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Electoral Reform

Mike Mansfield 1903-2001

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SENATE

submit

record should communicate as soon as the Senate receives-their protest against the American people. The candidates, although competing for the delegate votes which they may not return even if victorious, are attempting to make the country's broad appeal to the people. What better method is there to demonstrate broad appeal than to permit all voters to demonstrate their preference? Under our present system, we seem to be blindly seeking a choice of a nominee enmeshed in a maze of conflicting State law and dubious custom and practice that preclude a rational popular choice at this most critical point in our election process.

The net result is that a great deal of money is spent to achieve an apparent victory in a primary election. The effect may be fatal for the underfinanced, understaffed candidate and the American voter is left bewildered and confused, unable and unwilling to choose. The stakes are higher and the cost of oblivion greater. And simply, this is the political atmosphere that surrounds this frantic delegate hunt and the extravangza of a national convention. A national primary could replace the convention completely. However, a national convention would have greater division if it were held after a national primary especially if the delegates thereto were disciplined by the results of the primary from their State.

The plan offered by Senator Arkin, Senator Pearson, and myself also calls for the abolition of the electoral college. It is the case, and there is little to add. I would only say that it is a measure of our political confusion today that we still face the prospect of having a President who does not represent the people or even the election results of the States from which the electors were sent. This is the fallacy of the electoral college. Abolition of the electoral college would eliminate the bloc State voting. The changing world has had its effects upon the structure of the Presidency. The fact is that the interest of the constituency rests directly in the office of President as the representative of the electorate's views rather than the views of a region. To continue the electoral college is to deny the Constitution's 50 States as a national unit—to ignore the evolution of our Nation technologically and ideologically.

The State are represented by two Senators, the cities and the districts by their elected Congressman. The people should be represented by the President, and he should be elected by popular vote.

The proposal I am introducing along with the Senator from Vermont [Mr. Arkin] and the Senator from Kansas [Mr. Pearson] would allow just that. It is not a new proposal. Over the years many such measures have been introduced in Congress. The Senator from Indiana [Mr. Bayh] and the Senator from Maine [Mr. Stennis] have introduced similar measures for sometime, as have the Senators from Florida [Mr. Smathers] and North Dakota [Mr. Burdick]. The American public has always advocated an even-handed reform of our electoral college system, even its abolition. I wish to join these Senators in the mounting further study of these matters in hopes of revealing the shortcomings, the inequities, and the inadequacies of the electoral college.

In my remarks last Tuesday I also mentioned extending the franchise of the ballot to young adults, 18 years and over. The arguments have been set forth more fully for this proposal than for any of the others; the right to vote simply would be given to those who are compelled to fight our wars but have no say whatsoever in electing the officials who make the policies that lead to war; to those who are treated as adults by our civil and criminal courts and are made to suffer the full penalties of the law yet have no opportunity to choose the officials who make the laws. I think it is about time we faced this issue squarely.

Senate Joint Resolution 8 would provide the necessary constitutional change. That resolution is now pending before the Constitution Amendments Subcommittee—the Bayh subcommittee. Hearings have been held, and I hope that the introduction of these proposals by the subcommittee and by the full committee so that the Senate could consider such a change before the 90th Congress closes this year.

I mentioned further in my remarks last Tuesday the suggestion that the Office of the Presidency be limited to one 6-year term. This is not a new proposal. I do believe that any investigation of the electoral system must include the term of the Presidency which is now set by the methods of his election. One cannot separate the effects of partisanship after the election when considering the issue of partisanship before the election. Any study should include the demands of partisan politics and the burdens of seeking renomination. The single 6-year term is the case in Mexico. It has worked well and it should be considered. The distinguished Senator from Vermont [Mr. Arkin] and I are offering a resolution that provides for such a constitutional change so that this aspect may rightly be included in the investigation.

With the introduction of these various proposals to supplement those that have already been introduced, the investigation can begin. It can encompass all the aspects of Presidential politics. The study is long overdue.

The tragic events of the past days have shocked and saddened us beyond expression. Robert Kennedy's untimely death and his great energy and great capacity for seeking new ideas and new approaches to very old problems. Our shock and sadness could be no better channeled than to express it as he would—in a constructive search for solutions.
June 17, 1968

CONGRESSIONAL RECORD—SENATE
S 7289

I proposed last Tuesday that a restriction should be considered on the open exposure of our presidential candidates. I appealed to the candidates to meet the people directly and of the people to be in the presence of these candidates. But the tragedies of the last 5 years have not abated the inordinate risk. The appointment of a Presidential Commission on Violence demonstrates that there are questions that must be addressed to the use of violence against our public figures. I believe also that there is something wrong in our society that must be corrected. I do not believe that this country is sick beyond cure, that our society's illness is terminal. I do believe, however, that a cure for the violence against our public figures is not yet available and to deny that something must be done—as an interim measure—to utilize the potential of mass communication and direct the risk to our national leaders is to prejudge that the status quo is an acceptable norm for this society.

I hope the interest in these proposals will not dissipate with the passage of time. For time is no longer unlimited.

The behavior of the distinguished Senator from Vermont (Mr. Allaben) and myself, I send to the desk a joint resolution to change the term of the President, and in behalf of both of us and the distinguished Senator from Kansas (Mr. Pearson) I send to the desk another joint resolution seeking to establish a national primary and requiring the direct election of the President.

The PRESIDING OFFICER. The joint resolutions will be received and appropriately referred.

The joint resolutions, introduced by Mr. Mansfield, for himself and other Senators, read, as printed in the Record, with their titles, and referred to the Committee on the Judiciary as follows:

S.J. Res. 175. Joint resolution proposing an amendment to the Constitution of the United States relating to the term of President and Vice President of the United States, by reducing it from 4 years to 2 years.

S.J. Res. 176. Joint resolution proposing an amendment to the Constitution of the United States relating to the term of President and Vice President of the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed at this point in the Record various newspaper editorials and articles concerning this matter.

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

[From the Baltimore (Md.) Sun, June 17, 1968]

TIME TO CHANGE

Senator Mansfield speaks for many in and out of politics when he calls for a wholly new procedure for nominating and electing President. The existing system is nonsensical and dangerous. The state primaries are expensive and prove not enough. Both conventions have some control over the electorate, but their propaganda is limited to the party members. The post-convention face-to-face campaigning style of the past decades is dangerous, too. The convention itself is a demanding process that often withers the appetite for party workers than as a vote getter, and a showcase for talents that are not generally crucial to a President. Then when all of that is over, there is the electoral college, with its capacity to elect the candidate with the fewest votes, or no one at all.

Senator Mansfield proposes specific remedies, such as a national primary and direct popular election of the President, and greater use of television and radio. There would be drawbacks involved in each of those approaches, but they may be the best of all the possibilities. What is needed—we hate to say it—is a top level commission of government and non-government experts to study the existing political environment and the many ideas for changing the system. To the Congress the changes it believes will be most useful.

[From the Wall Street Journal, June 7, 1968]

A THREAT TO THE SYSTEM

The defense of Senator Kennedy, some commentators fear, threatens the very survival of America's political system. While the above is the case somewhat, surely the worry is not entirely unfounded.

If violence continues to grow and spread, it will of course lead to stronger efforts to sup­ press it. In such circumstances it would be easy to envision not only this country but others drifting closer to totalitarianism.

We naturally prefer to think that the recent unhappy events will shock leaders of opinion, force the preachment to confront the condition that so much to stimulate the violence. The day some of them have talked, violent acts have taken little more than another form of free speech.

Even if the trend is arrested, though, there still will be reason to reappraise the nation's methods of choosing its leaders. It is possible to alter those methods, in ways that would promote both candidate safety and intelligent public participation in the country's tradition of freedom.

The idea that candidates should drop in on a 60s television show as many hands as they can grasp is, after all, of relatively recent origin. Campaigns that stretch over many years are not that unfamiliar. Americans never fore­ saw either. The television process, as the campaign progresses, is excessive. No matter how careful the security measures, a candidate will still be at the mercy of an assassin who is willing to take the consequences.

Aside from the, present setup simply serves the nation poorly. The incessant campaign drains the physical energy of men who, if they attain office, will need all the strength they can summon. When governors, Congressmen, and other elected officeholders trample the country interminably, moreover, their constituents are denied their services for far too long.

The lengthy campaigns have also helped to ballon the specter of the tin-pot dictator. The risk that the candidates who attain office will be beholden to their biggest contributors.

It is a problem that cannot be completely solved; no one wants to isolate a candidate somewhere in a sealed room. But wiser use of television and the nominations media should make it possible to cut down on the hand-shaking. If that were possible to cut down on the length of campaigns as well. Britain manages to pick its government in a matter of days and there is no evidence that its political process suffers thereby.

The grim event of this week clearly offers fresh reason to dispense with elongated political circus.

[From the New York Times, June 17, 1968]

DIRECT ELECTION

 ôngs in every state, a reform that is spon­ sorred by Congressman (Pearson's) is in a very different category. It can be, and should be, promptly approved. The country seems ready for a President, and the machinery would be necessary to put it into effect.

For Mr. Mansfield's other proposal, a single six-year term for the President, it is hardly better have been left in his secret file. Having limited every President to two four-year terms only a few years ago, Congress is not likely further to tamper with the machinery in which an administration can carry out its program. This controversial item serves only to hold the campaign from the door by which the Majority Leader has lent his support.

The other item that may well be eliminated from any action program is the Mansfield suggestion that presidential campaigning be taken to television and radio. This is a matter that can reasonably be regulated by law. Both Presidents and candidates for the office have some control over the broadcast and file to function properly Congress has widely extended protection to such candidates, and the candidates could not be made to bear the appeal to the people will have to be left largely to the individual. We hope that these last items in the Mansfield package of electoral reforms will not detract from its other admirable segments.

[From the New York Times, June 14, 1968]

ELECTION REFORM

With the assassination of Sen. Robert Kennedy (D. N.Y.), still a fresh memory, Senate Majority Mike Mansfield (D. Mont.) has proposed sweeping changes in the system. Some of these are based upon the mob-scene, circus-extravaganza atmosphere that tends to surround all candidates for nomination and election to the presidency. Others are related to the cumbersome and even outdated systems which control our presidential elections.

The Mansfield program would: (1) abolish the quadrennial nominating conventions and state presidential preferential primaries; (2) establish a nationwide presidential primary to be held on single day; (3) abolish the Electoral College so the President and vice­ president would be chosen by direct vote. A majority to a six-year term there­ by requiring the successful candidate to go through only one campaign and (5) extend the primaries to all states. In addition, more or less as a post-
script, Mansfield would confine public appearances by presidential candidates to TV appearances and sharply reducing campaigning hazards.

These are all thought-provoking ideas. For the Glassmen set of countercpons. It is a serious question, for example, whether the candidates can be shut off from their constituents. The personal contact that, up to now, has been the essence of the political system. Maybe this is necessary in these turbulent times, maybe not. All the Mansfield proposals, however, need to be considered. This would be a good time for Congress to make a fresh appraisal of the machinery of American politics.

[From the Baltimore (Md.) Sun, June 17, 1968]
CAMPAIGNING BY PHYSICAL CONTACT
(By Gerald Griffin)

There has always been something demeaning, dehumanizing and even dangerous about a candidate for the presidency of the United States campaigning in the public square. Consider the job of the city sheriff. This is something relatively new in American history. It is an expensive and hazardous job largely by the late Senator Estes Kefauver of Tennessee, and it would be no great loss to our system of government if it were done for safety and security of our public men, it is stopped.

While one of this concern a much wider restriction must be placed on the appearances of Presidents and other leaders at public gatherings—at outdoor meetings or in street parades—our national life will be affected and our political system will be substantially changed, probably for the worse.

Moreover, the matter no longer is a subject for idle speculation. President Johnson has long since been forced to curtailing drastically his own public appearances. Not only is he heavily guarded when he leaves the White House. His travel plans are not disclosed until the last possible moment. He has been moving about the country, harassed in a secrecy seldom experienced here except in a period of all-out war.

Of common sense, of course, to guard against the murder of Presidents and other national leaders. But it must be recognized that the place of the presidency under security rules which come close to seclusion is an expedient which points to a make-believe, not a real world.

President Johnson, in his remarks last Monday to members of the commission he had appointed to investigate violence in America, touched upon the political aspects of the problem when he asked the commission: "Does the democratic process which stresses exchange of ideas permit less physical contact with masses of people— as a matter of security against the deranged in individual and obsessed fanatics?"

In Congress, as the record since Abraham Lincoln attests, has all too often been the targets of assassins. The murder this year of Martin Luther King and Senator Robert Kennedy, both of whom were national leaders engaged in the exchange of ideas in the democratic process, has broadened the subject.

It has never made any sense for a President to be a stranger to the crowd, shaking hands with people pushing against an airport security fence, for example, as President Kennedy did and as Richard Nixon did, in particular, during his 1964 campaign. Reporters who accompanied Johnson's hands, scratched and bleeding from such encounters, would bar such practices, on this evidence alone. Whether the risk of assassination in such a setting was as great as it seemed, we are not here to argue. But President Kennedy was moving in an automobile when he was shot and Senator Kennedy was in the relatively small setting of a large hotel and expensive hotel.

Perhaps we have too many people and too many places—too many people already deranged or on the fringe of insanity— to permit any candidate for President to walk in crowds or even to appear unsheltered in public. It will be hard to accept anything more than an emergency measure, yet people in the cities have learned not to walk alone after dark and otherwise to condition themselves to this era of reckless crime and violence.

Raising the level of our presidential campaign by taking it out of the streets is a different matter. It will be a national gain if this is done, even without reference to the threat of violence. I am not referring here to open-air meetings and motorcades through city street parades & our national life will be broadened, democracy has been challenged, the energy, ideas and enthusiasm of Senator McCarthy of Wisconsin are no longer to be confined to the confines the United States campaigning. But President Johnson asked and as Richard Nixon did, in particular, during his 1964 campaign. Reporters who accompanied Johnson's hands, scratched and bleeding from such encounters, would bar such practices, on this evidence alone. Whether the risk of assassination in such a setting was as great as it seemed, we are not here to argue. But President Kennedy was moving in an automobile when he was shot and Senator Kennedy was in the relatively small setting of a large hotel and expensive hotel.

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June 17, 1968

CONGRESSIONAL RECORD—SENATE

S 7291

Senator from Montana to be a co-sponsor of the two proposed constitutional amendments. I think the Senator from Montana has made it plain to his remarks that they may not be phrased in exactly the words to accomplish the purpose which is intended. I would like to ask that, as written, they may not be a cure-all for the present unsavory political situation which exists in this country. But I do believe that we have to take cognizance of the situation as it is now and undertake to do something about it. Something is wrong with the work of our electoral system as it now exists. Something is wrong with our convention system.

I have attended a few party conventions in my lifetime and have kept in touch with others by telephone. I am sure that the people do not have an adequate voice in the convention system as it is carried on today.

Something is definitely wrong with our electoral system under which electors from each State elect the President. If not, they betray the confidence which is entrusted in them. I think some of them think that being a presidential delegate is a great honor. We will stay with them for the rest of their lives. I can understand why they feel so, but nevertheless the convention system and the election system do need renovating.

I am also glad to join in the distinguished Senator from Montana, as I believe the people of the State of Montana have the proper voice in the election system. I did not have the pleasure of meeting Senator Mansfield in New York, but I have had the privilege of meeting him in Wisconsin. I believe he is one of the most distinguished senators of that body, and I am glad to have the opportunity to say that to him.

One way in which to arouse the interest and concern of the young people today as to the seriousness of the situation is to give them responsibility. Partly platforms mean very little. I do not know just what they do mean. The public certainly does not have an adequate voice in writing party platforms. It is true that in many respects representatives of the public can testify before a committee, or perhaps two, before a convention if they have the money to appear at the site of the convention, a couple of thousand miles from home. But usually the planks of the platform are written well in advance of the so-called public testimony.

I have mentioned the electoral college. I do not know whether the creation of a 6-year term for the President is a perfect solution. But I do know that it should be studied by Congress. I do know that so long as a President is eligible for re-election, under our present system, three out of four incumbents would undoubtedly use the machinery of government to bring about their own re-election.

They would not be human if they did not. It is only mean that Lyndon B. Johnson is not human, because he certainly is. But he is the fourth one to whom I have referred. Three out of four would not act like he did.

I am sure that that situation should be studied, and I am also sure that, just as we have tried to keep up with technology in our industrial machinery, we also try to keep with with desirable changes in the political machinery, which requires modernization just as much as our industrial plants and our agricultural plants have had to go along with the changes brought about by time and knowledge.

I thank the Senator from Montana for inviting me to be one of the two proposed amendments to the Constitution.

I do not know of anything in the interest of democracy that is more important than that we give these matters the fullest possible study and consideration.

Mr. MANSFIELD. Mr. President, it is extremely important that we give these matters the fullest possible study and consideration.

Mr. MANSFIELD. Mr. President, I extend my deepest and most heartfelt thanks to my distinguished colleague the senior Senator from Vermont. As I have said many times, anything that interests him or anything to which he adds his name brings with it dignity, prestige, understanding, and knowledge.

This effort is an attempt to at least make a start in the direction of bringing about a revival of a political system which in the last half-century has become dormant and in some respects irrelevant with the passage of time.

The distinguished Senator from Vermont indicated that it is the delegates, not the people, who, unfortunately, are the ones who select a presidential candidate, and that neither the people are not left with much in the way of a choice.

I ask unanimous consent at this time that the name of the distinguished Senator from Wisconsin (Mr. Proxmire) be added as a co-sponsor of the resolution dealing with national primaries and direct election of the President.

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

Mr. MANSFIELD. If this proposal is worthwhile, it should be given the consideration which I believe it deserves. This is one way of taking the power away from the delegates, who may or may not represent the people of the State from which they come, and giving the power to the people, where it belongs—giving them more of a say in the affairs of Government or two—taking time, creating, in my opinion, a better democracy.

Mr. President, I agree with the Senator from Vermont when he says that the 18-year-olds today are far smarter than the 21-year-olds of our generation—and that would apply to practically everyone who serves in this Chamber. These young people, this year, have made the greatest contribution to a primary that I have seen in my political life, by getting actively involved in politics, picking a candidate, sticking with him, and doing what they can to advance the causes in which they believe and in following a leader in whom they have faith.

The votes, to me, are of relative insignificance. The concern of the younger generation in a constructive channel is to me of the greatest significance.

Again, thank the distinguished Senator from Vermont, as well as the distinguished Senators from Wisconsin and Kansas, for joining in this effort.

Mr. PROXMIRe. Mr. President, I wish to express my appreciation to the distinguished Senator from Montana, the majority leader, for including me as a co-sponsor of his excellent constitutional amendment.

This will add a new dimension to democracy, as I see it. I introduced a similar national Presidential primary amendment 4 years ago, and I feel very strongly that the most important vote an American citizen casts is for the Presidency. Now, the American citizen only has a choice between the two men who happen to be nominated by the Democratic and Republican Parties. He does not have a real choice.

The Mansfield amendment would give him that choice. I believe it would tremendously improve not only the citizens' participation and interest but also would improve the excellence of our presidents, the office which we all know is the most important and significant in our democracy.

Also, I am delighted to take part in supporting the majority leader in the portion of the resolution which would end the electoral college. The generous appendix which should have been taken out of the body politic long ago. The vote at 10, I believe, also is long overdue.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that my name may be added as a co-sponsor of the joint resolution (S.J. Res. 179) which has been introduced by the majority leader for himself, Mr. Aiken, Mr. Pearson, and Mr. Ince. This resolution, which abolishes the electoral college and provide for the direct election of the President and Vice President in a single electoral district.

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

Mr. BYRD of West Virginia. Mr. President, I make the same request with respect to the distinguished Senator from Maryland (Mr. Tydings).

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

Mr. PROXMIRe. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

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

TAX PACKAGE HITS POOR HARDEST

Mr. PROXMIRe. Mr. President, over the past 2 weeks the Joint Economic Committee has been holding hearings on the implications of the report of the President's Commission on Civil Disorders for the employment and manpower problems of our Nation's urban and rural poor. The testimony of all of our large group of distinguished witnesses firmly supported the conclusion presented in the Kernern report that "unemployment and underemployment are among the most persistent and serious problems of our disadvantaged minorities." There was, furthermore, virtually unanimous agreement that perhaps the major responsibility in fighting our Nation's problems is that of redressing this grievance, of providing participation of our population is to gain and retain respectable employment, in order "

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