POLICE COMMENDED

In a foreword to the 134-page printed report, William B. Browder, commission president, commended the police for control of racial disturbances. Browder wrote:

"In summing up, the commission warned against complacency about crime—be it of the individual, street mob or of Mafia syndicate variety. Sharply critical of Chicago law enforcement efforts, other years, Peterson remarked:

"Although law agencies in the Chicago community were confronted with tremendous problems in 1966, their performance was commendable."

ELECTION REFORM ACT OF 1967

The Senate resumed the consideration of the bill (S. 1880) to revise the Federal election laws, and for other purposes. Mr. CANNON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nevada will state it.

Mr. CANNON. Is the pending business Calendar No. 507, on May 25, 1967, the Election Reform Act of 1967?

The PRESIDING OFFICER. The Senator from Nevada is correct.

Mr. CANNON. I thank the Chair. Mr. President, every Member of this distinguished body knows that the Federal Election Act, passed in 1925, is antiquated, meaningless, and totally ineffective.

Existing limitations on expenditures are absurd and disclosure provisions are ridiculous.

A new law is sorely needed to cope with methods and costs of present-day political campaigns.

Previous attempts to revise the law have been unsuccessful despite the fact that on at least three occasions the Senate has approved bills to improve election laws.

This year the President sent to the Congress another measure designed to close loopholes and require complete disclosure of all campaign finances. I had the privilege of introducing that bill, S. 1880, on May 25, 1967. Public hearings were held on June 28 and 29, 1967, and after deliberations, the Subcommittee on Privileges and Elections reported the bill unanimously to the Committee on Rules and Administration, which, after further consideration, reported the bill with technical amendments to the Senate.

Costs of political campaigns have risen astronomically, making a shambles of ceilings or limitations on expenditures. Emphasis has shifted from limitations to disclosure on the principle that an informed citizen will react at the polling places to evidence of excessive expenditures.

This bill, therefore, reaches into every niche of political activity to bring forth all information concerning contributions and expenditures for examination by the public.

Complete disclosure is accomplished by requiring all candidates for Federal elective office and political committees supporting such candidates to file detailed financial statements with the Clerk of the House of Representatives, the Secretary of the Senate and with clerks of U.S. district courts in the district where the candidate resides or where the principal office of the political committee is located.

Candidates are required to be filed concerning primary elections, caucuses, special and general elections, nominating conventions and presidential preference primaries.

Every political committee, whether National, State, or local, would be required to file financial statements if it received or spent in excess of $1,000 during a calendar year.

It was recognized by the Senate Rules Committee that not every small political committee throughout the United States could be burdened by Federal reporting requirements, those which were primarily supporting local candidates or issues. The $1,000 cutoff would eliminate most of those minor or ad hoc local committees.

While limitations on expenditures by candidates and political committees are retained, S. 1880, there is no limitation upon the amount which may be given to a candidate or a political committee.

Section 103 of the bill, beginning at the bottom of page 4, sets a limit of $5,000 on the amount which a contributor could give to any candidate or committee connected with a number of $5,000 contributions to separate candidates and committees but he may not give more than $5,000 in total to any particular candidate and one or more political committees supporting that candidate.

There is a proviso in that section which would eliminate from the limitation or contributions a political committee. Thus, political committees could still give to a candidate or another political committee amounts in excess of $5,000.

However, the definition of "political committee" includes the term "individual." There is a possibility that any individual could claim that he was acting as a political committee and thus evade the $5,000 limit on contributions.

To preclude that possibility, I shall propose an amendment which clarifies the intent of the limit. By striking out the proviso which states that "the term 'person' shall not include a political committee" and substituting a new proviso stating that "nothing contained in this subsection shall prohibit the transfer of contributions received by a political committee," the loophole is eliminated.

Political committees could still transfer to candidates and political committees more than $5,000 of its receipts, but an individual or person claiming to be a political committee could not use his own personal wealth to evade the law but only those contributions received by him from others and those receipts would have to be reported publicly.

Disclosure is the cornerstone of this bill. Every candidate for President or Vice President and every candidate for the Senate and each political committee supporting such candidates shall file statements with the Secretary of the Senate.

Every candidate for the House of Representatives and each political committee supporting them shall file statements with the Clerk of the House of Representatives.

Additionally, a copy of each statement filed by a candidate or a political committee shall be filed with the clerk of the U.S. district court for the district where the candidate resides or where the principal office of the political committee is located.

Every statement will disclose all names and addresses of persons who have contributed $100 or more or to whom expenditures have been made of $100 or more. Further, every financial transaction, whether contribution, gift, loan, repayment, sale, expenditure, and so forth, shall be disclosed in detail.

Reports, in each instance, would be filed on the 10th day of March, June, and September of each year and also by the 31st day of January of each year. Before each primary, special or general election, reports would be filed on the 15th and again on the 30th days prior to the date of such election.

Persons who make contributions or expenditures of $100 or more, other than to a political committee or a candidate, who would also be required to file reports in the same manner as is required by candidates and political committees or associations responsible for or assisting in the operation of political conventions to nominate national candidates would be required, for the first time, to file a report, not later than 20 days prior to the date of the primary or primary, showing all receipts and expenditures.

Under existing law, the Secretary of the Senate and the Clerk of the House have no duties except to receive and preserve statements filed by candidates or political committees.

This bill, S. 1880, would impose a much greater range of duties.

Those officers would be required to develop forms for the filing of statements; to prepare and publish a manual for bookkeeping and reporting; to develop coding and cross indexing systems; to make all documents available for public inspection and copying; to preserve all documents for 10 years in the Senate and
5 years in the House; and to make audits, field investigations and report violations of law.

It has been said that statements of campaign contributions and expenditures should be filed with the office of the
Comptroller General rather than with the office of the Senates, because, unless the
Comptroller General's office is set up to handle accounting matters and is set
apart from the Congress.

Mr. President, I disagree with that posi-
tion on several grounds:
First. The Constitution states, in art-
icle I, section 5, clause 1, that "each
House shall be the judge of the elec-
tions, returns and qualifications of its Members," and in article I, section 5,
clause 2, that "each House may deter-
rine the rules of its proceedings, punish
its Members," et cetera.

The Congress, therefore, has the power
and the duty to monitor the election of
its Members, including campaign con-
tributions and expenditures.

Second. The General Accounting Of-
fice is merely an arm of the Congress and
has no extraordinary power to monitor
Federal elections.

In fact, the Comptroller General has
consistently expressed reluctance to re-
ceive responsibility for overseeing Fed-
eral election activities.

Third. Both the Secretary and the
Clerk could supplement their offices with
staff and equipment, just as the Com-
troller General would, to process finan-
cial statements in accordance with this
bill.

For those reasons, I would oppose any
change in the places for filing campaign
statements.

Clerks of the U.S. district courts would
be given duties similar to those of the
Secretary and Clerk pertaining to the
receiving, filing, preserving, and making
available for public inspection the cam-
paign statements required to be filed with
them.

Mr. President, this bill was submitted
to the Congress by the President. I in-
roduced it and held public hearings to
receive all views on it. It was studied by
the Senate Committee on Privileges and
Elections and the Committee on Rules
and Administration. It was reported
unanimously from both committees.

This bill is needed to restore public
confidence in congressional political cam-
npaigns and the handling of cam-
paign finances. It is my sincerest hope that
it will be given early approval by the
Senate.

Mr. President, during its consideration
of the bill the committee adopted cer-
tain perfecting amendments to the bill. The
amendments cover the purpose of the
achieving conformity and clarity in the
several provisions and do not affect the bill
substantively. I ask unanimous con-
sent that the committee amendments be
approved en bloc.

The PRESIDING OFFICER. Is there
opposition? The Chair hears none.

The amendments were agreed to en
bloc.

Mr. WILLIAMS of Delaware. Mr.
President, on behalf of the Senator from
Kansas [Mr. CARLSON] and myself, I call
up amendment No. 284 and ask to have
it read.

The PRESIDING OFFICER. The amend-
ment offered by the Senator from
Delaware will be stated.

The legislative clerk read the amend-
ment, as follows:

At the appropriate place, insert the fol-
lowing:

"(a) Section 602 of title 18 of the
United States Code is amended—

"(1) by inserting '(a)' before 'Whoever', and

"(2) by adding at the end thereof the fol-
lowing new subsection:

"(b) Whoever, acting on behalf of any
political committee (including any State or
Federal party or state political party), directly
or indirectly solicits, or is in any manner con-
cerned in soliciting, any assessment, subscrip-
tion, or contribution for the use of such
political committee or for any political pur-
pose whatever from any officer or employee
of the United States (other than an elected
official) shall be fined not more than $5,000
or imprisoned not more than three years,
or both."

Mr. WILLIAMS of Delaware. Mr.
President, under the existing law, sec-
ction 602 of title 18 of the United States
Code prohibits anyone who is a Senator
or a Representative or a delegate, or any-
one who is a candidate for Congress cer-
tain Expenditures and Contributions of
Political Parties and Candidates,

The Secretary and Clerk pertaining to the
receipt of political committee statement
shall be the Persons who are entitled to
receive, file, preserve, and make
available for public inspection the cam-
paign statements required to be filed
in connection with the bill.

The result has been that the campaign
for a Senator or Representative, or a dele-
gate, or any political committee or can-
didate, to be filed. The

Mr. Williams said that statements of
political committee (Including any State or
Federal party or state political party),
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manner concerned in soliciting, any as-
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officer or employee of the United States
(Other than an elected official) shall be
fined not more than $5,000 or
imprisoned not more than three years,
or both."

The PRESIDING OFFICER. Without
objection, the name of the Senator from
Kansas [Mr. CARLSON] is included as a
sponsor of the amendment.

Mr. CURTIS. Mr. President, I wish to
speak briefly concerning the bill. I feel
that there should be some reform in our
laws concerning the recording of elec-
tion spending.

During the time this bill was under
consideration by the Subcommittee on
Privileges and Elections, it was not pos-
sible for me to give the time and atten-
tion to it that I would have liked, as I
had to be absent from Capitol Hill. The
members of the committee were very gra-
cious in delaying action on this measure
until I could attend.

Realizing that whatever might be en-
acted in this Congress should be done in
this calendar year, I did not offer any
amendments in committee. I felt that the
recommendations of the President were
entitled to be considered by the Senate.

Further, I was of the opinion that any
matter such as this, involving the cam-
paign of every Senator and every can-
didate for the Senate was something that
should be ultimately decided by the
committee, but would be decided by the
Senate as a whole, because every Senator
is interested in the law pertaining to the
financing of his campaign and to reports
which should be filed.

I make that statement for the reason
that I do not want my vote cast in the com-
mittee to be construed as being con-
 sideration as being construed that I do
not favor certain amendments or that
I necessarily favor the bill. My vote in
the committee was in favor of having the
Senate consider the bill, nothing more.
I may or may not vote for the bill. It
depends on what it is like when we get
through with it.

I believe that amendments offered by
the Senator from Delaware [Mr. Wil-
lams] have great validity, and I expect
to support them.

I do wish to call to the attention of the
Senate that I am not about to offer an
amendment. I refer to section 608, on
page 5 of the bill. This section says:

(a) It shall be unlawful for any person,
directly or indirectly, to make a contribution or contributions in an aggregate amount in excess of

(1) during any calendar year, or

(2) in connection with any campaign for
nomination for election, or election,
to any political committee or candidate, to
two or more political committees substan-
tially supporting the same candidate, or to
a candidate and one or more political com-
mittees substantially supporting the can-
didate:

Lines 7 to 12, which come under sub-
head (2), would indicate that a person
could make contributions more than $5,000
to a candidate, or to any committee set
up by that candidate.

But line 6 would put an absolute ceil-
ing upon what an individual person could
contribute for all candidates, all com-
mittees, all purposes, to $5,000.

Mr. President, I do not believe that is
wise. I do not believe that it will pro-
mote disclosure. I do not believe it is just.

I view a political campaign as an honorable thing. I believe that it represents efforts of a group and individuals to advance the cause of good government as they see it. Therefore, I think the raising of funds for a campaign, in many respects, is like raising the funds for the community chest, for the Animal Rescue League, to build a library, or to do any other worthwhile thing. You need large contributions and small contributions; you need a lot of small contributors to spread the responsibility, and we should encourage that. That is why I favor a provision which would give a tax benefit up to a certain amount—say for a $100 contribution.

But, there are people in this country, who are interested in good government, who give generously, and do so without any ulterior motive. They have no Government contracts; they expect no Government contracts. They ask no special favors; they receive no special favors; they contribute but to carry out their idea of what is good government. They may contribute to a long list of candidates for the House of Representatives, or a long list of candidates for the Senate, as well as to their candidate for President.

As I read this section 608, on page 5, there would be an absolute limit of what a person could give to all candidates for all purposes, of $5,000.

What that will do, if this is enacted into law, will be to shut off the honorable money, the untainted money. It will drive the good money away from the table. I realize a great speech can be made condemning contributors. But how are you going to explain how people can get elected without money? How are you going to explain how people who do not have great wealth can be elected to office, unless somebody else contributes to them?

Mr. President, it is time to cast aside any temptation to hypocrisy. I say to the Senate that a limit such as this will shut off honorable, untainted money, and it will shut off untainted, quotable money, but will merely drive it under the table.

Therefore, I propose, at the proper time, to offer an amendment to strike out line 6 on page 5, and to renumber the succeeding sections.

Then we would have a limitation on the amount that a person could give to a candidate, or to the candidate's committee; but the limitation would not apply from the Atlantic to the Pacific. If someone has a great love for his country and believes a certain course is best for his country, and he has the substance to support 20 candidates for Congress, is it not in the public interest that he do it? Or does the Senate favor a system that will either limit running for office to those people who come from families that can pay the entire bill, or a system that will restrict the liberty of individuals to contribute to any campaign they see it.

I think that this section, as written, defeats the very purpose of the bill. The purpose of the bill is disclosure. This section, if enacted, will add to the amount of contributions that are not disclosed.

In connection with this section, I call attention to lines 20 to 23, on page 6, subsection (f):

(f) Nothing contained in this section shall be deemed to prohibit any contribution to a candidate by the spouse or a child, grandchild, parent, or brother, sister, or sister-in-law of the candidate.

So in one part of this section, we put a ceiling on what a public spirited individual can do, across the entire land, but here we say that nothing shall prohibit any contribution from within the family. If that is not a contradiction, I do not know what is.

That section might be improved by changing the word "committee" on line 21, to the words "a contribution," and adding, on line 23, "provided the contribution is not otherwise prohibited." That section might also improve by using the word "candidates" rather than "officers and employees." It would not change the spirit at all.

I hope what I am about to say will not be regarded as a discouragement to those who are sponsoring the bill. I would like to see a system established that I think we should be realistic about it.

We are back in session on the first day after a 10-day recess. It is true that this bill has been the pending business. But every Senator knows that on the day after a recess, a mountain of things pile up in all avenues of his work, whether it is returning telephone calls, his staff needing to see him about various things, a backlog of mail, or what not.

Since this is a piece of legislation which should have the attention of every Senator, and since it is a piece of legislation where a committee cannot make the decision for the entire Senate—because it deals with a matter of immediate concern to every Senator— I hope that we can have ample discussion of this measure today, and that the major votes upon it will be taken on the floor.

I do not mean to suggest that no amendment should be voted on today. However, certainly if an opportunity is afforded to all Senators to participate in this debate, it will result in a better vote than will result in a bill that will have the backing of the Senate when we go to conference.

I hope that this can be done. For the time being, I yield the floor.

Mr. WILLIAMS of Delaware. Mr. President, I would like to have the yeas and nays on the pending amendment. I do not think that there are enough Senators present on the floor to obtain the yeas and nays.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. 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. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. CANNON. Mr. President, the amendment offered by the senior Senator from Delaware would prohibit political committees or persons acting in behalf of political committees from soliciting, directly or indirectly, contributions or assessments for the use of the committee or other political purpose from any officer or employee of the United States.

Section 602 of title 18 already prohibits Congressmen and officers and employees of the United States from soliciting or receiving, directly or indirectly, any contributions or assessments for such purposes from any other such officer or employee.

The purpose of this section was to prohibit a coerced or a coercive attempt by people such as the Senator from Delaware described a few moments ago.

Section 603 of title 18 prohibits the solicitation of contributions in Federal buildings.

There is, therefore, broad coverage pertaining to incumbent Congressmen, candidates, officers, and employees to prohibit them from soliciting or receiving contributions from other such persons. To apply this same prohibition to committees would be unfair, and I submit that it would be most difficult to enforce.

Committees, like other business enterprises, solicit contributions or other support from citizens on the basis of availability. A canvasser in certain areas, like the Dakotas, Southern Maryland, or northern Virginia, would be certain to reach large numbers of Federal employees and officers.

The committee would have no means of ascertaining in advance which of the citizens of the United States. To ban all committees from soliciting in this manner U.S. employees would be to prohibit such solicitations from anyone under pain of violating unintentionally the Federal law and thereby subjecting themselves to a fine of $500.

I submit, Mr. President, that the amendment is quite unreasonable, and I hope it will be defeated.

Mr. WILLIAMS of Delaware. Mr. President, I believe that the Senator from Nevada is doing a little shadow-boxing. I point out that section 602 has been a part of the Corrupt Practices Act for a number of years, and the proposed amendment would not change one iota the method by which contributions would or would not be solicited, except that the existing law says that whoever is a candidate, member of the Senate, Delegate, a Resident Commissioner, or a candidate for Congress, or any of these national offices shall not solicit Federal civilian employees for political contributions.

Nothing in the existing law, however, prohibits the head of an agency from taking a list of his employees and turning it over to Joe Doakes or one of the national or State committees and having the committees solicit them on his behalf. The proposed amendment would merely add to the existing law to prevent solicitations on our behalf. It now says that a Member of Congress or a candidate for Congress cannot make these solicitations; under the amendment no one could solicit on behalf of the candidate or party.
Mr. WILLIAMS of Delaware. If that list of names is general—we might say in the form of a boxholder list, with no thought as to what the position of the person is—it would not be affected any more than the Senator's letters or my letters today are affected if we write to an individual. We do not have to search his pedigree or determine his financial status from Dun & Bradstreet. But we would not be able to solicit direct contributions, as it is being done now, where the boss of an agency may hold a cocktail party and put a notice on the bulletin board: "All who are going to this dinner stop by." They claim there is no coercion. But that is one way they can see whether the persons puts his $100 on the line.

We all know the abuse. We are not that naive. And the employee knows the difference from a voluntary contribution and a shakedown.

A general boxholder letter may come from the two national committees and may come to a Republican or a Democrat. I received an invitation today to attend one of the Democratic fundraising dinners. I do not believe I shall be able to make it. I am sure I received the letter as a boxholder from a general list of names in my hometown.

But such a situation is not involved with respect to the proposed amendment. This refers to the solicitation from Joe Doakes as an employee of the Government. The law already states that a politician cannot solicit service employees or Government employees, for contributions. The proposed amendment would add the words that in that solicitation the head of the agency mentions the contributions to his employees and follow through with a check on who attends.

There is no question but that there is an abuse. Let us correct it.

Mr. WILLIAMS of Delaware. That is, it is the intent of the Senator to solicit Joe Doakes because he is an employee of the Government with the inference—"You get your job from the administration; therefore, there is a responsibility to contribute." Is it the intent of the Senator to stop that practice. Other than that, the employee has the right of every American citizen to contribute to the party of his choice. He has a right to contribute to the candidate of his choice as long as it is done freely and he is not coerced or pressured on the basis of his official capacity.

Mr. CURTIS. To bring the matter rather closer to Washington, because there are more Government employees here; in other words, the Senator is saying that all Government employees, whether they solicit all people living in Montgomery County, Md., for political contributions, and that committee would not be in violation because a number of the people happened to be Government employees.

Mr. WILLIAMS of Delaware. That is correct. If they were solicited as part of a broad county or city solicitation, for example, if they solicited every box holder in Washington in a general solicitation it would not be a violation under this amendment.

Furthermore, if it could be established that in that solicitation the head of the agency was later seeking to get the names of the man making the solicitation, then they would be involved.

I shall read the present law again:

Whoever, being a Senator or Representative in, or Delegate or Resident Commissioner to, or a candidate for Congress, or individual elected as, Senator, Representative, Delegate, or Resident Commissioner, or an officer or employee of the United States, or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, directly or indirectly, solicits or receives, or is in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever:

Mr. President, that is the law now as it relates to every candidate for national office.

All the amendment would do would be to say that we cannot turn this list over to some individual for solicitation on our behalf.

Mr. CURTIS. Or any general party.

Mr. WILLIAMS of Delaware. Or to a general party.

Mr. CURTIS. Mr. President, will the Senator yield for one additional question to make the matter abundantly clear?

Mr. WILLIAMS of Delaware. I yield.

Mr. CURTIS. If the amendment of the Senator is agreed to, is it the intention of the Senator to make it unlawful for one of the political parties in Montgomery County, Md., to solicit either orally, in writing, or in any other way campaign contributions from all those people who are Government employees?

Mr. WILLIAMS of Delaware. Not as members of the party in general. But if the head of the agency passes the word down that there is going to be a solicitation and that they are to come by so that they can be checked on, that would be unlawful. They can contribute of their own accord on a purely voluntary basis as American citizens. They can support the candidate or the party of their choice, but it must not be under the sponsorship of the Government.
Mr. WILLIAMS of Delaware. Not if they were solicited as voting citizens of the country and not solicited as Government employees.

Mr. CURTIS. I thank the Senator.

Mr. WILLIAMS of Delaware. Mr. President, I shall read an excerpt from two letters I have received:

Hon. John J. Williams, Senator from Delaware, Senate Office Building, Washington, D.C.: Senator Williams: On May 27 The New York Times reported your resolution calling on the Attorney General to investigate charges that federal employees were being solicited for political funds in violation of the Hatch Act. The article implied but did not state that the resolution was carried. I am a federal employee, and one recent appointment—Permanently Non-Supervisory Grade 11 was entirely non-political. Every employee (above clerical) of my office was solicited to contribute to the impending Johnson affairs in New York City. Amounts of the expected “gift” were recommended. When I declined to give, my pay and my advancement were, it was suggested, in danger. I do not intend to make any charges under the Hatch Act, and am not seeking any relief for myself or punishment for others. However, I completely support your resolution and will do everything within your power to see that a meaningful inquiry is made. The kind of sophisticated extortion that can be involved in these violations is humiliating to those who yield and to those who don’t, to say nothing of the officials who condone it.

Sincerely,

John J. Williams

Mr. President, these are but two of many letters which I have received.

In addition, the newspapers in Washington have had numerous Federal employees call to their attention the manner in which they are solicited. I shall now read from an article which appeared in the Washington Star of June 25, 1965:

**Worker Propped on $100 Ticket. Wife Complains**

The wife of a top Civil Service grade employee at the Office of Emergency Planning called The Star this morning to complain that her husband had been asked by his boss to buy a $100 ticket to tomorrow’s Democratic dinner.

“We told,” the irate wife said, “that the White House is displeased with the number of tickets purchased so far” by OEP employees.

She said she would not give her name in order to protect her husband, “I know they wouldn’t fire him,” she stated, “but they could easily abolish his job.”

Only this afternoon, Assistant OEP Director of Information, released a statement which said: “There is no solicitation of any kind within the agency for ticket buying.”

This type of solicitation would surely be covered under the amendment.

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

Mr. Williams of Delaware. I yield.

Mr. Cannon. Is it not a fact that solicitation is covered under section 602 at the present time and that it is specifically written out in clear and unambiguous language?

Mr. Williams of Delaware. Perhaps the Senator should join me in getting a new Attorney General of the United States because he claims that under present law he can do nothing about it.

Mr. Cannon. The Senator did not answer my question. Is it covered or not?

Mr. Williams of Delaware. If they would prossect, but the Attorney General says that he cannot prosecute under the existing law. President Johnson, in his message to Congress, said there was a loophole in this law. He told the Senator’s committee there was a loophole. I do not know why the committee did not act on the suggestion.

The loophole is that while the Senator and I cannot solicit any employee we can have somebody solicit on our behalf.

Mr. Cannon. The statement concerning loopholes in no way related to the amendment. Would the Senator have any objection to making an amendment?

Mr. Williams of Delaware. Mr. President, would the Senator suggest that as a part of the general law?

Mr. Cannon. I am suggesting in connection with the amendment here. Would the Senator have any objection to making it clear it is an intentional and willful violation?

Mr. Williams of Delaware. I would have no objection if it were made applicable to all kinds of solicitation. That is what we are talking about. Knowledge or intentional. I was told by those who assisted in drafting the proposal that this language would cover it, but I have no objection to making it clear.

I ask unanimous consent that I ask unanimous consent to have printed in the Record three articles from the Washington Evening Star.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Evening Star, May 26, 1964]

**Democrats Expect To Gross Over $5 Million This Week**

(By Walter Pincus)

“It can be a real help to your company.”

That was the closing line of a sales pitch made recently by the President for Tonight’s $1,000 1-plate Democratic Party President’s Club dinner to the Washington representative of a national corporation.

The dinner at the International Inn and the subsequent Subsider-to-President Johnson Gala at D.C. Armory, combined with two dinners and another gala at New York City’s Madison Square Garden Thursday night, should provide the party with a handy sum.

Solitators have been active in the two months selling everything from $1,000 memberships in the President’s Club to the $5 bankny New York.

**How Tickets are Sold**

A party spokesman estimated that more than 500 tickets, at $1,000 each, have already been sold for tonight’s dinner, while a crowd of between 7,000 and 8,000 at $100 a ticket is expected at the Madison Square Garden.

The President’s Club dinner in New York
Thursday is expected to draw 1,000 persons at $1,000 each—making it the first publicly-reported $1 million dinner in campaign fund-raising history.

How many of the $1,000 tickets sold in Washington? Many of them go to old party contributors whose names regularly grace such lists.

To get the hesitant new big money men, one sales pitch last week included:

Assurance that the $1,000 membership in the President's Club would put the donor's name on one of the invitation lists to be considered for invitations to White House social functions.

An understanding that the donor's name would be on a list seen by the President.

A similar pitch, it was said, would be sent to the donor from Democratic Party Finance Chairman Richard Maguire stating that the gift was appreciated and the Democratic National Committee was available for assistance if such help was needed.

CONTROVERSIAL SOLICITATION

And finally, that the funds can originate from any sources—so long as someone's name is attached to the $1,000 when it arrives at the White House.

The most controversial solicitation attached to tonight's gala—that of Government employees. Both parties, when in power or the opposition, have tried to get their employees to pay their way. Under the Democratic rule, it is understood there are no lists—government employees are not solicited. Under the Republican Club, employees are solicited, however, are regular Civil Service and not political appointees.

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guarded operation. According to records filed with the Clerk of the House, some $900,000 has been contributed to the party in the first five months of 1965, but $750,000 of that amount came from $1,000-and-up contributors.

The Republican party, on the other hand, reports that during the same period it collected almost $600,000 of which over 75 percent came from contributors of less than $100.

To stimulate small contributors, the Democrats have begun a contest aimed at $10 givers. Though it is not expected to draw much in the way of money, it will create the atmosphere of a contest in an effort to encourage the small donor.

[From the Washington Evening Star, June 16, 1965.]

**THE FEDERAL SPOTLIGHT: CIVIL SERVICE TO PROMISE CHARGES ON $100 TICKETS TO PARTY DINNER**

(By Joseph Young)

The Civil Service Commission will investigate charges that Government career employees were pressured into buying $100 tickets for the recent Democratic gala honoring President Johnson.

It will be the first investigation in history involving charges of this sort.

Such charges have cropped up in previous administrations, although the intensity of the problem of employee buying has declined if ever equaled that of the past few years.

The CSC previously has said it would investigate if it got any specific complaints, but none were forthcoming. Employees were too afraid of losing their jobs by making such formal charges.

Now, however, Representative Nelsen, Republican of Minnesota, is turning over the CSC specific cases in which he charges that employees of the Rural Electrification Administration were asked to buy tickets to the dinner because the sales made on Government property, both violations of the law.

In reply, the CSC wrote Mr. Nelsen:

"Chairman of the commission's responsibilities under the Hatch Act, and within its jurisdiction over Federal employees in the competitive civil service, the commission welcomes inquiries from you or any of your constituents concerning the commission with the information in your possession with appropriate identification of the persons and employing agencies, a thorough investigation will be made and you will be informed of the results."

Mr. Nelsen subsequently turned the information over to the CSC and the investigation will get under way.

Mr. Nelsen hopes that this will encourage other Federal employees who feel they were pressured to contact the CSC's legal division and furnish the necessary information so the investigation could then broaden into a Government-wide inquiry of such practices.

Persons found guilty of coercion in connection with political fund raising events must be ordered fired by the CSC, providing they are career employees. If the offending person is not under civil service, then the CSC would turn the case over to the agency with its recommendation for dismissal.

Collecting funds on Government property for political events is a violation of the Corrupt Practices Act and subject to criminal penalties. These cases would be turned over by the CSC to the Justice Department.

Recently, there was a report that President Johnson, after learning that General Services Administration employees complained of being pressured to buy tickets for his gala, would approve a GSA ordering that such tactics be stopped. GSA, however, denies that it ever received such a letter from Mr. Johnson.

**CHILD'S CANDOR**

One of the House members who last week voted against the Government pay raise bill, which includes a $7,500 congressional pay raise, had lunch the next day at the Capitol with his little boy.

"My son asked me, "Why did you vote against the pay bill, but he's sure glad I passed."

**HEAT DISMISSALS**

Government employees who work in non-air-conditioned buildings really have to swelter before they can be released because of the heat.

Under the Government's hot weather dismissal regulations, the temperature and humidity must hit the following combinations before employees can be released: 100 and 98, 99 and 48, 45, 49, 46 and 52 and 95 and 55.

**USA**

Joseph C. Wheeler has been named Deputy Assistant Director for Administration for the United States Information Agency. Mr. Wheeler, a former finance and budget director for Agriculture Department, spent the past two years as Director of Public Affairs Officer and Attache in Belgrade, Yugoslavia. Previously he served as executive officer for USA in Rome.

**RETIRED EMPLOYEES**

Clarence Tarr of Springfield, Ill., is the new president of the National Association of Retired Civil Employees. Mr. Tarr will come here for the gala Honors Dinner in his new duties. Two Washingtonians were elected to the board of directors—Martha Townsend, national secretary; and Harold Lingenfelter, treasurer.

Mr. WILLIAMS of Delaware. Mr. President, I wish to read an excerpt from the article:

"Since 1963, the Democrats have made a strong effort to get those Federal employees who were appointed to their positions—so-called Schedule C jobs—to buy $100 tickets each year to one major party function. Currently, there are about 1,440 Schedule C positions of which under the Civil Service spokesman, about 80 percent are filled. Some 400 of the persons holding down these jobs, however, are regular Civil Service and not political appointees.

"However, the pressure on employees to buy the $100 ducats is not limited to those under Schedule C. Regular civil service employees in grades below 15 have received mailed "invitations" and follow-up telephone calls and direct appeals from their bosses to attend the affair."

Winking at laws that prohibit solicitation of Federal employees in Federal buildings, the Democratic National Committee has designated sales co-ordinators in each executive agency. Quotas have been established normally based on the number of Schedule C positions in a given department combined with a 10 per cent increase over the past year's ticket purchases.

Mr. President, these solicitations have gone on under preceding administrations and are considered part of the administration, but that does not make it right. It is wrong.

This has been going on for years. The question is, do we want to stop it?

So far as I am concerned, I see no reason in the world why this should not stop now. Yet we have the same employees as private citizens, living in Washington, Maryland, Nevada, or elsewhere, who receive letters from a general mailing list, see fit to contribute to the party of their choice that is their privilege.

George Wallace or Martin Luther King who we are told are going to run for public office, are prohibited from doing it ourselves, and we must make sure that no one can do it on our behalf.

That is the loophole in the law.

Mr. CANNON. From what the Senator says, I believe we are not far apart in thinking. The Senator indicates that this should apply only to deliberate action, action where the list is made available and those people are circulated alone. Therefore, in view of the Senator's explanation as to what he would intend by this action, I should like to ask Mr. Williams what does it mean by the words "intentionally and willfully," after the word "party" on line 8. If he would, I think I could accept the amendment.

Mr. WILLIAMS of Delaware. That may not be the exact place I will suggest the absence of a quorum so that we can see any amendment. The Attorney General would have to prove that this was done with intent, as was done in the case I cited. That is what I am trying to correct. Mr. President, for that purpose, I suggest the absence of a quorum.

**THE PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS of Delaware. 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. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to modify my amendment on page 1, line 8, after the word "indirect," to insert the words "intentionally or willfully."

The PRESIDING OFFICER. In the absence of objection to the request of the Senator from Delaware? The Chair hears none, and the amendment is modified accordingly.

Mr. WILLIAMS of Delaware. Mr. President, this carries out the intent of the amendment. It would achieve the objective I am seeking; namely, that these employees must not be solicited in any manner, either directly or indirectly, by a candidate for public office or by anyone doing so on his behalf. This amendment will give added protection.

Mr. President, this is understandable. I am pleased to vote on the amendment, as modified, but I would want the Senate to have a roll-call vote so that when it goes to the House they will know that we mean business and that we intend that the amendment be held.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Delaware [Mr. Williams].
On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of Virginia. I announce that the Senator from Nevada [Mr. Butler], the Senator from Maryland [Mr. Breaux], the Senator from Michigan [Mr. Hart], the Senator from Indiana [Mr. Hartke], the Senator from Montana [Mr. Mansfield], the Senator from New Mexico [Mr. Montoya], the Senator from Maine [Mr. Muskie], the Senator from Rhode Island [Mr. Pastore], the Senator from Missouri [Mr. Symington], and the Senator from Maryland [Mr. Tydings] are absent on official business.

I also announce that the Senator from New Mexico [Mr. Anderson], the Senator from Idaho [Mr. Church], the Senator from Connecticut [Mr. Dooley], the Senator from Mississippi [Mr. Eastland], the Senator from Tennessee [Mr. Gore], the Senator from Washington [Mr. Jackson], the Senator from North Carolina [Mr. Kennedy], the Senator from New York [Mr. Kennedy], the Senator from Ohio [Mr. Lausche], the Senator from Louisiana [Mr. Long], the Senator from Washington [Mr. Magnuson], the Senator from Utah [Mr. Moss], the Senator from Rhode Island [Mr. Pell], the Senator from California [Mr. Packwood], the Senator from the Senate [Mr. Proctor], the Senator from Georgia [Mr. Russell], and the Senator from New Jersey [Mr. Williams] are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. Dooley], the Senator from North Carolina [Mr. Javits], the Senator from West Virginia [Mr. Randolph], the Senator from New Jersey [Mr. Williams], the Senator from Maryland [Mr. Breaux], the Senator from Idaho [Mr. Church], the Senator from Nevada [Mr. Butler], the Senator from New York [Mr. Kennedy], the Senator from Washington [Mr. Magnuson], and the Senator from Rhode Island [Mr. Pastore] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. Cotton], the Senator from Colorado [Mr. Domnick], the Senator from Oregon [Mr. Hatfield], the Senator from New York [Mr. Javits], the Senator from California [Mr. Murphy], the Senator from Illinois [Mr. Percy], and the Senator from North Dakota [Mr. Young] are necessarily absent.

If present and voting, the Senator from New Hampshire [Mr. Cotton], the Senator from Colorado [Mr. Domnick], the Senator from Oregon [Mr. Hatfield], the Senator from New York [Mr. Javits], the Senator from California [Mr. Murphy], and the Senator from Illinois [Mr. Percy] would each vote "yea."

The result was announced—yeas 62, nays 5, as follows:

[No. 242 Leg.]

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ridiculous, and would defeat any conviction, unless the offense were done with malice and on a vast scale.

I wish we could reconsider the matter now, and seek to provide a reasonable penalty.

Mr. WILLIAMS of Delaware. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. CURTIS, Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Nebraska [Mr. Curtis] proposes an amendment as follows:

On page 5, line 6, strike out "(1)", the comma, and the word "or"; and on line 7, strike out "(2)".

Mr. CURTIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Nebraska is recognized on a motion of the previous question.

Mr. CURTIS, Mr. President, I can explain briefly what this amendment would do, and I strongly believe it will be accepted.

As this section is now written, it would limit a donor to an aggregate of $5,000 for all candidates in the United States. That was not intended, I do not believe.

The amendment I have offered would limit a single donor—a person—to contributing not to exceed $5,000 in any one year to any one candidate, or a committee for that candidate. That is, I think, as it should be.

Without my amendment, a donor could not contribute to a list of candidates in several States, if the aggregate amount is more than $5,000.

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

Mr. CURTIS. I yield.

Mr. CANNON. Mr. President, personally I do not believe that a donor is limited by the present language to a total contribution of $5,000 to several individual candidates. There is a difference in judgment between the distinguished Senator from Nebraska and myself on that point.

However, there is no such intent, and the language that the Senator has proposed makes that absolutely clear. Inasmuch as that was not the intent of the provision, and it is the intent of the distinguished Senator from Nebraska and myself on that point.

The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

Mr. CURTIS, Mr. President, I now request the attention of the chairman of the committee concerning certain language in the bill. It may be that we can establish what it desired here by col}
quiy; it may be that someone will have some additional language to offer.

I refer to the subsection of a candidate, found on page 2, lines 8 to 10. That language says:

(b) The term "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected. For purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he (1) has taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office—

That part is all right. As soon as he has taken action that has made him a candidate, he is a candidate. But it is the next language that I refer to—

or (2) has received contributions or made expenditures, or has given his consent to or for any person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office.

Here is the problem. If an individual is a candidate, he is required to make certain periodic reports. If a Senator has made two, three, four, five, or even five and one-half years of his term yet to run and that Senator makes expenditures to go home and—as it is commonly called—mend his fences or do the things that he must do in order to keep in touch with his people, the expenses that he has made will help him if he is a candidate two, three, four, or five years from now.

On the other hand, if the man does not know whether he will be a candidate, are we going to force him to make reports as a candidate because he spends money to keep in touch with his people throughout his term?

Is it the intent of the language I have just read from page 2, lines 14 through 16, of the bill, to make any such requirement that a person must cover a greater period of time in the case of an officeholder than in the case of an officeholder?

Mr. CANNON. Mr. President, there certainly is no intent here to cover a greater period of time when an officeholder is serving his constituents and making expenditures to mend fences and find out what they are thinking or just to visit with them. Certainly, that is not the intention. However, there is a period of time provided in most States to cover the period within which filings can be made.

The reason for referring to the necessary action in subparagraph (1) is because the necessary action is taken when a man files his nomination petition or follows whatever procedure is required in an individual State to make expenditures. There is certainly no intent here to cover a greater period of time in the case of a person who is already elected than the period of time required of a person seeking election.

Mr. CURTIS. I can understand why a certain period before filing might well be covered. For instance, an individual might be a candidate in 1968, and if he had made an effort in the primaries, he does not have to file until July.

I can well understand that we should include his expenditures in the months just prior to July, and that is the period of time the Senator intends to cover.

Mr. CANNON. That is the intention. As a matter of fact, the first filing period then would be, as I recall, March 10. The next period would be July 10, as I recall. The provisions of the bill.

Mr. CURTIS. Is it the intention of the Senator definitely not to include the routine expenditures of the candidate who seeks nomination for election, or election, to Federal office, whether or not such individual is elected? For purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he (1) has taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office—

Mr. CANNON. The Senator is correct. It is not the intent that that type of expenditure or contribution, if one is involved, be included in the provisions of the bill.

Mr. CURTIS. I thank the Senator.

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

Mr. CANNON. I yield.

Mr. ALLOTT. Mr. President, I realize that the State of Colorado is different on this matter and vary in many respects. In the State of Colorado it is not necessary to file at all.

Colorado has a combination convention-primary system, and any member of either party who receives 20 percent of the vote at the State convention and is called, then goes on the primary ticket. As I understand the answer of the Senator with respect to subparagraph (b) (1), the action necessary under the State law would really not take place in Colorado until after the candidate had been nominated and had filed his acceptance. Some people receive a little more than 20 percent. However, thinking that their chances are not too good, they do not file their acceptance.

In the State of Colorado—and there are other States in which similar situations arise, for an incumbent, whether he was elected under the reporting provisions of section 11, 1967, by the 31st day of January. I do not believe any Senators would run afoul of this law later on. Yet, in one case or another, whether a man has filed for election, or followed whatever other procedure is required, we must somehow pin this matter down so that we can determine when he actually becomes liable for filing.

Mr. CANNON. Subsection (b) reads:

(b) The term "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected. For purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he (1) has taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) has received contributions or made expenditures, or has given his consent to or for any person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office.

Mr. ALLOTT. If the Senator will bear with me, I should like to pin this matter down a little closer.

For example, in Colorado, the assembly is held in June. I believe this can be applicable where a man has to file, also. If he did not actually make an announcement until—we take the extreme case—the night before or a week before the assembly, the question then arises, for an incumbent, whether he was taking the responsibility of and explaining political issues to them or whether he was a candidate running for office.

I believe we have something here that might cause us trouble. I assume, from what the Senator has said, that in the situation of Colorado, where the assembly is held in June and the primary is held in August, the candidate running for primary in September, having gone through the assembly and signed the acceptance, which he is required to file with the secretary of state, then certainly he would qualify under subparagraph (b) (2).

Mr. CANNON. He certainly would.

Mr. ALLOTT. Considering what the Senator has said, I assume that unless the man had made a public announcement prior to that time, that he was a candidate, he would not be responsible under the reporting provisions of section 204 until he made some such announcement or said in a specific way that...
Mr. CANNON. I would say it would be the same thing. If the candidate accepted contributions for that purpose, whether he solicited them or not would seem to me to be immaterial. If he accepted a contribution for the purpose of helping his reelection, certainly he would be covered. That situation would be covered under this provision of the law.

Mr. ALLOTT. Then, is the distinguished Senator reversing the situation that existed in his discussion with the distinguished Senator from Nebraska, as to whether or not the man is getting assistance?

For example, let us say an incumbent goes to his own State and he speaks for an organization. It does not matter what the organization is—it might be the Brotherhood of Locomotive Engineers or the other things, whether he solicits or not, he is there—and is compensated for that trip; and while he is there, he also speaks at other places and talks with other people in a general vein, without any respect to announcing his candidacy. Would this constitute a contribution? I believe we are in a situation here which must be pinned down in some way.

Mr. CANNON. Certainly, in the situation just described, the officeholder is carrying out the duties of his office; and so long as his principal duty is exactly what he is doing, I would think that there would be no solicitation of funds or no expenditure of money, it is not involved, anyway, because that is all you must report.

Mr. CURTIS. If the Senator will yield, I believe that I was in error with respect to the page. The term "candidate" is defined in the same terms at the bottom of page 4 and the top of page 9 in direct reference to the disclosure of Federal campaign funds. So the colloquy we had is pertinent. It should also be called to attention that what was said should apply to the definition of "candidate" as found on pages 8 and 9 as well as earlier in the bill.

Mr. CANNON. Yes.

Mr. ALLOTT. Yes. That is under title 2, the disclosure of Federal campaign funds.

Mr. CANNON. The Senator made reference to receiving an honorarium. This is covered on page 3 of the bill.

Mr. ALLOTT. I did not ask about honorariums, but I did mention specifically expenses of such.

Mr. CANNON. It reads:

The term "contribution" means a gift, subscription, loan, advance, or deposit of money for anything of value, made for the purpose of influencing the nomination for election, or election to any person to Federal office or as presidential and vice presidential electors, or for the purpose of influencing the result of a primary—

It continues:

and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution, a transfer of funds between political committees;

Then it goes on to describe the term "expenditure" in the same context.

Mr. ALLOTT. I still do not believe that we have really pinned this matter down, and perhaps I can talk with counsel and we can figure some way of pinning it down further.

In looking over the report and the information which the chairman of the committee has issued, I find that with respect to contributions, it says that it includes everything of value.

Mr. CANNON. The Senator made reference to the disclosure of Federal campaign funds. So the colloquy we had is:

The term "contribution" includes a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution, and also includes a transfer of funds between political committees;

In subparagraph (f), it says:

The term "expenditure" includes a purchase, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office; or for the purpose of influencing the result—

And so forth. Then down to line 11:

and includes a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution, and also includes a transfer of funds between political committees;

Perhaps I am nit-picking, but I believe I am aiming at something which is very vital in this matter.

Suppose a Senator—it could be the Senator from Nevada, the Senator from Colorado, the Senator from Florida, or a Senator from any other State—goes to his own State, and in the period of a year, will say he is helping his reelection or re-election, one of his friends picks him up at the airport and drives him a hundred miles to a dinner; and at the dinner he is the guest speaker, and he does not pay for his dinner. At least, it is very rare that they do pay upon such occasions. Does the proposed legislation mean that such a service must be evaluated and reported?

Mr. CANNON. In the first place, the service such as that described would not come within the purview of the bill because of the amount involved.

Mr. ALLOTT. Because it is under $100?

Mr. CANNON. The Senator is correct.

Mr. ALLOTT. Yes. That is under title 2, the disclosure of Federal campaign funds.

Mr. CANNON. The Senator made reference to receiving an honorarium. This is covered on page 3 of the bill.

Mr. ALLOTT. I am sure the Senator understands what I am talking about.

Mr. CANNON. I think the Senator is correct in stating that it depends on the intention of the person himself, plus the surrounding circumstances. Certainly, if the Senator says, "It was not my intention to be running for election at that time," and the opponent says that it was, it is going to be a campaign issue because he did not make a report; but that is one of the facts we have to live with.

Mr. ALLOTT. I thank the Senator. I am going to determine whether we can put this up to the light, and so we would not run into controversies and conflicts in a campaign where someone says that he was campaigning for office and the other party says that he was not.

Mr. CANNON. I am sure the Senator is familiar with the attempt to tie down loopholes in the Internal Revenue Code. They are not all tied down and I do not know if we will be able to in this bill at this time.

Mr. ALLOTT. I thank the Senator. (At this point, Mr. Sromso assumed the chair.)

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

Mr. CANNON. I yield.

Mr. HOLLAND. I note on page 5 of the printed bill, in Section 608, "Limitations on Political Contributions and Expenditures" these words, and I shall read only the words that apply to the question I am going to ask:

(a) It shall be unlawful for any person, directly or indirectly, to make a contribution or contributions in an aggregate amount in excess of $5,000—

There is: skipping to line 11: "to a candidate."

Does that mean that the $5,000, the amount stated there, is the maximum limitation on the contribution any person as defined in this bill can make to any candidate defined in this bill either in a primary or general election? Mr. CANNON. I so understood it.

Mr. CANNON. I now turn to page 24 of the bill under which we find in section 212 "State Laws Not Affected," these words:

(a) Nothing in this title shall be deemed to apply to any person, or to enable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this title.

I am disturbed a bit by this section. The State statute of the State of Florida, which I represent in part, in a similar provision, fixes a limit of $1,000 for a contribution in either a primary or a gen-
eral election, whereas in this law it seems that the limit of $5,000 is fixed as the limit of contribution in any primary or general election; that is, in a Federal election this provision would become the controlling provision, and to that extent eliminate the smaller limitation by the State law?

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that the record be printed as follows:

AMENDMENT NO. 283

Mr. WILLIAMS of Delaware. Mr. President, I call upon my amendment No. 283 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 7, after line 6, insert the following:

"Sec. 105. Section 610 of title 18 of the United States Code is amended to read as follows:

"(1) any organization of any kind, or any agency or employee representation committee or plan, in which employers participate and which is intended primarily for the stockholders of such corporation, or

"(B) for any corporation, any labor organization, or association, organization, or any other person to accept or receive any contribution prohibited by this section.

"(4) Paragraph (1) shall not apply to an expenditure made—

"(A) by a corporation in connection with a publication or other communication intended primarily for the stockholders of such corporation, or

"(B) by a labor organization in connection with a publication or communication intended primarily for the members of such labor organization.

"(c) Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than $6,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, and any person who accepts or receives any such labor organization.

"(1) any organization of any kind, or any agency or employee representation committee or plan, in which employers participate and which is intended primarily for the stockholders of such corporation, or

"(B) for any corporation, any labor organization, or association, organization, or any other person to accept or receive any contribution prohibited by this section.

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The War Labor Disputes Act, June 25, 1943, ch. 144, § 5, 57 Stat. 167, amends this section by making it temporarily applicable to labor organizations. The effective date of this section was postponed by a special provision of the enacting bill until the expiration of the amending act. (See sections 251 and 1516 of title 80, App. U.S.C., 1940 ed.)

Minor changes in phraseology were made.

SENATE REVISION AMENDMENT

The special effective date provision was eliminated by Senate amendment, Inasmuch as section 251 of Title 80, U.S.C. 1940 ed., Vol. 4, ch. 238, title III, § 513, 48 Stat. 1074.)

Mr. WILLIAMS of Delaware. Mr. President, under existing law, section 610, title 18, of the United States Code was supposed to have prohibited political contributions or expenditures in connection with any contribution or expenditure in connection with any primary election or political convention, by national banks, corporations, or labor organizations. We are advised, however, that existing law is not being interpreted in the manner in which Congress Intended.

The PRESIDING OFFICER. The roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the roll be closed.

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

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The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

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"(a) It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with an election to any political office, or in connection with any primary election or political

"(b) It is unlawful—

"(A) for any corporation, or any labor organization, to make, directly or indirectly, any contribution or expenditure in connection with any election, or to make, directly or indirectly, any contribution to any candidate, or any person who consents to any contribution or expenditure (whether or not a political committee) which makes such contributions or expenditures; or

"(B) for any candidate, any political committee, association, organization, or any other person to accept or receive any contribution prohibited by this section.

"(4) Paragraph (1) shall not apply to an expenditure made—

"(A) by a corporation in connection with a publication or other communication intended primarily for the stockholders of such corporation, or

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"(c) Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than $6,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, and any person who accepts or receives any such contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in Congress are elected, shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than two years or both.

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"(B) for any candidate, any political committee, association, organization, or any other person to accept or receive any contribution prohibited by this section.

"(4) Paragraph (1) shall not apply to an expenditure made—

"(A) by a corporation in connection with a publication or other communication intended primarily for the stockholders of such corporation, or

"(B) by a labor organization in connection with a publication or communication intended primarily for the members of such labor organization.

"(c) Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than $6,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, and any person who accepts or receives any such contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in Congress are elected, shall be fined not more than $1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than two years or both.

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by adding the additional punishment provisions after the semicolon.

1949—Act May 24, 1949, amended catchline by adding "or expenditures".

CROSS REFERENCES

Definitions of terms applicable to this section, see section 2 of this title.

Mr. WILLIAMS of Delaware, Mr. President: printed in this record.

Contributions or Expenditures by National Banks, Corporations, or Labor Organizations.

It is clear that Congress intended to prohibit such contributions.

Section 610 reads in part as follows:

It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any nomination or election of any candidate for any political office, or for any corporation whatever, or for any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential, or Senatorial or Representative elections, or a Delegate or Resident Commissioner to Congress are to be voted...

The rest of the section is in the Record, but the law is clear that for any corporation or any labor organization whatever to make a contribution or expenditure in connection with any election, whether presidential or congressional candidates be involved, is unlawful. I do not think we should need an amendment in this particular case; however, the law is not being enforced and is not being interpreted by the Attorney General as prohibiting cash contributions.

Nor does he interpret the law as prohibiting cash contributions that are being made out of union or corporate funds to political parties and to political candidates.

I had two cases called to my attention where such cash contributions have been made. One case involved a union which contributed $25,000 in cash to a political party out of union funds. There were other contributions from union funds in varying amounts, thus $2,500 contributions, two $2,000 contributions, to other candidates by this same union. This case was called to the attention of the Attorney General. I have a letter of a Tulsa pipeline contractor.

He stated further, "Callanan took from the funds of the union, of which he is an officer, funds to pay for his defense. . . . Callanan was the brains of the racketeering conspiracy.

In 1960 after serving about half of a 12-year sentence Callanan was paroled.

Title 18 of the U.S. Code, entitled "Limitations on political contributions and purchases.

(1) Whoever directly or indirectly makes contributions in an aggregate amount in excess of $5,000 during any calendar year, or in connection with any campaign for any election or to the nomination of any candidate for any public office, whether presidential or Congressional, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

On June 2, 1965, a $1000 contribution to the Democratic National Committee was made by Mr. Sheldon S. Cohen, Commissioner of Internal Revenue, as addressed to me under date of June 6, 1965. Mr. Beck is listed as Mr. Callanan's son-in-law and according to press accounts, last year was made as an officer in the "voluntary" political fund of Local 562 members.

At this point I ask unanimous consent to have printed in the Record a list of these political contributions which have been made.

I ask unanimous consent to have the Clerk of the House of Representatives under date of January 12, 1965, and September 10, 1965:

"REPORT FILED JANUARY 12, 1965, BY FRIENDS OF L.B.J.

U.S. TREASURY DEPARTMENT.
INTERNAL REVENUE SERVICE.

Hon. John J. Williams, U.S. Senate, Washington, D.C.

Dear Senator Williams: This is in further response to your letters of October 6 and 12, 1965, in which you requested certain information concerning the compromise settlement of tax assessments by the Treasury Department with Mr. Lawrence L. Callanan, St. Louis, Missouri.

Information furnished by the District Director in St. Louis, Missouri, discloses that an offer in compromise from Mr. Callanan was accepted on April 9, 1964, by the Attorney General. The amount of the offer was $17,000, plus a future income collateral agreement providing for the payment of a graduated percentage of annual income in excess of $7,500 for the years 1964 to 1974.

The following is a breakdown of the liability which was compromised:

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It is glaring:
YOU also requested to know whether Mr. Callanan has filed timely tax returns over the past ten years. The records of our District Director in St. Louis, Missouri, disclose the list of income tax returns by Mr. Callanan for the years 1955, 1960, 1961, 1963, and 1964. Up to this point we have been unable to find any record in the St. Louis office of return filed by Mr. Callanan for 1956, 1957, 1958, 1959, and 1962. However, we would not want to say with any degree of finality that Mr. Callanan did not file for these years, since he could have filed in other district offices.

Of the returns on record in the St. Louis District, all were timely filed except the 1955 return which was received after the due date. With kind regards,

Sincerely,

Sheldon S. Cohen, Commissioner.

Perhaps there is a plausible explanation for the strange circumstances surrounding this case, but I fail to see it.

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January 26, 1966.

H R. Nicholas REB. Katzenbach,
U.S. Attorney General,
Washington, D.C.

My Dear Mr. Attorney General: On January 19, 1966, as appearing in the daily Congressional Record, pages 619 to 623, I outlined a $25,000 campaign contribution that had been made to the "Friends of LBJ" by Mr. John L. Lawler, St. Louis, Missouri, and at the same time I quoted Section 608 of Title 18 of the United States Code, which prohibits unions from contributing to any political campaign committee or multi-state committees to file with the Clerk of the House the names of each person who contributes $100 or more and all additional contributions.

Title 2, United States Code, Section 244 does not require a local committee to file anything with the Clerk of the House of Representatives, Section 244 does require the national committees to file with the Clerk of the House the names of each person who contributes $100 or more and all additional contributions received within a calendar year.

On the basis of the information developed by the investigation, it was concluded that no violation of any applicable law had taken place. If additional contrary information of any substance were received in this matter, or in any matter within the jurisdiction of the Department of Justice, it would receive the fullest consideration.

Sincerely,

Fred M. Vinson, Jr., Assistant Attorney General.

Mr. Williams of Delaware. Mr. President, I also have a case where a cash contribution was made by a corporation, and I am accordingly interested in knowing that the contribution would then be included as an expense item of the corporation and thereby be charged off as a tax deduction for income tax purposes. These contributions were made by the corporation, and they were charged off. That is all admitted by officials of the company. This case was called to the attention of the Attorney General, who again said that under existing law they were unable to prosecute.

Thus, I say that if existing law is not adequate we should repeal it and let it be known that all unions can make all the political contributions they wish. If Congress is not in favor of such cash contributions by unions and corporations—and I do not think that we are—then we should amend the law and stop it. Let us specifically allow unions and corporations to contribute, but let us also have the ability to stop any union or corporation from participating in political campaigns. That is what I am trying to do with this amendment.

The amendment as it is written clearly spells out that this union can send its correspondence and official publications to its union members and call their attention to various legislative proposals which are before Congress. They can, if they wish, call to their members' attention how I voted on an issue and how my opponents may be better able to help their candidates. They can interfere with their reporting to their union members, but it is clearly intended to stop them from making cash contributions to my political campaign or to my opponent's campaign, as is now being done under existing law by both unions and corporations.

I repeat, the amendment would not stop any union or corporation from performing its legitimate functions in connection with advising its membership.

For example, unions for years have provided the "Taft-Hartley Act" and have urged its repeal. I happen to be one who supports that act, and I think it should stay on the books; but there is nothing in my amendment that would stop a union in my State from calling the attention of its members to the fact that I supported the "Taft-Hartley Act" bill. They have a right to do that and to support my opponent. I am not quarreling with their right to inform their members on legislative proposals, but this amendment would stop cash contributions to political candidates or parties.

The existing law now states: It is unlawful . . . for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential candidates or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted . . .

The intent of the law is clear, but it has not been enforced. They rely on the loophole that these are not direct contributions but siphoned through a committee or some individual. Yes, the law now states it is unlawful, but enforcement is silent. As I stated earlier, I do not know how we could make it much clearer except to make the legislative record clear that cash contributions to the party or the candidate are prohibited, whether made direct from union funds or corporations.

My amendment specifically spells out that it is unlawful to make these contributions either directly or indirectly. Let me quote from section (a) on page 2:

(b) (1) It is unlawful—(A) for any corporation or any labor organization to make, directly or indirectly, any contribution or expenditure in connection with any election, or to make, directly or indirectly, any contribution, or any expenditure in connection with any election, to any committee, association, or organization (whether or not a political committee) which makes such contributions or expenditures; or . . .

Mr. President, I think it is clear that this would not in any way restrict unions or corporations from doing what that Congress clearly intended; namely, informing their members.
When section 610 of the Corrupt Practices Act was first passed, it was the intent to prevent them from making cash contributions, as they are being permitted to do today by the Attorney General of the United States. It is now necessary to spell out specifically in no uncertain terms, clearly and emphatically, that such would be a violation of the law.

I hope this amendment can be adopted unanimously.

Mr. ALLOTT. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. ALLOTT. I presume that the Senator is speaking of his amendment No. 283?

Mr. WILLIAMS of Delaware. Yes.

Mr. ALLOTT. I should like to ask the Senator to refer to the language beginning on line 6 on the first page of his amendment which reads,

'It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, or whether organized under the laws of any State...'

There are relatively few corporations organized by authority of the law of Congress. I would like to ask the Senator whether he has limited this language to corporations within a Federal charter. I believe in his own State, as well as mine, I can think of many large corporations which are not organized by the authority of the law of Congress, but which are organized by the authority of the law of the State in which they are incorporated.

Mr. WILLIAMS of Delaware. The Senator is correct. Subsection (a), as appearing on page 1 of the amendment, lines 6 through 11, is lifted verbatim out of the existing law, and it refers to national banks or corporations that are nationally chartered, but on the next page section 1(b) it adds that it is unlawful for any corporation or labor organization.

In the second section, we refer to corporations incorporated, for example, in the State of Colorado, Delaware, or other States. That is the exact manner in which it is referred to in existing law.

If the Senator will turn to page 45 of the pamphlet on his desk, the Corrupt Practices Act, he will see this same language.

There are two types of corporations, one chartered by Congress and the other chartered by the States. In order to take them both in, separate sections were written.

Mr. ALLOTT. I think it is important to make this clear for the purpose of the history of this legislation, because someone might misconstrue the use of the word "organization" as used in subparagraph (b) (1) (A) as a corporation in the same sense as defined on the first page.

I want to be sure that the sense of the amendment is that the word "corporation" as used in subparagraph (b) (1) (A) is the same as the corporation defined in the existing law, except for the words "directly or indirectly" to make it broad enough so there will be no question that contributions made by unions and corporations are covered, whether the contribution is made directly or indirectly.

The existing law reads:

'It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office—

That is the first section. Then it goes on—

or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election...'

That is the existing law.

The change I am proposing in the existing law is that these contributions, if they are made directly or indirectly, either from out of corporation funds or out of union funds, is not prohibited under the law. I think that was the intent of the law as originally written or as indicated by the legislative record, but it is now being interpreted differently by the Attorney General. I have correspondence with him concerning contributions to labor unions, and that is the effect that since the contributions were made indirectly from union or corporation funds, such use was not in violation of the law. That is the interpretation of the Department of Justice, and unless we amend the law and broaden it to make clear our intention that will continue to be the interpretation.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. BROOKE. Under the Senator's amendment, a labor union is prohibited from doing anything that they are not able to do under existing law?

Mr. WILLIAMS of Delaware. In my opinion, no, except that both labor unions and corporations under Department rulings are being permitted to do this, when I say "unions" and "corporations" I should not use the plural because I have but one example of each. Both of these made cash contributions, and nothing was done. In the case of the corporation the contribution was charged off indirectly as a business expense, which I do not think was intended under the law. A union made a cash contribution indirectly from the funds of the union. I do not think that was the intent of the law, because the law as it reads states that it is prohibited for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which presidential and vice-presidential or Senator or Representative are involved.

This amendment makes it clear that contributions made indirectly from funds through the name of a third party would be illegal. Under the present law they are being permitted to get away with it.

I am only a layman, but I think I can interpret the law better than that. There are laws now that can be enforced, but they are not being enforced. I have a letter from the Attorney General's office stating that there will be no prosecution on either of these cases under existing law. We need to amend the law.

Mr. BROOKE. Does the Senator from Delaware have an example of the loophole?

Mr. WILLIAMS of Delaware. Yes.

Mr. BROOKE. What is the example?

Mr. WILLIAMS of Delaware. Specifically, one example was a $25,000 contribution made by a steamfitters' local in St. Louis. This was a cash contribution. I have a letter from the Department of Justice stating that there will be no prosecution under existing law. There were several lesser contributions from $2,000 to $10,000 to congressional candidates by this same labor organization.

The contribution by a corporation involves a case that was called to the attention of the Senate Rules Committee in 1964, when it was conducting the Baker investigation. This case was, in turn, referred to the Department of Justice. It involved a cash contribution made indirectly by the International Telephone Co. In both cases the Justice Department has ruled that there will be no prosecution.

Mr. BROOKE. In the first case the Senator cited, was it a direct or indirect contribution from the labor union?

Mr. WILLIAMS of Delaware. Indirect. The contribution was made in the name of one of the union officials. A $25,000 contribution was made in the name of the union official, but admittedly it was from the union union.

To go further, I asked the question how a $25,000 contribution could be made by the union when the Corrupt Practices Act states that $5,000 is the limitation from any one individual. It was ruled that the limit was not incurred because of the Corrupt Practices Act because the funds came from several people involving contributions of less than $5,000 each. The same excuse was given in the case—

Mr. BROOKE. But the contribution was not actually made by the labor union?

Mr. WILLIAMS of Delaware. That is right; neither was it made by the corporation, but it was from the union's or corporation's funds, made indirectly into the political campaign. That is the reason why I am proposing that such contributions cannot be made indirectly. The law states now that they cannot be made directly. I am proposing that they cannot be made indirectly. Let us face it; we may as well have no law at all if we accept the proposition that these contributions can be made through third parties.

Mr. BROOKE. If I understand the Senator correctly, the $25,000 was a contribution given by a group in which say, five persons contributed $5,000 each.

Mr. WILLIAMS of Delaware. No; it
was not broken down at all as to amounts. It was union funds placed into a political committee and then distributed as cash contributions.

Mr. BROOKE. I see. But there were a number of persons?

Mr. WILLIAMS of Delaware. The assumption was that there were possibly 3,000 or 4,000 members.

It was taken out of funds that were assessed against the members, the various collections from the membership. Of course, the only source of funds they have is their membership.

Mr. BROOKE. Did the money come from the union treasury, or from the private funds of the individuals who made up this group?

Mr. WILLIAMS of Delaware. The report was that it came from the union treasury, or from funds collected by the union from its members. Now, which fund or how they deposited it I do not know. But the point is, that just as in the case of the corporation, while it did not come directly out of the corporate funds, it did come indirectly. Indirectly from the union treasury, or from funds collected by the union from its members.

The Department of Justice had testimony and affidavits from the officials of the company that that was done, just as they had evidence that it was done in the case of the union.

The law was intended to provide that neither corporations nor unions could make political contributions or expenditures for political parties. The law now states that they cannot do it directly. Let us not open a Pandora's box.

I shall place in the Record correspondence wherein the Department of Justice has stated that in these two cases there was no violation of the law. So if these two can do it every other corporation and every other union in America can do likewise. Maybe that is the way some want it done, but I do not think so.

Mr. BROOKE. Mr. President, will the Senate take this point?

Mr. WILLIAMS of Delaware. I yield.

Mr. BROOKE. Is the Senator saying that there are affidavits of which the Department of Justice has knowledge, to the effect that union funds were given to individuals for political contributions or expenditures for political parties, which was obviously an indirect contribution made by the union; and yet the Department of Justice found insufficient evidence to prosecute under the existing law?

Mr. WILLIAMS of Delaware. I will read their letter dated February 9, 1966, addressed to, me, signed by Mr. Fred M. Vinson, Jr., the Assistant Attorney General. My letter referring to this case had been addressed to the Attorney General, Mr. Katzenbach. I have placed both letters in the Record earlier today, but I shall read his reply again.

DEPARTMENT OF JUSTICE,

Hon. John J. Williams,
U.S. Senate,
Washington, D.C.

Dear Senator: The Attorney General has asked me to reply to your letter of January 30, 1966, discussing a statement made by you in debate on January 19 concerning one John L. Lawler of St. Louis, Missouri.

In October 1965 this Department began an investigation of an allegation that Mr. Lawler had contributed $25,600 to a campaign committee supporting the candidacy of President Johnson. That investigation showed that the $25,000 contribution represented the accumulation of many small contributions from the 30,000 area to the Voluntary Political, Educational, Legislative, Charity and Defense Fund of Steam Fitters Local 562. It was not a personal contribution of Mr. Lawler and the Voluntary Political Fund was a political committee as defined by Title 2, United States Code, Section 244 does not require a local committee to file anything with the Clerk of the House of Representatives. It does require the names of each person who contributes $100 or more to a national committee or multi-state committee to file with the Clerk of the House the names of each person who contributes $100 or more. The other contributions received within a calendar year.

On the basis of the information developed by the investigation, it was concluded that no violation of law occurred. If additional or contrary information of any substance were received in this matter, or in any matter within the jurisdiction of this Department, it would receive the fullest consideration.

Sincerely,
Fred M. Vinson, Jr., Assistant Attorney General.

As the law is now interpreted these funds can be assigned to a political committee and be distributed as indirect contributions.

Just how they could rule that they would not have to report to the House of Representatives I am likewise at a loss to understand, because even the existing law, as weak as it may be, states that no corporation or union, if contributions in two or more States must report their contributions to the Clerk of the House of Representatives. Based on his reply they apparently did not. It has been established that they made cash contributions in about eight States in addition to the $25,000 contribution to the Johnson campaign.

The point is, Does Congress intend that the unions can take their funds, which are collected from their members, siphon them through another committee, and by this indirect method make a cash contribution to my campaign, or to whatever candidates or political parties they wish?
Let us just face it, the law is worthless as it is now being interpreted. Likewise, does Congress intend for corporations, in any manner whatsoever, to be able to make political contributions to political parties and those funds, in turn, be charged as an operating expense of the corporation?

I do not think the existing law ever contemplated that. I was surprised that the Department of Justice found that there was no basis for prosecution.

It is important to reject this amendment and thereby state that these contributions made indirectly are valid, then let us face it, we have opened a Pandora's box as far as political contributions are concerned, not only by unions but by corporations as well. It is important to reject this amendment and thereby state that these contributions made indirectly are valid, then let us face it, we have opened a Pandora's box as far as political contributions are concerned, not only by unions but by corporations as well.

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ness, and I will defend their right to do it. But that is not what we are talking about here. It does not reflect on the right of a corporation to tell their stockholders that certain legislation would be good or bad for the corporation. They have a right and a duty to advise their members, both as corporations and as unions.

Mr. WILLIAMS of Delaware. The Senator is correct. They could not be made either directly or indirectly.

Mr. AIKEN. That means that the campaign contributions would then come from individuals.

Mr. WILLIAMS of Delaware. The Senator is correct. Mr. WILLIAMS of Delaware. The Senator does not believe that would play into the hands of very wealthy people.

Mr. WILLIAMS of Delaware. It would not do so any more than does the existing law. Under the existing law Congress already spelled out its intention. The existing law was intended to provide that no corporation or labor organization can contribute. This provision carries out that purpose.

There have been occasions on which contributions were being made indirectly. I have outlined two specific cases in which such contributions were made indirectly, and the Attorney General ruled in both instances there was no basis for prosecution. These contributions were made indirectly. They were not made directly in either case.

Mr. AIKEN. However, 500 stockholders of a corporation or 500 members of a labor union could each contribute up to $5,000 to a political campaign.

Mr. WILLIAMS of Delaware. If they formed as a group they would come under the classification of a committee. That is covered in another part of the pending bill, and it would be applicable to that situation.

If there were 500 union members or 500 stockholders of a corporation, each of them as individuals could make the maximum contribution to the party of his choice. This provision would not affect at all their right as citizens to make contributions to the candidates or the party of their choice.

That refers only to contributions using corporate or union funds.

We know that is not a pro rata or voluntary contribution.

Mr. AIKEN. Is there anything in the Senator’s amendment that would prevent a corporation from seeking advice from a lawyer and perhaps paying him $6,000 for his advice, $5,000 of which fee the lawyer could, as an individual, contribute to his political party?

Mr. WILLIAMS of Delaware. This would not prohibit that lawyer from making a contribution. Nor would the existing law prohibit that practice. However, both the existing law and the pending amendment would cover that situation.

Under the existing law, without the addition of the pending amendment, if a corporation were to conspire with attorney “X” to pay him $6,000 with the understanding that $3,000 of that amount would go to the campaign of Joe Doakes, that would be a violation of the law. It would be conspiracy to violate the Corrupt Practices Act.

Mr. AIKEN. If there were no understanding to that effect, is there any provision in the bill that would prohibit a corporation from paying $6,000 to 10 lawyers and paying each of them $6,000, so that each of the 10 lawyers could then legally contribute $5,000 personally to a political campaign?

Mr. WILLIAMS of Delaware. The pending amendment would not affect that situation at all. Neither would it affect the ability of a union’s lawyers to do so.

Mr. Hoffa had a series of lawyers. I suppose he paid them sizable fees. However, if the lawyers on their own initiative decided to make contributions as American citizens they have a right to do so. Nothing in the pending amendment, the existing law, or the pending bill would prohibit that practice. However, if this were done as part of a conspiracy it would be prohibited.

Mr. AIKEN. It would be very difficult to prove a conspiracy, because if a corporation were to consult 10 different lawyers, it would undoubtedly get six different answers.

Mr. WILLIAMS of Delaware. The corporation might get 10 different answers.

Mr. AIKEN. It would be very difficult to prove a conspiracy unless the 10 lawyers were to all give the same answer.

Mr. WILLIAMS of Delaware. We could not stop them from making contributions as individuals, but what we could do is stop the stockholders of a corporation or members of a union from doing so. If as American citizens they want to make contributions they may do so. The law provides that every American citizen can contribute up to $50,000 or $100,000 out of the union treasury, put it in the XYZ committee, and make contributions from that committee. Then it could not do so from its own funds.

This measure is supposed to stop them from doing indirectly what the law says they cannot do directly.

If the Senate rejects this amendment
we might as well repeal the law and say the Pandora's box is open. If we reject this we would say on the basis that it would be invidious that they fail. It is all right, and if this corporation and this union can make cash contributions then all other corporations and all other unions can do likewise.

Surely the fact that in both instances those same contributions were made to the Johnson campaign does not give them any special privilege.

Mr. COOPER. I understand the purpose of the Senator's amendment, but I recall that the question of the use of union funds contributed by employees through the checkoff system or otherwise has been questioned in the past, and there have been several cases in the courts. As I recall, the courts have held, with respect to such committees, that the use of these funds is legal. I assume that the Senator has studied the matter and has determined that the adoption of the amendment—if it should be adopted—would override the court decisions.

Mr. WILLIAMS of Delaware. That is the intent. The Attorney General's office has interpreted the law that the corporation and the union can make these contributions.

Mr. COOPER. As I understand the procedure, an employee's dues are checked off into the union treasury, the union contributes to committees, often called the Committee for Political Education. The money, instead of being used for educational contributions, makes contributions to candidates either directly or by advertising, campaign work, and so forth. Is my understanding correct?

Mr. WILLIAMS of Delaware. The Senator's understanding is correct.

Mr. COOPER. And the courts so far have upheld the procedure as perfectly proper.

Mr. WILLIAMS of Delaware. The courts may have upheld the position that these are not direct contributions and that the law only relates to direct contributions. However, the contributions are made through a separate committee which would not be affected.

The purpose of the proposed amendment is to stop such a practice. Direct contributions are prohibited now, both as they relate to unions and as they relate to corporations. It would not in any instance stop either of them from their so-called educational operations, even if they want to send out a letter or other material every day. We are dealing with contributions to or expenditures on behalf of a political party or a candidate.

Mr. COOPER. Is it not correct that the chief objection that has been made to this procedure has been that made by individual union members that the funds they contribute to the treasury of the union are used to make contributions to candidates they do not wish to support?

Mr. WILLIAMS of Delaware. That is correct. That is the problem. Their money could be supporting a candidate to whom they were violently opposed.

As I have said, nothing in the proposed amendment would stop any stockholder, official of a union, or member of a union from making the full maximum contribution to the party or candidate of his choice, a direct contribution with which I am not concerned. Of course, I want to support John Cooper in Kentucky. As a union member he would have a right to do that.

Mr. COOPER. I was once a union member years ago while in school.

Mr. WILLIAMS of Delaware. I have been elected to his union. The point is that the law now states that neither the unions nor the corporations are allowed to do it, but they have found a loophole in this law.

Mr. COOPER. The aspect of the amendment that troubles me is this: I agree that it is most improper for an employee to pay into a fund and that his money then be used for contributions to a candidate he does not support. I wish I had available the cases that have been used in connection with this subject. I recall that the court decided the cases on a constitutional ground, that the Congress could not restrain a union from this practice; that it was an expression of free speech under the first amendment, I am sorry that I do not have the cases before me.

Several years ago I introduced an amendment to the Federal Corrupt Practices Act which while similar to the pending amendment, was more limited so as not to offend the first amendment and it was rejected.

I wonder whether the Senator has available all of the cases.

Mr. WILLIAMS of Delaware. No. I do not. I do not have any answer as to whether the court based its decision on the Constitution. I have checked with the legislative counsel, and I have been told that this is the way to correct it.

Mr. COOPER. The Attorney General said this amendment would correct it?

Mr. WILLIAMS of Delaware. No. I checked this matter with the legislative counsel. The Attorney General just says that under existing law there is no way he can handle these cases. He seems to be wanting to make some change in the law. It seems to me that Congress should not allow corporations or unions to do by indirect what it cannot do by a direct method.

Perhaps as a layman I am a little bold in moving into this field, but approximately 68 lawyers are in the Senate, and I venture to say we would get 68 opinions if we were to ask them.

Mr. COOPER. I agree wholeheartedly that for a corporation or a labor union to seek to evade, by conspiracy or otherwise, the plain intent of the law is bad and wrong and should be corrected. If I am concerned, however, that lower Federal courts—I cannot find the Supreme Court case ruling directly on this question—have held that it is not unlawful or illegal for labor unions to make contributions in this manner. Of course, that has been overturned by a statute, unless the decision of the court were based on a constitutional ground.

I recall that it was based upon constitutional grounds—the abridgment of the first amendment. I do not believe the Senator's amendment would stand up in the courts.

Mr. WILLIAMS of Delaware. I do not see why it would be a constitutional question, limiting the law. But I am just an ordinary layman. On the other hand, it has been my experience that laymen do sometimes get the answer while the lawyers are still debating. I have always been impressed by the fact that when a case goes to court, the judge, under the law, has to be a lawyer, the prosecuting attorney has to be a lawyer, the attorney for the defense has to be a lawyer; and then they usually get the case so mixed up that it takes 12 laymen to get it straightened out. As a layman I am trying to get it straightened out.

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

Mr. WILLIAMS of Delaware. I yield. Mr. CURTIS. From a hurried examination of the bill, it would appear to me that without the Senator's amendment, there would be no prohibition in existing law or remaining law against the corporation contributing directly or a labor union contributing directly, because I call attention to page 25, the first four lines:

The Federal Corrupt Practices Act and all other acts or parts of acts inconsistent here-with are hereby repealed.

In other words, S. 1880 is a rewriting of the entire Corrupt Practices Act. I fail to find anything in it that prohibits a contribution by either a bank or a corporation or a labor union. So the Senator's amendment is necessary, unless the Senate wishes to go on record as endorsing political contributions by banks, corporations, and labor unions—unless the corporation is engaged in Government contracts. That aspect is dealt with on page 7.

Mr. WILLIAMS of Delaware. I believe the Senator has made a valid point. Furthermore, even if they kept the Federal Corrupt Practices Act, as written in section 610, the rejection of this amendment would in effect be repealing it, because Congress would be going on record as saying that, so far as the Senate is concerned, corporations and labor unions may make these contributions by going through their cash unions—making their cash through a committee.

I believe this amendment should be adopted. I do not think it should even be controversial.

Mr. CURTIS. I agree with the Senator, and I would point out that the amendment of the Senator places no prohibition on any individual.

Mr. WILLIAMS of Delaware. None whatsoever.

Mr. CURTIS. But it does prohibit even the corporations or labor unions from making the direct political contributions.

Mr. WILLIAMS of Delaware. The Senator is correct. It would stop the corporations or labor unions from using their funds in a manner in which the law did not originally intend.

Mr. CURTIS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, I yield the floor.

Mr. CANNON. Mr. President, before I make my statement in opposition to the amendment I would like to answer the Senator from Nebraska who raised the
question a moment ago that there would be no Corrupt Practices Act. The Senator is mistaken. The Corrupt Practices Act does not refer to section 610. That imposes restrictions on contributions of corporations, national banks, and labor organizations. That is under section 610 and not under the Corrupt Practices Act, which the Senator speaks of. It is under title 18, United States Code.

This amendment seeks to close possible gaps in section 610 of title 18 pertaining to campaign contributions and expenditures by national banks, corporations, and labor organizations. Voluntary contributions by individual executives or employees of a corporation or labor organization are not prohibited if they do not exceed the maximum limitations prescribed under the amendatory section. The amendment proposed by the distinguished Senator from Delaware would make contributions by this indirect method, then defeat the amendment.

The amendment would prohibit a contribution or expenditure of a corporation or labor organization itself, as a legal entity, from making a contribution to the party of his choice and not the choice of the union member or the stockholder. The argument of the Senator about the right of the union member to contribute to the party of his choice and not the choice of the stockholder is invalid. That right is protected better by the amendment. We should prohibit all the contributions or expenditures that the amendment says, in effect, that unions and corporations can use corporate funds and union funds for political contributions. Let us face it—we are not dealing with just unions or just corporations, we are dealing with both of them together. The rejection of this amendment confirms a glaring loophole in the law and Congress will have given it a stamp of approval.

Mr. CANNON. Mr. President, the distinguished Senator stated earlier that he was not a lawyer. I think that his statement now falls to distinguish between points, the difference between the expenditure of the corporation's funds and the difference between the permissibility or availability to make voluntary contributions on the part of stockholders of corporations, or on the part of members of labor organizations. This is the whole distinction and it is a valid one. It is written right in the letter from the Attorney General to the distinguished Senator from Delaware, in which he tried to use 4 as an example here because the Attorney General would not prosecute. Why would he not prosecute? He would not prosecute because these are voluntary contributions which are permitted under the law.

If we adopt the amendment of the Senator from Delaware, we would take it out.

Mr. CURTIS. I thank the distinguished Senator from Nebraska [Mr. CURTIS] now wishes me to yield to him—as I promised to do earlier—I shall be happy to do so.

Mr. CURTIS. I thank the distinguished Senator.

Mr. President, I invite the attention of all Senators to what I believe is a serious question.
Section 610 of existing law prohibits contributions by banks, insurance companies, and labor organizations.

Under the heading “Limitations on Political Contributions and Purchases” on page 5 of the bill, and over on page 7 under the heading “Contributions by Government Contractors,” covering the work against corruption brought about by someone contracting with the Government, and then over on the last page, 25, it states:

The Federal Corrupt Practices Act and all other Acts or parts of Acts inconsistent herewith are repealed.

In other words, we would repeal “all other acts” and if we do not reenact the Williams amendment or some other amendment, we would also repeal the prohibition against contributions and labor organizations making contributions.

I do not think that was intended, but I think that is what the language states. I believe this matter should be given further consideration and study because we are dealing with the regulation of contributions, to prohibit contributions of Government contractors. Thus, we enter the field, and then we repeal the clause which says:

The Federal Corrupt Practices Act and all other Acts or parts of Acts inconsistent herewith are repealed.

I think there would be a serious question as to the existence of a prohibition against banks, corporations, or labor organizations from contributing to a campaign being in effect, if the pending bill is passed with that language appearing on page 25 still in it.

Mr. CANNON. I am very happy to answer the distinguished Senator from Nebraska on that point.

The provision relating to Government contractors is in section 611 of title 18.

The section the Senator from Delaware is talking about is section 610, title 18. Neither one of them is part of the Federal Corrupt Practices Act.

Now the repealer clause is very clear at the end. It states:

The Federal Corrupt Practices Act and all other acts—

And I am omitting now—

. . . is hereby repealed.

Now, the Federal Corrupt Practices Act does not contain either section 611 or section 610.

Nor do we “and all other acts or parts of Acts inconsistent herewith are repealed,” what are we repealing? We have changed section 611. It certainly is not inconsistent with the earlier section 611. We simply added “corporations” to it.

Section 610 is not inconsistent with any part of the act. Section 610 was put in concurrently with section 611 in the law as it now stands. Thus, any reported repealer of any act inconsistent, would have no effect on section 610 of title 18.

I submit, therefore, to my colleagues, that section against red herring thrown across the trail here to suggest that we are repealing section 610 or any other part of the law except the Federal Corrupt Practices Act. That is not inconsistent with the part of the bill, in and of itself.

Mr. CURTIS. I invite attention to the fact that it says, “and all other acts or parts of acts”.

Mr. CANNON. Inconsistent herewith.

Mr. CURTIS. Yes.

Mr. CANNON. If the Senator will show me any inconsistency, I will be glad to talk about it.

Mr. CURTIS. I will show it to the Senator. We prohibit Government contractors from making contributions and we stop there. Then we repeal “and all other acts” or parts of corporate entities, or labor unions.

Mr. CANNON. If the Senator will check title 18 as it now stands, he will find that Federal contractors were prohibited also under section 611 of title 18. Section 610 of title 18, existed right along, concurrently, with section 611 of title 18.

Mr. CURTIS. It is my contention that we have limited the rules as to who can contribute. The pending bill leaves out banks and corporations and labor organizations. The repealing clause very likely will repeal existing law. I think that, at least, is the case. Mr. KENNEDY of Massachusetts. Mr. President, will the Senator from Nevada yield?

Mr. CANNON. I yield.

Mr. KENNEDY of Massachusetts. I was wondering in the course of debate whether the Senator from Nevada sees that same distinction, and on the other hand, sharehold–

Mr. CANNON. The Senator is absolutely correct. He has raised the point of the very thing the Senator from Delaware would take away with his amendment. He says he wants to amend the law so they cannot do that; so it would be against the law. The Senator from Kentucky pointed out that there are laws on the books at present which are lawful, but would repeal them. The Senator from Nevada wants to have the benefit of those laws.

Mr. KENNEDY of Massachusetts. Does the Senator agree that not only are there court decisions on this matter, but that there are constitutional safeguards, as well, under the first amendment?

Mr. CANNON. The Senate is absolutely correct. I tried to make that point earlier. By this proposal, we would provide people of a constitutional right to participate in their government.

Mr. KENNEDY of Massachusetts. I thank the Senator for yielding.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. 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 FOR RECESS UNTIL 10 A.M. TOMORROW AND AUTHORIZATION FOR ALL COMMITTEES TO MEET DURING SESSION OF THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess until 10 o'clock tomorrow morning.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I have no objection to the Senate’s meeting at 10 o'clock tomorrow, but the Committee on Finance has had hearings scheduled, and we cannot be in both places at the same time.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to withdraw the previous request that the Senate recess until 10 o'clock tomorrow morning.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. 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. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 o’clock tomorrow morning, with the proviso that all committees be permitted to meet during the session to-morrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, will the Senate yield?

Mr. BYRD of West Virginia. I yield.

Mr. HOLLAND. I am quite willing to have the Senate convene at 10 o’clock, of course; I do not wish to impede the business of the Senate. But a group of Senators, including myself, does have an obligation in the morning to attend an important meeting. I wonder if it could also be arranged that there would be no yeas-and-nays votes until 12 o’clock or later tomorrow.

Mr. BYRD of West Virginia. The leadership is attempting to arrange the work for tomorrow so as to accommodate the views of the senior Senator from Pennsylvania [Mr. Clark], who will experience an important event in his life tomorrow. It would be the intention of the leadership to do something possible, if it can be so worked out with the Senator from Pennsylvania and with the Senator from Delaware.

Mr. HOLLAND. I thank the distinguished Senator from West Virginia. I have explained the nature of the conference to the Senator. It is to be held before one of the important agencies and has been long arranged. A large number of persons are in Washington to attend it. Several Senators have to be present, particularly the Senator from Florida.

Mr. WILLIAMS of Delaware. If it can be arranged that there will be no rollcall votes before 12 o’clock or 12:30, I shall interpose no objection to the Senator’s request.

Mr. BYRD of West Virginia. The Senator from Pennsylvania [Mr. CLARK] plans to offer two amendments. It is my understanding, after a discussion with him, that he will require about an hour on each amendment. So it will be the intention of the leadership tomorrow to attempt to delay any votes until noon, if possible. The Senate can discuss the amendments and attempt to delay rollcall votes on them until noon, in order to accommodate the Senator from Florida and his associates.

Mr. HOLLAND. I thank the Senator.

ELECTION REFORM ACT OF 1967

The Senate resumed the consideration of the bill (S. 1880) to revise the Federal election laws, and for other purposes.

Mr. KENNEDY of Massachusetts. Mr. President, I rise in opposition to the amendment offered by the Senator from Delaware.

No one denies that dissenting members of associations—whether corporations or labor unions—must be protected from misuse of their funds. No one questions the need to prevent units of economic power from using that power, and distorting political campaigns with large infusions of funds.

But this bill does not meet such a need—it is a dangerous cure for a dubious disease. It is neither fair, nor balanced—and it may well be unconstitutional. When the late Senator Taft sought to limit union political influence in the Taft-Hartley law, he specifically recognized the right of groups—including unions—to play a part in the political process. His bill thus refused to place the disastrous restraints on union activity which this bill would do—because Senator Taft recognized that the abuse lay in coercing members of unions; not in channeling funds willingly contributed for political purposes.

Yet this amendment ignores the vital distinction between coercion and voluntary contributions. Under this amendment—page 2, line 14—

The source of the funds . . . shall be immutable . . . even though the shareholders of a corporation or labor organization, as the case may be, are consent to such contributions or expenditure.

Thus, any union organization which collects funds from union members—no matter how eager the members are to contribute—would be committing a crime.

Surely the constitutional rights of association—which have been so zealously guarded by the Supreme Court—are seriously impaired if an association of members with a common economic interest cannot channel this interest into the field of politics with funds willingly and voluntarily given by individual members.

Indeed, the Supreme Court seriously questioned the whole legislative structure restricting associational involvement in politics. In International Association of Machinists against Street, the Supreme Court noted the grave constitutional questions such limitation raised. In view of the drastic extension now proposed on political participation by members of a common association, the validity of this amendment is highly dubious.

Shareholders do not stand to the corporation as union members do to the union. The commonness of interest, the vital role played by the union in the economic life of the member, is far greater than that of a corporation to shareholder. Indeed, this is what propelled the passage of the labor bill of rights 8 years ago. This distinction does not permit us to set up mechanistic equations, which is just what this bill does.

But more important, the bill does not reach the very real methods of corporate campaign contributions. As an article in Fortune magazine, in May 1956 detailed, the varieties of contributions are infinite. Executives can, as individuals, knowing they will regain the funds in the form of bonuses. Secretaries can be loaned out to offices; executives can take leaves of absence to work in campaigns. Yet none of these methods of contribution are reached in this amendment.

Moreover, the alleged purpose of the bill has already been reached not only by legislation, but by the courts. In Brotherhood of Railway Clerks against Allen, the Supreme Court specifically barred unions from using any dues of dissenting members for political purposes.

In view of the severe constitutional problems, in view of the imbalance, and in view of already existing law correcting union abuses, this bill’s need is far from clear. Yet this bill is now being considered—and no hearings have been held. It is our concern that the Senate advance to show the need for this radical restraint on traditional political rights of labor organizations.

I urge the defeat of the amendment.

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

Mr. KENNEDY of Massachusetts. I yield.

Mr. MONDALE. I commend the Senator from Massachusetts for his very fine statement in opposition to the pending amendment.

As I understand the amendment, it seeks to draw a parallel between what is seen as an effort by individual stockholders to give to a campaign via the corporation with an effort by an individual union member to contribute voluntarily to COPE or some other similar organization.

Does the Senator from Massachusetts regard this effort as unfair parallel, or does he know of any instances in which individual stockholders have attempted to contribute to campaigns in this way?

Mr. KENNEDY of Massachusetts. I
think that the parallel breaks down very quickly. As I mentioned, the union members are binding themselves together to work out arrangements with respect to wages and living conditions and general conditions of employment.

The stockholders have an entirely different interest. In many instances the stockholders themselves are stockholders or officers of other corporations, and their interests are different.

I think, therefore, that trying to draw a parallel is really quite unreasonable. However, let me say, beyond merely responding to the Senator concerned itself for a considerable period of time some month ago with problems of campaign financing and funding.

During that debate the difficulties which those of limited wealth have in raising sufficient funds to be able to participate in the election procedures were discussed. The pending amendment would, once again, dramatically hinder the ability of those of more limited wealth to run for office. It would cut off once and for all the only source of funds to supply some limited funding. There is that additional consideration.

We should realize that the unions themselves are really entitled to have the right to support actively, by contributions, those that are seeking public office whose views are similar to those which have been assumed by the unions. I do not think there is anything inherently wrong with that as long as union members know this and make voluntary contributions. In many instances this is carried through the democratic processes. This is important and it is helpful.

One vital point which concerns me about the pending legislation is, as I understand the pending amendment, that it prohibits all kinds of contributions to all candidates. This therefore directly infringes upon the State’s own determination as to whether they want their own laws. If they want to see the continuation of this kind of activity, they can now make that determination.

What we are doing is really making a complete and blanket prohibition of such activity.

Mr. MONDALE. Does the Senator believe that this purposed effort to restrict or limit contributions by corporations would be any more effective than the numerous provisions now found in State and Federal law to prohibit corporate contributions? After all, one scholar after scholar has pointed out that they have been a virtual nullity because of the many ways in which corporations can avoid these provisions and effectively support through corporate assets the campaign of the candidate of their choice. Or are we really in effect claiming that we are choking off corporate interests, but in fact adopting a nullity, as has been the case with so many State statutes, including the State of Minnesota, which purport to prohibit corporate contributions, but which in fact do not provide the corporations or are really in effect claiming that we are choking off corporate interests, but in fact adopting a nullity, as has been the case with so many State statutes, including the State of Minnesota, which purport to prohibit corporate contributions, but which in fact do not provide the corporations or are really in effect claiming that we are choking off corporate interests, but in fact adopting a nullity, as has been the case with so many State statutes, including the State of Minnesota, which purport to prohibit corporate contributions, but which in fact do not provide the corporations or are really in effect claiming that we are choking off corporate interests, but in fact adopting a nullity, as has been the case with so many State statutes, including the State of Minnesota, which purport to prohibit corporate contributions, but which in fact do not provide the corporations or are really in effect claiming that we are choking off corporate interests, but in fact adopting a nullity, as has been the case with so many State statutes, including the State of Minnesota, which purport to prohibit corporate contributions, but which in fact do not provide the corporations or are really in effect claiming that we are choking off corporate interests, but in fact adopting a nullity, as has been the case with so many State statutes, including the State of Minnesota, which purport to prohibit corporate contributions, but which in fact do not provide the corporations or are really in effect claiming that we are choking off corporate interests, but in fact adopting a nullity, as has been the case with so many State statutes, including the State of Minnesota, which purport to prohibit corporate contributions, but which in fact do not provide the corporations or are really in effect claiming that we are choking off corporate interests, but in fact adopting a nullity, as has been the case with so many State statutes, including the State of Minnesota, which purport to prohibit corporate contributions, but which in fact do not provide the corporations

Mr. KENNEDY of Massachusetts. Mr. President, I certainly identify myself with the comments made by the Senator from Minnesota. I indicated what I at least thought were some of the methods being used today by many corporations to provide either services or manpower or the funding of political campaigns. These methods would not be terminated even if the amendment was passed. What would be terminated would be certain of the ability of the unions themselves to participate through voluntary contributions.

I am concerned about this matter. If this would accomplish everything that the Senator claims—that it would end all kinds of corporate contributions and union contributions—I think we should evaluate it on that basis. However, that is not so.

As the Senator has pointed out, both from the experience of his own State and of other States, there are numerous examples in which there are ways to avoid even the kind of language suggested by the pending bill.

Mr. MONDALE. As I recall, in 1956 there was a Senate study or a committee determining permits the corporations to continue to contribute?

Mr. KENNEDY of Massachusetts. I agree. It has been suggested that we ought to eliminate any organization such as COPE or any of the other political action groups and leave it completely up to the union or the union members. Would the Senator not agree with me that in many instances it is difficult for a union member in Springfield, Mass., to know whether it is important in the achievement of certain legislation that the money be used in the State of Oregon or in Wisconsin?

Because that man is working every day, he has no way of knowing these things unless there is some kind of educational group to provide this kind of service.

He wants to see the programs which his union has supported achieved. However, he has no way of really knowing how his interest will be most vitally affected.

Mr. MONDALE. Are these suggestions that such organizations as the Committee on Public Action be dismantled coming from the ranks of the working labor or individual union members, or are they coming from others that are really not so motivated by the rights of individual members as they are by an attempt to destroy the political effectiveness of a voluntary organization which works with the voluntary support of individual union members?

Mr. KENNEDY of Massachusetts. I must say, as the Senator has suggested by his question, that it is not coming from those that believe in and have indicated strong support for unionism and the welfare of the union activists. This is troublesome.

I suggested earlier in my brief remarks that the Supreme Court has ruled on this question and has recognized the close relationship and the parallel to the right of free speech by being able to speak effectively and has has referred to the many of other activities, among which is that of being able to participate in campaigns by making contributions so that those who are candidates will be able to speak effectively on radio and television. We recognize that these activities cost money. There are some rather fundamental constitutional questions involved. That concerns me as much as do the other factors.

I am concerned because there have been no hearings on the pending amendment. Even though there are constitutional questions involved, the matter has not been referred to the Judiciary Committee for its study and deliberation. And even though it affects the unions of this country, there has been no referral of the proposal to the Committee on Labor and Public Welfare, the members of whom have made considerable study of the subject.

It has not been referred to the Finance Committee, which has been considering the panoramic problems of campaign expenditures.

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

Mr. KENNEDY of Massachusetts. I yield.

Mr. MONDALE. Some years ago, when I was writing a law review note on this issue for the Minnesota Law Review, I was searching every authority I could find on this issue. Mr. Kennedy has suggested that they are virtually unanimous in their viewpoint that, No. 1, existing laws which prohibit corporate contribution are ineffective; No. 2, that if you took away the right of voluntary contributions to COPE and the rest of the kind presently permitted in Federal law, you would substantially diminish the opportunity of the person of modest income to reflect his point of view in this fashion, and that it would be a very unfair blow to the fairness of American campaigns.

Perhaps we were to have hearings on this proposal, we could bring the many top experts from the fine schools around the country and others to testify to what they think of the present campaign contribution practices, disclosure practices, and the rest of the kind. Among them I would recommend Mrs. Long. She is regarded as one of the great experts on this question, who has proposed that the ceilings on corporate contributions be removed because they are of no effect, anywhere with the prohibitions and the ceilings—and that the same be done with respect to union contributions, so that there will be complete fairness; but then insist upon full disclosure, so that the candidate
who is the selected candidate of corporation A would be known as such, and the amount that he received would be known. Then we would have it out in the open, where everybody would know, instead of the under-the-curtain contributing that is going on. This would apply with respect to unions. People could then run under their true colors.

I believe that in many cases the sources from which a candidate receives money may tell more about his views than what he says on the political platform. People could then get at the issue—meaningful public disclosure, which permits the public to deal wisely, on the basis of what the candidate says and the sources and amounts of the campaign contributions.

This is my understanding of the vice which the top experts in this field are pointing out today, and the pending proposal would be antithetical to the advice that I believe the Senate committee would hear if it were to hold the hearings that the Senator from Massachusetts suggested.

Therefore, I believe that is an additional reason to reject the amendment.

Mr. KENNEDY of Massachusetts. I believe the Senator has made a number of very worthy points with respect to procedures which have been followed which really, in the Senator's own classification, have not brought to the Members of this body the kind of balanced judgment and reasoned presentation which this body should expect on a matter as complex and as controversial as this. In fact, the many implications and ramifications that have been brought by the proposed amendment, and the means of meeting some of the problems that are suggested, are all very useful and helpful and point up the state of confusion about the problem.

I appreciate the comments of the Senator from Minnesota.

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

Mr. KENNEDY of Massachusetts. I yield.

Mr. HOLLAND. Mr. President, so far as the Senator from Florida is concerned, he was attracted by this amendment originally; and if it applied only to the bona fide funds of a corporation or a labor union, he would be willing to support it; because he thinks that the bona fide funds of either of these two classes of organizations should not be contributed for political purposes.

However, the vice in the proposed amendment, the Senator from Florida believes, is in lines 13 to 18 on page 2 of the printed amendment, which read as follows:

"For purposes of applying paragraph (1), the source of the funds from which a contribution or expenditure is made shall be immaterial, and such paragraph shall apply to a contribution or expenditure made from funds contributed for such purpose by the shareholders of a corporation or the members of a labor organization, as the case may be."

The Senator from Florida sees no propriety at all in that part of the provision which, in effect, would prevent contributions by individuals, or which simply would use the corporation or the labor organization, as the case might be, as a conduit; and for that reason he is strongly opposed to the amendment.

Mr. KENNEDY of Massachusetts. I believe the comments of the Senator from Florida are extremely pertinent and very helpful. Those provisions of the amendment which the Senator from Massachusetts suggests, that the source of the funds from which a contribution or expenditure is made shall be immaterial, this excludes, as the Senator from Florida has pointed out, whether they are voluntary or compulsory. I believe the language is extremely unfortunate.

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

Mr. KENNEDY of Massachusetts. I yield.

Mr. YARBOROUGH. I commend the distinguished Senator from Massachusetts for his leadership in this field and for the thought he has given to the proposed amendment. I do not believe it is strange that the Senator has devoted such consideration to the bill because, although it comes from the Committee on Rules and Administration, the distinguished Senator from Massachusetts is a member of the Committee on the Judiciary. The main genesis of the proposed amendment is criminal penalties. When you are dealing with criminal penalties to be inflicted through the Federal courts, it is a matter, as has been pointed out, in which the Committee on the Judiciary has a great interest and should take interest. If the proposed amendment is to be attached to the bill, I believe the bill should go to the Committee on the Judiciary for its opinion and hearings of which I would hope not out of union funds or out of corporate funds.

The question I address to the distinguished Senator relates to the language on page 3 of the bill, beginning with line 11:

"And every officer or director of any corporation, or officer of any labor organization, who shall make or cause to be made, or expend, or cause to be expended by the corporation or labor organization, as the case may be—"

I interpolate that the distinguished Senator from Florida has just pointed out that on the other page this would apply to funds contributed by individual shareholders in a corporation or individual contributors of either of the two classes of organizations and not out of union funds or out of corporate funds.

I continue reading:

"And any person who accepts or receives any contribution, in violation of this section, shall be fined not more than $1,000 or imprisonment, or both, and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than two years, or both."

My question to the distinguished Senator is this: In view of the fact that the two penalties are provided, one for wilful violation, and the other for violation, whether the penalty of a $1,000 fine or a year's imprisonment would apply to someone who unwittingly and unknowingly accepted the contribution, would it not?

Mr. KENNEDY of Massachusetts. It would appear to be that that would be a correct interpretation.

As the Senator from Texas has suggested by his question, the effect of the amendment would be to completely preserve the opportunity for any union member or any shareholder in a corporation to ever participate in any State, local, or Federal election by means of making some contribution. It would appear that if he did it completely, without full understanding or knowledge, he would be subjected to the initial penalty which the Senator from Texas has pointed out—$1,000 and not more than 1 year. If they were able to show that he willingly contributed, he would be subject to the $10,000 fine and not more than 2 years.

Mr. YARBOROUGH. It seems to me that this would be a very exaggerated penalty, insofar as it provides for imprisonment, and I wish to ask the Senator this question: Suppose someone pleaded guilty or was found guilty and was fined a thousand dollars and he paid it, and because of the proviso that he could have been imprisoned a year, he would be guilty of a felony. He would then lose his citizenship and his right to vote, would he not?

Mr. KENNEDY of Massachusetts. That would certainly appear to be correct.

Mr. YARBOROUGH. And he could only be restored by a pardon from the President.

Mr. KENNEDY of Massachusetts. That would be my interpretation.

Mr. YARBOROUGH. I have run into this matter since becoming a Member of the Senate. A prominent businessman in my State was in the construction business and he built homes. In that connection there were requirements for Federal loans and certain affidavits had to be filed. Through carelessness he permitted the filing of those affidavits in his name. He was hauled up and he was told that they had decided to make an example of him. He was indicted and the matter went to the Federal court. As I have said he was an honorable businessman. If he paid the fine of $250, and if he violated the law on one case the matter would be all over and the other cases would be dismissed. He did pay the fine of $250 and the other cases were dismissed. He thought that ended the matter. However, several years later someone became jealous because of a civic enterprise in which he was engaged and they said that this businessman was not a citizen and could not vote.

If he were found guilty and paid a fine of $250, under Federal law he has been found guilty of a violation and he loses his citizenship, which can only be restored by a pardon from the President. It is a slow process to get the President to sign a pardon.

I recommend to the Senator, as a member of the Committee on the Judiciary, that the entire Federal criminal penalty system should be overhauled. We have many laws covering minimal offenses where people pay a little fine, and they are guilty of a felony. Under most State laws there is no felony unless the person is sent to the penitentiary. However under these laws a person pays a fine, is guilty of a felony, and he loses his citizenship.

There is one penalty in this provision in an instance where a campaign-man
ager or a candidate could unknowingly solicit or accept the fund, pay a fine of $100, and be guilty of a felony. He might or might not know that the fund he solicits or accepts is to be guilty of a felony. I think that is a great injustice in our Federal criminal system and this situation points up that matter.

I am glad that the Senator from Massachusetts, as a member of the Committee where fines and other penalties are dealt with, has taken the lead in connection with this amendment.

Mr. KENNEDY of New York. Mr. President, I oppose this amendment. It would disrupt the operation of the only political party and deprive any political party of the ability to work for the benefit of men all over our Nation. It would interfere with principles of freedom of political expression, probably to the extent of violating the first amendment. And it would have far-reaching effects, perhaps unintended, in State and local elections.

Its premise—to prevent union misuse of members' funds—is invalid. For the funds it would cut off are funds voluntarily contributed, as Senator Taft made clear in the original Taft-Hartley debate 20 years ago. Its effect—to prevent individuals from choosing the way in which they will express themselves politically—is invalid, too, and this invalidity is probably of constitutional dimension. A long line of Supreme Court decisions makes it possible for committees and individual contributions in those circumstances where the contribution might be termed involuntary. Nevertheless, the court has held that the operation of a political campaign is as the cost of driving voters to the polls or matters of that sort.

However, I must say, after reading the pending amendment and studying the cases that have passed upon this question and which hold that it would be an invasion of individual freedom and political giving, and this amendment clearly invades individual freedom.

The practice which this amendment would disrupt permits workers to support candidates all over the country who are sympathetic to their cause, in measure in which political candidates need support. Giant corporations do not require this kind of cooperative effort. They are national—or almost so—in their economic power and scope. But the individual union makes the protection of freedom of expression an individual freedom which will spend his contribution where it will be most effective.

Political contributors by unions and their members are now legal in State and local elections, unless State or local otherwise provides. This amendment would take one sweeping action—change State and local practice all over the Nation overnight. I do not think we should take such action without a little more thought and deliberation, without more understanding of the implications of our actions.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all time limits on speeches and amendments thereto be limited to 20 minutes.

Mr. WILLIAMS of Delaware. I do not think we need a unanimous consent request. If the Senator from Texas spent a lot of shadow boxing.

Mr. President, this amendment is wrong because it will impair individual rights, and on that ground alone, even if there were no other, it should be objected.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all time limits on speeches and amendments thereto be limited to 20 minutes.

Mr. WILLIAMS of Delaware. I do not think we need a unanimous consent request. If the Senator from Texas spent a lot of shadow boxing.

Mr. President, I ask unanimous consent that all time limits on speeches and amendments thereto be limited to 20 minutes.

Mr. BYRD of West Virginia. Would the Senator from Delaware agree to a unanimous-consent request for 20 min-

utes on the amendment and all amendments thereto, to be equally divided?

Mr. WILLIAMS of Delaware. No. I am ready a vote now, and I was ready to vote before.

Mr. BYRD of West Virginia. Mr. President, I withdraw my request.

Mr. COOPER. Mr. President, earlier in the debate, I raised the question as to whether or not the courts had passed on the constitutionality of the amendment. I remembered that the courts had passed on this particular section, and that they had termed it a constitutional question. I find that the district court has passed on it, and ruled, as I remembered, on that section of the act, which prohibited a union from making contributions. The question arose with respect to committees and political contributions in those situations where the contribution might be termed involuntary. Nevertheless, the court has held that that section of the act was unconstitutional under the first amendment.

Mr. President, I think it might be possible to draft a bill which would, for example, prohibit a contribution to a candidate or prohibit the use of these funds for the operations of a political campaign. It is a matter of driving voters to the polls or matters of that sort.

However, I must say, after reading the pending amendment and studying the cases that have passed upon this question and which hold that it would be an invasion of individual freedom and political giving, and this amendment clearly invades individual freedom.

The practice which this amendment would disrupt permits workers to support candidates all over the country who are sympathetic to their cause, in measure in which political candidates need support. Giant corporations do not require this kind of cooperative effort. They are national—or almost so—in their economic power and scope. But the individual union makes the protection of freedom of expression an individual freedom which will spend his contribution where it will be most effective.

Political contributors by unions and their members are now legal in State and local elections, unless State or local otherwise provides. This amendment would take one sweeping action—change State and local practice all over the Nation overnight. I do not think we should take such action without a little more thought and deliberation, without more understanding of the implications of our actions.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all time limits on speeches and amendments thereto be limited to 20 minutes.

Mr. WILLIAMS of Delaware. Mr. President, I now ask unanimous consent that the penalty provisions of the pending amendment beginning on page 3, lines 16 through 19, be printed in the Record at this point.

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

* * *您好 not more than $1,000 or imprisoned not more than one year, or both; and if the violation was willful, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

Mr. WILLIAMS of Delaware. Anyone reading the language will find that they are identical. The Senators are doing a lot of shadow boxing.

I have read the existing law as it now prohibits corporations and unions from making any contribution or expenditure with any election in which the President or Members of Congress are involved. Then it lists the penalties to which I have referred. All I am doing is stating that same prohibition will apply to contributions made by corporations or their unions when such contributions are channeled through a second or third party.
there is nothing under the existing law and there is nothing under this amendment which would restrict a union member, a corporation member, a corporate official, a stockholder, or whatever he may be, from contributing as an individual. The Senator from Florida has made a strong argument. I would not support his proposal which tended to restrict the right of the individual citizen in any way. What this does would be to stop the union as a union, or the corporation as a corporation, from taking money that was contributed either by the corporate stockholders or by the union members, with or without their consent, and making a cash contribution or an expenditure to the party that was the favorite choice of the union official or the corporation president and not necessarily the choice of the individual members in each case.

Certainly any individual, as an American citizen, whether he be a union member, a stockholder, or an official in any capacity in either organization, has a right to contribute to the party of his choice. But, I say further that no official of any kind has the right to take the money contributed by members or stockholders and then make a cash contribution or an expenditure to the party of his own choice, which may or may not be the party which that particular member supports.

The issue is clear. So far as I am concerned, I am ready to vote. I think it boils down to: Do we want to stop the unions and corporations from making political contributions from union or corporate treasuries?

This amendment carries the same penalties for both.

Mr. GRFFIN. Mr. President, I shall reluctantly vote against the amendment because I believe it reaches too far. I think it is unfortunate that we do not have a racially worded amendment which would prohibit the use of union funds for political purposes as well as corporate funds for political purposes.

There are too many instances today where corporate funds and union funds are actually being used, directly or indirectly, for political purposes.

However, as the Senator from Florida has already pointed out, that language reaches too far. The amendment would also prohibit voluntary contributions to such committees as the Committee for Political Action and others which would prohibit the use of union funds for political purposes as well as corporate funds for political purposes.

I have said on many occasions I felt that voluntary contribution for political purposes, even though they be collected by a union, should be all right. I shall, consistent with that position, stated often times in the past, vote against the amendment.

I do hope that other amendments might be offered which would appropriately tighten the Corrupt Practices Act and make it effective, as it was originally intended, particularly when Senator Bartley and others amended the Taft-Hartley Law.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent to have printed in the Record certain editorials and comments on this subject.

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

[From the St. Louis Globe-Democrat, Oct. 2-3, 1965]

DONATION OF $25,000 BY LAWLER FOR JOHNSON CAMPAIGN—STEAMFITTER AGENT'S ACTION VIOLATED FEDERAL LAW

(Al Delugach and Denny Walsh)

By far the handsomest gift to "Friends of LBJ" in the 1964 presidential campaign was the $25,000 it reported as a contribution from John L. Lawler. He is business manager of the powerful St. Louis Steamfitters Local 562, a corporation member, a corporate figure in the 1963 report filed.

The President, in April, 1964, commuted the labor racketeering sentence of the Local 562 strongman, Lawrence L. Callanan. The financial report of "Friends of LBJ" shows that Lawler included $2,000 to the "President's Club for Johnson Committee" and $3,000 to the Democratic National Committee.

The labor racketeering sentence of the Local 562 strongman, Lawrence L. Callanan, was reported as $15,000-$20,000 range.

Since he had already pointed out, that language reaches too far. The amendment would also prohibit voluntary contributions to such committees as the Committee for Political Action and others which would prohibit the use of union funds for political purposes as well as corporate funds for political purposes.

The financial report of "Friends of LBJ" was filed with the clerk of the United States House of Representatives in Washington Jan. 12, 1965. It was sworn to by its treasurer, Paul A. Porter, and submitted on the letterhead of the high-powered Washington law firm of Arnold, Fortas.

One partner, Abe Fortas, has recently been named to the Supreme Court bench. Another, Thurman Arnold, is former head of the Internal Revenue Service. Mr. Arnold was a defense attorney for Callanan in appeals of his conviction to the Supreme Court in the 1960's.

The financial report of "Friends of LBJ" was not in its report. A spokesman for the Democratic National Committee said he did not know. Several attempts to contact Mr. Porter Friday about the report were unsuccessful, although he was in his office.

Among the $121,950 in contributions reported for 1964 was $23,500 on Nov. 2 by Lawler, who was listed as a "contributor." Although the bill requires the name and address of contributors, the report gave only the name and city of each.

The Hatch Act states that "whoever makes contributions of more than $5,000 to a political committee in a federal election shall be fined not more than $5,000 or imprisoned not more than five years, or both. Committees and corporations are excepted.

U.S. LABOR LAW

Under federal labor law, unions and corporations are not permitted to make political contributions on their own.

Lawler was said to be out of the city Friday and unavailable for comment about his reported contribution.

By comparison to the $25,000 gift, Henry Ford II of Detroit was down on the report for $3,000 and Hollywood star Gene Autry for $5000.

According to the 1964 financial report of Steamfitter Local 562 to the Labor Department, Lawler was paid $10,660 salary, plus $1500 allowances and $4136 expenses between Oct. 1, 1963, and Sept. 1, 1964.

The salary was $5200 above Lawler's salary figure in the 1963 report filed.

The Democratic National Committee's report filed with the House clerk showed a $1000 contribution June 2, 1965, by "L. L. Callanan" (address: 1242 Pierce ave., address)$5000, and another $1000 by "Lawrence Callanan," 1242 Pierce ave. (address of the union).

OTHER DONATIONS

Other $1000 donations last June 2 were listed for "J. L. Lawler," "G. Seaton" and "E. Steksa," all of the union address, and "E. Beck," 4917 Haven St. Steksa is Local 562's president and Seaton the vice-president and business agent.

Beck, a steamfitter, is Callanan's son-in-law. He reportedly has been recently made assistant to Callanan in the "Friends of LBJ" voluntary" political fund, which is reputed to take in as much as $390,000 a year from Local 562 members. The fund is quartered in the union hall.

As revealed Tuesday by The Globe-Democrat, Beck showed up in state records as one of the licensed agents of an insurance firm along the line doing business with Local 562's pension fund.

The fund's reports to the Labor Department do not list Beck as those who were responsible for thousands of dollars in commissions on the deal.

Contributions to the Democratic committee from the Steamfitter elite appear minimal compared to those of President Johnson's Cabinet and other government officials.

[From the St. Louis Globe-Democrat, Oct. 2-3, 1965]

QUESTIONS TO BE ANSWERED

It is revealed elsewhere in today's Globe-Democrat that John Lawler, business manager of 1964 Local 562, made a $25,000 campaign gift to "Friends of LBJ," $3000 to the President's Club for Johnson Committee, and $3000 to the Democratic National Committee.

Considering that Lawler's salary for 1964 was reported as $19,650, this is extremely generous giving, indeed.

One wonders, too, that United States Attorney Richard D. FitzGibbon should investi­gate whether any Federal law has been violated by these gifts. Federal law forbids a contributor from giving over $5000 to one committee in a Federal election.

This may be difficult for Mr. FitzGibbon since he was the Callanan-Lawler candidate for Mayor until the steamfitter gang found...
September 11, 1967

The steamfitters are reaching for some of the highest offices in Missouri government and their influence for evil will expand unless we act now.

The entire matter cries aloud for ventilation and correction.

Specifically, the District Director of Internal Revenue in the State of Missouri who refused to compromise Callanan and investigate the amount paid on income taxes by Callanan, Lawler and associates.

The International Steamfitters Union should investigate the abuses which have brought—and are bringing—the entire steamfitter trade, an honorable one outside this jurisdiction. The jurisdiction of the Meatcutters Union straightened out a far less dangerous situation with their local, and the steamfitters can do no less.

Mr. FITZGIBBON of Delaware and Senator McClellan of Arkansas will investigate the entire mess in St. Louis and propose corrective Federal legislation.

The United States Attorney, Richard D. FitzGibbon, has announced that he will investigate the steamfitters before a Federal grand jury in Judge Roy Harper's court. We can think of no one more promising to conduct such an investigation.

FitzGibbon was a former law associate of Morris Shenker, who is in the steamfitter business, and he is on the steamfitters' choice as a candidate for Mayor until they found they could not beat Al Cervantes in the primary. FitzGibbon operates a $2,500,000 insurance deal, to send in a highly qualified special prosecutor to replace FitzGibbon and run the investigation.

The steamfitters' union is of personal concern to every businessman and every citizen in this area. It can only be reformed by the good offices of the Justice Department, the Internal Revenue Service, courageous Senators, and a courageous grand jury in Judge Harper's court, and by an aroused public opinion.

Mr. WILLIAMS of Delaware. Mr. President, in reply to the Senator from Minnesota, I want to point out that this amendment would stop the abuse which is now going on and, at the same time, would not jeopardize the rights of any union member or stockholder to make a contribution to the party of his choice.

Mr. CANNON. Mr. President, as I stated earlier, this is simply a case of deciding whether we want to permit union members or stockholders of corporations to participate voluntarily in the process of their Government by being able to make voluntary contributions.

If we want to deprive them of the right which the courts have said is unconstitutional to attempt, as the distinguished Senator from Kentucky [Mr. COOPER] has pointed out, then we should vote to represent one less person from Delaware.

If we want to preserve that right for them and give them the right to participate in the conduct of this great Government, then we should vote against the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I do not want to delay the Senate, but I cannot let unchallenged the inference by the Senator from Nevada that the adoption of my amendment would in any way restrict the right of any American citizen, whether he be a

that Alfonso J. Cervantes had too great a lead to make any difference in the outcome.

They could not be more wrong.

The power of the steamfitters is sheer money. Each union member is forced to contribute $1 a day, $2 for permit holders, to a "voluntary" fund for political education.

It is most disturbing to have nearly $600,000 in the hands of the unions, without any accountability.

The 250,000 members of the United Steelworkers of America are made up of 300 local unions, most of which have a $1 a day political contribution.

This union funds sit in an uninvestigated slush fund or the $2,500,000 health and welfare fund, into which the unions pour $31,000 in the Friends of LBJ and the United Fund and the Boy Scouts.

There is talk that Al Cervantes may, in view of the smear record of the steamfitters, stop the promotions of other unions.

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Mr. WILLIAMS of Delaware. Mr. President, I do not want to delay the Senate, but I cannot let unchallenged the inference by the Senator from Nevada that the adoption of my amendment would in any way restrict the right of any American citizen, whether he be a...
member of a union, a corporate stockholder, or an official of a union or a corporation, from making a contribution to the party of his choice. There is absolutely nothing in the amendment which would prevent such free action.

The PRESIDENT pro tempore. The question is on agreeing to the amendment (No. 283) of the Senator from Delaware [Mr. WILLIAMS].

On this question the yeas and nays have been ordered; and the clerk will call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Oklahoma [Mr. HARRIS], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTZELL], the Senator from Montana [Mr. MANSFIELD], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASSA RRO], the Senator from Missouri [Mr. SYMINGTON], and the Senator from Maryland [Mr. TYRINGS] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Idaho [Mr. CHURCH], the Senator from Connecticut [Mr. DOSS], the Senators from Massachusetts, the Senator from Hawaii [Mr. INOUYE], the Senator from Washington [Mr. JACKSON], the Senator from North Carolina [Mr. JORDAN], the Senator from Ohio [Mr. LAUSCHE], the Senator from Washington [Mr. MANSFIELD], the Senator from Utah [Mr. MOSS], the Senator from Rhode Island [Mr. PELL], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Georgia [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator from New Jersey [Mr. WILLIAMS] are present and voting.

I further announce that, if present and voting, the Senator from Idaho [Mr. CHURCH], the Senator from Connecticut [Mr. DOSS], the Senator from Oklahoma [Mr. HARRIS], the Senator from Michigan [Mr. HART], the Senator from North Carolina [Mr. JORDAN], the Senator from Rhode Island [Mr. PASTORE], the Senator from West Virginia [Mr. RANDOLPH], the Senator from Florida [Mr. SMATHERS], the Senator from Maryland [Mr. TYRINGS], the Senator from New Jersey [Mr. WILLIAMS], the Senator from Nebraska [Mr. CURTIS], and the Senator from Kentucky [Mr. MORTON] are detained on official business.

If present and voting, the Senator from Tennessee [Mr. BAKER] would vote "yea."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from Colorado [Mr. DOMINICK]. If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Colorado would vote "nay."

On this vote, the Senator from New York [Mr. PAYNE], the Senator from Pennsylvania [Mr. CLARK], and the Senator from California [Mr. MURPHY]. If present and voting, the Senator from New York would vote "nay" and the Senator from California would vote "yea."

The result was announced—yeas 19, nays 46, as follows:

YEA8-19

Mondale

Smith

Thurmond

Towns

Wallace, Del.

NAYS-46

Alak

Griffin

Gruening

Hayden

Hatch

Brooke

Brooks

Byrd, Va.

Byrd, W.

Cannon

Cannon

Clark

Claxton

Cleaver

Clinton

Clyburn

Van Dyke

Alger

Mondale

Monroe

Nelson

Paul

Prouty

Proxmire

Rippey

Rusell

Stennis

Talmadge

Tarlow

Tate

Macha

Monroe

Shriver

Simms

Simpson

Yoakum

Young

Ohio

So the amendment (No. 283) of Mr. WILLIAMS of Delaware was rejected.

Mr. CANNON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, there will be no more votes tonight. The Senate will continue its consideration of the pending business tomorrow when it meets at 10 o'clock.

Mr. BYRD of West Virginia. I ask unanimous consent that the motion of the Senator from Pennsylvania [Mr. CLARK], and the amendment which is to be offered by the senior Senator from Pennsylvania [Mr. CLARK] and the junior Senator from Pennsylvania [Mr. CLARK] and the Senator from Nebraska [Mr. MURPHY], and with the amendment which is to be offered by the senior Senator from Pennsylvania [Mr. CLARK] and the junior Senator from Pennsylvania [Mr. CLARK] and the Senator from Nebraska [Mr. MURPHY], there be a time limitation on each amendment of not to exceed 1 hour, the time to be equally divided between the mover of the amendment and the manager of the bill.

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

Mr. BYRD of West Virginia. I yield. Mr. DIREKSEN. My understanding is that, in deference to the senior Senator from Florida [Mr. HOLLAND], we would have no actual vote before 12 o'clock tomorrow.

Mr. BYRD of West Virginia. Yes. It is the intention of the leadership to delay any vote until 12 o'clock, but it is the thought of the leadership that we might proceed with a discussion of the amendments and possibly have the votes come at 12 o'clock or somewhat thereafter.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield. Mr. WILLIAMS of Delaware. Suppose there are amendments to the amendment.

Mr. BYRD of West Virginia. I thought my request included amendments to the amendment.

Mr. President, I ask unanimous consent that all time on each of the amendments to which I have just referred and the amendments thereto be limited to 1 hour, the time to be equally divided between the mover of the amendment and the chairman of the committee.

Mr. WILLIAMS of Delaware. Mr. President, is that 1 hour on the Clark amendment, or 1 hour on that amendment and 1 hour on amendments therefor?

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on the Clark amendments and all amendments thereto be limited to 1 hour, the time to be equally divided between the mover of the amendment and the chairman of the committee.

Mr. WILLIAMS of Delaware. Mr. President, I object. I do not know that there will be any amendments to the amendments, but I would not want to be in a position where both the amendments are meeting, when there may be three or four amendments to the Clark amendment, of having no time to discuss those amendments. If the Senator wants to ask unanimous consent to have a limitation of 1 hour on the Clark amendments, to be equally divided, and 1 hour on any amendment thereto, to be equally divided, I would have no objection.

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

Mr. BYRD of West Virginia. I yield. Mr. CLARK. I think it is so highly unlikely that the motions to either amendment that I would be perfectly content to go along with the suggestion of the Senator from Delaware. As a matter of fact, I would have to, anyway. May I say that my situation is such...