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January 28, 1966

Prayer Debate Used As Filibuster Gimmick

WASHINGTON (BP)--A United States senator read prayers and recited some from memory, recalled words of old hymns, and told jokes about country preachers to carry on the filibuster to block a Senate vote on the union shop proposal.

Opponents of the move to repeal section 14(b) of the Taft-Hartley Act, on the third day of efforts to bring the issue to a vote, plunged the Senate into debate over putting the full text of an opening prayer in the journal of the Senate. Section 14(b) of the Taft-Hartley Act lets states ban the union shop.

Sen. Sam J. Ervin (D., N. C.), at the opening of the session, introduced an amendment to include the text of the prayer in the journal. The morning hour (actually two hours) is set aside at the beginning of each day's session to permit introduction of bills, routine business and speeches.

The prayer issue was viewed by Washington observers as a delaying tactic designed to keep administration leaders from demanding a vote on the labor bill.

Had not the opposition taken the morning hour, supporters of the repeal of 14(b) could have brought the measure to the floor for consideration.

Sen. Ervin, his desk littered with Bibles, and books of prayers, poetry and theology, talked at length about prayer. A Presbyterial elder, he recited hymns, and told jokes about country preachers.

Between prayers and jokes the North Carolina senator lambasted the U. S. Supreme Court for its decisions banning states from prescribing prayers in the public schools. He said he disagreed with the court's rulings in these cases.

The filibuster speech made references to portions of numerous state constitutions which the senator said declared the people of those states to be religious people. Justice William O. Douglas, of the Supreme Court, in one of his opinions declared that "Americans are a religious people," Ervin stated.

Ervin pointed out that the Code of Alabama of 1961 requires teachers must show by their reports that there have been daily Bible readings in the public schools in which they teach or public school funds will be withheld from that school.

"Those provisions from the organic and statutory law of Alabama make it crystal clear that the people of Alabama are a religious people," the senator declared.

Citing a portion of the Arizona constitution he said it "illustrates that the people of Arizona are a religious people."

Prior to the Schempp-Murray case "the state of Maryland authorized praying and Bible reading in its public schools in further illustration of the religious character of its people," Ervin continued.

He called attention to the fact that prior to the Supreme Court decisions Florida and Georgia had required Bible reading in the public schools by state law. "By express statue, the legislature of Georgia decreed...that the Bible be read in all state schools" and the courts of Georgia had held "that required Bible reading in the public schools was not unconstitutional," he said.

"My own state of North Carolina has a constitution which expresses in its preamble the gratitude of the people of North Carolina to Almighty God," the senator stated.

Referring to his amendment to include the text of a specific prayer in the Senate journal, the North Carolinian said "It would be a fine thing for the Senate of the United States once again to recognize the authority and just government of Almighty God. The Senate can do this by adopting the amendment submitted by me."

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Ervin was aided in his delaying tactics by Sen. Ross Bass (R., Tenn.) who said in changing the rules of the Senate to include this prayer in the journal "We stand here today, as Moses did before the burning bush when he laid down the rules for the Ten Commandments."

The Senate was not impressed by all the oratory on prayer and defeated the Ervin amendment by a vote of 42-37.

Sen. Mike Mansfield (D., Mont.), Senate majority leader, said this was a "test vote of a sort" on Senate sentiment on the labor bill. He said it was an encouraging sign for an end to the filibuster.

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Senate Resolution Seeks
Limit On Nuclear Arms

1-28-66

WASHINGTON (BP)--World peace and the survival of the human race is the objective of a resolution on "non-proliferation of nuclear and thermonuclear weapons" introduced in the U. S. Senate by Sen. John O. Pastore (D., R. I.). The resolution has 56 co-sponsores.

The resolution recognizes the threat to the security and peace of all nations by the spread of nuclear weapons. It seeks to take steps to stop the nuclear arms race in the world.

The proposal commends the President's efforts "to negotiate international agreements limiting the spread of nuclear weapons."

If the Senate passes the resolution, Pastore believes it would encourage further treaties that go beyond the Nuclear Text Ban Treaty of 1963.

In his speech to the Senate, the former chairman of the joint committee on atomic energy said although today "only two nations have the nuclear power to destroy man's world many, many times over, there are five nations now with nuclear capability." More are on their way.

Pastore pointed out that one 20 megaton nuclear weapon today "is significantly greater in destructive force than all the weapons exploded in World War II."

He quoted President Kennedy who in 1963 said, "A full-scale nuclear exchange, lasting less than 60 minutes, with the weapons now in existence, could wipe out more than 300 million Americans, Europeans and Russians, as well as untold numbers elsewhere."

The Pastore resolution is an effort to strengthen the position of the United States at the Geneve Disarmament Conference. An effort will be made to draw up a treaty including as many nations of the earth as possible to limit the spread of nuclear weapons beyond the five powers now possessing them.

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Seminary Scholarship
Set for Student-Wife

1-28-66

NEW ORLEANS (BP)--A student-wife at New Orleans Baptist Theological Seminary here will soon receive a $600 scholarship grant from the seminary's Woman's Auxiliary.

The Woman's Auxiliary will award $75 a month for eight months to the wife of a theology student to enable her to receive a seminary education with her husband. The first such scholarship went last year to Mrs. Jerry Windsor of Montgomery, Ala.

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Supreme Court Hears
Voting Rights Case

WASHINGTON (BP)--A landmark case involving the voting rights of citizens has been argued in the United States Supreme Court.

The Voting Rights Act of 1965 contains a provision that in effect suspends state literacy laws for voters when it is determined that less than 50 per cent of eligible voters participated in the 1964 presidential election.

The state of South Carolina challenged this law on the ground that it violates the 15th Amendment to the United States Constitution. Five other states (Alabama, Georgia, Louisiana, Mississippi and Virginia) supported the contention of South Carolina.

Nineteen northern and western states joined the United States attorney general in support of the Voting Rights Act.

It is expected that the Supreme Court will announce its decision sometime this spring.

(The 15th Amendment to the Constitution was certified as in effect on March 30, 1870, and it says: "Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

("Section 2. The Congress shall have power to enforce this article by appropriate legislation.")

Two days of oral argument was heard by the Supreme Court.

Arguments against the challenged provisions are summarized in part as follows:

--Congress has no power to set state voter qualifications: Congress exercised judicial powers in passing the act; the formula used by Congress was arbitrary and not "appropriate"; a valid law applied in a discriminatory way cannot be suspended by Congress; the states affected have no judicial recourse and the law constituted "special legislation" aimed at a few states; while the 15th Amendment must apply to "race, color, or previous condition of servitude," the act applied to literacy tests."

The attorneys who argued in favor of the act used in part the following lines of reasoning:

--Literacy tests were "widely and persistently used as engines of racial discrimination"; prior efforts to enforce the 15th Amendment by legislative and judicial methods proved to be "too slow and ineffective"; an urgent need existed to secure compliance with the amendment.

Archibald Cox, professor of law at Harvard Law School, argued in favor of the act because of five propositions"

1. The act was concerned with literacy tests only when there was an undue danger of discriminatory application.

2. Congress could and did regulate potential "evil" as well as enforce the 15th Amendment.

3. Congress could and did act selectively and did not need to deal with "every aspect of the evil."

4. Congress made the "dominate ultimate" test for suspension of literacy laws a judicial test, and it applied the act to all states.

5. The court's equity power to suspend state literacy tests derived from the 15th Amendment and was given to the court by Congress in a law; thus Congress had the constitutional power to suspend state literacy tests.

In a final rebuttal, Daniel R. McLeod attorney general of South Carolina, said that the low voter turnout in South Carolina was due to voter "apathy" and did not reflect the higher voter participation in primary elections.

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