X			X	
New Mexico				X	
New York	X			X	
North Carolina		X		X	
North Dakota				X	X
Ohio	X			X	
Oklahoma				X	
Oregon	X			X	
Pennsylvania		X		X	
Rhode Island				X	X
South Carolina					X
South Dakota	X			X	
Tennessee				X	X
Texas				X	
Utah					X
Vermont		X		X	
Virginia				X	
Washington	X			X	
West Virginia	X			X	
Wisconsin	X			X	
Wyoming	X			X	

[1] Enabling provision.

Mr. PERCY. Mr. President, I ask the Senator from California, inasmuch as he has indicated that the Constitutional Rights Subcommittee would hold hearings on proposed amendments to the voting rights bill, if this problem of the disenfranchisement of ex-offenders would not make a fitting and important topic for such hearings, and if he would in fact intend to hold hearings on legislation aimed at granting ex-offenders the right to vote in Federal elections.

Mr. TUNNEY. I appreciate the Senator's concern regarding this problem. I regret that time constraints precluded the possibility of considering the matter of voting rights for ex-offenders in conjunction with this legislation. However, I have indicated that the Subcommittee on Constitutional Rights will hold hearings on proposals affecting the voting rights of U.S. citizens before the end of this year. The proposal of the Senator from Illinois (Mr. PERCY) will certainly be among those given full consideration.

EXTENSION OF VOTING RIGHTS ACT IS ESSENTIAL

Mr. HUMPHREY. Mr. President, it is a pleasure to speak in support of the pending bill, H.R. 6219, as it represents

another chapter in the struggle of this Republic to blot out the years of bitterness and discrimination which have tainted the blessings of liberty that are promised to all our people.

A HISTORIC MOMENT IN THE HISTORY OF AMERICAN DEMOCRACY

As we meet to determine the fate of this legislation, the Congress, and, indeed, the Nation, stand at a critical juncture. How well I remember, Mr. President, the bitterness and animosity which surrounded passage of the original Voting Rights Act in 1965. As Vice President of the United States, it fell to me to preside over those deliberations.

President Johnson, shocked and repelled by news of violence and intimidation in the racially divided South, impelled this Congress to legislate an end to voting discrimination which had prevented the full participation by black Americans in the voting process and which, indeed, had threatened the very lives of some of our citizens who sought to grasp what was their right under the Constitution.

In one of its finest hours, the Congress responded to this challenge and, on August 6, 1965, the Voting Rights Act was signed into law.

It was not well received. In many parts of the Nation, State and local officials continued to use their positions to block implementation of the act.

Yet it stood—valiantly and persistently—against the forces which sought to undermine and render it powerless. With determination and commitment on the part of Congress and the Department of Justice, the Voting Rights Act has proved to be one of the most successful civil rights laws ever enacted in this country.

And now, as we stand on the brink of passing an extension of this historic act, I say that once again we are at a fine hour in our history. The House of Representatives passed this legislation by an incredible 271-vote margin. We have a Republican President who is waiting downtown to affix his signature and we have around us in this body southerners and northerners—from both political parties—who are committed to enactment of this measure.

For those of us who have some history with the civil rights movement, this is enormously gratifying. It is a fine hour, indeed.

THE VOTING RIGHTS ACT

The bill enacted in 1965 incorporated an automatic trigger mechanism which would extend coverage in any State or political subdivision which used a "test or device" as a condition for voter registration, and in which fewer than 50 percent of age-eligible persons were registered to vote on November 1, 1964, or voted in the Presidential election of that year.

The bill authorized the Attorney General of the United States to send Federal examiners to register voters in the covered jurisdictions and election observers to any jurisdiction where examiners had been dispatched.

It posed a 5-year ban on literacy tests and, as amended in 1970, extended the ban an additional 5 years and made its coverage nationwide.

Section 5 of the act, the so-called preclearance provision, has proved to be one of the most useful and effective of the act's protections. It provides that proposed changes in "any voting qualification, or prerequisite to voting, or standard, practice, or procedure with respect to voting" in the covered jurisdictions be submitted to the U.S. Attorney General or the U.S. District Court for the District of Columbia for a determination that the change would not be discriminatory against minority voters.

This provision did not receive widespread application until 1971. In a 1969 decision, the Supreme Court said:

> The right to vote can be affected by a dilution of voting power as well as by an absolute prohibition on casting a ballot.

In the year following enactment of the act in 1965, the most overt acts of discrimination subsided. In many areas, however, they were replaced with efforts to impose new and different restrictions which would have an effect on the impact of minority voting. Gerrymandering of legislative or congressional districts; multimember or at-large districts; changes in polling places which present difficulties for minority voters; high filing fees; making appointive what was formerly an elective office; signature requirements—these are among the kinds of proposed changes which have been disapproved and prevented under the preclearance provisions of section 5. This section has become the focus of actions under the Voting Rights Act, and its important authority must be maintained.

In the spring of this year, the Senate Subcommittee on Constitutional Rights, chaired by the distinguished Senator from California (Mr. TUNNEY), held hearings on this legislation. Last week it was ordered reported to the Senate by the full Judiciary Committee.

This legislation, almost identical to the House-passed bill, extends the pertinent provisions of the act and expands its coverage to include protection of the voting rights of language minority citizens. It also provides for important forms of bilingual election assistance.

The bill before us puts a permanent ban on the use of tests and devices as a prerequisite to voting. This permanent ban is long overdue, Mr. President, and I commend the authors of the bill and the Judiciary Committees of both Houses for taking this vital step.

Further, the pending bill would amend the act to authorize private causes of action and the awarding of attorneys' fees to prevailing parties in litigation brought under the act.

One of the problems thus far in assessing the degree of participation in the political system has been the lack of solid statistical information upon which to base judgments. To address this problem, the bill has been drafted to direct the Bureau of the Census to compile registration and voting statistics by race and national origin in every jurisdiction covered under the act. This would be done every 2 years. Provision has been included to protect the privacy of respondents in such studies.

Finally, the bill includes an important separability clause to insure that the existing provisions of the act will not be jeopardized should the constitutionality of the new provisions be successfully challenged.

PROGRESS MUST BE SUSTAINED

Mr. President, some have said that the war has been won—that we should lay down the sword. There is no question that the act has been one of the most successful civil rights bills ever enacted. More than 1 million black citizens have been registered to vote in the covered jurisdictions since 1965. And the difference between the percentages of white and black registered voters has narrowed in these jurisdictions. Yet despite these gains, blacks still lag in registration by comparison to potential white voters.

With these gains in registration came impressive increases in the number of black elected officials in the South. In 1960, there were fewer than 100 black officeholders in this area. By the spring of 1974, there were 963. These are most encouraging and welcome results, Mr. President, but a close look indicates that many of these offices are relatively minor, and they are held in areas with a majority black population.

So I cannot accept the argument that retreat must follow success. Success challenges us to persevere, not to retreat. There is much to be done.

In the course of debate on the 1965 act, I observed:

> Until this point in history, the civil rights movement has concentrated upon removing the legal barriers to full citizenship—segregated schools, hotels, restaurants, and voting discrimination. With the passage of the Voting Rights Act of 1965—with full implementation—we can say that this historic initial phase of the civil rights struggle is well on its way toward completion.

I want to emphasize this last phrase, "well on its way toward completion."

We have not completed the struggle, Mr. President, until we can say to every American—of every race, sex, national origin—that he or she has as much right to that ballot box as any one of us here in this Chamber. Until we can provide this guarantee, without fear of contradiction or proof to the contrary—we will not have won the struggle.

This bill is central to that promise. The procedures of the act have been tried and proved. But access to our political system is relatively new to our minority citizens. Their hold on the ballot—and the potential it brings for gaining political office and, therefore, some influence on the system—is tenuous. It is a fragile, precious right that has just begun to be realized. And until we can know with absolute certainty that it will not again be jeopardized by the evils of the past, we cannot deny the additional safeguards embodied in this important bill.

Mr. President, some 27 years ago, in an address that received a good deal of attention, I urged that we move "out of the

shadow of States' rights and walk forthrightly into the bright sunshine of human rights."

I would venture to say that we are out of the shadows, but there remain forces which would threaten to block out the Sun again. We can hope this does not happen. We can believe it will not. But we must do more. We must do our level best to keep the Sun shining on this great land. If we are to continue to claim our position as leader of the free world—if we are to demonstrate to other nations that democracy can survive and prosper in a world beset with political unheaval and instability—we must rededicate ourselves to the fundamental concept of a free society. That concept is participation by all the people, acting collectively, to guide our society through the perils which threaten stability and peace.

To those who oppose this bill, I say, "Reconsider the facts." What have we to lose by its enactment? Every one of us in this body has given speech after speech on the right to vote. No one would deny that it is the basic principle of our political system. We can have nothing to lose by removing the obstacles to full participation by all our citizens.

But we have so much to gain; 10 years, 50 years, 100 years from now, we will have gained the right to tell a small black child—a small Latino child: "You have just as much right to vote and to hold political office as any person in America."

A free society cannot require its citizens to vote. But it is imperative that we mandate the abolition of any obstacles to their participation.

We are approaching the 200th anniversary of the birth of our Nation. Great pains are being taken to remind our citizens of our heritage. I can think of no more fitting way to honor our history and enhance our hopes for the future than by reaffirming our dedication to universal suffrage and our determination to make it a reality.

Freedom requires that public officials work as relentlessly to insure full participation in the political system as we do to exercise the privileges that are bestowed upon us by that system.

I am confident that we will do this by enacting this vital legislation.

Mr. WILLIAMS. Mr. President, I am proud to have been a Member of this body when Congress first enacted the Voting Rights Act of 1965 and when it extended that act in 1970. This legislation, of which I was a sponsor, is perhaps the most effective civil rights measure ever passed. By providing swift administrative relief in those areas of the country where racial discrimination has plagued the electoral process, the Voting Rights Act has helped to diminish the severe gaps in registration rates between black and white voters.

A great deal of progress has been made in the last 10 years, but there is still a long way to go. The registration disparities between blacks and whites are diminishing but they still exist.

The Voting Rights Act of 1965 required covered jurisdictions to submit all proposed changes in election procedures and laws to the Justice Department for clearance, and it also authorized the Attorney General to send Federal examiners to monitor the conduct of registration and elections where necessary.

H.R. 6219 would extend these special remedies for 7 years. In addition, this bill would make permanent the temporary nationwide ban on literacy tests which Congress enacted in 1970. It has been demonstrated repeatedly that minority citizens in this country suffer from significantly higher rates of illiteracy than nonminority citizens primarily because of disparate educational opportunities. Literacy tests have a long history of being used discriminatorily to disenfranchise minority voters. They do not, however, assure the qualification of informed voters. The wide availability of broadcast media makes it possible for one with little formal education to be a well informed and intelligent member of the electorate.

H.R. 6219 also breaks new ground by extending the special protection of the Voting Rights Act to language minority citizens. The inability to speak English has persistently frustrated the registration and voting efforts of language minority citizens. Election materials printed only in English and election officials who speak only English effectively exclude these individuals from the electoral process.

Where there are large concentrations of language minority citizens, specifically, American Indians, Asian Americans, Alaskan Natives, or Hispanic Americans, and where the illiteracy rate of the language minority exceeds the national average, H.R. 6219 would require election materials to be furnished to the minority citizens in their native language. In jurisdictions of high language minority citizen concentration in which the turnout for the Presidential election of 1972 was less than 50 percent, and in which election materials were furnished in English only, the special remedies of preclearance and Federal observers would be applicable as well.

In "The Voting Rights Act: Ten Years After," the U.S. Commission on Civil Rights stated:

> Despite progress in all of the areas that were studied, it is clear to the Commission that the protection provided by the Voting Rights Act is still needed. Violations of the rights of minorities continue, and minorities remain disproportionately underrepresented in the voting process and in elective office.

The findings of both the Senate and House Committees on the Judiciary have further borne this out.

I urge my colleagues to join me in full support of H.R. 6219.

Mr. KENNEDY. Mr. President, I am taking this opportunity to express my full support for the effort to enact legislation that will extend the Voting Rights Act of 1965.

Renewal of this legislation is extremely important for protection of the most basic right granted to all Americans. The right to vote, the right to choose one's own leaders, is the foundation on which America was developed. It is a right that has been defended by all classes of Americans. But it is a right whose privileges have not been exercised by all those who are entitled to enjoy that right.

Now that the full Senate is considering legislation to continue the protections afforded under that law, I believe it is very important for all of us to know and to understand how far we have come since 1965. And I believe it is equally important for us to realize how far we still have to go before the guarantee of full voting rights is a reality for all Americans.

The Voting Rights Act was implemented because black voters in the States of the South were dramatically successful in awakening the rest of the world to the blatant injustices they had suffered for too many years. Black voters were finally successful in putting the rest of the world on notice that they must no longer be excluded by custom and by law from the fundamental processes of voting for their own elected officials.

Hostile and abusive registrars denied black voters the chance to register.

Literacy tests, poll taxes, and intimidating economic sanctions had worked for too many years to stop most blacks from taking any part in the political process. And when all else failed, would-be black voters were met with physical force and bloodshed.

Ten years ago, enactment of the Voting Rights Act was hailed as the most significant civil rights legislation to be passed by the Congress. That claim was truly prophetic. No other single piece of legislation has provided such dramatic support to a constitutional guarantee that has been denied to so many Americans for so many years.

Since 1965, more than 1½ million black voters have been added to voter registration lists in the 11 States of the Old South.

Only 3 years before enactment of the Voting Rights Act, there was not one black member of any State legislature in the South. Today, there are 95 blacks in southern legislatures, with black representatives in every State, and black senators in 8 of the 11 States. And, in this year's election, the State of Mississippi has a chance to elect 27 black representatives and 5 black senators to the State legislature.

Blacks have been elected to a total of 1,587 offices in the States of the South. And black voter registration in 11 Southern States no longer lags virtually 100 percent behind the rate of white registration. Today, the lag has been narrowed to about 15 percent.

Anyone who has observed the changes in these States knows that only as a result of the provisions of the Voting Rights Act has it been possible for these events to occur. And so today, the facts stand in dramatic testimony of how effective that law has been.

Yet the effectiveness of that law throughout its brief life does not justify, as some of my colleagues insist, a repeal or a retrenchment from continuing the protections the law affords.

Black Americans have testified, time and time again, that when their campaigns for assistance and for justice culminate in new laws, new policies, or new programs, the very success of their efforts seems to serve as a reason to scuttle

the innovation that was devised to redress the injustice in the first place.

Three years ago, the Department of Health, Education, and Welfare began the first Federal program to battle the problems caused by sickle cell anemia. Today, the Department admits the programs are successful and must be continued. But there is new legislation to wipe out the sickle cell program as we know it and to blend sickle cell programs in with projects that are designed to tackle the ravages of genetic disorders of all types. I do not believe that the success of a program should be used as the basis for its destruction if it is still useful and important.

On this Senate floor, and in the Judiciary Committee hearing room, I have heard clamors from Senators who proclaim we no longer need a Voting Rights Act.

I have heard from Senators who insist that certain Southern States have not been discriminatory in voting practices since 1965. And for that reason, according to these Senators, those States deserve to be excluded from coverage under this law.

Efforts to increase minority political participation that are directly due to provisions of the Voting Rights Act must be sustained and extended. Only by continuing those efforts will this Nation be successful in helping all disenfranchised Americans to have a full opportunity to exercise their basic right to vote.

For, the record of successes from the Voting Rights Act of 1965 stands in stark contrast to the injustices that still exist. It is clear that there remains in 1975 a continuing need to insure permanent protection of minority voting rights. Before enactment of the Voting Rights Act, many black Americans viewed the right to vote as an obscure, remote, and unattainable fantasy. For 1.5 million southern voters in the South, the Voting Rights Act changed all that. But, according to John Lewis, executive director of the voter education project, there are still 2½ million blacks yet unregistered in the 11 Southern States. And the number of unregistered native Americans, Americans of Spanish heritage, Alaskans, and Asian Americans is even higher.

Black elected officials hold over 1,500 offices in Southern States, but there are more than 79,000 public offices in the South and the seats held by blacks represent less than 2 percent of the total.

One hundred and one counties in the South have a majority black population. But blacks hold a majority of seats in the county governments of only 6 of those 101 counties.

Despite the Voting Rights Act, there are today 362 majority black towns and cities in the South which have not yet elected even the first black public official.

Gerrymandering to dilute or restrict the black vote is still prevalent. South Carolina, Mississippi, Georgia, Louisiana, Alabama, and Virginia have all devised reapportionment plans that were challenged and found to be discriminatory to would-be black voters.

The voter education project reports that many election officials serving before the Voting Rights Act still retain their positions. Discourteous and hostile registrars still contribute to the frustration of blacks attempting to register.

The element of fear, along with the threat of economic reprisal, continues to plague those who attempt to register for the first time.

At-large elections appear on the surface to be fair and equitable. But they consistently prohibit black representation in public offices on the local level.

Those who hold illegitimate power will not give it up easily. The Voting Rights Act was devised to counter the schemes and devices used to stop black Americans from voting. But new barriers to black voter participation are still erected by gerrymandering, annexing, consolidating, changing polling places, and changing election methods. Those in power are using every conceivable strategy to evade the provisions of the voting rights law.

Indeed, the barriers used to deny blacks their right to vote are the same devices that can be and surely have been used against other minorities in America. Barriers conceived to thwart minority voting participation are deviously ingenious; they include—inconvenient registration office locations; lack of deputy registrars; burdensome registration forms; inadequate registration office hours; lack of meaningful assistance; exclusion of minority poll workers and election officials; location of polling places in all white communities; election irregularities; abuse of absentee balloting and miscounting of ballots for minority candidates.

We know what can happen when insensitive and callous authorities deliberately battle against the desires of minorities who seek to participate in the electoral process. And it is for this reason that I firmly believe the Voting Rights Act must be extended.

On March 15, 1965, President Lyndon Johnson addressed the Congress on behalf of "* * * the dignity of man and the destiny of democracy." He declared to the Congress and to the entire Nation that, "Every American citizen must have an equal right to vote. There is no reason which can excuse the denial of that right. There is no duty which weighs more heavily on us than the duty we have to insure that right."

After President Johnson's message the Congress passed the very law we are today seeking to extend to insure protection for millions of Americans who are still prevented from voting because of their race or ethnic origin, or because of language barriers. In the days that this legislation has been debated on the Senate floor, repeated efforts have been made to erode the protections the law provides for those who have been disenfranchised. The Senate has rejected amendment after amendment, because it is clear that we must not allow this Nation to slip back from the progress that has been made since 1965. Only 100 black officials held elected offices in the United States before enactment of the Voting Rights Act. Today there are 3,200.

Too many of the amendments offered in this Senate would endanger the gains that have been won under this law. Our Nation has emerged beyond the era where campaigns for social justice are staged in public protest demonstrations. Today's struggle seeks to develop the opportunities to use voting power in a way that has been adopted by nearly every ethnic group in America since the Revolution.

That is why I have opposed those amendments designed to circumvent the basic intent of this vital law.

I firmly believe that we should extend the Voting Rights Act for 10 years, because we cannot expect the injustices of past decades to be eradicated by protections that are wrapped in 5-year packages. The Congress has declared its intention to insure voting rights protections for all Americans. And for that reason we should legislate provisions that are not only timely but also make it clear that the Congress is serious when it legislates protections against electoral abuses.

I am confident that the Senate, nevertheless, will approve the vital extensions of this act. For we are all aware of the three doleful consequences that can transpire if the protections under this law are allowed to expire.

First, literacy tests would again be used to identify qualified voters. Our Government does not require a literacy test to determine who must pay taxes. I can see no reason to require a literacy test to determine who can vote.

Second, the Justice Department would lose its authority to send examiners and observers to those States where discriminatory voting rules had been imposed.

Too many eligible voters have been denied the right to vote solely due to the whims of election officials who contrived inconvenient hours for voting and established out-of-the-way polling places and burdensome registration procedures.

Federal officials are useful in their services because they are isolated from parochial, insular pressures. And I believe this provision must not be discontinued.

Third, failure to extend the provisions of this important law would end the mandate for political jurisdictions to obtain Justice Department clearance for new practices or revisions to existing local rules on voting and registration.

The many devious and obvious barriers to participation in the electoral process must be eliminated.

Since we have the experience of too many years where such practices had been imposed, I believe it is important to maintain safeguards that will remove such obstacles from use in the future.

Voting and full opportunities to participate in the political processes of this country have been underscored by the brilliant and determined persistence of our Nation's largest minority population—black Americans. All of America has been awakened to the denial of many rights because blacks refused to permit America to continue to deny equal opportunity to her black sons and daughters. As we have moved to eliminate

these barriers for black voters the needs of other minorities have also emerged.

Spanish-speaking Puerto Ricans had been kept out of the voting process if they lacked proficiency in English. Thus, suspension of literacy tests also brings Puerto Ricans into their rightful place in the voting process.

In my own State of Massachusetts, election officials in 1970 voluntarily established bilingual election materials, at my request, to assist and to encourage Spanish-speaking citizens in their efforts to vote. Spanish-speaking assistants were available at polling places and in voter registration offices, as a result of the need to insure protections for Spanish-speaking voters. And there were substantial increases in the number of eligible persons who were asked to register and vote as a result of this bilingual assistance. And so, we know that when local officials extend bilingual services to eligible voters, the result is a major expansion of the franchise.

It is my hope that Mexican Americans, American Indians, Asian Americans, and all Alaskans will also be afforded the opportunity to exercise their fundamental right to vote because of the action we shall take here on the extension of the Voting Rights Act.

Government by the people is a catchy but essential slogan. To maintain the maximum involvement of the people in the fundamental process of electing our Government, every safeguard must be provided to insure that the right to vote will not be dissolved by devious, or discriminatory, or illegal means.

Mr. President, I strongly urge my colleagues to approve this bill and to do so without encumbrances, that nominally seek to provide equality, but in reality simply serve to dilute the protections that the 1965 Voting Rights Act has established for so many oppressed Americans.

REPEAL OF SECTIONS 4 AND 5 OF THE VOTING RIGHTS ACT

Mr. ALLEN. Mr. President, I support every provision of the Voting Rights Act which has uniform applicability throughout the United States. I oppose provisions of the act which do not have uniform applicability.

As you know, section 4 and 5 of the act prevent uniform applicability. Section 4 identifies a limited number of States which are made subject to the provisions of section 5, which require these States to submit otherwise valid statutes for review and prior approval of the executive or judicial branches of Federal Government.

The two factual circumstances which, if in existence in a State in 1964, are considered sufficient evidence by Congress to sustain today—some 10 years later—several far-reaching legal presumptions, without which Congress simply has no power to require States to submit duly enacted legislation for prior approval.

The factual circumstances are: First. That in 1964 a State required literacy as a qualification for voting, and second that less than 50 percent of the citizens who were qualified to vote in a State independently of literacy were either not registered to vote or did not actually vote in the general election of 1964. Based on these circumstances, Congress established the following legal presumptions and seeks now to perpetuate them:

First. That such States were guilty, as a matter of law, of unconstitutional discrimination in the administration of their State voting laws.

Second. That States would continue to discriminate in the administration of such laws in 1975 and for 10 years hence.

Third. That future State legislators will enact laws with a purpose, intent and effect of perpetuating unlawful discrimination.

Fourth. That all such future laws must therefore be presumed by Congress to be invalid.

On the basis of these presumptions, Congress in 1964 asserted a power to set aside the reasonable, rational, necessary and traditional legal presumption of the validity of State enactments and create by law a presumption of invalidity of such statutes. One effect of this presumption is to shift the burden of proof from those who challenge the validity of State laws to the States which under the provisions of section 5 must prove to the satisfaction of agencies of Federal Government that their laws are indeed valid.

Mr. President, it seems to me that the two factual circumstances—literacy as a qualification for voting and less than 50 percent registration and participation in the 1964 general election—constitute mighty weak grounds upon which to establish and maintain such far-reaching legal presumptions. It is true, of course, that the U.S. Supreme Court considered the grounds adequate at the time of the enactment of this statute, but the Court did not say that such frail evidence of discrimination would be adequate to sustain a legal presumption of invalidity of State laws for all time.

It stands to reason that if the factual circumstances are eliminated upon which the presumptions are based, Congress is thereby divested of its power to perpetuate such presumptions by statute.

Mr. President, the Southern States which were the original targets of section 5 have not administered a literacy test for 10 years—they cannot do so any time in the near future under the ruling by the U.S. Supreme Court to the effect that no State which previously maintained segregated schools by law could use literacy as a criterion of qualification for voting. *Gaston County, N.C.* v. *United States* (395 U.S. 285). The U.S. Supreme Court has more recently affirmed this fact in the case of Virginia against the United States. Therefore, there is no basis for assuming discrimination by reason of the possible use of a literacy test in such States.

Furthermore, these States have long since met and exceeded the 50-percent voter registration and participation standards set out in section 4. In fact, to the extent that reliable data is available on the subject, there is ample evidence to indicate a significantly greater percentage of minority registration and voter participation in the originally targeted States than in States of other regions of the Nation. So, there is no basis for assuming today the existence of discrimination by reason of a failure to meet 1964 standards of voter registration and participation.

Actually, the power of Congress to enact the Voting Rights Act was based on a finding by the U.S. Supreme Court that there was a reasonable connection between the power in Congress to implement the guarantees of the 15th amendment and the means employed by Congress to achieve that end. The end was to suspend the use of a literacy test in some States and increase minority registration and voter participation.

Obviously, when a State no longer administers a literacy test and has met voter registration and participation standards, there is no longer a reasonable connection between the means, being prior approval of State statutes, and the ends, being the suspension of literacy tests and increased voter registration and voter participation. Therefore, it would seem to me that in 1975 there is no reasonable relation between the means and the end and Congress has no power to extend the act for additional years.

Mr. President, I suggest that it is irrational for Congress to establish a set of objective standards for determining discrimination in the administration of State laws which having been met support both a legal presumption of nondiscrimination in the administration of voting laws in some States and also a presumption of unconstitutional discrimination in the administration of such laws in other States.

Nor is it rational to contend that enjoyment of constitutionally protected rights of citizens of some States, or that the exercise of constitutionally vested powers in some States, can be made contingent in circumstances which may have existed in States in 1904, 1924, 1944, or in 1964.

For these reasons I think it is a bit presumptuous of Congress to assume that the U.S. Supreme Court will extend its blessings to a continued exercise of power by Congress to deny States essential elements of their respective sovereignties. In this connection, two things are quite certain. One is that sections 4 and 5 are radical departures from traditional constitutional principles and are inconsistent with the established principles of federalism, and second, that extraordinary departures by Congress from the Constitution require extraordinary grounds of justification.

Mr. President, whether or not the justification for these departures existed in 1964 is beside the point. The U.S. Supreme Court reviewed the question and found a reasonable connection between the ends to be achieved and the means employed by Congress. The important thing is that the same grounds of justification do not exist in 1975. Not only is the subject of literacy removed from our consideration, but also the factor of minority registration and participation in elections is no longer relevant.

Furthermore, in all of the oral and printed evidence recently presented to Congress on this subject, I have been unable to find an example of a single act of alleged discrimination or a single State statute allegedly enacted with the intent, purpose, and effect of discriminating against minorities which could not be readily remedied upon proof in a court of law by means of uniformly available judicial processes and procedures.

It is a matter of profound concern when Congress establishes a precedent for bypassing our judicial processes and procedures. Particularly so when the object is to deprive States of powers of self-government. For example, there is no doubt about it—a power in Congress to deny separate States the use of their inherent powers to enact legislation without prior approval of a higher authority is a power to deny such States the status of a sovereign and equal State in the Union. This is a serious matter.

The late Justice Hugo Black characterized the status of States covered by section 5 as that of "conquered provinces." He observed that section 5—

So distorts our constitutional structure of government as to render any distinction drawn in the Constitution between State and Federal power almost meaningless.

The Department of Justice also conceded by way of testimony of the current head of its Civil Rights Division, Mr. Stanley Pottinger:

I think it is fair to say that Section 5 does represent a substantial departure from ordinary concepts of Federalism.

Mr. President, these are not hasty judgments nor are they rhetorical overstatements of the effects of sections 4 and 5. They are deliberately calculated understatements of the situation. At issue is the power in Congress to reduce States to the status of conquered provinces. At issue is a power in Congress to classify State legislation by subject matter and to compel States to submit legislation within congressionally chosen subject areas for prior approval of Federal agencies of Government.

It is important to bear in mind that more than State voting laws are within the scope of this asserted power. More is involved than the mere exercise of power claimed by Congress under authority of the 15th amendment for, actually, the power vested in Congress by the 15th amendment is in terms the same power vested in Congress by the 14th amendment which, as you know, is near limitless in scope by reason of subjects covered by the "due process" and "equal protection" clauses of the amendment. It is difficult to imagine any subject appropriate for State legislation which could not, at will of Congress, be made subject to prior approval procedures. But such power in Congress contradicts the meaning, purpose, and intent of a federal system of government and particularly the system created by our Constitution.

Mr. President, it is appalling to consider the number of departures from our Constitution represented by a power in Congress to deny States and the people of those States essential elements of residual sovereignty which characterizes a republican form of government.

For example, the U.S. Constitution guarantees every State in this Union a republican form of government (art. IV, sec. 4).

The prior approval procedures guarantee that certain States shall not have a republican form of government.

The Constitution guarantees that the Constitution shall not be construed by courts or Congress in a manner to "deny or disparage" rights including the right to a republican form of government, retained by the people (amendment IX).

Congress and the U.S. Supreme Court have in fact construed the Constitution to empower Congress to nullify fundamental rights in the people to self-government by requiring every single constitutional and statutory law that affects rights of self-government in the people to prior approval of agencies of Federal Government.

Mr. President, I am talking about rights retained by the people—rights which attach to the residuary sovereignty in the people under a Republican form of government. At the moment I am not talking about the powers "reserved to the States respectively, or to the people," as set out in the 10th amendment. I am talking about rights in the people as set out in the Declaration of Independence.

The right to create governments, allocate its powers, to change the form of government, to create political subdivisions of State government, to determine which citizens shall exercise the franchise, to establish State and local offices, provide qualifications, tenure and recognition of State and local officals, to amend State constitutions and reallocate the powers of State governments, to regulate elections, to prescribe the procedures for enactment of State legislation and the hundreds of rights in the people which are absolutely essential to self-government.

Mr. President, these rights in the people are abrogated and nullified by section 5 of the Voting Rights Act which requires that State statutes in any of these and many other related subjects shall be submitted for prior approval or rejection by agencies of Federal Government.

Mr. President, I have elaborated on these and other departures from our Constitution in testimony before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary.

I ask unanimous consent that illustrative excerpts from that testimony be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ALLEN. In the meantime, I cannot in good conscience vote for any measure which so blatantly flaunts the letter and spirit of the U.S. Constitution.

I urge the adoption of my amendment which is designed to do nothing more than to remove the disabilities imposed by section 5 on a limited number of States. The disabilities should be removed because they deny these States their rightful and equal status of States in our Union and thereby deny the States the protection of the Constitution to a Republican form of government. In doing so the citizens of those States are denied the enjoyment of fundamental and therefore essential rights to self-government.

EXHIBIT 1

EXCERPTS FROM TESTIMONY OF SENATOR JAMES B. ALLEN, BEFORE THE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS OF THE SENATE COMMITTEE ON THE JUDICIARY REGARDING S. 903, TO REPEAL SECTIONS FOUR AND FIVE OF THE VOTING RIGHTS ACT OF 1965 AS AMENDED APRIL 8, 1975

Mr. Chairman, it seems to me that too few of us recall how intensely our founding fathers felt about the possibility that Congress might one day assert the power to reduce states to the status of more provinces. Nor do they seem to realize the extraordinary precautions taken to prevent the happening of this contingency.

The possibility of such a development was foreseen by the eminent New York State jurist, Robert Yates, who warned the founding fathers that the states could not survive under a system of government where the judicial powers of the Nation were vested in one Supreme Court without limitations on those powers.

He warned that the equity power in the courts to exercise unlimited discretion in construing the Constitution and the likelihood that the Supreme Court would construe the Constitution to ever enlarge the powers of Congress. He pointed out that the supremacy clause of the Constitution, made State laws and State Constitutions subservient to the laws of Congress and suggested that Congress could very early deny states their inherent rights of sovereignty and deny the people their fundamental rights and powers essential to self-government in the states.

It seems to me that there is more than just a bit of irony in the fact that while we prepare for celebration of the 200th anniversary of the Declaration of Independence, Congress is asserting a power to deprive the people of the states of inherent rights set out in the Declaration of Independence to:

"Alter or abolish their forms of government and to institute new governments, laying its foundations on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

So, while the people prepare to celebrate the 200th anniversary of the Declaration of Independence, Congress celebrates its new found powers to require the people in the states to submit their proposed Constitutional amendments for prior approval of the Judicial or Executive branches of Government. So history has turned full circle. The Colonists fought a war to free themselves of this burden—200 years later Congress reimposes it.

Well, it cannot be said that Robert Yates did not warn us that this might happen—nor can it be said that those who drafted the Constitution and those who subsequently ratified it did not do their dead-level best to prevent this situation from occurring.

First, they insisted that there be included in the Constitution itself this provision: "The United States shall guarantee to every State in this Union a Republican form of Government." (Article IV, Section 4).

The people who insisted on this guarantee knew the elements of a Republican form of Government and members of this Congress know what is meant by a Republican form of Government.

"Strictly speaking, in our Republican form

of Government, the absolute sovereignty of the Nation is in the people of the Nation and the residuary sovereignty not granted to any of its public functionaries is in the people of the state." (2 Dall 471).

Our founding fathers knew and members of this Congress know that the residuary sovereignty retained in the people under a Republican form of Government consists of all of the essential elements of local self-government. The rights and powers essential to local self-government include not only the rights specifically mentioned in the Preamble of the Declaration of Independence, but also such fundamental rights as:

The right to adopt and amend their State Constitutions without let or hindrance from any other authority.

The sole right to prescribe in their Constitutions the essential conditions necessary to the enactment of valid State legislation.

The right in the people to determine which of its citizens may exercise the franchise—the right to create State and local offices—establish tenure and qualifications for office, and to prescribe the manner of appointment or election of citizens to office.

The right to allocate and balance the powers of their State governments and the power to change the form of State, local or other political subdivisions of government.

The right to annex territory by municipal governments—to regulate elections—to enact corrupt practices acts and otherwise supervise the elections held under authority of State laws.

Yet Congress fulfills its solemn obligation to guarantee every state in the Union a Republican form of Government by denying to certain states, each and every one of these essential elements of a Republican form of Government.

It remained for history to demonstrate that Robert Yates was right and that the people were right in fearing that Congress or the United States Supreme Court might one day construe the Constitutional guarantee of a Republican form of Government out of existence. They were wise to insist on protection against this possibility. So, before ratification of the Constitution, the people insisted on further protection in the form of an amendment which provides that:

"The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people."

Mr. Chairman, I emphasize the word construed. The purpose of this proposed amendment was made perfectly clear by James Madison in presenting the proposed amendment to the First Congress. He said:

"It has been objected . . . that by enumerating particular exemptions to the grant of power, it would disparage those rights which were not placed in the enumeration; and it might follow by implication that those rights which were not singled out, were intended to be assigned into the hands of the general government . . ."

That is what the Constitution says—it is not what Congress says. Congress asserts the power to require the States to submit every piece of legislation which in any way affects their rights to self-government for prior approval by the Executive or Judicial branches of Federal Government. And, of course, Congress discovers this power by virtue of a judicial construction of the Constitution which our forefathers tried so hard to prevent.

So, history proves that the people were right in anticipating that Congress might yet find a way of getting around the two specific limitations of its power by means of Congressionally imposed limitations on the power of State governments. It was this fear that prompted the people to insist on yet a third guarantee in the form of another amendment to our Original Constitution which reads:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Yet, here we are today witnessing Congress lay claim to a power to classify State legislation by subject matter and to create a legal presumption of invalidity of State statutes within the subject area and a power to compel States to come hat in hand to Federal Government to plead for permission to amend their State Constitutions and otherwise exercise their reserved powers essential to self-government.

Congress is in a position of maintaining that because the reserved rights in the people to all of the essential elements of self-government were not enumerated in the Constitution, that Congress thereby has the power to compel the States to forego the right in the people to determine which of its citizens shall exercise the franchise—to forego the right to create State and local offices, to establish tenure and qualifications for office, and to prescribe the manner of appointment or election of citizens to office. Congress insists that all such laws are presumptively invalid and must be submitted for prior approval of Federal Government before they can have force and effect of law.

Mr. Chairman, it simply staggers the imagination to realize that this supposed power in Congress is based on nothing more substantial than a finding that a particular State required literacy as a qualification for voting and that less than fifty percent of its qualified citizens actually voted in the general election of 1964. But it does more than stagger the imagination when Congress takes an axe and literally chops the Constitution into pieces. It invokes a feeling of intense indignation.

For example, here is a provision of the United States Constitution that vests all of the judicial power of this Nation in "one Supreme Court and such inferior courts as Congress may from time to time ordain and establish." (Article III, Section 1).

And here is Congress asserting a power to vest a judicial function and a traditional judicial power in the Executive branch of Federal Government to construe and pass on the validity of State statutes and to enjoin the enforcement of such statutes pending such a determination—all without benefit of judicial processes and procedures.

Mr. Chairman, here is another provision of the Constitution that reads, "Each State shall appoint in such manner as the legislature thereof may direct its Presidential and Vice Presidential electors."

Yet, here is Congress compelling states to submit their method of appointment of Presidential electors for prior approval of the Executive branch of Federal Government. Can you believe it? After all the time and trouble our founding fathers spent to keep Congress and the Executive branch of Federal Government out of the business of choosing electors. And now Congress winds up delegating to the Executive branch of Federal Government a power of veto over the method of choosing the electors as determined by the States under authority of the Constitution. And would you believe it that Congress has delegated to the Executive branch of Federal Government a power to pass on the validity of rules adopted by political parties to whom the States have delegated the authority to choose electoral candidates? Unfortunately, we have to believe it, but it is a hard pill to swallow.

And here are provisions of the United States Constitution that prescribe the qualifications for voting for members of Congress—the qualifications are precisely those adopted by the separate States as qualifications for voting for members of the most numerous branch of the separate State legislatures. The qualifications established by the States are as much a part of the United States Constitution as is any other provision of the Constitution and, as such, cannot be amended, suspended, or abolished without a Constitutional amendment. Yet, here is Congress asserting a right to suspend the qualification of literacy and thus to amend the Constitution by statute.

Mr. Chairman, here is another provision of the United States Constitution which prescribes only two possible ways to amend the Constitution. (Article V.)

And here is Congress establishing a precedent for amending the Constitution by statute and subsequent legitimation by the United States Supreme Court—which, obviously, is not a prescribed method of amendment.

Mr. Chairman, here is a provision of the United States Constitution which states that "full faith and credit shall be given in each State to the Acts . . . of every other State." (Article IV, Section 1.)

And here is Congress asserting the power to enact a law that makes it impossible for each State to give full faith and credit to the Acts of another State.

Mr. Chairman, here is a provision of the Constitution that says that the Senators and Representatives . . . and judicial officers of the United States . . . shall be bound by oath or affirmation to support the Constitution . . .

And here is Congress which must reconcile that oath with its support of Section 4 and Section 5 of the Voting Rights Act which clobbers the Constitution.

And finally, there is a provision of the United States Constitution that denies the Congress the power to pass a bill of attainder—which includes, of course, a bill of pains and penalties. (Article I, Section 9, clause 3).

And here we have a Congress which in 1965 conducted a quasi-judicial hearing to consider charges of unlawful discrimination by election officials in certain States. The evidence was based largely on hearsay, rumor, gossip, and suspicions. On the basis of this evidence, Congress found that an identified group of citizens in separate states were guilty of being suspected of having an intent to conspire in the future to deny citizens their Constitutionally protected right to vote and to have their vote faithfully recorded.

Congress condemned future State legislators, as an identifiable group of citizens, as unfit to hold public office. These individuals were condemned, as an identified group, as unworthy of trust to uphold their solemn oath of office to support the Constitution.

They were deprived of their Constitutionally protected right to pursue careers in public service for compensation without an onus of a pre-determination by Congress of their unfitness for public trust.

They were burdened with an unproved and unprovable future intent to enact State legislation with the purpose and effect of discriminating against minorities in the exericse of the franchise.

Without even a shadow of proof, Congress deemed their unfitness to serve as State legislators as ample grounds to justify a legal presumption that any legislation they might pass in the area of voting would be invalid and therefore subjected to review and prior approval of a higher authority of Federal Government.

But not only were the characters and reputations of State legislators dragged through the mud of a Congressional kangaroo court, but also thousands of public spirited citizens who serve their states and communities out of a sense of duty as voter registrars and election officials, were likewise smeared by Congress.

This last group was branded, in absentia,

by their Congressional inquisitors with a judgment of guilt of being suspected of a future intent to conspire to commit a Federal crime of denying citizens the right to vote.

Mr. Chairman, under our Constitution no citizen of the United States may be convicted of a crime or of a conspiracy or intent to commit a crime in the absence of judicial hearings at which all the protections of the Constitution are extended to the defendant. Yet, Congress asserts the power to try such persons in absentia and find them guilty.

Mr. Chairman, does it require trial and a public lynching by Congress to constitute a bill of attainder? It does not. The United States Supreme Court has accorded avowed members of the Communist party protection from deprivation of Constitutionally protected rights by infringements of bills of attainder. In reason and in justice, are members of the Communist party entitled to more protection from the Constitution than is afforded the members of an identified group of legislators and public spirited citizens who serve as election officials? The United States Supreme Court has given its answer as it relates to members of the Communist party—it remains for this Congress to give its answer as it relates to public officials and private citizens of our country.

Mr. Chairman, let me conclude with these few observations—no one who would sell our Constitution down the river for a handful of votes is going to earn the respect of anyone.

I am glad to see minority groups in Alabama and throughout the South exercise the franchise. I am glad to see their renewed interest in public affairs and to see minority groups promoting their interests through the political processes. I would not consciously do anything to discourage or impede their progress in this area.

But I can tell you this—minority groups can read the Constitution as well as you and I can. They can understand the Constitution better perhaps than some members of Congress. You better believe that any member of Congress who shows a willingness to sell the Constitution down the river in exchange for votes will not earn the respect of minorities but utter contempt of all.

Anyone can see what Sections 4 and 5 have done to our Constitution. Anyone should be able to see the dire consequences unless the law of our Constitution is restored and recognized as the law that governs government.

I urge support of this Committee of our bill to repeal Sections 4 and 5, or in the alternative that the bill extending the Voting Rights Act itself repeal Sections 4 and 5 thereof, as a step in the direction of restoring our Constitution to its former place as the ultimate authority over the actions of Congress and other branches of our Federal Government.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. The question is: Shall the bill pass?

Mr. MATHIAS. I ask unanimous consent that this vote be 10 minutes.

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

The yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Wisconsin (Mr. NELSON), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent because of illness.

I further announce that, if present and voting, the Senator from Michigan (Mr. HART), and the Senator from New Hampshire (Mr. MCINTYRE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from North Dakota (Mr. YOUNG) is necessarily absent.

I also announce that the Senator from Arizona (Mr. GOLDWATER) is absent on official business.

I further announce that the Senator from Oklahoma (Mr. BARTLETT) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Arizona (Mr. GOLDWATER) would vote "yea."

I further announce that the Senator from Oklahoma (Mr. BELLMON) is absent attending the funeral of a friend.

The result was announced—yeas 77, nays 12, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—77

Abourezk	Garn	Mondale
Baker	Glenn	Montoya
Bayh	Gravel	Morgan
Beall	Griffin	Moss
Bentsen	Hart, Gary W.	Muskie
Biden	Hartke	Nunn
Brock	Haskell	Packwood
Brooke	Hatfield	Pastore
Buckley	Hathaway	Pearson
Bumpers	Hollings	Pell
Burdick	Hruska	Percy
Byrd, Robert C.	Huddleston	Proxmire
Cannon	Humphrey	Randolph
Case	Inouye	Ribicoff
Chiles	Jackson	Roth
Church	Javits	Schweiker
Clark	Johnston	Scott, Hugh
Cranston	Kennedy	Stafford
Culver	Leahy	Stevens
Curtis	Long	Stevenson
Dole	Magnuson	Stone
Domenici	Mansfield	Taft
Eagleton	Mathias	Tunney
Fannin	McClure	Weicker
Fong	McGee	Williams
Ford	Metcalf	

NAYS—12

Allen	Laxalt	Stennis
Byrd, Harry F., Jr.	McClellan	Talmadge
	Scott, William L.	Thurmond
Hansen		Tower
Helms	Sparkman	

NOT VOTING—10

Bartlett	Hart, Philip A.	Symington
Bellmon	McGovern	Young
Eastland	McIntyre	
Goldwater	Nelson	

So the bill (H.R. 6219), as amended, was passed.

Mr. TUNNEY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR THE SECRETARY OF THE SENATE TO MAKE CERTAIN CORRECTIONS IN H.R. 6219

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to H.R. 6219.

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

ORDER TO INDEFINITELY POSTPONE S. 1279

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 1279 be indefinitely postponed, that being the Senate bill to amend the Voting Rights Act of 1965.

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

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, I hope that we might have just a couple more minutes of a quorum and be able to proceed.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER THAT INTERIOR COMMITTEE HAVE UNTIL MIDNIGHT TONIGHT TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight tonight to file certain reports.

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

ORDER FOR RECESS UNTIL 10 O'CLOCK TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 o'clock tomorrow morning.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized tomorrow under the standing order there be a period for the transaction of routine morning business of not to exceed 15 mintues, with statements limited therein to 5 minutes each.

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

ORDER FOR CONSIDERATION OF SENATE CONCURRENT RESOLUTION 35 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the