

benefit of a written Constitution and undermine the basis of our Government" (June 10, 1957).

Let us remember that the 10th amendment is just as much a part of the Bill of Rights as are the 1st, the 4th, the 5th, the 6th, the 7th, and the 8th.

The Senators, the Representatives, the newspapers, the television and radio commentators who scoff at us who plead for the rights of the States under the 10th amendment may some day rue the days they did so.

For when you make it customary and legal to discard the 10th amendment because, forsooth, your convenience and expediency so dictate, you undermine the other nine.

When you today encourage and countenance the disregard of the 10th amendment, you lay the foundation for others in a future day to encourage and countenance the disregard of the other nine.

If a majority of Senators and Representatives today in Congress can destroy the rights of the States solemnly reserved to them under the 10th amendment, a majority tomorrow can destroy your right to worship whatever your religious faith may be, Jewish, Catholic, or Protestant—a majority tomorrow can destroy freedom of speech or of the press whether sought to be exercised by the greatest or most humble newspaper—a majority tomorrow can deprive you or me of our lives, liberty, or property without due process of law—a majority tomorrow can authorize unreasonable searches and seizures, and abrogate trial by jury.

As a member of a so-called minority religious group, I know that I am protected in my right to worship only by a strict observance of constitutional protections afforded in the first amendment. I am fearful because I wonder when it will become expedient to destroy the first.

If the powers delegated to Congress under the Constitution of the United States are not broad enough for your purposes, don't distort the Constitution by unwarranted construction of it; seek to amend it in the manner provided in it.

If you reply that that is too long and difficult a road, again I call Justice Black as a witness. He, in the last 3 years, said:

"It may be said that it is difficult to amend the Constitution. To some extent that is true. Obviously the Founders wanted to guard against hasty and ill-considered changes in the basic charter of our Government. But if the necessity for alteration becomes pressing, or if the public demand becomes strong enough, the Constitution can and has been promptly amended," (354 U.S. at p. 14, footnote 27).

This study of the cases discloses the extent of the power of Congress under article I, section 4, and the 15th amendment. In 1916, it remained as it was in 1883 expressed in *ex parte Yarbrough*, supra. Congress has the constitutional power to pass laws for the free, pure, and safe exercise of the right to vote at elections for members of Congress, the qualifications of the voter being determined by State law. The States under article I, section 2 of the Constitution define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. The Constitution adopts the qualifications thus furnished as the qualifications of its own electors for Members of Congress (110 U.S. at p. 663).

Article I, section 2 of the Constitution must be construed in *pari materia* with article I, section 4, clause 1.

Certain of the people of the several States choose the Members of the Congress. Those certain people are those who have the qualifications requisite for electors of the most numerous branch of their State legislatures. The Constitution, not the Congress, has adopted the qualification furnished by article I, section 2, as the qualification of its own electors for Members of Congress.

It is when, and only when, that group of electors shall have been determined by the laws of the State, restricted only by the 14th and 15th amendments, section 4 comes into play.

With that group of voters defined, selected, chosen, and determined under the laws of the State according to the Constitution of the United States; with it having been determined by the laws of the State, restricted by the 14th and 15th amendment, who may participate as voters at an election for Senators and Representatives, Congress has the right to prescribe the "times, places, and manner" of holding such elections, but that prescription by Congress must be "by law." Congress has no right to prescribe qualifications of such electors except those determined by State law as limited by the war amendments. It is the elector who is qualified by State law who has the right to vote at the election held pursuant to article I, section 4 *U.S. v. Goldman* (25 Fed. Cas. p. 1353, case