PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2554. By Mr. GAVAGAN: Petition of the board of directors of the National Association for the Advancement of Colored People; to the Committee on Rules

2555. By Mr. KEOGH: Petition of the International Association of Chiefs of Police, Washington, D. C., concerning House bill 6256, known as the Citizen Identification Act of 1942; to the Committee on the Judiciary.

2556. Also, petition of the National Youth Administration College Work Council for the City of New York and Long Island, favoring the continuance of the National Youth Administration college work program; to the Committee on Appropriations.

2557. By The SPEAKER: Petition of the Southwest Civic Association, Washington, D. C., petitioning consideration of their resolution with reference to the Alley Dwelling Act; to the Committee on the District of Columbia.

SENATE

MONDAY, MARCH 16, 1942

(Legislative day of Thursday, March 5, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Right Reverend James Hutchison Cockburn, D. D., moderator of the General Assembly of the Church of Scotland, minister of Dunblane Cathedral, Scotland, offered the following prayer:

O God, whose is the kingdom and the power, as the eye of a servant looks to the hand of his master, so we, Thy servants, turn our hearts to Thee. In Thee is our help and our defense; from Thee come wisdom and understanding; by Thee we live and move and have our being. Thy loving kindness is ever about us and Thou providest for our needs in due season, so that our souls are glad in Thee and we Thy children know that we can wait patiently on Thee from whom cometh our salvation. Keep us, we pray Thee, by Thy mighty power, and uphold us by Thy free spirit, that no earthly power may hold us in fear, and no untoward happening distress us, that we, being rooted and grounded in faith and stayed on the rock of Thy strength, may be steadfast and unmovable. Through cloud and sunshine may we abide in Thee, whose is the kingdom and the power forever.

Eternal Father, who rulest the rulers of the earth, look favorably, we beseech Thee, on the President of this commonwealth and on all his household; give him wise judgment, quick decision, and a spirit to seek Thy praise. Upon the Vice President, the members of the Cabinet, and all who have been called to the office of this Senate, pour out Thy grace which alone maketh rich, and give them the gladness of them that serve the people and Thee. Bless abundantly the people of this land, accept their sacrifices and prosper them in Thy ways. Keep in Thy faith and fear their sailors, soldiers, and airmen; sustain them and the rulers, the peoples, and the armed forces of those who are allied with them in a noble cause; strengthen them with the assurance of victory, and by their abundant labors, by their endurance, courage, and trust in Thee, restore peace to our broken world, that Thy kingdom may be advanced. We ask this in Christ's name, who alone is the Redeemer of the world.

And now, as Thy servants take up their appointed tasks, give them, we pray Thee, the comfort of Thy guiding counsel, that no selfish passion may hinder them from knowing Thy will, no weakness from doing it, that in Thy light they may see light clearly and in Thy service find perfect freedom; through the Spirit of our Lord and Master, Jesus Christ, to whom, with Thee and the Holy Ghost, be everlasting praise.

The grace of Our Lord Jesus Christ, and the love of God, and the communion of the Holy Ghost be with you. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, March 13, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its clerks, announced that the House had passed a bill (H. R. 6709) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2249) authorizing appropriations for the United States Navy, additional ordnance manufacturing and production facilities, and for other purposes, and it was signed by the Vice President.

SPECIAL COMMITTEE TO INVESTIGATE THE NATIONAL DEFENSE PROGRAM

The VICE PRESIDENT. The Chair has been informed that the senior Senator from New Hampshire [Mr. BRIDGES], because of illness, is desirous of resigning as a member of the Special Committee to Investigate the National Defense Program, and the Chair appoints the junior Senator from Ohio [Mr. BURTON] to fill the vacancy.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated.

By the VICE PRESIDENT:

A letter in the nature of a petition from Mrs. L. Keller, of Warren, Pa., praying for the enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

A joint resolution of the General Assembly of the State of Virginia; to the Committee on Finance:

"GENERAL ASSEMBLY OF THE COMMONWEALTH OF VIRGINIA

"House Joint Resolution 37

"To memorialize Congress concerning taxes on hard liquors

"Whereas Virginia has been compelled, in the control of hard liquors, to increase the sale price from time to time, both to meet the increasingly heavy Federal taxes levied thereon and also to insure some margin of profit to this Commonwealth; and

"Whereas the high price at which Virginia is now compelled to make such sales has greatly encouraged the illegal manufacture and sale of such liquors in this Commonwealth, and, consequently, greatly increased the cost and expense of her effort to enforce the laws against such illegal manufacture and sale; and

"Whereas Virginia has been compelled to pass an act at the present session of the general assembly reducing the taxes heretofore imposed upon such liquors in order to discourage, as far as possible, such illegal manufacture and sale, such reduction in tax affecting the returns from such sales to so great an extent that the Commonwealth will not hereafter be able to sell such liquors at such prices as will produce the margin of profit to which she is justly entitled: Now, therefore—

"1. *Resolved by the house of delegates (the senate concurring)*, That the Congress of the United States be, and is hereby, memorialized to refrain from imposing any additional taxes upon hard liquors in order that Virginia and other States may be able to sell such liquors at prices that will discourage, rather than encourage, the illegal manufacture and sale of such liquors.

"2. *Be it further resolved*, That copies of these resolutions be transmitted by the clerk of the house of delegates to the presiding officers of the United States Senate and of the House of Representatives, respectively, and to each member of the Virginia delegation in the Congress of the United States.

"Agreed to by the house of delegates, March 12, 1942.

"E. GRIFFITH DODSON,
"*Clerk.*

"Agreed to by the senate, March 12, 1942.

"E. R. COMBS,
"*Clerk.*"

By Mr. CAPPER:

A petition, numerously signed, of sundry citizens of Abilene, Kans., praying for the prompt enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HILL, from the Committee on Military Affairs:

S. 2305. A bill to relieve disbursing and certifying officers of the United States of responsibility for overpayments made on transportation accounts under certain circumstances; without amendment (Rept. No. 1169).

By Mr. REYNOLDS from the Committee on Military Affairs:

S. 2344. A bill to limit the initial base pay of $21 a month for enlisted men in the Army and Marine Corps to those of the seventh grade; without amendment (Rept. No. 1170); and

S. 2352. A bill to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, or leaving military areas or zones; with an amendment (Rept. No. 1171).

By Mr. GURNEY, from the Committee on Military Affairs:

S. 2353. A bill to amend sections 1305 and 1306 of the Revised Statutes, as amended, to eliminate the prohibition against payment of deposits, and interest thereon, of enlisted men until final discharge; without amendment (Rept. No. 1172).

By Mr. GEORGE, from the Committee on Finance:

H. R. 6691. A bill to increase the debt limit of the United States, to further amend the Second Liberty Bond Act, and for other purposes; with an amendment (Rept. No. 1173).

ADDITIONAL CLERK IN DISBURSING OFFICE

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate Resolution 230, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution (S. Res. 230) submitted by Mr. BARKLEY, March 12, 1942, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to employ a clerk for service in the disbursing office of the Senate at the rate of $2,220 per annum, to be paid from the contingent fund of the Senate until otherwise provided by law.

BILL INTRODUCED

Mr. McKELLAR introduced a bill (S. 2375) for the relief of Robert T. Groom, Daisy Groom, and Margaret Groom, which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

HOUSE BILL REFERRED

The bill (H. R. 6709) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PRINTING OF MANUSCRIPT IN RELATION TO THE SENATE COMMITTEE ON FOREIGN RELATIONS

Mr. CONNALLY submitted the following resolution (S. Res. 231), which was referred to the Committee on Printing:

Resolved, That the manuscript entitled "The Committee on Foreign Relations of the United States Senate" be printed as a Senate document.

FARMERS AND THE WAR—ADDRESS BY THE VICE PRESIDENT

[Mr. MURDOCK asked and obtained leave to have printed in the RECORD an address delivered by the Vice President at a joint meeting of farmers and businessmen at Omaha, Nebr., March 14, 1942, on the subject Farmers and the War, which appears in the Appendix.]

ADDRESS BY SENATOR THOMAS OF UTAH TO THE EAST AND WEST ASSOCIATION

[Mr. HILL asked and obtained leave to have printed in the RECORD an address delivered by Senator THOMAS of Utah at the banquet of the East and West Association at the Waldorf Astoria Hotel in New York, March 14, 1942, which appears in the Appendix.]

WASHINGTON'S BIRTHDAY ADDRESS BY SENATOR McFARLAND

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD an address delivered by Senator MCFARLAND at Denver, Colo., on February 23, 1942, which appears in the Appendix.]

WAR RUMORS—STATEMENT FROM WILMINGTON (DEL.) MORNING STAR

[Mr. HUGHES asked and obtained leave to have printed in the RECORD a statement published in the Wilmington (Del.) Sunday Morning Star of March 15, 1942, which appears in the Appendix.]

THE 40-HOUR WEEK

[Mr. REED asked and obtained leave to have printed in the RECORD an editorial from the Washington News of March 12, 1942, entitled "Forty Hours—and Time to Lose," which appears in the Appendix.]

WORK IN TEXTILE INDUSTRY; SMALL BUSINESS; LABOR CONDITIONS ON T. P. & W. RAILROAD

Mr. MEAD. Mr. President, over the week end we read in the newspapers of the stoppage of work in the textile industry which has resulted from the statement by Mr. Robert R. Guthrie in resigning his position with the W. P. B. The Senate Defense Committee cannot tolerate a condition of this kind, and I am informed by the chairman that immediate action will be taken to ascertain whether a stoppage really has taken place.

Mr. President, in my judgment, the best way we can increase military productivity is to bring independent and small business into play. In that connection our committee on small business has a bill pending before the Committee on Banking and Currency, and I am informed that the Committee on Banking and Currency is giving the matter active consideration and that legislation will be forthcoming in the premises in the very near future.

Lastly, Mr. President, I note that Mr. McNear is still holding out and continuing his lock-out on the Toledo, Peoria & Western Railroad; that he is still in defiance of the Government, but the Government is closing in on him, and the President of the United States has directed a letter to him this morning, and, if action is not taken, I understand, the road will be seized.

Mr. TRUMAN. Mr. President, in connection with the remarks of the distinguished Senator from New York [Mr. MEAD] with regard to Mr. Guthrie's resignation from the War Production Board, I have just received by special messenger a letter from Mr. Donald M. Nelson, which reads as follows:

MARCH 16, 1942.

Hon. HARRY S. TRUMAN,
Chairman, Special Committee Investigating the National Defense Program,
United States Senate,
Washington, D. C.

DEAR SENATOR TRUMAN: May I ask your committee to investigate the charges made in the statements issued to the press yesterday and today by Mr. Robert R. Guthrie, who, on Saturday, resigned from this organization?

Mr. Guthrie for some time past has been head of the textile, leather, and clothing branch, which operates in three sections. Recently I learned that personal conflicts had developed between Mr. Guthrie and the members of his staff in the textile section. This situation finally reached the point where it was impeding that part of the war-production effort. During the period of this conflict, Mr. Guthrie, as chief of the branch, had authority to deal with the situation, but he failed to do so on his own account and did not bring the difficulties to my attention or request any action on my part until after his resignation.

After reviewing the situation, it was decided last week to separate the textile section from the other two, retaining Mr. Guthrie in charge of leather and clothing. For the textile section it was proposed to bring in a new man who would be wholly impartial and free from any involvement in the conflicts which had been impeding the work. Mr. Guthrie took the position, however, that this would be unsatisfactory to him and thereupon resigned.

I have, of course, instituted and will continue a careful investigation of these charges. I think, however, that in view of the public importance of this matter it would be well to have an investigation conducted also by an outside agency, and I shall therefore be glad to have your committee make such an investigation. You may rest assured that in doing so you will have my fullest cooperation.

Yours very truly,

DONALD M. NELSON,
Chairman.

THE PRODUCTION PROBLEM

Mr. BANKHEAD. Mr. President, recently a Washington newspaper carried an editorial on the production problem. After referring to recent speeches by the Director of the War Production Board, Mr. Donald Nelson, in which he made it "abundantly clear that we are not getting the production which we ought to have with existing facilities and which we must have to win the war," the editor stated that Mr. Nelson said:

You can't get this maximum production by pressing a button, by giving an order, or merely by making speeches.

The editor then asked:

Granting that this is true, how can we get it?

This question is the most important one now confronting the American people. The newspaper attempted no comprehensive answer. Is there an answer?

Mr. Nelson's statement that we cannot get maximum production by giving an order constitutes a too complacent and summary exclusion of the exercise of national power when backed by the will and desire of the people and supported by an understanding and aggressive government. In my judgment, the time has come when not merely "an order" should be given but order after order should be given to do the things necessary to get production to the full capacity of our production facilities. Before existing production capacity is reached, construction of additional facilities should be under full headway. When orders are given to management and labor by Mr. Nelson as the war master of production, he should see that such orders are executed promptly and in good faith and with full effectiveness.

It is now conceded by all thoughtful persons that the fate of hundreds of millions of people depends upon the result of the contest of production in which the Allies and the Axis Powers are engaged. Japan is asserting that she can produce implements and instruments of war as fast as can America and England combined.

After the unexpected demonstration of her organization and equipment and effective manpower, who is in position to deny, with certainty, that Japan can do what she has said she can do? In the

last few months she has surprised all the world by her display of power. She has manifested to all drifting and ineffective nations the victorious results of thorough preparation, of quick attack, and of mass determination to win or die. The American people realize the danger that confronts us from the combined efforts of the desperate forces operating under the orders of a German maniacal military genius and the barbaric and cruel Japanese hordes who are fatalistic and devoted worshipers of their pagan emperor.

It is believed by some informed people that a shortage of steel may develop in this country. Nothing more terrible could happen. It is unnecessary to attempt to capitulate the disastrous results that would follow such a horrible catastrophe. It would be infinitely worse than the prevailing rubber situation. Mr. Nelson seems to feel satisfied about securing steel production sufficient to meet our needs. I hope he is right. I am not in position to take issue with him further than to say that I know, as some other Members of the Senate know, that Mr. Nelson's feeling of satisfaction is not unanimously shared by all the Government officials whose duty it is to acquire steel for absolutely essential war production.

I have no criticism of Mr. Nelson. I am sure that he will do a good job in a big way. He is entitled to the support and cooperation of a united people. All broad-minded men, however, like to have helpful suggestions. I am sure Mr. Nelson is that type of man. In his recent speech he emphasized the necessity for increased production. He well said:

> We must be animated by a spirit of attack. We have been on the defensive long enough. The attack begins here—here at home—here in the production line. It is production offensive we must have before we can carry the war to a successful offensive against the enemy. We are in the fight. This is war.

Amen, Mr. Nelson.

Mr. Nelson also said:

> If I read my mail aright, this public that has spoken to me wants production and no fooling. It wants it with such an intensity of feeling that it is going to get it one way or another.

He has correctly interpreted the attitude of the masses of the people. It is incumbent upon the President and Congress and other governmental agencies, and especially the War Production Board, to give the people that thing they most ardently demand: Production, production, and more production.

Mr. Nelson further stated:

> If all our equipment now involved in war production were used 24 hours a day, 7 days a week, we would practically double the man-hours being put into military production.

If that is true, why not do it and do it at once?

What about manpower? Millions of trained and untrained men are available. Where necessary, large training schools should be established. If not otherwise obtainable, the required manpower for all essential war production should be drafted. If necessary, plants with all equipment should be taken over by the Government when management will not comply with orders issued by the War Production Board.

Unless full cooperation can be obtained by Mr. Nelson asking capital and labor to increase production, the time has come for him to give orders to both capital and labor to do the production job. If necessary, I recommend that he start by pointing his finger at the largest manufacturer engaged in war production and its employees and giving them the necessary order for increasing production to the limit of their capacity. He should then proceed down the line of all the plants engaged in war production until he gets to the blacksmith shops, with a similar order to management and workers. If such reasonable orders are not obeyed, the public will get that production, "one way or another," as stated by Mr. Nelson. The strong arm of the Government, supported by a patriotic and determined people, will be irresistible by management and by workers.

Mr. President, let me make one other suggestion. Millions of people, men and women, throughout this country, want to do something to help our war cause. They may not live near production plants. They do not know what to do. They are willing and anxious to be helpful. An organization should be established under Mr. Nelson's control to find work in the production field for them to do—work that would help equip our military and naval and air forces for attacks upon our enemies wherever they may be found. It seems to me that women should be given a more active part in the production program. Many of them are eager to make their contributions to our country in the time of its great peril. If provided suitable opportunities, they can be tremendously helpful in aiding the production program throughout the country.

I hope Mr. Nelson will chart a comprehensive plan giving every man and woman in this country an opportunity, so far as possible, to do his and her part in preserving civilization from the greatest menace that has threatened it since the period of the Dark Ages.

If Mr. Nelson finds that he needs any additional legislation giving him all power permissible under the Constitution to bring about maximum production, I earnestly urge him, without delay, to send suitable recommendations to Congress, stating what additional laws are needed to secure maximum production. I believe that Congress is ready, willing, and anxious to pass such laws as may be required to carry out the production program to the fullest extent.

RATIONING OF GASOLINE AND THE OIL INDUSTRY

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD, at this point, a copy of a letter I have received from J. B. Owens, chairman of the industrial committee of the Neodesha (Kan.) Chamber of Commerce; also a copy of a letter written by me to Hon. Harold L. Ickes, Secretary of the Interior and Petroleum Coordinator.

Mr. Owens writes in protest against an announced plan for rationing gasoline all over the Nation, even while there is a surplus of gasoline and petroleum products in the mid-continent area. Such a program does not seem to make sense. He protests also against the continual reduction of production allowables for the mid-continent area, even while there is an admitted shortage of petroleum products in the Nation.

The third major objection Mr. Owens voices is against the proposal by Secretary of the Treasury Henry Morgenthau—and this objection is shared by the entire oil industry in our section—to do away with depletion allowances for oil producers in computing income-tax returns. He objects also, and with very good reason, to the proposal to double excise taxes on gasoline.

Mr. President, I think it is high time for the administration to give some consideration to the problem of having some industries and businesses left on which to levy taxes for the hundred and more billions of dollars needed for the war effort.

The oil industry and the automotive industry have been prolific sources of tax revenues for the Federal, State, and local governments. Tax money from the automobile industry will be almost nonexistent in a few months, as things are going, and I warn that if what seems to be the present policy of killing off the domestic oil industry is followed for another year, another source of tax revenue will be lost; and increasing the tax on gasoline from 1½ cents to 3 cents a gallon will not make up the difference.

I realize the necessity for subordinating everything else to the winning of the war. I know it is an all-out war, and that whatever interferes with winning the war must go into the discard; but at the same time it does not seem to me that the war program should require the ruthless destruction of so much of private business, and particularly small business, especially when we consider that tax revenues to support the war program must depend, to some extent at least, upon the ability of business and industry to make incomes from which to pay taxes.

It is my understanding that the present shortage of gasoline and fuel oil along the Atlantic seaboard is really due to a shortage of water transportation; but I understand also that if the entire refining capacities of the mid-continent area were to be utilized, sufficient gasoline and fuel oil could be shipped in tank cars and through existing pipe-line facilities—with a comparatively few additional connections—to make up much of the Atlantic seaboard shortage.

Of course, I can appreciate that refining interests along the seaboard will object to having gasoline and fuel oil from Mid-Continent refineries reach a market they have had to themselves, but in this emergency I do not believe the eastern refineries should place their own selfish interests above the national interest; and I do not believe they would, if the matter were presented to them by their Government in the right light.

Because I do not have a too clear understanding of what the Government program is for conservation, production, and distribution of petroleum and petroleum products, I addressed a letter to Secretary Ickes March 2, asking for information. I ask that this letter, as well

as the letter from the Neodesha Chamber of Commerce, be placed in the RECORD following these remarks and hope that, in a short time, I may be able to place in the RECORD an answer from Secretary Ickes which will explain the entire program.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kansas?

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *March 2, 1942.*

Hon. HAROLD L. ICKES,
Secretary of the Interior,
Washington, D. C.

DEAR SECRETARY ICKES: I am writing you in hope of getting information and understanding of what the oil-production program contemplates.

Very frankly, our people and myself cannot understand what the program is, nor why it has, what seems to be, several contradictions.

We are told that the Nation faces a shortage in fuel oil, gasoline, petroleum products generally.

But, at the same time, we are told the Petroleum Coordinator for National Defense is considering seriously a plan by which the oil production in my native State of Kansas, for example, will be reduced between 40 and 50 percent. This would be done through basing allowables on "established reserves," as I understand it.

In a statement by Mr. Ralph K. Davis, Deputy Petroleum Coordinator, before the Oil Subcommittee of the Committee on Interstate and Foreign Commerce of the House of Representatives, February 25, I note this statement:

"Sustained production of petroleum depends entirely upon active recovery operations and proper development programs. There must be increased exploratory activity if we are to make available new reserves of oil and gas at a rate at least equal to that at which known or previously discovered reserves are produced and consumed. The recent discovery record has not been too good.

"Over the last 3 years, for example, new discoveries of crude oil have failed to balance consumption by approximately 2,000,000,000 barrels—demand is now pressing supply."

But in the face of this situation, according to letters and telegrams and personal talks with Kansas oil men, there was put into effect through M-68 rulings and regulations that made it practically impossible for exploratory (wild catting) development. I am informed that M-68 has been modified somewhat, but that in practice new development in Kansas and other States in the Mid-Continent field is being discouraged by the Petroleum Coordinator's office.

There also is the matter of price, and the industry is disturbed over reports from the Treasury that depletion alowances are to be seriously reduced in the new tax bill, if Treasury recommendations are followed.

But the main point which I cannot understand is why, in the face of threatened shortages of gasoline and fuel oil—so serious that it is contemplated to ration gasoline in the heart of the oil fields—there is being seriously considered a program which would reduce oil production in Kansas around 40 percent.

I am writing this letter in the hope that you will tell me, for the RECORD, what program you have in mind for the oil industry, what is the objective of that program, and why it is not inconsistent to reduce production and discourage new production in the face of these serious shortage forecasts. I would appreciate an early reply.

Sincerely yours,

ARTHUR CAPPER.

NEODESHA, KANS., *March 10, 1942.*

Senator ARTHUR CAPPER,
United States Senate,
Washington, D. C.

DEAR MR. CAPPER: Recent press and radio reports have carried the item that rationing of gasoline may soon be necessary along both coasts of our country, due to the critical shortage of transportation, and Oil Coordinator Ickes is quoted as having said that if rationing is made effective in one part of the country it would probably be made to include the entire country.

Our community is located in the oil producing and refining section of the country, and we have been made aware of the fact that there is a surplus of oil in the country rather than a shortage. We wish to respectfully protest against the establishment of a general country-wide rationing of gasoline, and request that you use your influence to prevent such a course from being adopted.

The rationing of automobile tires has already markedly reduced the consumption of gasoline, at least in this section of the country, and it is estimated that the consumption for the year will be off at least 20 percent due to this cause alone.

We believe it would be an unjustified and unnecessary blow to the domestic economy of the country to further ration gasoline at this time. Secretary Morgenthau is proposing to increase revenues by raising the Federal tax on gasoline from 1½ cents per gallon to 3 cents, yet if consumption is decreased the income from this source will be reduced. Gasoline taxes have furnished the easiest way of raising both State and Federal revenues, and are now totaling over a billion dollars a year, and any unnecessary reduction in consumption will adversely affect the economy as a whole.

Price Administrator Henderson testified recently before a committee of the Senate investigating the rubber shortage that he can see no possibility of supplying any kind of rubber for passenger automobiles. If this prediction proves true it has been estimated that in less than 3 years fewer than 7,000,000 of the country's passenger cars will remain in service, or fewer than 25 percent of the cars now in use. It seems to us this would mean a dislocation of industry and loss of revenue from taxes that hardly seem justified. Certainly the situation should not be aggravated at this time by a rationing program that is not now necessary in this section.

We stand ready to support wholeheartedly any program that we believe will aid in national defense or further the successful prosecution of the war.

Yours very truly, J. B. OWENS,
Chairman, Industrial Committee,
Neodesha Chamber of Commerce.

OIL DEPLETION ALLOWANCE

Mr. DAVIS. Mr. President, the oil producers in the Bradford field of Pennsylvania are opposed, and justly so, to the way the officers in charge of administering the laws treat the oil industry as a whole, when they should differentiate between fields, especially between properties within a field. In the Bradford field the crude oil is released from the rock by water pressure. This method is peculiar to the Bradford field.

I ask to have printed in the RECORD as a part of my remarks a brief submitted to me by Mr. Evans J. Jones, of Bradford, Pa., in which he presents the grounds of opposition to lessening the depletion allowance. I also ask to have printed an article from the Bradford Evening Star and Daily Record referring to the same subject.

There being no objection, the brief and article were ordered to be printed in the RECORD, as follows:

BRIEF OF THE BRADFORD DISTRICT OIL ASSOCIATION IN OPPOSITION TO LESSENING DEPLETION ALLOWANCE

The association is composed of oil producers in the Bradford field. In this field the crude oil is released from the rock by water pressure. This method, because of the nature of the same, is peculiar to this field.

Because of pressure application and its results the investment costs have doubled and in many instances trebled. The number of wells to be drilled on a fixed area have quadrupled with a corresponding increase in lifting and operating costs. These forced conditions and problems are not encountered in fields of natural production

Your committee is quite aware of the fact that the Congress and the officers in charge of administering the laws treat the industry as a whole; that the laws do not differentiate between fields, much less between properties within a field. It can be said that "no chain is stronger than its weakest link." Bradford oil field is such a link.

There is a strong urge on the Congress to lessen the depletion allowance in computing net income of oil producers for tax purposes. This urge comes from the head of the Treasury. It comes not because of wrongs to be righted; it is not to close up leaks or taps in the law; it is not proposed because the present law is allowing the oil producer something new or something unwarranted or something unfair and not allowed to others. No; it is none of these. The Government needs money and still more money (this is not denied) and the Treasury head, in his search of ways and means, determined that lessening depletion allowance was one way to get some of it.

Let us look at the record. The Constitution was amended in 1913. This amendment allowed the levy of a direct tax. On its adoption, the Congress passed its first income tax law. In that law and all subsequent tax laws, taxpayers engaged in the natural resources were granted the right and directed to deduct an amount as depletion, to compensate or return to that taxpayer his investment costs. In some industries, notably the lumber industry, a unit price per thousand feet cut was set up. The Revenue Act of 1918 recognized the right of the oil producer to deduct a determined amount to be free of tax and called depletion.

The oil industry presented some difficulties because of its diversity in location, quality of oil, and varying costs of production. Combination of interests existed in many fields, or perhaps in all fields where major companies had large holdings, were engaged in production, transportation, refining, and marketing. This condition led to difficulties in fixing a unit value of depletion.

In 1926 Congress made an effort to give some uniformity to the perplexed item and in the revenue act of that year, set down a fair allowance for depletion, which we know now as 27½ percent depletion.

Congress did not change its policy that depletion was a proper allowable to return to the producer his investment costs. This percent was less than that taken and allowed under the 1918 act. It was fixed after an extensive survey and a thorough study of the question by the Ways and Means Committee of the House. It was taken as a fair allowance, so accepted by tax accountants and tax experts.

The Congress said it was fair, and has continued to say so for 16 years. No condition or emergency, however great or threatening, can logically controvert the conclusion of its fairness. If this percentage was determined to be fair and acceptable in the Revenue Act of 1926, maintained in 1928, 1930, and 1932, and on down to date, it must be held that Congress so construes it. To take any part of allowable and tax it as income would be discriminating, inequitable, and manifestly unfair.

Depletion is not income, but by lessening the amount allowed, the difference is made

income for taxing purposes. An oil producer cannot replace the oil he pumps out of his property. Depletion alone is his return of investment, and depletion alone is his compensation for nonrecovered oil. Depletion and depreciation represent the living wage to many of our producers.

Your committee urges this association to use all of its available effort to maintain this depletion percentage. Space does not allow the discussion of peculiar conditions in the oil and gas industry as against other lines of industry, nor does it, although more pertinent, allow a discussion of the variables in investment costs and lifting costs and in percentages of recovery, in different fields and in different properties within a given field. Suffice it to say that in this field many smaller and independent operators, if this percentage is reduced, will be harmed, resulting in loss of production and the abandonment of many properties.

Respectfully submitted.

EVAR J. JONES.

[From the Bradford (Pa.) Evening Star and Daily Record of March 11, 1942]

BOARD OF COMMERCE SCORES DEPLETION CUT—FOCKLER INFORMS GUFFEY OF EFFECTS ON LUBES FOR WAR

A letter protesting against any modification of the present oil-depletion allowance has gone out from the Bradford Board of Commerce to Senator JOSEPH F. GUFFEY and other legislators.

The message, signed by F. O. Fockler, manager-secretary, said removal of the depletion allowance, in effect 16 years, would mean that money which has been available for maintenance and expansion of Pennsylvania oil production would cease to be available at a time when the greatest supply of high-grade lubricants is required.

Here is the letter:

ADMITS BIG TASK FACED

"The Treasury Department has recently had the task of finding ways and means of producing more revenue to meet the expenses of our present emergency which, to say the least, is probably one of the greatest tasks that has ever been thrust upon this Department in the history of our country, and it goes without saying that any responsible citizen realizes the tremendous problem which is facing the Government today in keeping ahead of inflation and in serving the people to best of its ability, but, in order to serve and protect our country, there is a greater problem than raising money to the detriment of sacrificing production.

"Such detriment lies in the remova' of the depletion allowance because the Secretary of the Treasury has likened the oil right of an oil producer to a machine in a factory and stated that, while the manufacturer could depreciate his property but once, the oil producer was in effect depreciating his property time after time.

"On the surface this may probably seem to be the case; actually, however, a greater part of a producer's capital is spent in drilling wells, and in spite of modern geological advances many of these wells are dry holes; a manufacturer may deplete or depreciate his machinery completely, and he is always faced with the possibility of selling the machinery and salvaging some of its original purchase price.

"The oil business is a hazardous investment, and if the oil producer is not permitted to maintain a certain capital structure in his business, and if tax provisions in good years are not liberal enough to compensate for the unusual risks, it is readily apparent that it will be most difficult for the oil producer to remain in business, and this is particularly true of the smaller oil producers.

CREDIT FACILITIES LIMITED

"Most of the wildcatting in this country for the discovery of new pools is carried on by smaller operators to whom this is a matter of life or death, and this relationship of the small producer to the oil industry is particularly true in the Pennsylvania area, which needs no explanation to you, as you know most of the operations in Pennsylvania are now carried on by the small producers, and the small producer has very limited access to the credit facilities of the larger banks.

"The removal of the depletion allowance, stated in simple terms, will mean that the money which has been available for the maintenance and enlargement of this production will cease to be available, and at a time when the greatest supply of high-grade lubricants is required, the production will be curtailed."

LAG IN THE WAR PRODUCTION

Mr. LEE. Mr. President, in accordance with recent statements from the floor of the Senate that I was requesting the Chairman of the War Production Board, Mr. Donald Nelson, to recommend legislation that would help increase production, I had a conference with Mr. Nelson last Friday. While he discussed the situation freely, he declined to make any recommendation for legislation which would help speed production.

I had hoped that since he had pointed out the possibility of increasing production materially that he would make some specific recommendations in order that we might enact them into legislation.

Mr. Nelson again pointed out that our situation was not the result of any major cause, but the result of a number of contributing causes which he outlined in his recent radio speech, such as shortage of materials, the necessary delay in changing over to the production of war materials, and so forth.

Again, he indicated that the big labor organizations were keeping their pledge of no strikes and cooperating enthusiastically for an increased production.

But, Mr. President, the original statement of the Chairman of the War Production Board still stands that we must do more. It is evident to me that there has been and is now as much delay on the part of management as labor. At the outset of our defense program there was considerable delay on the part of management in taking the Government contracts. I denounced such a policy from the floor of the Senate.

I called attention to the statement of one big executive who boasted that they would not take contracts until the tax law was satisfactory to them. Furthermore, I called attention to the contractors who were delaying contracts for manufacture of planes because the ceiling on profits was too low.

Now we hear that the 40-hour week is causing some delay. No doubt management is unwilling to pay the time and one-half and labor is unwilling to work on Sundays and holidays without double pay. I could not get Mr. Nelson to say that this was one of the major causes of delay, but he did list it as one of the causes contributing to delay. Therefore I believe it should be removed at once.

Now, Mr. President, from the very first I have urged that we make this war an all-out effort. In order to do that we should stop all strikes and lock-outs, suspend the 40-hour week, stop all cost-plus-10-percent contracts, recover 100 percent of all excess profits by taxation, and raise money to pay for the war by forced loans in proportion to ability to lend. This has been my program from the first, and it is now. At times I have felt a little discouraged. But I want to say that I have taken new heart because reinforcements have arrived and more are coming. They will continue to come until Congress takes action on an all-out program that will prevent all profits and all stoppages of production.

I am disappointed that Mr. Nelson has not made a specific recommendation, but there are a number of bills pending which will cover every phase of this problem. These bills are now before the Committee on Education and Labor, the Judiciary Committee, and the Finance Committee.

I am not a member of any of these committees, but I urge those who are members to speed up consideration of these bills in order that we may have an early opportunity to vote for a really all-out program.

This legislation may suspend some rights and privileges which are very dear to all of us, but it is better that we suspend these rights and privileges than to have them all destroyed by losing the war.

The great majority of organized labor has already voluntarily agreed to suspend many of its peacetime rights and privileges in order to help win the war. This is indeed commendable, but there is a small minority which has not followed this patriotic policy. This is equally true of management. Therefore, we must pass legislation which will require the same cooperation from the small minority of management and labor which is already being voluntarily accorded by the majority of management and labor.

It has been argued that such a program will work a hardship on many persons, but no one has ever argued that war is convenient. No doubt it will work a hardship, but suppose one were to tell that to a mother whose son is in Iceland, or a wife whose husband died in the Philippines. There is no hardship compared to the hardships endured without a murmur by our soldier boys.

Thousands of people in the United States have had their business entirely swept away. Their business houses are closed. But I have not heard a sour note from a single one of them. The only letters they write are for help to get into the service, where they can do something.

Today is the dead line for the payment of taxes, but are the people bitter about the payment of the heaviest taxes this country ever collected? Certainly not. They are eager to do even more.

Therefore, I say the time is overdue for Congress to pass legislation for an all-cut war effort, preventing not 90 percent of the profits but all profits. War does not create wealth. It destroys wealth, and when some people benefit even 10 percent during wartime that means somebody else is paying double. Therefore, again I urge upon the members of these committees to give us a chance to vote on legislation to prevent profits and stoppages in industry.

Mr. President, one other thing must be done. Our Government must be stripped immediately of nonessentials. Therefore

I call upon the heads of departments and bureaus to take their blue pencils and cut off all frills and every expense and activity which is not absolutely essential. I warn you that unless you do it, it will be done for you, and it may not be done as carefully as you can do it. We may not feel that we have time when men are dying every hour carefully to go through every item of your program and eliminate the nonessentials. Consequently we may cut off a certain percentage of your appropriations or we may cut off some agency altogether.

I had hoped that after the first unfavorable and sensational publicity about nonessentials, bureau and department heads would immediately, of their own motion, eliminate all nonessentials, but, to my surprise and embarrassment, I read in Saturday's newspaper that the Division of Physical Fitness, with its long list of coordinators of games, was being transferred from the Office of Civilian Defense to another Government agency. Things of that nature must be eliminated, not merely transferred.

Let me read one telegram out of many communications I have received to give the Senate some idea of what effect all this has upon people who are giving everything to win this war:

BARTLESVILLE, OKLA., *March 14, 1942.*

My wife's nephew is a captured marine and we have a home-town boy with MacArthur. We feel to properly support these and hundreds of others of our boys we should have a coordinator of roller skating and top spinning.

SYD W. DILLINGHAM.

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

Mr. LEE. I yield.

Mr. McKELLAR. I simply wish to say to the Senator that his doctrine of economy with respect to civilian expenses of the Government—they have been called nondefense expenses, but are now called nonwar expenses of the Government—has received most careful consideration at the hand of the Appropriations Committee. I am greatly delighted that the Senator from Oklahoma has expressed the views he has in favor of cutting down those expenses. He will have an opportunity to vote on cutting off a great many, and I shall welcome his vote and support.

Mr. LEE. Mr. President, I am glad to have that statement from the Senator from Tennessee, the chairman of the subcommittee of the Committee on Appropriations, who has charge of this matter. He has always had good, hardheaded, horse sense, and I am willing to rely heavily on his opinion with regard to the nonessentials, and he may be sure that I will back my word with my vote.

Mr. McKELLAR. I thank the Senator.

Mr. LEE. Mr. President, no doubt the rubber shortage will become so acute that people will soon get enough exercise from walking without providing a division of physical fitness. The very fact that our Government is engaged in nonessentials of this nature arouses the righteous indignation of the people.

The fact that these coordinators may not be paid a salary from the Government does not prevent the people from resenting such a program at this critical hour in our history. Things of this nature cost our Government much in the way of public morale. It costs us the confidence of our people.

I went home on Washington's Birthday and spoke to my people in Oklahoma. I told them that our Government would eliminate all nonessentials as rapidly as possible. I told them that I would do everything in my power to remove things of this nature from the war effort. I intend to do just that.

A storm of indignation is rapidly rising in this country. When it hits Washington in all its force it will sweep away every obstacle to our war effort, and every person, high or low, who stands in its way; and I shall do my part to help bring that about.

When our boys are shedding their precious blood on every battlefield of war, I am not going to stop at anything within the power of my office to furnish them with everything they need to win the war.

SENATOR FROM NORTH DAKOTA

The Senate resumed the consideration of the resolution (S. Res. 220), which is as follows:

Resolved, That the case of WILLIAM LANGER does not fall within the constitutional provisions for expulsion, or any punishment by two-thirds vote, because Senator LANGER is neither charged with nor proven to have committed disorderly behavior during his membership in the Senate.

Resolved, That WILLIAM LANGER is not entitled to be a Senator of the United States from the State of North Dakota.

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	George	O'Mahoney
Austin	Gerry	Overton
Bailey	Gillette	Pepper
Bankhead	Glass	Radcliffe
Barbour	Gurney	Reed
Barkley	Hayden	Reynolds
Bilbo	Herring	Rosier
Bone	Hill	Russell
Brewster	Holman	Schwartz
Brooks	Hughes	Shipstead
Brown	Johnson, Calif.	Smathers
Bulow	Johnson, Colo.	Smith
Burton	La Follette	Spencer
Butler	Langer	Stewart
Byrd	Lee	Taft
Capper	Lucas	Thomas, Idaho
Caraway	McFarland	Thomas, Okla.
Chandler	McKellar	Thomas, Utah
Chavez	McNary	Truman
Clark, Idaho	Maloney	Tunnell
Clark, Mo.	Mead	Tydings
Connally	Millikin	Vandenberg
Danaher	Murdock	Van Nuys
Davis	Murray	Wheeler
Doxey	Nye	White
Ellender	O'Daniel	Willis

Mr. HILL. I announce that the Senator from New Mexico [Mr. HATCH] is absent from the Senate because of illness.

The Senator from California [Mr. DOWNEY], the Senator from West Virginia [Mr. KILGORE], and the Senator from Washington [Mr. WALLGREN] are holding hearings in western States on matters pertaining to national defense.

The Senator from Nevada [Mr. McCARRAN] is holding hearings in the West on silver, and therefore is unable to be present.

The Senator from Florida [Mr. ANDREWS], the Senator from Nevada [Mr. BUNKER], the Senator from Rhode Island [Mr. GREEN], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from South Carolina [Mr. MAYBANK], the Senator from New York [Mr. WAGNER], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent.

Mr. McNARY. I announce that the Senator from Nebraska [Mr. NORRIS] is absent because of illness.

Mr. AUSTIN. The Senator from Minnesota [Mr. BALL] is a member of the Senate committee holding hearings in the West on matters pertaining to the national defense, and is therefore unable to be present.

The Senator from New Hampshire [Mr. BRIDGES] is absent as a result of an injury and illness.

The Senator from Massachusetts [Mr. LODGE] is necessarily absent.

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. MURDOCK. Mr President, it is not an easy thing to disagree with the majority of a committee of the United States Senate, and especially is this true when a Senator finds himself in disagreement with the chairman of the committee. I was highly honored when I was made a member of the Senate Committee on Privileges and Elections. At that time the distinguished senior Senator from Texas [Mr. CONNALLY] was chairman. He was chairman of this great committee when we began proceedings in connection with the charges made against Senator LANGER, of North Dakota. As chairman he handled the proceedings, as far as he went, in a dignified, fair, and efficient manner. Early in the proceedings, however, as Senators all know, he was made chairman of the Committee on Foreign Relations, and the distinguished senior Senator from New Mexico [Mr. HATCH] succeeded the Senator from Texas as chairman of the Committee on Privileges and Elections. The Senator from New Mexico presided during the public hearings in the proceedings against Senator LANGER. No Senator could have conducted the hearings in a more dignified, fair, and efficient manner. At the conclusion of the hearings, as I recall, 13 members of our committee brought in a resolution adverse to Senator LANGER, with which Senators are all familiar. The Senator from Texas [Mr. CONNALLY], the distinguished senior Senator from North Carolina [Mr. SMITH], and I found ourselves unable to agree with the majority, and have submitted our minority views.

In arriving at the conclusion that Senator LANGER should not be expelled from the Senate I do so in conformity with a statement made by one of the greatest constitutional lawyers who ever sat in the Senate, and who later went to the Supreme Court of the United States, ex-Senator George Sutherland, of Utah, late an Associate Justice of the Supreme Court of the United States, as follows:

It must be manifest that any evidence which would warrant the Senate in finding that a duly elected, duly accredited, and constitutionally qualified Senator was not entitled to retain his seat, must be of the gravest possible character, and such as to evidence beyond all cavil that he was utterly unfit to sit here.

To arrive at that conclusion the charges which may be filed must be supported, in my judgment, by clear and convincing proof. In my opinion, the proof submitted in the proceedings against Senator LANGER is not of that clear and convincing type, but is woefully lacking, as I view it, and in order to convict him of the charges one must be willing to engage in presumptions and imagination. I am not endowed or blessed with the virility of imagination necessary to do this.

All last week, from Monday through Friday, the Senate listened to the able, persistent argument and presentation by the distinguished Senator from Illinois [Mr. LUCAS]. He told the Senate time and again that he did not appear in the guise of prosecutor. Here I am reminded of a story heard in the 1940 campaign in my home State. One of the campaigners learned that his associates on the ticket and the people of the State were complaining at the length of his speeches. At his next meeting he told the people he understood he was being accused of making long speeches. He said, "This is untrue. I do not make a long speech; it only seems long."

I do not believe the Senator from Illinois assumed the role of prosecutor; it only seems that he did; but I will say that I doubt very much whether he left anything unsaid concerning what was pictured as the dark side of Senator LANGER's life. His efforts showed a diligence and an industry not common to this body or any other public body. This, of course, was his right, and, as he put it—and I believe him in all sincerity—he considered it to be his duty. He told us time and again that he was defending the dignity of the United States Senate. I think during his early remarks he pictured the dignity of the Senate as one of the bulwarks and pillars of democracy.

Mr. President, I believe with him that the dignity of this body must be maintained, also its prestige and its honor. During the course of the remarks of the Senator from Illinois, on my way back from the Senate cafe, I saw in the corridors the portraits of former Members of this great body. I saw the portraits of Sumner, Calhoun, Clay, Webster, Robinson, and others, and as I looked at their portraits I thought also of many other great Members of this great deliberative legislative body. I thought of the elder La Follette, I thought of Knox, and then coming closer home I thought of the present Senate, of our distinguished majority leader, the Senator from Kentucky [Mr. BARKLEY]; the distinguished minority leader, the Senator from Oregon [Mr. MCNARY]; the senior Senator from California [Mr. JOHNSON], who has been here for such a long time; the senior Senator from Nebraska [Mr. NORRIS]; the senior Senator from Michigan [Mr. VANDENBERG]; the senior Senator from Massachusetts [Mr. WALSH]. Indeed, I could name scores of others from the beginning of the history of this great body down to the present who have contributed to the dignity, the honor, and the prestige of the Senate. So the picture I see, Mr. President, is not that the dignity, honor, and prestige of this body is a fragile, hothouse orchid which can be withered and wilted by every draft that blows from any direction. On the contrary, Mr. President, as I see the picture, the dignity, honor, and prestige of this body are best symbolized by an indestructible oak which has weathered and will weather every attack made upon it. It is said that the soul of man cannot be destroyed except by man himself. I say that the dignity, prestige, and honor of the United States Senate cannot be besmirched, contaminated, or interfered with except by our actions in the Senate. We cannot hurt the dignity of this great body by doing something prior to the time we come here.

On the other hand, to take the position of the majority of the distinguished members of the Committee on Privileges and Elections, we are asked to overthrow, nullify, and hold for nought the action of a great sovereign State of the Union in exercising what, in my opinion, is the most fundamental and essential principle of democracy, namely, the absolute freedom of the people of our sovereign States in the election of their representatives. Even if the prestige, dignity, and honor of the Senate were somewhat impaired—even materially impaired—it would not constitute nearly so great a catastrophe as that which would result from the impairment of the absolute freedom of popular elections. Mr. President, if I ever have to make a choice between the dignity, prestige, and honor of the Senate and striking down the freedom of elections, I will not hesitate to make my choice; and that choice will be in favor of the freedom of elections. However, in my opinion, it is not necessary in this case to make such a choice.

WILLIAM LANGER has been honored by his people by being elected to the office of United States Senator. So far as I know—and I believe the same statement can be made of every other Member of this body—he has satisfactorily served his State in his official capacity as State's attorney, attorney general for two terms, and Governor for two terms. In my opinion such a man does not very much endanger the dignity and honor of this great body.

In this case, if I have correctly analyzed it, there are two questions to be decided by the Senate: First, has the Senate the right to superadd or impose upon the people of any State in the selection of a Senator qualifications not set out in the Constitution itself? If this question is answered in the affirmative, and if we have the right to go beyond the Constitution and superadd qualifications, then we must further find that Senator LANGER is not qualified according to the superadded qualifications, whatever they are.

If both questions are answered in the affirmative, we confront the further question as to whether or not he should be expelled from the Senate. No Member can question that he is a Member of the Senate at this time, and has been such ever since he walked down the aisle with the rest of us in January 1941 and took the oath. Is there any question that he has been a Senator every minute since that time, and still continues to be a Senator? We have before us the question whether his expulsion requires the concurrence of a two-thirds majority, or whether, by some subtle subterfuge or process, we can evade the constitutional requirement of the concurrence of a two-thirds majority, rather than a mere majority, for the expulsion of a Member.

At this point I wish to call the attention of the Senate—I hope I may have the attention of Senators, because I think it is of the utmost importance—to the resolution which has been reported by the Committee on Privileges and Elections. What do we find? Senate Resolution 220 reads as follows:

Resolved, That the case of WILLIAM LANGER does not fall within the constitutional provisions for expulsion or any punishment by a two-thirds vote—

Then comes the important part:

because Senator LANGER is neither charged with nor proven to have committed disorderly behavior during his membership in the Senate.

That is the first resolving clause in the resolution. He is not charged with disorderly behavior during his membership in the Senate.

In the very resolution which is before us, in their zeal to keep away from a two-thirds vote the majority members of the committee would have the Senate resolve—what? That WILLIAM LANGER is a Member of the United States Senate. If he is a Member—and he took the same oath which I took; he has had the same privileges which I have had; he has received the same salary which I have received, and has voted on the same questions upon which I have voted—and if we adopt the first resolving clause in the resolution, can we then say that he is not a Member?

Then we come to the subterfuge, the subtle evasion of the constitutional requirement of the concurrence of a two-thirds majority before a Senator may be expelled. The last resolving clause is:

Resolved, That WILLIAM LANGER is not entitled to be a Senator of the United States from the State of North Dakota.

I challenge any Member of the Senate to write a more inconsistent resolution than the one before us. It is proposed first to make him a Member by resolution of this body—if that is necessary—and then to say that WILLIAM LANGER is not entitled to be a Senator of the United States from the State of North Dakota, after he has served for more than a year and after we first resolve, without qualification, that he is a Senator. To me that is subterfuge. To me that is a subtle procedure of evasion of a solemn constitutional provision. I hope that in the consideration of this matter every Senator will thoroughly study the resolution upon which we are expected to act. First, it is proposed to make him a Senator by solemn resolution, and then to follow that action by saying that he is not entitled to be a Senator.

Mr. President, I desire first to discuss the legal aspects of this controversy; and in doing so I may save the time of the Senate by following the brief set out in the minority report. Following that, I intend briefly to review the facts as I understand them.

Before beginning with the brief which appears in the minority report, let me make this statement and see if there is disagreement with it: In my practice of the law as a humble country lawyer—and I emphasize the word "humble"—I have learned that whenever the organic law of a State—or in this instance the organic law of the great Federal Government—is misconstrued, it is patched up by procedure. To me that is the most convincing proof which I have encountered that the proceedings which have been going on for a year were never contemplated by the framers of the Constitution. The very Senators who take the position that we can now exclude Senator WILLIAM LANGER from the Senate by a majority vote also take the position that when a Senator-elect comes to the Senate with credentials from his State, if there is no question as to his age, citizenship, or residence, no question as to whether he ever committed treason, and no question as to his holding some other office under the Government, he is entitled to a seat in the United States Senate.

In my opinion, that position is correct. Why? Because the qualifications which I have stated are the qualifications specified in the Constitution. When a Senator comes here and presents the proper credentials, and there is no question as to any of the constitutional qualifications, even the majority of our committee say that he is entitled to a seat.

In my opinion, they misconstrued the situation, and they decide—what? They decide that although he has been allowed to become a Member, nevertheless, some day in the future, after hearings, if we conclude to do so, we can exclude him by a majority vote. To me, such a decision is a misconstruction of the organic law, a misconstruction of our Constitution, and then an attempted remedy of that misconstruction by procedure. Is it anything else? They misconstrue it. They say we have the right, notwithstanding what happened in the Constitutional Convention, to superadd to the qualifications specified in the Constitution.

Mr. President, I make the following request for unanimous consent, in order to expedite the delivery of my statement: I desire to conform to the brief contained in the minority report; but if there are portions of it that I think it unnecessary to read, I ask unanimous consent that the portions left out by me may be inserted as a part of my remarks, in the order they should take.

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

Mr. MURDOCK. We should first consider, Mr. President, the pertinent constitutional provisions which confront us. It is said by some that this matter has been repeatedly settled. It has been, but it has been settled against the contention of the majority of the committee. That is what has happened.

One of the provisions with which we are confronted is found in article I, section 3, clause 1, as follows:

> The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for 6 years—

Of course, Senators are now elected by the people—

> and each Senator shall have one Vote.

The next pertinent provision is contained in article I, section 3, clause 3:

> No Person shall be a Senator who shall not have attained to the Age of 30 years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

Article I, section 4, clause 1, contains the following provision:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

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

Mr. MURDOCK. I yield.

Mr. CONNALLY. Is it the Senator's contention that the framers of the Constitution, using the language they employed, which is in the nature of a prohibition or, rather, is negative, intended that anyone else or any Federal agency should impose additional limitations?

Mr. MURDOCK. Certainly not.

Mr. CONNALLY. Is it the Senator's contention that all other matters except those were to be decided and passed upon by the electing authority?

Mr. MURDOCK. Yes; by the people.

Mr. CONNALLY. By the people, or, in the original case, by the legislature?

Mr. MURDOCK. Yes; that is correct—by the legislature.

Mr. CONNALLY. But now the contention is that all other matters or any additional qualifications which are to be imposed must be imposed by the electing authority. Is that the Senator's contention?

Mr. MURDOCK. Yes; that is my position.

Mr. President, I think it is the very distinguished and able Senator from Georgia who makes the contention that the constitutional provisions relating to qualifications, because they are stated in the negative—that is, "no person shall be a Senator"—are merely restrictions or prohibitions on the State; but—and I shall read it later on—when we read what Madison said, when we read what Hamilton said, when we read what the other framers of the Constitution said on that question, there cannot be a doubt as to what they intended and what they meant.

Every student of the Constitution knows that the qualifications of the President of the United States are phrased in the same manner. The provision is:

> No person except a natural-born Citizen, or a Citizen of the United States at the time of the Adoption of this Constitution, shall be eligible to the Office of President—

It is stated in the negative.

Will any Senator rise today and say that because the language is stated in the negative it is a prohibition only on the people of the United States, or the Congress, and that the Senate would have the right to add other qualifications to those specified as requisites for eligibility to the office of President? No one ever heard of such a contention.

Read the phraseology in the provision regarding the President, and it will be found to be almost identical with that used in setting forth the qualifications of a Senator. I say that to take the position that the qualifications set out in the Constitution are merely disqualifications, and aimed solely at the States as a prohibition, is splitting hairs. I have not the versatility of intellect required to make the distinction, and I doubt that any other Senator has, except in his mind; and, in my opinion, such a Senator is always unable to explain just what he means.

The next pertinent constitutional provisions are contained in article I, section 5, clauses 1 and 2. Clause 1 reads as follows:

> Each House shall be the Judge of the Elections, Returns, and Qualifications of its own Members, * * *.

I understand it is under that clause of the Constitution that the majority of the committee claim the right to superadd qualifications and to exclude a Senator after he has become a Member of this great body.

Clause 2 reads as follows:

> Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two third, expel a Member.

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

Mr. MURDOCK. I yield.

Mr. LUCAS. The Senator referred to article I, section 5. What does he think the framers of the Constitution meant when they gave to each House the power to determine or to judge the qualifications, and so forth, of its own Members?

Mr. MURDOCK. I construe the term "judge" to mean what it is held to mean in its common, ordinary usage. My understanding of the definition of the word "judge" as a verb is this: When we judge of a thing it is supposed that the rules are laid out; the law is there for us to look at and to apply to the facts.

But whoever heard the word "judge" used as meaning the power to add to what already is the law?

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

Mr. MURDOCK. I yield.

Mr. CHAVEZ. Would it not also mean the qualifications passed on in the first part of the pending resolution, Senate Resolution 220?

Mr. MURDOCK. Yes; and my position is that in article I, section 3, clause 3, the qualifications are set out.

Mr. CHAVEZ. That is correct.

Mr. MURDOCK. Subsequently we find the provision commencing, "Each House may determine." I think it is important to look at every word in the Constitution, because at the Constitutional Convention the framers of the Constitution had a committee on detail and a committee on style, the members of which were conceded to be masters in the art of putting words together. There is not a clause or a word in that great document that does not have some significance, that

does not have some importance; and that is why in reading it we must make the distinctions for which its words call.

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

The PRESIDING OFFICER (Mr. SPENCER in the chair). Does the Senator from Utah yield to the Senator from New Mexico?

Mr. MURDOCK. I yield.

Mr. CHAVEZ. In order to make my point clear, let me read the first part of Senate Resolution 220, as follows:

Resolved, That the case of WILLIAM LANGER does not fall within the constitutional provisions for expulsion or any punishment by two-thirds vote, because Senator LANGER is neither charged with nor proven to have committed disorderly behavior during his membership in the Senate.

Did not the members of the Senate committee pass upon the qualifications of Senator LANGER at the time when they reported that particular part of the resolution?

Mr. MURDOCK. Of course, as to what was in the minds of the majority of the committee, all I know is what I find in the report and the resolution. If the Senator from New Mexico was not here a moment ago, perhaps he did not hear me when I attempted to show the inconsistency found in the language of the resolution itself—that first we must find that Mr. LANGER is a Member, and then find that he is not a Member and is subject to exclusion by a majority vote.

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

Mr. MURDOCK. First I should like to answer the Senator from Illinois, if the Senator from Kentucky will pardon me for a moment.

Mr. BARKLEY. Yes.

Mr. MURDOCK. I desire to read again the provision—

Each House shall be the Judge of the Elections, Returns, and Qualifications of its own Members. * * *.

To my mind, the word "judge" means to look at the qualifications contained in the Constitution. That is what the verb "judge" means: To judge of something in existence—law or facts—and to apply the law to the facts. To extend the definition of the word "judge" to mean that we can superadd to these qualifications, in my opinion, is a misconstruction of the word itself.

Mr. BARKLEY. Mr. President, will the Senator yield there?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kentucky?

Mr. MURDOCK. I yield.

Mr. BARKLEY. I should like to get the Senator's reaction to this situation, in view of his discussion of the provision of the Constitution regarding the President. Of course, the description in the Constitution of the mandatory qualifications of any man who holds public office, either the President, a Senator, or a Member of the House is brief and to the point. The Constitution does not go into any detail about it.

Mr. MURDOCK. That is correct.

Mr. BARKLEY. The President must be 35 years of age; he must be native-born, and so forth; but even if those qualifications did not exist, and for any reason the electoral college or the people should elect a man President who did not possess them, the Senate as such could not do anything about it, nor could the other House of Congress or the Congress itself do anything about it.

Mr. MURDOCK. The Senator does not mean that we could not impeach?

Mr. BARKLEY. Oh, yes; we could impeach, but we could not prevent him from taking the oath. We could probably proceed later.

The Constitution also says that by a two-thirds vote the Senate can expel a Member, but does not say for what; it does not lay down any guide whatever for the Senate in determining whether there should be any reason at all.

Mr. MURDOCK. That is correct.

Mr. BARKLEY. So far as the Constitution is concerned and its wording is concerned, the Senate might, by a two-thirds vote, expel me without any charges whatever against me, and I would be out.

Mr. MURDOCK. God forbid, but the Senate could do it.

Mr. BARKLEY. I am not certain about the first part of the Senator's statement, but, anyway, the Senate could do it, so far as the Constitution is concerned. We have, however, built up a sort of tradition here that there must be filed against a Senator some charge indicating misconduct after he comes into the Senate, which would justify his expulsion, although the Constitution does not fix any such limitation on the power of either House.

Mr. MURDOCK. That is correct.

Mr. BARKLEY. Therefore, are we not required to assume that, in determining whether a Senator should be expelled after he comes in, there being no question as to his right to come in in the beginning, we are left to our determination, under the rules of equity and fairness, and all the things that would go to determine whether a man ought to be permitted to hold a seat in the Senate?

We can keep him out at the beginning, or we can let him come in, and, after he is in, if there is no question about his right to come in, we can expel him, although we do not have to give any reason for doing so.

Mr. MURDOCK. I would not want the Senator to feel that I agree with that statement.

Mr. BARKLEY. I understand; but I am talking about the strict language of the Constitution itself.

Mr. MURDOCK. That is exactly what I am talking about.

Mr. BARKLEY. It does not say what we may expel a man for. He does not have to be charged with a breach of the peace; he does not have to be charged with anything. So far as the Constitution is concerned, we could turn a man out because he had red hair.

Mr. MURDOCK. But in the case of expulsion, the Constitution requires a two-thirds majority.

Mr. BARKLEY. That is right.

Mr. MURDOCK. We do not have to explain, and nobody can review our action. The Senator is right; we can expel for anything or nothing by a two-thirds vote.

Mr. BARKLEY. A man can be kept out, when he knocks at the door of the Senate, by a majority vote; but that is not the question I want to discuss here. I am trying to find the Senator's reaction to the analogy that, inasmuch as the Constitution gives the Senate absolutely carte blanche in determining whether a man shall be expelled, the only qualification being that it must be a two-thirds vote, would the Senate have the same discretion in determining originally a man's qualifications and fitness to come to the Senate, if later it would have the right to determine his fitness, not on account of something he does as a Senator, but for any reason we could turn him out, the only difference being that in the one case it has to be by a majority vote and in the other by a two-thirds vote? What is the Senator's view about that?

Mr. MURDOCK. My view is that we cannot stop a man at the threshold of the Senate if he comes here with the proper credentials from his State and there is no question as to his age, his citizenship, his residence in the State that sends him or other constitutional qualifications.

Mr. BARKLEY. The Senate, however, I will say to the Senator, has done that on more than one occasion. It has stopped a man at the door and refused to permit him to come in. Although he was of the required age, had a certificate, and had all the constitutional qualifications, the Senate, notwithstanding that, did not permit him to come in.

Mr. MURDOCK. Will the Senator cite me to a case?

Mr. BARKLEY. The case of Smith, of Illinois. He was elected.

Mr. MURDOCK. I certainly cannot agree with the Senator as to that.

Mr. BARKLEY. There was some question as to the morals of his election, because of the expenditure of money, but he came here with a certificate, he had a majority of the vote, he was of the required age, and had the proper residence; but the Senate excluded him because of the moral question involved in the matter of his election. The same thing is true in the Pennsylvania and other cases, but I am sure that questions involving the mere number of votes a man gets, the regularity of his certificate, his age, and his residence within the State have not always been the criteria by which the Senate determined whether it would admit a man to the Senate when he came in the first place.

Now, the question that bothers me is, if the Senate, after a man comes here with all the constitutional qualifications, can turn him out without any charges being filed against him because the Senate might decide he ought not to be here, is the Senate restricted further than that in the determination as to whether he shall be permitted to enter the Senate in the first place, assuming that he has the age and residence qualifications, and so forth, although there might be other things involved in his character or in his election which the Senate might have the right to investigate?

Mr. MURDOCK. My answer to the Senator is that if, as in the Smith case,

there is a question of the legality of the election, of course, the man can be stopped at the door, and it can be said to him, "Thou shalt not enter here."

Mr. BARKLEY. In that case it was not exactly an illegality.

Mr. MURDOCK. If the Senator will wait——

Mr. BARKLEY. Certainly.

Mr. MURDOCK. If the election, which is a most fundamental part of the process of democracy, in my opinion, has been violated, the will of the people has been thwarted, and we can tell him not to come in, but, in my opinion, if he has the other constitutional qualifications that is the only reason he can be excluded.

Mr. BARKLEY. The Senate could have done in that case, in the Vare case, and in other cases what it did in this case; it could have permitted them to take the oath and occupy their seats without prejudice, which would suppose that the Senate had the same rights as it originally had when the applicant knocked at the door here. The Senate could have permitted them to come in, take the oath, and act as Senators, reserving the right to investigate the circumstances of their election, which may not have always involved violation of law, and therefore no illegality, but may have involved the morals of the election as to whether the man spent too much money, though he may have done so without violating any law.

Mr. MURDOCK. I do not think I agree, in full, with the distinguished majority leader.

Mr. BARKLEY. I have great respect for the Senator's legal opinion, and his good faith, and I wanted his reaction to this opinion, that, based on the Constitution, we have the right to turn a man out if we want to by the required vote, and we have the right to deny him admission for the same or other reasons that would give us the right to turn him out after he came in.

Mr. MURDOCK. I do not agree with the Senator that the Senate has a right to expel a Senator from this body for any reason except, as Justice Sutherland put it, the gravest kind of an offense. I will admit, in answer to the Senator, that, while we would not have the right to do it, we could exclude a Senator because he had red hair, and while we would not have the right to exclude because of some rather minor indiscretion, we would have the power to do it if two-thirds of the Senators concurred.

Mr. BARKLEY. Of course, that raises a metaphysical question, a philosophical question, as to whether any legislative body has the right to do what it has the power to do when the power is designated and defined in the Constitution. Of course, my illustration of a man with red hair may be farfetched, but I used it to illustrate the fact that, under the naked language of the Constitution itself, we do not have to give any reason at all. If two-thirds of the Members of this body desired to throw a man out tomorrow, they could do so, and that has been held where there was no charge against him of any kind.

Mr. MURDOCK. That is right.

Mr. WHEELER. Mr. President——

Mr. MURDOCK. I yield to the Senator from Montana.

Mr. WHEELER. I want to say the same thing is true with reference to a jury. Twelve men, selected and sworn to obey the law and the evidence, have it in their power to turn a guilty man loose, but they have not any right to do so. They have the power to turn a man loose, no matter what the evidence may be or what the law is, but they have not the right to do so. We have the power to throw a man out of the Senate, but we have not any right to do it unless we comply with the Constitution of the United States.

Mr. MURDOCK. I do not think we have any right to allow any man to come here and become a Member of the Senate and then expel him except as provided by the Constitution; and I repeat, as I said a few moments ago, that we have continued a misconstruction of the Constitution by adopting that procedure, which, in my opinion, is erroneous, and it should not be continued.

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

Mr. MURDOCK. I yield to the Senator from Louisiana.

Mr. OVERTON. I understand the position taken by the able Senator is that section 5, article 1, of the Constitution, which vests in each House the right to judge of elections, returns, and qualifications of its own Members does not vest any authority in the Senate or in the House to add to the qualifications prescribed by the Constitution, and that the word "judge" is not to be interpreted as the word "prescribed" would be interpreted, but means simply that the Senate, in this case, for example, sits as a judge and, as a judge, applies certain well-known provisions of the Constitution and of statutory law to the facts of the case.

Mr. MURDOCK. That is my position.

Mr. OVERTON. I wish to add one contribution to the argument made by the able Senator—that is, what the Supreme Court of the United States had to say with reference to section 5 of article I, which gives each House the power to judge of the qualifications of its Members. The Supreme Court of the United States, speaking through Mr. Justice Pitney, said:

> The power to judge of the elections and qualifications of its Members, inhering in each House by virtue of section 5 of article I, is an important power, essential in our system to the proper organization of an elective body of representatives. But it is a power to judge, to determine, upon reasonable consideration of pertinent matters of fact according to established principles and rules of law; not to pass an arbitrary edict of exclusion.

I think that fully supports the contention made by the able Senator from Utah, and I think it correctly interprets the word "judge" as used in section 5 of article I of the Constitution.

Mr. BARKLEY. If the Senator from Utah will yield, the word "judge," in the very language used by the Senator from Louisiana, is also interpreted to mean "determine"—to judge and determine.

Mr. MURDOCK. Certainly the Senator will not say that I have construed the word "judge" to mean that.

Mr. BARKLEY. No; I refer to the language used by the Senator from Louisiana.

Mr. OVERTON. But how are we to determine—

> to determine upon reasonable consideration of pertinent matters of fact according to established principles and rules of law, not to pass an arbitrary edict of exclusion.

Mr. BARKLEY. The exercise of the right and power to judge is the exercise of the right to determine. A judgment is a determination as to the rights of people, whether it is in a court, or wherever it may be. To judge of something is to determine the merits of it, and I do not see how, by any definition of the word "judge" and the word "determine," we can show that there is a great deal of difference between them.

Mr. MURDOCK. I do not claim there is a great deal of difference, but I emphatically claim that the word "judge," used as a verb, does not mean the power to add to something already existent.

Mr. BARKLEY. I make no such contention as that. I did not wish to get into this colloquy, because I understand the Senator does not want to speak as long as he might do so under other circumstances, and I shall not interrupt him further; but the right to judge as between two parties, or between a given situation and another given situation, is the power to determine, to reach a determination on the merits of the matter, not to add something which is not justified, but to determine it on the basis of the power to render a judgment or to judge of the merits; not by the consideration of any extraneous matter, but on a consideration of matters which are before either the judge or the Senate or the House, or any other body which has the right to judge anything.

Mr. MURDOCK. I am very happy to have the position of the majority leader explained, and I am indeed happy to say that he takes the position which the minority of the committee has taken in its legal brief—that the power to judge does not include the power to add to.

What do we judge? A man comes here and presents his credentials and claims that he has the constitutional qualifications to be a Senator. As judges of that fact, we look at his credentials; we consider his constitutional qualifications. Where do we find them stated? We find them set out in the Constitution. I believe it was contemplated by the framers of the Constitution that when a man came here with credentials from his State, and claimed to have the constitutional qualifications, the matter could be judged by the Senate in not to exceed a week or 2 weeks' time; but when the word "judge" is construed to mean the power to add qualifications, about which the State does not know, about which the Senate does not know, then, of course, there is brought about the type of farce which resulted in taking 4 years to determine that Reed Smoot was entitled to sit here as a United States Senator, and the type of farce which has resulted in

Senator LANGER'S right to a seat being held in abeyance for more than a year, the committee searching his life almost from childhood up to the present time.

Oh, did the men who wrote the Constitution ever contemplate that such a thing as that would happen? In framing the Constitution they had the right to decide what tribunal should be the judge of the morals and the intellectual qualifications of the men sent here, and they decided that the people of the sovereign States should have that power, restricted only by the very definite but simple qualifications enunciated in the Constitution itself.

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

Mr. MURDOCK. I yield.

Mr. CONNALLY. I should like to suggest, not right on the point about which the Senator is speaking now, but regarding what was discussed a little while ago about the case of a Senator who comes with a certificate, and whose election is questioned that that is not on all fours at all with the instant case, or other cases like it, because when the Senate determines finally, if ever, that a man was never legally elected, of course the whole election is voided, and technically he never was a Senator.

Mr. MURDOCK. That is correct.

Mr. CONNALLY. Is not that the distinction? It is not possible to draw an analogy between the case of a man coming here with questioned credentials, and a case where his credentials are unquestioned, because if he was not legally elected—and the Senate can determine that at any time, just as the House can determine such matters as to its Members—he would not be seated. When I was a Member of the other House, on the last night of a session, at about 4 o'clock in the morning, when the session was to expire at noon of that day, the House ousted a sitting Member, and seated a new Member to serve for a few hours. It had the right and power to do that; but that is not comparable with the other cases at all, because in that case, if the election in the State was invalid, the man was never legally a Representative.

Mr. MURDOCK. That is correct.

Mr. CONNALLY. Although he was a de facto Representative, he was not a de jure Representative. His vote could not be impeached, because he was voting with the consent and agreement of the House; but he never was a de jure Representative, he was merely a de facto Representative.

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

Mr. MURDOCK. I yield.

Mr. HUGHES. Along the line of the remarks submitted by the Senator from Texas, I wondered if the Senator from Utah had noted this quotation in the report in the Frank L. Smith case, as well as in the Vare case. It is stated:

> It was pointed out in the debate that the Smith case was unprecedented in that charges made against him had already been officially investigated by a committee of the Senate and that an unfavorably partial report was before that body

In other words, the case had been investigated by a committee of the Senate, and a partial unfavorable report had been prepared, which was before the Senate, I understand, when Mr. Smith appeared and presented himself to be sworn in as a Senator. That, it is stated, was one of the chief reasons why he was excluded. He was not sworn in because the matter had already been heard by a committee of the Senate, evidence had been taken, and charges had been made about the use of money in the primary election.

Mr. MURDOCK. And partial reports had been made to the Senate up to that time.

Mr. HUGHES. A partial unfavorable report had been made, as the report shows. The same thing was true in the Vare case.

Mr. LUCAS. Mr. President, will the Senator yield on that point?

Mr. MURDOCK. I will yield in a moment; I do not think the Senator from Delaware has concluded.

Mr. HUGHES. I wondered whether the Senator distinguished that case, and whether that distinguishes that case from the instant case.

Mr. MURDOCK. I think the Senator has distinguished the case. In the Smith case, as the Senator from Nebraska [Mr. NORRIS] put it on the floor, there was a battle royal of millionaires in the State of Illinois, and under the resolution of the Senate the election was held to have been a fraud; the will of the people had been thwarted; in other words, it was not a lawful election. That fact was shown; and Frank Smith was excluded; in fact, he was never allowed to take the oath. To say that the Frank Smith case is a precedent for the Langer case in my opinion is a very farfetched construction.

I now yield to the Senator from Illinois.

Mr. LUCAS. I wish to repeat what I said in the legal argument I made last Friday with respect to the Frank Smith case being a precedent. Frank Smith came to the door of the Senate in December following the death of William B. McKinley, whom he had defeated in the primary election. McKinley's term of office was not to expire until the following March. Governor Len Small appointed Frank Smith, gave him bona fide credentials, and Smith came here. No election whatsoever was involved in that appointment. Smith came here and asked to be admitted to the Senate upon the credentials forwarded to the Senate by the Governor of the State of Illinois. Though he asked that he be given the oath when he came here with those credentials, he was not permitted to take the oath. He was not given the oath because of what the Reed committee had ascertained in connection with the huge amount of money which was spent in the primary in 1926, as I recall the year, plus the fact that Frank Smith, as chairman of the Illinois Commerce Commission, had received $125,000 from Sam Insull, who was then the utility baron of the country.

There cannot be any question about that case being a precedent. The only ground on which the Senate could decline to give Frank Smith the oath was that of moral turpitude, and the moral turpitude was in the primary election, because Smith's appointment by the Governor had absolutely nothing to do with any fraud in any election. It was never contended that there was any fraud in that appointment. So I say, with all the sincerity I possess, that the Smith case is an absolute precedent for the case we have now before us.

Mr. MURDOCK. Mr. President, I am sorry I cannot agree with the distinguished Senator from Illinois that the Smith case is a precedent. The Senator has stated the facts as they are. I think he distinguishes the case, however, when he says that the Senate refused to seat Smith when he came here as the appointee of the Governor. Why? Because of what had happened in the election.

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

Mr. MURDOCK. I yield.

Mr. LUCAS. There would not have been any question about having Senator LANGER stand aside on January 3, 1941.

Mr. MURDOCK. I do not know whether that is true.

Mr. LUCAS. Yes; it is true. The Senate on 29 different occasions in its history has said, "We will let you take the oath and investigate the charges afterwards." On 16 occasions the Senate has had the Senator-elect stand aside. Personally, I think it is the better practice to have the Senator-elect take the oath, and let his State have representation during the time the investigation is going on, rather than have him stand aside and wait until the investigation shall have been concluded. In other words, in this case North Dakota would not have had representation on the floor of the Senate by one Senator, if Senator LANGER had been requested to stand aside on January 3, 1941.

Mr. MURDOCK. Mr. President, I admit that under the rather subtle subterfuge and procedure which we have adopted such a thing has been done; but had the Constitution not been construed in the past as requiring more than the constitutional qualifications, it never would have been necessary to adopt the procedure which we find in the Langer case and in many other cases.

Mr. VANDENBERG. Mr. President, will the Senator yield so I may ask a question?

Mr. MURDOCK. I yield.

Mr. VANDENBERG. I am asking for information. I know of the great familiarity which the Senator from Utah has with this subject, and I am going back to his original proposition, that in judging of qualifications we are limited to the specifications laid down in the Constitution. Are there any precedents in the history of the Senate involving cases in which elections were not concerned, but in which Senators have been expelled from the Senate for other reasons than those listed in the qualifications set forth in the Constitution? Are there any such instances?

Mr. MURDOCK. Oh, yes; I think during the Civil War period many Senators were expelled for disloyalty to the Union. There can be no question about that.

Mr. VANDENBERG. I am thinking about the exclusion of Senators for ulterior reasons.

Mr. MURDOCK. I know of no precedents, unless one wants to call the case of Thomas of Maryland a precedent. That is one of the so-called precedents which is referred to in the majority report. In that case, as I remember the facts—and if I do not state them correctly, I know the Senator from Illinois and other Senators who are more familiar with them than I am will correct me—they were these: Thomas had a son who entered the service of the Confederacy. His father, knowing that, gave him some cash money to take with him, as he put it, so that he would have something to take care of himself in case of emergency. Mr. Thomas was accused of disloyalty and of giving comfort and aid to the enemy, and was excluded from the Senate on that ground. In considering the Thomas case, though, I think it would be unfair not to have in mind the test oath, and also the fact that the fourteenth amendment had already been considered by the Congress, and was in the course of ratification by the States. I think it had actually been ratified, but not promulgated by the Secretary of State. I think we must bear those facts in mind in dealing with the Thomas case. I do not claim, as the Senator from Michigan indicated, that I am very familiar with the subject, but I have made about as exhaustive a search of the authorities as I could, considering how busy we all are, and I am frank to state that the Thomas case comes nearer being a precedent than any other case I can find, with the exception of the Smoot case.

Mr. VANDENBERG. That is the extent of the precedents the Senator can submit.

Mr. LUCAS. Mr. President, will the Senator again yield?

Mr. MURDOCK. I yield.

Mr. LUCAS. Along the line the distinguished Senator from Michigan has discussed, I invite his attention to two cases. I do not think the Senator from Michigan was present the other day when I discussed them. I specifically call his attention now to the Roach case. Mr. Roach was alleged to be guilty of embezzlement of funds in the city of Washington. Later he went into the State of North Dakota—and for many years lived an exemplary life. He became one of the bulwarks of the community, so to speak. So good was his life that the people there finally elected him to the United States Senate.

Mr. MURDOCK. I am familiar with the case.

Mr. LUCAS. An exhaustive investigation was made in the Senate. The Senate took jurisdiction of that case, even though the offense charged had been committed many years before. The Committee on Privileges and Elections made an exhaustive investigation, and gave the Senator-elect a clean bill of health, and nothing was done about the charges. The Senator will find in the Roach case some of the most profound legal arguments ever made on the subject. One was made by Senator Chandler, of New Hampshire, who thoroughly explored all legal questions.

Another case which was cited was the Gould case, in connection with which the Senate went back 14 years to investigate a charge of bribery. The Senate Committee on Privileges and Elections found that Senator Gould was not guilty of the charges. The point I am making is that in the Roach and the Gould cases the Senate took jurisdiction for the purpose of making the investigations. In one case they found that the Senator-elect had led an exemplary life since he was guilty of embezzelment and therefore admitted him. In the other case the Senate investigated a charge which was said to have taken place 14 years before. It found that Senator Gould was in no way guilty of the charge of bribery in connection with a political fiasco in one of the Provinces of Canada. Therefore the Committee on Privileges and Elections brought in a resolution of not guilty, which was adopted by the Senate.

Mr. MURDOCK. Mr. President, I hope I may have the attention of the Senate in my discussion of the two cases which the Senator from Illinois has cited. If the Senator from Illinois takes the position that the Senate of the United States, under a resolution to investigate, takes jurisdiction of a matter, that is one thing; but in order that an act of the Senate may become a precedent, I am inclined to the view that we should go to the resolution itself and see what was the question involved.

If Senators will turn to the Gould case they will find—what? They will find that a resolution was adopted by the Senate directing the Committee on Privileges and Elections to investigate certain charges made against Senator Gould. Very well. The committee made the investigation. The committee reported to the Senate—what? It reported to the Senate that there was insufficient evidence to support the charges. The committee very emphatically and definitely stated that it did not make any decision on the constitutional questions involved, but, because there was no evidence to support the charges against the accused, it recommended that the whole matter be dropped. That is the Gould case.

Mr. LUCAS. Mr. President, may I say a further word?

Mr. MURDOCK. Let me answer the Senator with respect to the case of Senator Roach, of North Dakota. In that case charges were made against a Senator from North Dakota. I do not recall that he pleaded guilty to the embezzlement charge in the District of Columbia. I think his statement was that he was making restitution of what he was supposed to have taken. What is the history of the case? That the Senate committee investigated the case, but that nothing further was done in the matter.

Mr. President, it seems to me very farfetched in the way of obtaining precedents for the Senator from Illinois to cite those two cases as precedents for what it is proposed to do in the instant case.

Very often a case comes into one of our courts of which the court assumes jurisdiction and trial is had, and an appeal is taken to the appellate court.

In the appellate court the question of jurisdiction is finally raised; and notwithstanding the fact that the case has run the gantlet of the trial court and the appellate court, in many instances of which the Senator knows the appellate court has dismissed the case because of lack of jurisdiction.

For the Senator to take the position that the Senate took jurisdiction in those cases by merely adopting a resolution and having an investigation made and then dropping the thing would be to take the position that because the trial court took jurisdiction the appellate court could not reverse the case, notwithstanding the fact that there was no jurisdiction originally. I cannot agree with the Senator on that type of precedent.

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

Mr. MURDOCK. I yield.

Mr. LUCAS. On the question of jurisdiction, of course the argument the Senator has made with respect to lower courts taking jurisdiction and appellate courts reversing cases because the court did not have jurisdiction is hardly analogous, because in the first instance we can take or deny jurisdiction. As the Senator knows, one of the questions which we discussed in executive session was whether the Senate could deny or take jurisdiction at any time; and whether we could say in the beginning, "We have no jurisdiction" and end the matter.

The Gould case is important from the standpoint of jurisdictional precedent. When Mr. Gould's credentials were presented, the very able Senator from Pennsylvania, Mr. Reed, took the position that the credentials should not be referred to the Committee on Privileges and Elections because the Senate had no jurisdiction to do so. When Senator Gould rose and invited an investigation of the charges Senator Reed further said that, regardless of whether Gould wanted an investigation made, Gould himself had no constitutional authority to confer jurisdiction upon the committee for two reasons—first, because of the lapse of time; second, because the constitution's qualifications of age, residence, and citizenship were absolute and a limitation upon the right of the Senate to judge the qualifications of the Members. The Senate by a vote of 60 to 5, referred the case to the Committee on Privileges and Elections for study and investigation.

Mr. MURDOCK. Mr. President, I have the highest respect for the Senator from Illinois as a lawyer. I think I have publicly so stated. However, my experience as a lawyer is that we do not go to the preliminary proceedings in lawsuits to find out what the precedent is. We do not go to the briefs of the able counsel on both sides to find out what the precedent is. Where do we go, Mr. President? We go to the final determination of the court. It makes no difference what the preliminary procedure was. It makes no difference how eloquent, cogent, and logical the briefs were. The ultimate decision of the court establishes the precedent.

What do we find in the Gould case? I will admit that in the Gould case, as the Senator says, in the preliminary skirmishes certain things were done. I will admit that Senator Reed, of Pennsylvania, made a great and eloquent statement. He was opposed by able

lawyers. However, I do not want to go to the preliminary skirmishes to see what the precedent is. I want to go first to the resolution adopted by the Senate, and then follow it through the hearings of the committee; but ultimately I want to look at the decision of the committee, which was brought to the floor of the Senate, and then I want to look at the ultimate action taken by the Senate. We must be guided by that ultimate action as a precedent for one school of thought or for the other school. If the Senator from Illinois can obtain satisfaction from the preliminary skirmishes, he is welcome to it. I cannot. I am satisfied that he cannot go to the ultimate action of the Senate, or to the report of the Committee on Privileges and Elections, which was before the Senate in the Gould case, and obtain any support for his contention. I do not understand how he can obtain any satisfaction from it.

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

Mr. MURDOCK. I yield.

Mr. McNARY. Mr. President, I had not thought of obtruding myself at this time. Later I may discuss this case. I am quite in accord with the observations now being made by the very able Senator from Utah. I lived through the Gould case. I lived through the Smith and Vare cases. Indeed, I am probably the only Senator remaining in the Senate who was on the subcommittees in the Vare and Smith cases. I have a very vivid memory of what occurred and what was discussed. I shall give my views on that question at a subsequent time.

On the question raised by the very able Senator from Illinois regarding procedure, only one procedure has been followed by the Senate. Only one logical procedure can be followed by the Senate when a petition is filed by petitioners, remonstrators, or dissidents—dissatisfied persons, whoever they may be. Always the petitions are referred, pro forma, to the Committee on Privileges and Elections.

In the Smoot case the unbroken practice of the Senate was well stated by Senator Burrows, a very able lawyer from Michigan who was at that time a Member of the Senate. It has been discussed by Senator Hoar, the great lawyer and statesman from Massachusetts, and an ornament of this body in years gone by. Only one course is open when a man presents his credentials and a petition is filed by those who desire to object. That course is to send the case to the committee having jurisdiction. It goes there as naturally as a bill which is introduced is referred to the appropriate committee.

When the Gould case arose I occupied a seat in the Senate not far distant from the seat I now occupy. Senator Gould was on the Committee on Agriculture and Forestry with me. I knew him intimately; I knew his character; I did not know anything about the charges; but when the charges were brought to the Senate, Senator Reed, of Pennsylvania, thought that we should determine them immediately. That was no time to make a determination. No facts were before the Senate. No committee having jurisdiction had reported on the matter. Senator Reed was entirely presumptuous and premature in his statement, although he made a very good one. Only one course was open. Only one course had ever been open. Only one course should be open, and that is to refer the charges to the committee having jurisdiction, namely, the Committee on Privileges and Elections, or, as in the Smith and Vare cases, a special committee upon which was conferred special jurisdiction.

Senator Gould was exonerated, and properly so. He was one of the finest Members of the Senate whom I have been privileged to know during my 25 years of service. It seems to me that it is not quite proper to cite that case as a precedent.

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

Mr. MURDOCK. I yield.

Mr. OVERTON. In answer to the argument made by the Senator from Illinois, I take it that if there were a case which had been passed upon by the Senate, in which a Senator had been excluded from a seat in the Senate upon some ground dissociated from his election, his citizenship, his age, or his residence, then we should have a precedent.

The Senator from Oregon is perfectly correct in the statement that the preliminary reference of a petition to a committee does not establish a precedent. The able Senator from Utah is correct in his position. What establishes a precedent is a decision by the Senate. I challenge the Senator from Illinois or any other proponent of the resolution to point to a single case in which any Senator-elect has been excluded from the Senate upon some ground not connected with his election, age, citizenship, or residence. There is absolutely no such case except possibly as the Senator has pointed out, the Thomas case, which arose under the fourteenth amendment in reference to disloyalty.

Mr. MURDOCK. Mr. President, it might be well at this time to read the portion of the resolution in the Gould case which we are discussing at this point. I read from Senate Election Cases, 1913–1940, by Hays, at page 278. The resolution was in part as follows:

> *Resolved*, That in that absence of official information concerning the charge thus made, the qualifying oath be administered to the Member-elect, and that the Committee on Privileges and Elections be, and it hereby is, directed to inquire into the truth of the facts so reported and recited, and to report the same at the earliest convenient date to the Senate, with such recommendations touching action by it in the premises as may seem to them warranted.

That is the resolution under which the investigation of the charges against Gould was begun, and, as the Senator from Oregon states, there was not much else that could be done. I do not agree with the practice of seating a Senator and then reserving the right to exclude him; I think that is an evasion of the provisions of the Constitution.

Then, coming to the report of the Committee on Privileges and Elections, what do we find, other than the statement that there was not sufficient evidence, or no evidence, to support the charges? On the constitutional question—and that is what I am attempting to argue—we find the committee making the following report:

> No opinion is expressed by the committee on the important constitutional questions touching the power of the committee in the premises.

When the Senate adopts such a report, does it not say that the Senate makes no conclusion as to the constitutional questions involved? Having said that, how can any careful lawyer, even though he may be the most diligent and zealous of lawyers, say that that constitutes a precedent for what is contended by the majority in the Langer case?

Mr. LUCAS. Mr. President, will the Senator yield for one remark?

Mr. MURDOCK. I yield.

Mr. LUCAS. The only point I make in connection with the Gould case is that at least the Senate took jurisdiction of the charges that were filed, and the case was submitted to the Committee on Privileges and Elections for a determination of the truth or falsity of the charges—whatever they might be. There is no question, the record shows, that every member of the Committee on Privileges and Elections at that time said that there was no truth in the charges; consequently, from the standpoint of the constitutional charges, there was nothing to make any determination of, because the committee simply said that the man was not guilty. So that ended it. But the point I am making is that they did make an investigation.

Mr. MURDOCK. There is no question about that. Why should the Senator argue with me on that point, when I admit it?

Mr. LUCAS. There seems to be some misinterpretation of the position I am taking in connection with the Roach case and in connection with the Gould case. The only point I am making is that, notwithstanding the 14 years that had elapsed in the Gould case, the Senate made the investigation, just as the Senate made the investigation in the pending case.

In the LANGER case we have found that, in the opinion of the majority, there is evidence sufficient to exclude. It was found in neither one of the other cases that there was evidence sufficient to exclude. Consequently both cases were dismissed.

If in this case we had followed the action taken in the Roach case we should not today be discussing the case of Senator LANGER.

Mr. MURDOCK. Following the Senator's able argument all the way through to its logical conclusion, let me ask what it is upon which the Senate will take action after we conclude these rather extensive debates? Our decision will be on the question whether the Senate will adopt the recommendations of the majority of the committee. When the Senate acts, its action becomes a precedent. In my opinion, there is no Senator who does not understand the Senator's position on the Gould case and on the Roach case.

Mr. LUCAS. I thought the Senator from Utah misunderstood it.

Mr. MURDOCK. The only trouble I have is in agreeing with the Senator. I understand the position he takes, but I cannot agree with him.

Mr. LUCAS. That is quite all right; I cannot object to that.

Mr. MURDOCK. No. Of course, the Senate ultimately will decide the pending case, and its decision will constitute a precedent set by the Senate, just as in the Gould case, just as in the Roach case, just as in the Thomas case. Again I state that the only precedent I know of that even comes close to being a precedent for the pending case is the Thomas case.

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

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Does the Senator from Utah yield to the Senator from Ohio?

Mr. MURDOCK. I yield.

Mr. BURTON. On the question of precedent, let me say that, as I understand, in the House of Representatives the rule is the same, but the judge is different. Are there any cases that have arisen in the House of Representatives that would form a precedent for the Senate on a similar issue?

Mr. MURDOCK. In answer to the Senator let me say that I think that the majority of the Committee on Privileges and Elections has in its personnel some of the greatest lawyers in the United States Senate. Anyone who listened to the Senator from Illinois [Mr. LUCAS] in the presentation of the case and who is not convinced that he is an able and an industrious lawyer, in my opinion has misconstrued his efforts. I think that the senior Senator from Vermont [Mr. AUSTIN] is conceded to be a great lawyer.

Inasmuch as the able Senator from Ohio asks the question, I desire to call his attention to the legal brief contained in the majority report. In the report we find nine pages devoted to a discussion of the assertion that during his term as a Senator, Senator LANGER has done nothing for which he can be excluded.

Is there a Senator sitting under the roof of the Senate Chamber who makes any contention contrary to that? Of course not. Nevertheless, the majority of the committee have seen fit to devote nine pages of their brief to a discussion of the point that nothing Senator LANGER has done since he has been here is involved in the pending case.

Subsequently, in chapter II of the majority's legal brief, we find five pages devoted to a discussion of the question of constitutional qualifications. After devoting five pages to a discussion of that question they finally tell us that no question of constitutional qualifications is involved. Every Member of the Senate has known from the time when Senator LANGER came here that no one questioned his constitutional qualifications. Nevertheless, the majority of the committee devoted five pages to a discussion of that matter.

Next in the brief of the majority we come to a discussion of what they say is the question:

> Each House shall be the judge of the elections, returns, and qualifications of its own Members, * * *.

They say that is the question involved here. To a discussion of the question which is involved, we find devoted not nine pages, not five pages, but three full pages and a portion of a fourth page devoted to a discussion of the real question at issue; we find three and one-quarter pages devoted to that discussion. Two questions which do not have the slightest thing to do with the case are discussed, and we find nine pages devoted to a discussion of the first and five pages to a discussion of the second.

The Senator from Ohio has asked me if there are any precedents in the House for the position taken by the majority. I shall mention the precedents the majority cite. They cite the Roberts case, with which I believe everyone is familiar. Brigham H. Roberts, one of the greatest statesmen, in my opinion, who ever came to the House, one of the greatest orators, one of the grandest men who ever came here—coming from my own State—was accused of polygamy, was accused not only of past practice of polygamy, but of a continuing and present practice when he presented his credentials at the door of the House of Representatives.

In the Roberts case we find not a question of determination of moral turpitude existing prior to the time when he came to the House, but we find the question of his engaging in polygamy at the very time when he presented his credentials. Of course, that fact distinguishes the Roberts case from the situation we find in the LANGER case. Senator LANGER is not accused of committing any crime since he has been here. Senator LANGER is not accused of having done anything, except in the past, prior to his election. But, the precedents being so few, the majority resort to the ones I have mentioned. We have already discussed the Senate precedents. The House precedents they cite are the Roberts case, which certainly is distinguishable from this case, and one other, the Whittemore case. I know that the Senator from Ohio [Mr. BURTON], who sits before me, is one of the most careful lawyers in the Senate. He has demonstrated time and again, on every question which has been submitted to him, the thoroughness of his preparation. I ask him if he will, tonight, or whenever he finds it convenient, take time to study the Whittemore case and determine what it is. These are the facts: Whittemore was serving in the House. During the session he was accused of selling appointments to West Point. A resolution of expulsion was filed against him. For some reason or other—I suppose because the evidence was sufficient—instead of letting the matter go to an ultimate decision on the question of expulsion, he resigned and went back to his State, South Carolina, where he immediately presented himself again at a special election for election to the House, during the same session. He came back to the House, elected to the House in the same session during which he resigned in order to avoid expulsion. If that case does not distinguish itself from the pending one and if it did not give the House the right to take disciplinary action for a crime committed during a session, I am mistaken. To my mind, on that legal question I think the case is distinguishable from the LANGER case.

I should like to have the Senator from Ohio, and any other Senator who may be interested in doing so, read the statement of Representative Logan on the Whittemore case. Mr. President, if any lawyer in this great body can get any satisfaction from the Whittemore case as a precedent, then, as a very humble lawyer, I am surprised. The speech made by Representative Logan never even came close to a discussion of the legal questions involved.

No one else was allowed to say a word after Logan concluded a speech which gave evidence that he did not know anything about the law involved. So we find five precedents cited by the majority report in the Langer case, namely, the Senator Thomas case, the Representative Whittemore case, the Representative Roberts case, the Senator-elect Gould bribery case, and the Senator-designate Smith, of Illinois, case. As I have said to the Senator from Illinois, if he can get any comfort from these precedents in support of the contention he makes, I cannot understand how he does it.

It is true in their arguments great lawyers sustain the position that he takes today, but I state again that, in order to be a precedent, the final action must square with the contention made in the case, and there cannot be found, in my opinion, other than in the Thomas case, one case in the history of the United States which warrants the action that we are asked to take in the Langer case.

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

Mr MURDOCK. I yield.

Mr. BURTON. I understood from what was said here the other day, that in the Roberts case the representative had not taken the oath of office, that it was acted upon as a case of exclusion. Is that correct?

Mr MURDOCK. That is correct; he was never seated. I intend to read quite extensively the Roberts case, because I think the minority views in that case present the law of the land on this question. The Roberts case, however, is distinguishable from this case.

Why? If on no other ground than on the ground that the offense was a continuing offense right up to the time when he presented his credentials. He never denied it, although given every opportunity to do so. I say again that a grander man never presented credentials, even though he was charged with polygamy or plural marriage as a part of a religious tenet. He was man enough to say and to give public utterance to the statement, "law or no law, I shall never betray these loyal women"; and he did not do so.

Anyone who knew him must have acknowledged that he would add dignity, competence, and intelligence to any body into which he was admitted. His whole life was exemplary, unless men can be

condemned for devoutly believing in a religious tenet.

Passing now to the brief in the minority views, I come to section 3 of the fourteenth amendment.

This is important, Senators; it is the amendment that was adopted after the Civil War started. It was designed to do what? To expel and exclude Members of Congress for disloyalty, as well as to prevent the holding of public office by others charged with disloyalty. Section 3 of the fourteenth amendment provides:

No person shall be a Senator or Representative in Congress, or elector of President or Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, or have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Why would the Congress of the United States, if it has the right, and if it had the right then, to superadd to the qualifications set out in the Constitution, add an additional constitutional qualification by amending the Constitution? It seems to me, if there is no other answer to the majority's case, that the very fact that Congress, in order to establish another qualification, resorted to an amendment of the Constitution to do it answers the majority of the Committee on Privileges and Elections in this case.

Article V of the Constitution provides, among other things:

* * * and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Then the tenth amendment provides:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

In other words, after the qualifications have been set out, after all other delegations have been made to Congress, to the Executive, and to the judiciary, then we find what? A specific protection for the sovereign States by a provision saying that the powers not herein delegated and not herein prohibited to the States are hereby reserved to the States, respectively, or to the people. Why were they reserved? In my opinion, one reason is found in the very case we have before us today. They had had experience with the British Parliament. Madison speaks of it in the debates in the Constitutional Convention, and says our experience with the British Parliament is such that we know that the very Constitution itself may be subverted if we leave all power in the Legislature or grant power to the Legislature over matters not specified herein.

We often hear of the inherent powers of the Senate and the inherent powers of the House of Representatives; but, as I understand the very nature of the Federal Government, the inherent powers of the United States of America are vested in the people, not in the Senate and the House of Representatives.

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

Mr. MURDOCK. I yield to the Senator from Colorado.

Mr. MILLIKIN. May I ask if the committee has considered the relationship of this proceeding to the constitutional provision guaranteeing a republican form of government to every State? Has that been considered?

Mr. MURDOCK. Does the Senator mean in the committee?

Mr. MILLIKIN. Yes, sir.

Mr. MURDOCK. I do not recall that that question was ever raised in the committee.

Mr. MILLIKIN. I suggest to the Senator that a representative form of government is the heart of a republican form of government, and when the Senate undertakes to eliminate a newly elected Senator that, instead of guaranteeing a republican form of government, it is destroying a republican form of government.

Mr. MURDOCK. I think the Senator is exactly correct, and I thank him for his contribution. To say to a sovereign State that by reason of its inherent power the Senate reserves the right to pass on the morals and the intellectual qualifications of the men who are sent here is disruptive of a republican form of government.

Oh, some States, Mr. President, may be handicapped somewhat in selecting Senators. It was said once in this great body, as I recall, that a number of Senators who came from the West were the "sons of wild jackasses"; but, nevertheless, the people of those States, whether my State, or North Dakota, or the State of Colorado, or any other State, still have the right to say, subject to constitutional qualifications, who shall represent them in the United States Senate, and to add qualifications, to say that we have the inherent power to overthrow the will of a State is to do exactly what the Senator from Colorado says, and is to deny a republican form of government to the sovereign States that make up the Union.

IV. NATURE OF THE FEDERAL GOVERNMENT

The powers of the Government of the United States are delegated, not inherent. They are enumerated in a written instrument—the Constitution. We quote from Cooley on Constitutional Limitations, section 9, as follows:

"The Government of the United States is one of enumerated powers; the national Constitution being the instrument which specifies them, and in which authority should be found for the exercise of any power which the National Government assumes to possess. In this respect it differs from the constitutions of the several States, which are not grants of powers to the States but which operates and imposes restrictions upon the powers which the States inherently possess."

Some wish to cite what has been done by the States in their constitutions as a precedent for what we do here, but they fail to distinguish between the sovereignty of the States which came into the Union and the powers delegated by those sovereign States. That is exactly what Cooley in his book on constitutional limitations says:

Chief Justice Marshall in *Martin* v. *Hunter's Lessee* (1 Wheat. 326) said, in referring to the Constitution of the United States:

"The Government of the United States can claim no powers which are not granted to it by the Constitution, and the powers actually granted must be such as are expressly given or given by necessary implication."

I ask Senators who are interested in the Constitution whether, in granting the power to judge of the qualifications, there is any necessary implication of the power to add qualifications. The word we are to construe today is the word "judge"—to judge of the qualifications. That is the only power granted, to judge of the qualifications. Unless by implication further powers have been granted, we are limited by the word "judge," and who here will say that in exercising the power directly granted we have to imply anything in the way of a power to add qualifications?

I read:

In *Gibbons* v. *Ogden* (9 Wheat. 187), Chief Justice Marshall said: "This instrument contains an enumeration of the powers expressly granted by the people to their Government."

Mr. STEWART. From what page is the Senator reading?

Mr. MURDOCK. I have been reading from page 42 of the minority views. I am about to read from page 43:

The powers granted are thus—

(a) Those expressly given them.

(b) Those given by necessary implication.

The word "necessary" as here used by the Chief Justice has peculiar significance. Thus, no powers may be implied except those essential to the exercise of those expressly given.

The tenth amendment above quoted was adopted to check the well-known tendency to extend and enlarge governmental powers by implication.

V. CONSIDERATION OF THE POWER TO EXCLUDE

The line of demarcation between the two powers of the Senate, the power to judge of the election, returns, and qualifications of its Members by a mere majority vote—that is, to exclude—and the power to expel its Members by a two-thirds vote, is clear and well defined. These powers must not be treated as identical. The power to exclude as distinguished from the power to expel is given by article I, section 5, clause 1, above quoted, while the power to expel is given by article I, section 5, clause 2, above quoted. Exclusion, therefore, must be based on an adjudication of (a) invalidity of or corruption in connection with the election, or (b) insufficiency of the returns, or (c) lack of prescribed qualifications. In the present instance the inquiry is narrowed to (c), lack of prescribed qualifications.

The only qualifications prescribed by the Constitution are to be found in article I, section 3, clause 3, above quoted. Admittedly Senator LANGER possesses each of the qualifications prescribed by clause 3, supra. It must, therefore, be made to appear that the power to judge "qualifications" expressly given in clause 1, section 5, article I, is (a) not restricted by the provisions of clause 3 of section 3 of article I, or (b) necessarily implies the power to determine "fitness" as well as "eligibility" in order to exclude in this case.

(A) Definition

Words in a constitution are always to be given the meaning they have in common use unless there are other strong reasons to the contrary (*Tennessee* v. *Whitworth*, 117 U. S. 147, 6 S. C. R. 649, 29 L. Ed. 833).

They are to be taken in their natural and obvious sense, and not in a sense unreasonably restricted or enlarged (*Pollock* v. *Farmers L. & T. Co.*, 158 U. S. 617, 15 S. C. R. 912, 39 L. Ed. 1108).

The makers of the instrument were precise in the use of terms. The word "qualification," when used in prescribing the elements which a member-elect must possess in order to be entitled to enter upon the office, is synonymous with the word "eligibility." This is substantially the definition of legal lexicographers—Bouvier, Rapolje, and Anderson. The word "qualifications" is used by the makers of the Constitution in section 2 of article I obviously in the sense of eligibility.

Again, in providing for the qualifications for the office of President of the United States, the term "eligible" is expressly used. Article II, section 1, clause 4:

"No person except a natural-born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the Office of President * * *.

"Where any particular word or sentence is obscure or of different meaning, taken by itself, its obscurity may be removed by comparing it with the words and sentences with which it stands connected. *Rhode Island* v. *Massachusetts* (12 Pet. 722, 9 L. Ed. 1233), *Wheaton* v. *Peters* (8 Pet. 661, 8 L. Ed 1055)."

If there be doubt as to the meaning of the word "qualifications" as used in article I, section 5, clause 1, such doubt can be resolved by observing that it is coupled in the same sentence with the words "elections" and "returns." From this it is reasonable to assume an intent to limit the word by the nature of the powers indicated. The power to judge the validity of an election and the returns thereof involves only an inquiry as to whether the said election was held at the time and place and in the manner prescribed by law, and that the results thereo are reported in due form. Of like nature is the inquiry as to the "qualifications" of the candidate selected, namely, whether he has the essential elements of eligibility prescribed by article I, section 3, clause 3

The power to judge qualifications does not authorize the creation of new qualifications.

"In exercising this power the Senate acts in a judicial, not a legislative capacity. *Barry* v. *U. S.* (279 U. S. 597, 73 L. Ed. 867)."

The function of a judge is to apply the law, not to make it.

We are acting here today in our judicial capacity. Our function in this case is to judge of the qualifications, not to superadd or fix additional qualifications.

Mr. LEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	George	O'Mahoney
Austin	Gerry	Overton
Bailey	Gillette	Pepper
Bankhead	Glass	Radcliffe
Barbour	Gurney	Reed
Barkley	Hayden	Reynolds
Bilbo	Herring	Rosier
Bone	Hill	Russell
Brewster	Holman	Schwartz
Brooks	Hughes	Shipstead
Brown	Johnson, Calif.	Smathers
Bulow	Johnson, Colo.	Smith
Burton	La Follette	Spencer
Butler	Langer	Stewart
Byrd	Lee	Taft
Capper	Lucas	Thomas, Idaho
Caraway	McFarland	Thomas, Okla.
Chandler	McKellar	Thomas, Utah
Chavez	McNary	Truman
Clark, Idaho	Maloney	Tunnell
Clark, Mo.	Mead	Tydings
Connally	Millikin	Vandenberg
Danaher	Murdock	Van Nuys
Davis	Murray	Wheeler
Doxey	Nye	White
Ellender	O'Daniel	Willis

The PRESIDING OFFICER. Seventy-eight Senators have answered to their names. A quorum is present.

Mr. MURDOCK. Mr. President, with regard to the effect of the use of negative words, it is contended by some very able lawyers that by reason of the use of negative words in specifying the constitutional qualifications a certain construction is placed on the pertinent clause in the Constitution, and that by reason of the use of negative words the qualifications specified are not exclusive. On that point I wish to read from the brief in the minority views:

The asserted right to add qualifications to those prescribed in article I, section 3, clause 3, is based upon the fact that such qualifications as prescribed are negatively expressed. An inquiry as to the origin of this clause should determine the matter. We here quote from the interesting and instructive report made by the minority of the committee in the case of Brigham H. Roberts (1900):

Let me say, Mr. President, that in the Roberts report a discussion of the debates in the Constitutional Convention was set out. If Senators are interested in what the framers of the Constitution said on this question, it may be found in the minority views on the Roberts case. Quoting from that report:

The whole case of the right to add qualifications is based upon the fact that such qualifications as are prescribed are negatively expressed. The juxtaposition of the affirmative and negative clauses, it is said, has some significance. It does not appear that any of the courts' elementary writers or lawyers that have had occasion to insist upon this have ever availed themselves of the debates in the Federal Convention for the purpose of ascertaining the intention of the framers of the Constitution. While this precaution has not hitherto been observed, common fairness, and a due regard for a thorough investigation require that these great men, whose handiwork has so well withstood the assaults of time, should now and upon this important question be allowed to speak for themselves. An inquiry as to the origin of this clause will not only be interesting and instructive, but possibly determining. This course is stated by Cooley to be proper. (Cooley's Constitutional Limitations, p. 80.)

Reference was made to the debates in the constitutional convention itself on the question of the proper construction of the clause included in the Constitution after the debate had been finished and action had been taken.

I continue reading from the minority views in the Roberts case:

And Story, in his great work on the Constitution, makes constant use of the debates in the Federal Convention.

In the report of the committee of detail giving the first draft of the Constitution August 6, 1787 (Madison Papers, etc., vol. 5, p. 376), the paragraph in question appears as an independent section, i. e., section 2, article IV, and reads:

"SEC. 2. Every Member of the House of Representatives shall be of the age of 25 years at least, shall have been a citizen of the United States for at least 3 years before his election, and shall be at the time of his election a resident of the State in which he shall be chosen."

Of course, the qualifications of Senators are stated in the same language, except for the additional time of citizenship.

It is significant that this section is affirmative, and is therefore exclusive, as is conceded, in its character. It is important to inquire whether the change in phraseology was made for the purpose of changing its legal effect. That it was understood by the framers of the Constitution to be exclusive will, we think, clearly appear. The first consideration which indicates this is the incorporation in the same draft of the Constitution of section 2 of article VI which reads:

"SEC. 2. The Legislature of the United States shall have authority to establish such uniform qualifications of the Members of each House, with regard to property, as to the said legislature shall seem expedient."

The inference that the framers of this draft must have understood that section 2 of article IV was exclusive, and that in order that the legislature might have any power at all over qualifications it was necessary to confer it by a later and specific provision, is imperative and obvious. The debates confirm this idea.

Madison opposed the proposed section 2, article VI.

If we are to give credit to anyone for understanding what was going into the Constitution I believe we can give credit to him and depend upon him. Madison opposed the proposed section—

Madison opposed the proposed section 2, article VI, "as vesting an improper and dangerous power in the legislature. The qualifications of elector and elected were fundamental articles in a republican government, and ought to be fixed by the Constitution. If the legislature could regulate those of either it can by degrees subvert the Constitution.

That is Madison speaking—not some present-day Senator, but Madison himself, taking the position that any qualifications should be stated in the Constitution itself, and not delegated to the Congress.

I continue to quote from Madison:

A republic may be converted into an aristocracy or oligarchy, as well by limiting the number capable of being elected as the number authorized to elect. In all cases where the representatives of the people will have a personal interest distinct from that of their constituents there was the same reason for being jealous of them as there was for relying upon them with full confidence when they had a common interest. This was one of the former cases.

So there we have the introduction of a clause providing that the legislature may fix property qualifications.

We find that another very important member of the Constitutional Convention, Gouverneur Morris, said the following—and I read further from the brief of the minority of the committee in the Roberts case:

Gouverneur Morris moved to strike out "with regard to property," in order, as he said, "to leave the legislature entirely at large."

In other words, the first provision introduced with reference to the legislature's having power over qualifications was restricted to the fixing of property qualifications.

I repeat the quotation from the minority report in the Roberts case:

Gouverneur Morris moved to strike out "with regard to property," in order, as he said, "to leave the legislature entirely at large"—

precisely what is now claimed without any such constitutional provision. This was objected to by Mr. Williamson on the ground that "should a majority of the legislature be composed of any particular description of men—of lawyers, for example—which is no improbable supposition, the future elections might be secured to their own body."

Madison is quoted again:

Mr. Madison further observed that "the British Parliament possessed the power of regulating the qualifications both of the electors and the elected, and the abuse they had made of it was a lesson worthy of our attention. They had made changes in both cases, subservient to their own views of political or religious parties. (Madison Papers, etc., vol. 5, p. 404.)

This article was not agreed to.

Is it to be surmised that Madison, who was one member of a committee of three—its members were Madison, Hamilton, and Gouverneur Morris—would be so emphatic with reference to this particular point, and, after retiring in order to put it into immaculate form, would bring it back with the substance changed? No, Mr. President; to make such an assertion is to question the integrity of Madison, a man who fought not for phraseology, not for some technicality, but for substance. The substance was what? That the qualifications of Members of Congress should be specified in the Constitution itself, not left to the discretion of the Congress. Why did he take such a position? Because he knew that the fundamental cornerstone of the government of a republic is the people's right to freedom of choice of those who represent them; and Madison knew that the qualifications should be contained in the Constitution and not left to the whim and caprice of the legislature.

Some Senators say that in the British Parliament we find precedent for the position taken today by the majority of the committee in the Langer case. What did Madison say with reference to the British Parliament? He said that their experience with the British Parliament had been such that they were required then, for once and for all, to be guided by that experience, to profit by it, and to write into the Constitution itself the qualifications, and not to leave the situation as it was left in the British Parliament.

The British Parliament is cited as a precedent for our guidance in a republic that profited by the experience which the members of the Constitutional Convention had had with England—experience which greatly aided them in their efforts to rectify and to right the parliamentary wrongs of which they were so cognizant.

The minority report in the Roberts case continues:

Note the significance and primal importance of Mr. Madison's assertion that "the qualifications of electors and elected were fundamental articles in a republican government, and ought to be fixed by the Constitution," as otherwise the legislature might "subvert the Constitution."

Was Madison correct? As evidence of the correctness of his position, I cite the farces which have occurred in the Senate as a result of a misconstruction of the substance of the Constitution for which Madison contended in the Constitutional Convention itself. He knew by experience that legislatures were too prone to talk about inherent rights, to become dictatorial, to become oligarchies. How? By the assertion of inherent power. We hear Senators talk about the inherent right of the Senate to take steps for its self-protection. I come back to the proposition, Mr. President, that the Senate does not need to worry about what happens extraneously. We do not need to worry about what some man in some State did prior to coming here. The thing we must watch is what we do after we get here.

If, after he takes his seat here, a Senator strays from the proper path, if he disregards his duty to his constituency, if he is found wanting in devotion and adherence to his oath, the same framers of the Constitution—among them, Madison, who said that the qualifications should be specifically written into the document—provided a clause for the self-protection of the Senate; they provided a clause to protect the Senate from those guilty of disorderly conduct, to protect it from the felon, to protect it from the moral pervert. That clause is what? That the Senate shall have the power to expel—as was said earlier today by the Senator from Kentucky [Mr. BARKLEY]—for anything or for nothing, so long as there is a concurrence by a two-thirds majority.

In the Roberts case the minority of the committee explain why the provision of concurrence by a two-thirds majority was insisted upon:

His insistence upon these grounds prevented the adoption of the provision that only conferred this power upon the legislature in one particular, and the convention thus evidently adopted his views as to the exclusiveness of the provisions of article IV, section 2.

Again, when the original proposition which resulted in article IV, section 2, was under discussion prior to the draft reported by the committee of detail, Mr. Dickinson opposed the section altogether, expressly because it would be held exclusive, saying he "was against any recitals of qualifications in the Constitution. It was impossible to make a complete one, and a partial one would, by implication, tie up the hands of the legislature from supplying omissions" (ibid., p. 371).

Oh, was there thoroughness in the consideration of this question? Did they go into it, or did they merely wink at it and pass it by? Here is a man, Dickinson, who says, "If you put anything in the Constitution it will be construed to be exclusive, and I do not want it in there."

Madison says the qualifications must go into the Constitution and must not be left to the legislature.

Mr. CONNALLY. Mr. President, will the Senator yield there?

Mr. MURDOCK. I yield.

Mr. CONNALLY. When the Constitution sets out these three grounds, if it was intended that the House of Representatives or the Senate or anyone else should prescribe others, what kept it from saying so? Could it not have said, "and such other qualifications as may be prescribed by law or such other qualifications as the Senate may determine?

Mr. MURDOCK. That is correct.

Mr. CONNALLY. If the Senator will permit me, my thought was this: I do not quite agree with some of the Senators about the use of the negative language; to me the use of the negative language would seem to imply that all other matters were left to the States, to the people making the choice, and they could choose anyone provided they did not violate any of the three requirements.

Mr. MURDOCK. I think the Senator is right.

Mr. CONNALLY. So, with that in view, it seems to me that it might be safely inferred by the use of the negative language that the Constitution was not seeking to lay down all the requirements or all the qualifications, but was simply saying that the States may elect anybody they want to, but they must not elect anyone unless he is of a certain age, has been 9 years a citizen, and lives in the State which elects him. If it had undertaken to embrace the entire field of qualifications, it would have proceeded and said—and there was nothing to prevent it doing so—"in addition to being a citizen for 9 years and an inhabitant of the State, and 30 years of age, he must be a man of good moral character. What was there to prevent the makers of the Constitution saying he must be a man of good moral character?

Mr. MURDOCK. Nothing in the world.

Mr. CONNALLY. Or that he must belong to the Baptist Church, if they wanted to say that, or to the Methodist Church, or providing any other requirement if they had wanted to prescribe it?

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

Mr. MURDOCK. I yield.

Mr. WHITE. I take it, then, the Senator's conclusion is that the qualifications must rest either in the constitutional provision or in the discretion of the State, and not in this body?

Mr. CONNALLY. Exactly. Let me suggest to the Senator, while we are on the subject, that there is another little clause in the Constitution, which has been frequently overlooked and which provides that the powers which are not conferred by the Constitution remain with the people. In this instrument the Federal Government has not been given any power to make any qualifications as to a Senator except the three specified. If it has not expressly conferred such power, if there is any other power with reference to qualifications, it seems to me, under that clause of the Constitution, it still resides in the voters who elect these men. I suggest that to the Senator.

Mr. MURDOCK. I think that is a very excellent contribution, and I call the Senator's attention to the fact that masters of form and style were appointed—to do what? To put the substance agreed upon by the whole convention into the proper phraseology.

Three men were delegated to do that in the committee on style. They were selected because of the fact that they were artists along that line; they were masters of English; they knew how to take the substance and put it into the

most immaculate style, expressing most emphatically and clearly the substance agreed upon.

There are Senators who take the position that Madison, contending for the principle that a republican form of government requires that the qualifications be set out in the Constitution, when he went into the committee room reversed himself, and that by bringing back the phraseology stated in the negative he surrendered the principle of substance. Can anybody believe that? Can anybody believe that Madison would stand on the floor of the Convention, contend for a principle, and give his reasons, one of which was experience with the British Parliament, and then go into a committee room with the other members of the committee—just a few of them—and surrender the principle by adopting certain phraseology? To me such a position questions the integrity of the man most responsible for the document that has guided us down through 150 years to the point where we are today the greatest democracy in the world.

Mr. Wilson took the same view, saying, "Besides, a partial enumeration of cases will disable the legislature from disqualifying odious and dangerous characters" (ibid., p. 373).

The very point that is contended for here today was raised by Wilson, but he did not prevail.

When this section in the draft was under discussion, after "three" had been stricken out and "seven" inserted as to citizenship, Alexander Hamilton moved "that the section be so altered as to require merely citizenship and inhabitancy," and suggested that "the right of determining the rule of naturalization will then leave a discretion to the legislature on the subject which will answer every purpose" (ibid., p. 411).

So Hamilton contended only for the qualifications of citizenship and inhabitancy; but he did not prevail.

Here it is clear that, as Hamilton construed this provision, without this latitude as to naturalization, the legislature had no discretion or power. From the affirmative language of this provision, then as it stood in the report of the committee of detail, and the understanding of the framers of the Constitution, it is clear that it was exclusive. This section was not changed to the negative form by amendment or as the result of any debate.

Bear that in mind, that the positive or affirmative phraseology was not changed to the negative by debate or by amendment in the convention, but it was changed by the committee of which Madison was a member, the committee on style.

Mr. CONNALLY. Mr. President, will the Senator yield again?

Mr. MURDOCK. I yield.

Mr. CONNALLY. Along the line suggested a moment ago which was being so ably discussed by the Senator from Utah, I may refer to section 3 of the fourteenth amendment to the Constitution, which was aimed at those who had served in the Confederate Army, and so forth and so on. There other qualifications are added to those of 30 years of age and 9 years' citizenship.

Mr. MURDOCK. That is right. That was done by an amendment to the Constitution, and, of course, that can always be done.

Mr. CONNALLY. I should say it shows that the makers of the Constitution and those who amended it had in mind that, if they desired so to do, they could go ahead and add other qualifications. In section 3 of article XIV they did so, and they still use the negative language. For instance it is provided:

No person shall be a Senator, or a Representative in Congress, or elector of President and Vice President—

And so on, skipping some—

who, having previously taken an oath as a Member of Congress * * * shall have engaged in insurrection or rebellion—

And so on. So when that amendment was submitted, the Congress believed that, if that ground were to be invoked, it ought to be invoked by adding it to the qualifications stipulated in the Constitution. So they added it by saying so.

Mr. MURDOCK. We are not limited in the amendment of the Constitution; anything the Congress wants to propose, as provided by the Constitution, when ratified by the people, becomes a part of the document and is just as effective as if it were in the original instrument itself.

I think the Senator from Texas has made a very distinct contribution when he points out that the Congress itself, when it adopted that amendment and submitted it to the people, construed, as Madison construed, the qualifications written in the Constitution to be exclusive.

Mr. CONNALLY. Mr. President, will the Senator yield again?

Mr. MURDOCK. I yield.

Mr. CONNALLY. I dislike to disturb the Senator. On the other hand, does it not irresistibly follow that the Congress believed that, unless that provision was added to the Constitution, the people of the States could elect men and send them here who had served in the Confederate Army and who had violated, as they thought, the rules of patriotism and loyalty?

Mr. MURDOCK. I think that is a fair and reasonable construction.

Mr. CONNALLY. Otherwise, there would have been no occasion for adopting the requirement. It inevitably follows that, except for that sort of a provision, the people in exercising their choice could send that particular kind of representative here?

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

Mr. MUDROCK. I yield.

Mr. WHITE. Does it not also signify that the fourteenth amendment——

Mr. CONNALLY. I will say, for the RECORD, that I do not like a good many things in the fourteenth amendment.

Mr. WHITE. Does it not also signify a belief on the part of Congress that submitted the amendment that, without its adoption, the Senate could not have excluded a Member because of insurrection or participation in rebellion?

Mr. CONNALLY. I meant to imply that the people had a right to elect them, and, having a right to elect them, the Senate could not exclude them unless that clause was put in the Constitution. It was the view, evidently, of the Congress that submitted the amendment to the Constitution, that without it, if such men were elected, the Senate would have no power to exclude them on that ground.

Mr. MURDOCK. Mr. President, it has just been called to my attention that today is the anniversary of the birth of James Madison. It might be coindidental that today, after 150 years of the experience under the Constitution, the agency which was purposely created by the Constitution as the great bulwark of the sovereign States, the Senate itself, is on this anniversary of Madison's birth debating a question which should have been settled and which was settled in the Constitution itself. I read further from the minority report in the Brigham Roberts case:

In its affirmative form with other sections that had been finally acted upon, and their construction and terms definitely settled, it was referred to a committee "to revise the style of and arrange the articles which had been agreed to by the House," and this committee consisted, among others, of Mr. Hamilton, Mr. Gouverneur Morris, and Mr. Madison (ibid., p. 530).

The substance had been agreed upon, then the form was referred to this particular committee, of which Madison was a member.

This committee had no power to make any change in the legal effect of any of the clauses submitted to them. They were simply "to revise the style of and arrange." Certainly, with his very pronounced views, Mr. Madison would not have made a change in article IV, section 2, that would, in his opinion, have placed it within the power of the legislature to "subvert the Constitution."

That is the language, "subvert the Constitution."

Yet, when the committee reported the Constitution as it now stands, article IV is rearranged so as to be included in article I, and the original affirmative section 2 of article IV appears in the negative form as the second independent paragraph of article I, somewhat changed, it is true, but in no sense connected with or dependent upon the preceding paragraph, which, with an improvement in phraseology, is section 1 of article IV of the draft. This reference to the original sources of information, we submit, deprives the argument sought to be derived from the juxtaposition of all significance (ibid., p. 559).

An examination of the finished work discloses the fact that the rearrangement and changes in phraseology by the committee were extensive. The object unquestionably was to make the arrangement more orderly and lucid and the language more perspicuous and felicitous. To hold that in any particular any change was intended to be made in the legal effect is to impeach the integrity of men whose characters are of the most illustrious in our history. To assert that they unwillingly made such changes is a much more grievous assault upon their intelligence and ability.

Here we have the record of the convention agreeing to Madison's contention, then the convention saying to Madison, "Go out, now, and write the substance of that upon which we have agreed in the most immaculate phraseology of which you are capable." And that is what he did.

Moreover, we are not left to inference as to how this clause in its present form was interpreted by the most eminent of the framers of the Constitution. The Federalist, as is well known, was published while the Constitution was undergoing public discussion, and while it was being ratified by the States. It had been ratified by six States only when the numbers of the Federalist hereafter referred to appeared. The author of No. 52 evidently assumes that all of the qualifications of Representatives had been "very properly considered and regulated by the convention."

He says:

"The qualifications of the elected, being less carefully and properly defined by the State constitutions, and being at the same time more susceptible of uniformity, have been very properly considered and regulated by the convention. A Representative of the United States must be of the age of 25 years, must have been 7 years a citizen of the United States, must at the time of his election be an inhabitant of the State he is to represent, and during the time of his service must be in no office under the United States. Under these reasonable limitations, the door of this part of the Federal Government is open to merit of every description, whether native or adoptive, whether young or old, and without regard to poverty or wealth, or to any particular profession of religious faith."

If the learned author had supposed that any limitations in addition that might appeal to the caprice of a legislature could be added, he would hardly have used the term "these reasonable limitations," as he evidently did, as descriptive of all of the limitations to be imposed. In No. 57 a general reference to this clause is made, which evidently proceeds upon the idea that the qualifications to be required are stated in the Constitution. It reads: "Who are to be the objects of popular choice? Every citizen whose merit may recommend him to the esteem and confidence of the country. No qualification of wealth, of birth, of religious faith, or of civil professions is permitted to fetter the judgment or disappoint the inclination of the people."

That is another contemporary construction of this particular clause during the period of the ratification.

How could he know that unless the Constitution settled the qualifications? The authorship of these two numbers is in doubt between Madison and Hamilton. Hamilton is conceded to be the author of No. 60, and with many no authority is greater than his; and this, so far as his authority goes, settles it beyond cavil. He says:

"The truth is that there is no method of securing to the rich the preference apprehended but by prescribing qualifications of property, either for those who may elect or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution and are unalterable by the legislature."

This is Hamilton speaking, construing the very clause we have before us today, taking a position diametrically opposed to that of the majority of the committee, taking a position with the people of North Dakota, that they have a right, within the limitations of the Constitution, to exercise their freedom of choice in election.

This unequivocal declaration was made after the negative form of expression had been adopted, made concerning the provision as it now exists in the Constitution. It is not contended that the Federalist was a determining factor in securing the ratification of the Constitution, though it was undoubtedly published for that purpose. So far, however, as this clause weighed in the public mind, as this is the only construction that appears to have been placed upon it, it may be inferred that this construction was adopted by the States which afterwards ratified.

With the indulgence of the Senate, I desire to read another construction of the same clause by John Quincy Adams, when he was a Member of the Senate of the United States, in the case of Senator Smith, of Ohio. John Quincy Adams was chairman of the committee handling that case. I read from Hinds' Precedents of the House of Representatives, volume 2, at page 818, the eloquent language of John Quincy Adams with respect to qualifications:

The spirit of the Constitution is, perhaps, in no respect more remarkable than in the solicitude which it has manifested to secure the purity of the legislature by that of the elements of its composition. A qualification of age is made necessary for the Members, to insure the maturity of their judgment; a qualification of long citizenship, to insure a community of interests and affections between them and their country; a qualification of residence, to provide a sympathy between every Member and the portion of the Union from which he is delegated; and to guard, as far as regulation can guard, against every bias of personal interest and every hazard of interfering duties, it has made every Member of Congress ineligible to office which he contributed to create and every officer of the Union incapable of holding a seat in Congress.

John Quincy Adams pointed out in the report to the Senate how solicitous the framers of the Constitution were with respect to the qualifications of the Members who make up the Congress. He did not say that these are a minimum of requirements; he did not say that the legislature had the right to superadd qualifications. No; he said with respect to the Constitution itself:

The spirit of the Constitution is, perhaps, in no respect more remarkable than in the solicitude which it has manifested to secure the purity of the legislature by that of the elements of its composition

He then set out the qualifications but did not contend that we could add any additional qualifications. I have been reading from the majority report of the committee of which, I think, Adams was chairman; at least he was a member of the committee. The committee reported and recommended to the Senate that John Smith, of Ohio, be expelled. Why? Because of his complicity in the Burr treason. Notwithstanding the eloquence of the report, notwithstanding that Smith was accused of treason, which is the most heinous offense known to our law, the Senate did not expel him. John Quincy Adams contended that it was not necessary for a man to be convicted of crime before he could be expelled.

In the Humphrey Marshall case, which is one of the first precedents, the Senate said—what? The Senate said in its adoption of the report in that case that until Humphrey Marshall had been convicted of the crime of which he was accused before Congress he was attended by the presumption of innocence the same as in a court of law.

I cite the language of John Quincy Adams for the purpose of showing that he in that early day, in considering the question of expulsion, did not say that the legislature had the right to superadd qualifications, but did say that the Constitution in no other matter had been more solicitous than on the question of qualifications.

I continue to read from the minority brief:

In the light of these facts it is to be deplored that exigencies arise which are supposed to justify a construction in direct conflict with the intention and interpretation of those who framed and assisted in ratifying the Constitution. It seems clear that the negative form of expression has no interpretive significance, and, as it affords no support for the proposition which involves the right to add qualifications, that proposition must fall with the erroneous construction upon which it is based.

The great weight of the other authorities sustains this conclusion.

In *Thomas* v. *Owens* (4 Md. 223) the court said:

"Where a constitution defines the qualifications of an officer, it is not within the power of the legislature to change or superadd to it, unless the power be expressly, or by necessary implication, given to it."

And in *Page* v. *Hardin* (8 Ben. Mon. 661) the Court said:

"We think it entirely clear that so far as residence is to be regarded as a qualification for receiving or retaining office, the constitutional provision on the subject covers the whole ground, and is a denial of power to the legislature to impose greater restrictions."

In *Black* v. *Trover* (79 Va. 125), also, the Court said:

"Now, it is a well-established rule of construction, as laid down by an eminent writer, that when the Constitution defines the qualifications for office, the specification is an implied prohibition against legislative interference to change or add to the qualifications thus defined."

Mr. Justice Story is conceded to be one of the greatest authorities upon the construction of the Constitution, and upon this point he states the law as follows:

"It would seem but fair reasoning upon the plainest principles of interpretation, that when the Constitution established certain qualifications as necessary for office, it meant to exclude all others as prerequisites. From the very nature of such a provision, the affirmation of these qualifications would seem to imply a negative of all others." (Story on the Constitution, sec. 625.)

Cooley certainly stands equal in authority to Story, and he says:

"Another rule of construction is that where the Constitution defines the circumstances under which a right may be exercised, or a penalty imposed, the specification is an implied prohibition against legislative interference, to add to the condition, or to extend the penalty to other cases. On this ground it has been held by the Supreme Court of Maryland that where the Constitution defined the qualifications of an officer it was not in the power of the legislature to change or superadd to them, unless the power to do so was expressly, or by necessary implication, conferred by the Constitution." (Cooley's Constitutional Limitations, p. 78.)

Cushing, as against his former statement, says:

"The Constitution of the United States having prescribed the qualifications required of Representatives in Congress, the principal of which is inhabitancy within the State in which they shall be respectively chosen, leaving it to the States only to prescribe the time, place, and manner of holding the election, it is a general principle that neither

Congress nor the States can impose any additional qualifications. It has, therefore, been held, in the first place, that it is not competent for Congress to prescribe any further qualifications or to pass any law which shall operate as such." (Cushing on Law and Practice of Legislative Assemblies, 2d ed., p. 27, sec. 65.)

John Randolph Tucker, one of the latest writers on the Constitution, and an able one, is explicit on this point:

"Nor can the Congress nor the House change these qualifications. To the latter no such power was delegated, and the assumption of it would be dangerous, as invading a right which belonged to the constituent body, and not to the body of which the representative of such constituency was a member." (Tucker on the Constitution, p. 394.)

"The principle that each House has the right to impose a qualification upon its membership which is not prescribed in the Constitution, if established, might be of great danger to the Republic. It was on this excuse that the French Directory procured an annulment of elections to the Council of Five Hundred, and thus maintained themselves in power against the will of the people, who gladly accepted the despotism of Napoleon as a relief." (Foster on the Constitution, p. 367.)

"It is a fair presumption that where the Constitution prescribed the qualifications it intended to exclude all others." (Paschal's Annotated Constitution, 2d ed., p. 305, sec. 300.)

"Where the Constitution prescribed the qualifications for an office, the legislature cannot add others not therein prescribed." (McCrary on Elections, sec 312.)

McCrary also takes the ground that statutory and constitutional provisions making ineligible to office any person who has been guilty of crime presuppose a conviction before the ineligibility attaches (ibid., p. 345).

Paine, in his work on elections, takes the same view (pp. 104–108).

Certainly the great weight of authority is against the right to add, even by law, to the qualifications mentioned in the Constitution.

I pass on now to the argument, as we call it, from inconceivability. Some Senators say it is inconceivable, it is ridiculous, to think we do not have the right to say what qualifications shall attend a man when he comes here. They refer to the inherent right of the Senate to prescribe qualifications. They say it is inconceivable to think that the Senate does not have such a right; but if Senators will examine the Constitution and read the debates in the Constitutional Convention, as I have read them here partially, they must come to the conclusion that we do not have such inherent right.

(C) ARGUMENT FROM INCONCEIVABILITY

It is said that it is necessary to put hard cases as a test of principle. Pursuing this method it is then assumed that the electors might choose a convicted felon for the high office of United States Senator. It is then argued that if the makers of the Constitution intended to limit the discretion of the Senate by the express provisions of the instrument that the Senate would be unable to preserve its dignity and integrity. This is said to be inconceivable.

The answer to this argument is that this Government was intended to be a government by the consent of the governed. The makers regarded the electorate as a higher tribunal than the Senate.

That is correct. On that question, I desire to read again from Hinds Precedents in the Ames and Brooks case. In that case the Committee on Privileges and Elections of the House, in discussing the Credit Mobilier case involving Representatives Ames and Brooks, claimed that the House had the right to expel them on the basis of charges preferred against them for matters happening prior to the time they came into the House. The Judiciary Committee of the House disagreed with the Privileges and Elections Committee, and wrote a report, which was adopted insofar as Ames and Brooks were concerned, and they were not expelled. However, the House refused, as the Senate refused in the Gould case, to pass on that particular question, or if it did pass on it, I believe it reserved the right to pass on qualifications.

This is the portion I wanted to read to the Senate. In the report of the Judiciary Committee, reading from page 855 of Hinds Precedents, volume 2, in replying to the Committee on Privileges and Elections of the House, the Judiciary Committee said:

But the answer seems to us an obvious one that the Constitution has given to the House of Representatives no constitutional power over such considerations of "justice and sound policy" as a qualification in representation. On the contrary, the Constitution has given this power to another and higher tribunal, to wit, the constituency of the Member. Every intendment of our form of government would seem to point to that. This is a government of the people, which assumes that they are the best judges of the social, intellectual, and moral qualifications of their Representatives, whom they are to choose, not anybody else to choose for them; and we, therefore, find in the people's Constitution and frame of government they have, in the very first article and second section, determined that "The House of Representatives shall be composed of Members chosen every second year by the people of the States," not by representatives chosen for them at the will and caprice of Members of Congress from other States according to the notions of the "necessities of self-preservation and self-purification," which might suggest themselves to the reason or the caprice of the Members from other States in any process of purgation or purification which two-thirds of the Members of either House may "deem necessary" to prevent bringing "the body into contempt and disgrace."

Your committee are further emboldened to take this view of this very important constitutional question because they find that in the same section it is provided what shall be the qualifications of a Representative of the people, so chosen by the people themselves. On this it is solemnly enacted, unchanged during the life of the Nation, that "no person shall be a Representative who shall not have attained the age of 25 years, and been 7 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Your committee believe that there is no man or body of men who can add or take away one jot or tittle of these qualifications. The enumeration of such specified qualifications necessarily excludes every other. It is respectfully submitted that it is nowhere provided that the House of Representatives shall consist of such Members as are left after the process of "purgation and purification" shall have been exercised for the public safety, such as may be "deemed necessary" by any majority of the House. The power itself seems to us too dangerous, the claim of power too exaggerated to be confided in any body of men; and, therefore, most wisely retained in the people themselves, by the express words of the Constitution.

I read that because, in my opinion, it is about the clearest-cut language I have encountered in my research in this matter, stating the fact that the framers of the Constitution had the power to elect which tribunal should govern the qualifications. They decided that, except for the qualifications written into the Constitution, a higher tribunal than the Senate or the House of Representatives, namely, the people themselves, should have that right.

Reading again from the minority report:

The power to determine fitness was reserved to the electorate as the best judges of the social, intellectual, and moral qualifications of those whom they saw fit to select as their representatives. The makers of the Constitution doubtless balanced the possibility of an unwise choice of the electorate against the possibility that an agency of government, given unrestricted discretion, might, under the masquerade of morality, decide from motives of partisanship, bigotry, or fanaticism.

That is what we have here. We are masquerading as great moralists—so great, so pure, and so easily contaminated that we dare not trust the people of North Dakota to send to the Senate a man who has been their Governor and who has been their attorney general. The Senate is such a fragile hothouse orchid that almost anything might contaminate it. To me such a contention is absurd; it is ridiculous. I do not believe that we need to be afraid of being contaminated by one man, or a dozen men, especially if they are the choice of the people of sovereign States. Men who have been accused of crime have come to the Senate and have left it; but the Senate goes on, its integrity, honor, and dignity unimpaired.

When I became a Member of the other House in 1933 I was rather horrified at one speech which I heard, but the House went on. It is still functioning. I think its dignity is still maintained, and will continue to be maintained. Sitting there during the first month or two of my tenure, I was somewhat horrified, as I say, when one of my colleagues rose and prefaced his remarks by the statement that many men had gone from Congress to Federal penitentiaries, but that he was the first man to come from a Federal penitentiary to the Congress. I think his statement was exaggerated in the use of the word "many" in referring to Members of Congress leaving Congress and going to penitentiaries, but he spoke the truth when he said that he was the first to come from a Federal penitentiary to the Congress.

Did anybody question his right to a seat? No. I think he was boasting when he spoke, but he was not challenged. Why? I suppose because the great sovereign State of which he was a resident had elected him to the Congress.

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

Mr. MURDOCK. I yield.

Mr. ROSIER. I am not a lawyer, but I have read the Constitution. Am I correct

in thinking that the Constitution does not contemplate any sort of moral or religious test for any one who is elected or appointed to office? It does make provision for the punishment those who are elected or appointed to office if after they assume the office they are guilty of misconduct or malfeasance in office.

Mr. MURDOCK. After taking the oath.

Mr. ROSIER. After taking the oath and assuming the office. There are constitutional provisions for punishing those who betray their trust after they assume the obligation.

Mr. MURDOCK. We have the specific remedy of impeachment, and in this body we have the specific remedy of expulsion.

Mr. ROSIER. But that is based solely on conduct after the office has been assumed, and not upon any previous conduct.

Mr. MURDOCK. As I understand, that is true, except that in the Smoot case Senator Knox seems to have deviated slightly from that construction. In a few moments I intend to read what he said.

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

Mr. MURDOCK. I yield.

Mr. BROWN. I was interested in what the Senator said about the Member of the House who came to the House at the same time the Senator from Utah and the Senator from Michigan became Members of the House. I think it would help the Senator's argument somewhat to say that the people of the congressional district from which that particular Representative came took care of him in the next election by refusing to return him to the House.

Mr. MURDOCK. I thank the Senator for that contribution.

What does such a situation mean? It means that a man may fool his constituents once. He may fool them twice; but eventually his constituents will catch up with him. Therein, in my opinion, lies the remedy in a republican form of government. I still have confidence in the people of my State and of other States. I think if they make a mistake by sending a crook, a felon, or a moral pervert to Congress he may "get by" once, but his constituency will eventually catch up with him, as was the case in the instance of the Representative to whom the Senator from Michigan and I have referred.

Of course, I do not say that that type of man added anything to the House of Representatives. He did not. I cited that instance to show that he was not challenged in the other body, although his constituency challenged him when he came up for reelection; and, as the Senator from Michigan has pointed out, they took care of him.

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

Mr. MURDOCK. I yield.

Mr. WILLIS. Does the Senator think that the dignity of the House of Representatives was impaired because the Representative referred to was not excluded or expelled?

Mr. MURDOCK. No. I think that the dignity of the House and the dignity of the Senate do not depend on one man or one man's action. In my opinion, their dignity depends largely on the collective action of both Houses. I am no more afraid of one man contaminating this great body than I would be of polluting a lake or reservoir by dropping a few drops of impure water or some foreign substance into it. If a Member of the Senate does not possess the moral character he should have, or if his behavior is disorderly or not consonant with the dignity, honor, and prestige of the Senate, we have the remedy of expulsion; and I think that is sufficient.

I read from the minority report with respect to the Smoot case—

> Senator Bailey, of Texas, in the Smoot case, said:
>
> "The qualifications which the two Houses are authorized to judge of are qualifications laid down in the Constitution. In other words, the Constitution provides that 'no person shall be a Senator who shall not have attained to the age of 30 years and been 9 years a citizen of the United States, and who shall not when elected be an inhabitant of that State for which he shall be chosen'
>
> "As I have always understood it, that provision fixed the qualifications of a Senator, and it is not competent either to add to these qualifications or to subtract from them, and that when the two Houses are authorized to judge of the elections, returns, and qualifications of their Members, it has reference to the question of age, citizenship, and returns within the State."
>
> Mr Van Cott in the same case argued as follows:
>
> "The contention has no merit that Senator Smoot is subject to being expelled by a majority vote
>
> "The Federal Constitution, article I, section 4, provides: 'Each House may * * * with the concurrence of two-thirds, expel a Member.'
>
> "To give proper meaning to the above provision, it is best to inquire as to the motive that induced the constitutional fathers to insert this clause. In those early times there was c nsiderable jealousy among the different States—that one State should not gain an advantage over another in the matter of representation; in other words, each State wished to protect its rights in the National Government, and to accomplish that end insisted upon a two-thirds vote to expel. If the provision had been that a majority might expel, then the States might the more easily be deprived of their representation, as combinations, corrupt or otherwise, could be formed to expel a member. A majority vote might be successful, while a two-thirds vote would probably be unsuccessful. Therefore, it is reasonable to assume that the two-thirds rule was inserted in the Constitution so as to guard the more carefully each State's representation. This idea has been expressed by the Supreme Court of the United States In *Anderson* v. *Dunn* (6 Wheat. 233), it is said:
>
> " The truth is that the exercise of the powers given over their own Members was of such a delicate nature that a constitutional provision became necessary to assert or communicate it. Constituted as that body is, of the delegates of confederated States, some such provision was necessary to guard against their mutual jealousy, since every proceeding against a representative would indirectly affect the honor or interests of the State which sent him. (Hinds' Precedents, vol. 1, p. 568.)"

In my opinion, from the standpoint of the legal questions involved, the Smoot case is the outstanding precedent of the Senate as affecting the Langer case. Senator Smoot was seated with the understanding that the investigation of the charges against him would be made, and that a resolution of exclusion would probably be presented. When the Senate finally took action it first said, by the adoption of the Hopkins amendment or substitute, that Senator Smoot could not be excluded, but that if he were removed from the Senate he would have to be expelled by the concurrence of a two-thirds majority. I think the same action will be taken in the case of Senator LANGER. I do not believe that any Senator will take the position that Senator LANGER is not a Senator. I do not believe any Senator will take the position that we can evade the Constitution by expelling him by anything less than a two-thirds majority.

In that connection I ask, Where do we obtain the power to permit a man to become a Member of the Senate and then expel him by a majority vote? I recur to the argument which I have made twice before in my address. The misconstruction of the Constitution brought about a fallacious procedure which comes back to plague us. As I have previously stated, I think the Smoot case is the outstanding precedent for the Langer case. I believe that if the Senate ever expels WILLIAM LANGER it will do so by a two-thirds vote, and not otherwise.

Mr. President, I hope to bring my remarks to an early conclusion. I think that in the Smoot case Senator Knox made the best statement and exposition of the law which I have read on this particular question. I want my colleagues to listen while I read it. It is not very long. I read further from the minority report.

Senator Knox, of Pennsylvania, in the Smoot case, said:

> Mr. President, the Constitution provides that the Senate shall be the judge of the qualifications of its Members; a majority of the Senate can determine whether or not a Senator possessed them. The Constitution also provides that the Senate may, with the concurrence of two-thirds, expel a Member.
>
> I have intentionally referred to the proposed action against Senator Smoot as expulsion. I do not think the Senate will seriously consider that any question is involved except one of expulsion, requiring a two-thirds vote. There is no question as to Senator Smoot possessing the qualifications prescribed by the Constitution, and, therefore, we cannot deprive him of his seat by a majority vote. He was at the time of his election over 30 years of age and had been 9 years a citizen of the United States, and when elected was an inhabitant of Utah. These are the only qualifications named in the Constitution, and it is not in our power to say to the States, "These are not enough; we require other qualifications," or to say that we cannot trust the judgment of States in the selection of Senators, and we, therefore, insist upon the right to disapprove them for any reason.
>
> This claim of right to disapprove is not even subject to any rule of the Senate specifying additional qualifications of which the States have notice at the time of selecting their Senators, but it is said to be absolute in each case as it arises, uncontrolled by any canon or theory whatever.
>
> Anyone who takes the trouble to examine the history of the clause of the Constitution as to the qualification of Senators must admit that it was the result of a compromise.

I think that Senator Knox was depending upon the very arguments I have

read to the Senate this afternoon from Madison and the other framers of the Constitution.

The quotation from the statement by Senator Knox continues:

The contention that the States should be the sole judges of the qualifications and character of their representatives in the Senate was acceded to with this limitation: A Senator must 30 years of age, 9 years a citizen of the United States and an inhabitant of the State from which he is chosen. Subject to these limitations imposed by the Constitution, the States are left untrammeled in their right to chose their Senators. This constitutional provision secures a measure of maturity in counsel, and at least a presumption of interest in the welfare of the Nation and State.

Probably Senator Knox read the great opinion of John Quincy Adams before he gave utterance to that expression on the floor of the Senate. I read it to the Senate this afternoon.

Senator Knox further said:

By another provision—namely, that relating to expulsion—the Constitution enables the Senate to protect itself against improper characters by expelling them by a two-thirds vote if they are guilty of crime, offensive immorality, disloyalty, or gross impropriety during their term of service.

I specify these reasons because I cannot imagine the Senate expelling a member for a cause not falling within one of them.

* * * * *

I know of no defect in the plain rule of the Constitution for which I am contending. I know of no case it does not reach I cannot see that any danger to the Senate lies in the fact that an improper character cannot be expelled without a two-thirds vote. It requires the unanimous vote of a jury to convict a man accused of crime; it should require, and I believe that it does require, a two-thirds vote to eject a Senator from his position of honor and power, to which he has been elected by a sovereign State.

The simple constitutional requirements of qualification do not in any way involve the moral quality of the man; they relate to facts outside the realm of ethical consideration and are requirements of fact easily established. Properly enough, therefore, as no sectional, partisan, or religious feeling could attach itself to an issue as to whether or not a man is 30 years of age, had been a citizen of the United States and an inhabitant of a State for the periods prescribed, the decision as to their existence rests with a majority of the Senate—

Simple, reasonable qualifications that do not require anything but a good-faith examination and an early conclusion as to whether they exist.

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

Mr. MURDOCK. I yield.

Mr. LUCAS. The Senator is now discussing the question of expulsion, and he has just read a very excellent opinion by former Senator Knox. Assuming that Senator LANGER had been asked to stand aside on January 3, 1941, and never had been permitted to take the oath, would the Senator from Utah still contend that under those circumstances we should have to vote him out by a two-thirds vote?

Mr. MURDOCK. I take the position that we have absolutely no right to ask a Senator clothed with the proper credentials from his State, and possessing the qualifications provided in the Constitution, to stand aside.

Mr. LUCAS. I can understand the Senator's position; but, if we are to follow the precedents of the past, we must remember what they show. Upon 29 different occasions Senators have been permitted to take the oath, and afterward have been investigated; on 16 occasions in the history of this country a Senator-elect has been told by the Senate, "You shall stand aside while we investigate the charges; and thereafter we shall either deny you the oath or administer the oath to you."

We must consider the precedents and the fact that the Senator-elect was permitted to take the oath makes absolutely no difference on the question of exclusion or expulsion. In my humble opinion, the result is the same. The question is still one of exclusion. It will be distinctly remembered by Members of the Senate that on the opening day, when Senator LANGER came here, because of the fact that at that time certain charges had been filed against him, charges which were automatically submitted to the Committee on Privileges and Elections, the senior Senator from Kentucky [Mr BARKLEY] said:

I ask that he be permitted to take the oath without prejudice, which is a two-sided proposition—without prejudice to the Senator and without prejudice to the Senate in the exercise of its right—

The RECORD shows that on that day the Parliamentarian of the Senate, following a colloquy between the senior Senator from Vermont [Mr. AUSTIN] and another Senator, held that a majority vote would be all that would be necessary to exclude Senator LANGER. Of course, his opinion is not binding upon the Senate.

Mr. MURDOCK. My answer to the Senator is one which I have made two or three times before in the Senate. If the Senate ever adopted the precedent contended for by the Senator—that the Senate has the right to ask a Senator-elect clothed with proper credentials and having the constitutional qualifications to stand aside—it misconstrued its powers, because it has not such power.

I take the position that under the Constitution we have no power to ask a Senator-elect to stand aside, if there is no question as to his constitutional qualifications or regarding his election, or regarding his having the proper credentials. Under the Constitution we are bound to let him take the oath of office. If, thereafter, he does anything that is wrong or disorderly, we have the right to expel him. But once the Constitution is misconstrued, once Senators start to assert the inherent powers referred to—the power to tell Senators-elect to stand aside, even though they have the constitutional qualifications and credentials—the Senate must remedy such misconstruction of the organic law. In my opinion the adoption of a fallacious procedure comes back today, and will continue to come back, to plague the Senate in matters of this kind.

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

Mr. MURDOCK. Yes; I yield.

Mr. LUCAS. Let me cite an example which probably would not occur, but which might occur: A Senator is elected by his people, and, following his election, he is given all the necessary credentials by the Governor of the State; but 3 days before he arrives here he commits first degree murder, and admits it. Under the theory of the Senator from Utah there would be nothing the Senate could do but admit him and expel thereafter?

Mr. MURDOCK. That is my position.

Mr. LUCAS. I thank the Senator.

Mr. LA FOLLETTE. Mr. President, will the Senator yield.

Mr. MURDOCK. First let me answer the Senator from Illinois. I am rather pleased that he brought up the question.

Let us see how it would work out. A man is elected in his State, he has all the constitutional qualifications, he comes here with his credentials, but a few days prior to his coming here, for some reason or other, he commits murder, as the Senator has said. The Senator contends that the Senate should be able to exclude him by a majority vote?

Mr. LUCAS. No; I am not talking about that; I am talking about his admission at the door there. The position the Senator from Utah takes is that it does not make any difference what a Senator does in the way of crime, that whenever he is elected by the people of his State, comes here with bona fide credentials, and there is no fraud in the election, the Senate cannot refuse to give him the oath. That is the position the Senator takes?

Mr. MURDOCK. That is my position; yes.

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

Mr. MURDOCK. I should like to make a further observation.

Mr. CONNALLY. Very well.

Mr. MURDOCK. Let us see what would happen. The man who has committed a murder comes here with all proper credentials and qualifications. I cannot conceive, as Senator Knox has said, that we have a right to try the murder case before we allow him to come here and take the oath.

After a Senator takes the oath, after he becomes a Member of this distinguished body, after he is cloaked in the senatorial toga, then suppose he walks right out of this Chamber and commits a murder while a Senator of the United States. Can he by a majority vote be kicked out? Can he be excluded because he has committed a murder? Of course he cannot be. If there is any reason for a man being an exemplary citizen, if there is any reason in the world that should make him live a moral, clean lawful life, it is after he has taken on the toga of a Senator and assumed his duties here. The position for which the Senator contends is that if he is elected and comes here and a few days before he gets here he committed murder, we can exclude him by a majority vote, but, after he becomes one of us, if he commits a murder, the only way he can be excluded is by a two-thirds vote.

I do not think that the framers of the Constitution ever intended that there should be any such distinction.

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

Mr. MURDOCK. I yield.

Mr. CONNALLY. I was out of the Chamber for a while, and the Senator has practically answered the question I had in mind to ask him. I was going to ask him this question: Suppose a man 20 years ago committed an offense—there is no statute of limitations here, but statutes of limitations prevail in the States—suppose he had lived an exemplary life thereafter and had behaved himself; he is elected to the Senate; the contention of the opposition is that the Senate could exclude him on that showing by a majority vote, but a month after he takes his seat here, if he committed the same crime, it would take a two-thirds vote to oust him. Is there any consistency of thought in that sort of a contention?

Mr. MURDOCK. I cannot believe that the framers of our Constitution contemplated any such result.

Now, let us take a further example. If we have the right to go into the moral character or the intellectual ability of a Senator-elect, then do we not have the corresponding duty to do it? Think that over. What would be the result? Every Senator-elect, then, would have his enemies in his own State; we have a right, under the contention of the majority, to go on these fishing trips; if we have the right, we have the duty; and if we have the right and the duty, then what do we become? We become the triers of the moral and the intellectual life of every Senator-elect from the cradle to the time of his election. Who is going to concede that? Who is going to contend for that?

Now, I wish to submit another example.

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

Mr. MURDOCK. Let me give the further example, if the Senator please. If we have a right, as the majority contend, to exclude a man on moral or lack of moral qualifications or intellectual qualifications, then I ask, does the element of time make any difference? Does the element of time have anything to do with the moral character of Senator LANGER? The reason I ask that question is this: Let us suppose that Senator LANGER is guilty of bribery; he is elected to the Senate of the United States; he comes here and nobody questions his right to come into the Senate until after he gets here and until after he is a full-fledged Senator. Then, would the majority contend that, because of his immorality, because of his crime, we could exclude him on the ground that we did not know of the immorality at the time he took his seat? Certainly not. They do contend, however, that if his enemies get here before the time he takes the oath, then we can exclude him if they make the charges against him. I say, that if the matter involved is one of moral qualifications or intellectual qualifications, then the time element should not enter into it. If we can exclude for immorality or crime, then what difference does it make as to the time we find it out?

Did the framers of the Constitution contemplate that if the enemies of a Senator-elect got here ahead of him before he took the oath, and filed a few affidavits, he could be excluded by a majority vote, but, if he beat them to the mark, and got here before they were ready with their charges, and the Senator got in, then a two-thirds vote would be required to expel him?

Then, take the other step, which is that if after a Senator gets here he commits bribery, it would also take a two-thirds vote to expel him after he becomes a Senator.

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

Mr. MURDOCK. I yield.

Mr. LUCAS. Of course, if the position of the Senator is correct, it simply means that in the future every man who comes here whose credentials are questioned or who has any charges filed against him whatsoever, will be asked to step aside and be denied the right to take the oath. He will not be in the Senate so long tions, and during that time the State from which he was elected will be without representation, as the Constitution contemplates.

Certainly the Senator would not contend that if Senator-elect LANGER had not been permitted to take the oath, it would require the constitutional two-thirds majority to oust him and vacate the seat. Frank Smith did not become a Senator from my State because the Senate would not permit him to take the oath in the beginning. So, all that was necessary to do was by a majority vote to exclude, notwithstanding he came here by appointment of the Governor of the State which was in no way questioned. There was no fraud in the appointment but the Senate said, "You shall stand aside; you cannot take the oath, Mr. Smith, even though you have been appointed by the Governor of your State. Your credentials are unquestioned but you will not be permitted to take the oath." They referred it to the Committee on Privileges and Elections. It could only have been upon the theory of fraud in the excessive spending of money, which was moral turpitude insofar as it affected a bona fide appointment. I urge the Senate to consider the necessity of the majority leader having to adopt the hard and fast rule of having every Senator against whom charges are preferred stand aside.

Mr. MURDOCK. As I have said before, I am glad the Senator from Illinois gets some comfort out of the Smith case.

Mr. LUCAS. I do get comfort out of it.

Mr. MURDOCK. I am happy the Senator does. I do not care to yield further at this time. I want the Senator to get all the comfort he can out of the Smith case, but I still take the position that the framers of the Constitution did not contemplate any such proceeding as that with which we are now confronted.

I further take the position that the precedent on which I stand is the Smoot case, in which the Senate permitted the Senator-elect to take his seat, let him take the oath, and then began an investigation of the charges made against him. But when the question of unseating him arose, the Senate adopted a substitute resolution, notwithstanding the recommendation of the majority of the committee. Just as in the case before us, the majority of the committee in the Smoot case recommended his exclusion, but the Senate said, "No." Senator Knox contended, as I stated a few moments ago, that he did not think any Senator would seriously state that Senator Smoot could be expelled except by a two-thirds vote.

There we had the ultimate action of the Senate in a case which, in my opinion, is a precedent in the instant case. The Senate held in that case, notwithstanding the fact that Senator Smoot was permitted to take his seat, notwithstanding the recommendation of the Committee on Privileges and Elections, that the Senate could not expel him except by a two-thirds vote.

Mr. LUCAS. Will the Senator yield for a further observation in connection with that point?

Mr. MURDOCK. I yield.

Mr. LUCAS. I thank the Senator. With respect to the Reed Smoot case, I wish to call the attention of the Senate to the two cases which came out of Utah.

Mr. MURDOCK. I hope the Senator will not take too long.

Mr. LUCAS. I want just a moment of the Senator's time. In the Brigham Roberts case, which, in the House of Representatives was identical with the Reed Smoot case in the Senate——

Mr. MURDOCK. Oh, no; it was not identical, and when the Senator makes that statement he is just as far away from the facts, in my opinion, as he is when he states what he considers to be the law in the Smith case.

Mr. LUCAS. I thought the Senator yielded to me.

Mr. MURDOCK. I do yield.

Mr. LUCAS. I am well aware that in the opinion of the Senator from Utah I know neither the facts in the Smoot and Roberts cases nor the law in the Smith case. I concede all that knowledge to my able friend. But once again I shall repeat what I submit the record shows.

It is true that the facts of the two cases are different. However, the basic principle of constitutional law is the same. In the Brigham Roberts case, he was charged with the actual practice of polygamy, having four wives, when elected. In the Reed Smoot case, he had only one wife, he led an exemplary life, but nevertheless he adhered to and believed in the doctrine of the Mormon Church which condoned polygamy.

In the Roberts case, the House of Representatives refused to permit Roberts to take the oath. They asked that he stand aside. They said:

> What is the use in permitting him to take the oath, and then, after he takes the oath, expel him by a two-thirds vote?

The House excluded Roberts by a majority vote.

In the Reed Smoot case, Smoot was admitted, and he qualified by taking the oath. The moment he became a Senator he immediately came under the constitutional provision of expulsion, provided his conduct was such that the provision was violated. Those defending Smoot said that the belief in polygamy was a continuing offense, and, once a bona fide member of the Senate, he could not be excluded for an offense then

committed, but expulsion was the only remedy. This was Senator Knox' position.

Mr. MURDOCK. I am unable to agree with the Senator in his statement of the two cases.

Mr. LUCAS. There is no doubt about it.

Mr. MURDOCK. There is not in the Senator's mind, I know, but he must accord to me the same right I accord to him, that is, the right to arrive at my own conclusion. I do not think the Senator has adhered closely to the facts in either case. I think the question of polygamy in the Smoot case was absolutely eliminated by the Committee on Privileges and Elections, and it was so stated on the floor of the Senate. The distinction I make—and I made it this morning in regard to the Roberts case—is that there was a continuing offense, which was not denied by Roberts. So, of course, it is not a precedent for the Langer case today.

Let me make one further suggestion to the Senate. As to the time element—and I think it is important in arriving at a proper conclusion in the case—suppose Senator LANGER had resided in the State of California during his youth and his early manhood. Suppose while he was there he had been arrested and convicted of the crime of embezzlement. Years pass. He goes to North Dakota, becomes an exemplary citizen there, lives a moral life, and because of his courage and because of his other virtues, the people of North Dakota elect him to the Senate of the United States. Let us assume that no one here knows anything about his conviction for felony in California. He comes here and becomes a Member of the Senate. After arriving on the floor of the Senate he is recognized by someone from California who immediately says, "That is the same BILL LANGER who was convicted of embezzlement in California." Could we then get rid of him as a Senator by a majority vote? Of course not.

Mr. CLARK of Missouri. Mr. President——

Mr. MURDOCK. Permit me to finish the analogy I wish to make; and I hope I make myself clear, although it is a rather difficult comparison to make. What I stress is that if we have a right to go into the moral qualifications of a man, then the time element should not come into the picture. If a man is convicted of crime, no one may know about the fact, but he is convicted, he is a criminal, because a jury of his peers have convicted him. He gets into the Senate, notwithstanding his conviction, and it takes a two-thirds vote to expel him. But if he commits the same crime, and we are apprised of that fact, under the contention of the majority, before he takes his oath, we have a right to exclude him by a majority vote. The point I make is that if the question is one of moral qualifications, why should there be a difference simply because of the time of discovery of the immorality? I cannot follow the kind of reasoning of those who make such a contention. I cannot believe that the framers of the Constitution ever contemplated any such inconsistency.

Mr. CLARK of Missouri. Mr. President, will the Senator now yield?

Mr. MURDOCK. I yield.

Mr. CLARK of Missouri. To add another example to the several very apt illustrations the Senator from Utah has used, would it not be true that if the Senate by a majority vote could exclude a Member who had been sworn in—and I do not think that fact makes any difference, so far as the illustration I am giving is concerned—if it took something he did in the trial of a lawsuit 15 or 20 years ago; that is to say, if the transaction was not cured by his election by the people of any State, such as North Dakota, it would follow, would it not, that if he went home and was elected again, the same thing he did 15 or 20 years ago would still be a bar to his admission to the Senate? It does not seem to me it could be cured any more by two elections or three elections or four elections than by one election. Would it not follow that the practice would amount to bringing a bill of attainder against a man, and if his State desired to elect him again, would result in depriving a sovereign State of the Union of its equal representation in the Senate without its consent?

Mr. MURDOCK. The Senator is correct.

Mr. CLARK of Missouri. There is no escape from that conclusion.

Mr. MURDOCK. We are a great Christian country, and certainly if a man commits a crime, is convicted, and serves his time, and then lives a moral life, he is entitled to forgiveness, and to some degree of consideration.

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

Mr. MURDOCK. I yield.

Mr. PEPPER. I wish to ask a question only for information, because unfortunately I have not heard all the Senator's able argument.

Is it the Senator's position that under section 5, article I of the Constitution, which gives each House the authority to be the judge of the elections, returns, and qualifications of its own Members, each House would have the authority to determine that a man did not possess the necessary qualifications if something occurred up to the time when the person became actually a Member of the body, so that for any conduct occurring prior to the time he presented himself to become a Member of the Senate only a majority vote would be required, under the section to which I have referred; but, under a further provision that "each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member"—expulsion for any misbehavior or unseemly conduct after one became a Member would require a two-thirds vote?

Mr. MURDOCK. My position is that we do not have the right to exclude anyone who comes here clothed with the proper credentials and possessing the constitutional qualifications. My position is that we do not have the right under the provision of the Constitution to which the Senator from Florida referred, to add to the qualifications. My position is that the State is the sole judge of the intellectual and the moral qualifications of the representatives it sends to Congress.

Mr. PEPPER. Let us assume that there was a given reason why the Senate did not deem a Senator to possess the necessary qualifications—whether it be a deficiency, or the commission of some offense. Under the power to determine the qualifications, the criterion would be the time element, would it not? That is, if the qualification which it was complained he lacked to justify his membership in the Senate was a deficiency, or a lack of qualification occurring prior to the time he became a Senator, then only a majority vote would be needed to exclude him.

Mr. MURDOCK. Let us consider a concrete example: Let us suppose that a man comes here with proper credentials, and supposedly having all the constitutional qualifications; but let us further suppose that before he takes the oath someone who is well acquainted with him comes here and says, "This man is not eligible to be a United States Senator because he has not been a citizen of the United States for the number of years prescribed in the Constitution." Of course, that man can be excluded by a majority vote.

I will go further and say that even if he got into the Senate and took the oath of office, if it could then be shown that he lacked the citizenship qualification, or the inhabitancy qualification, or the age qualification, we could still exclude him by a majority vote? Why? Because he is absolutely ineligible under the Constitution to be a Member of the Senate.

Mr. PEPPER. That was a deficiency existing prior to the time he took his oath.

Mr. MURDOCK. Yes.

Mr. PEPPER. But if the disqualification occurred after he became a Senator, that is, if he became deranged, or committed an offense, then that would be a case for expulsion, and would require a two-thirds vote.

Mr. MURDOCK. Yes.

Mr. PEPPER. So the criterion, then, is time—whether the thing complained of occurred before he became a Senator or after he became a Senator.

Mr. MURDOCK. No; I do not think the element of time enters into the constitutional qualifications. I do not think it makes any difference, so far as time is concerned, when we discover that a person, whether he is in the Senate or has not been admitted——

Mr. PEPPER. No; I mean whether the thing complained about as constituting a lack of qualification existed prior to the time he became a Senator or occurred subsequent to the time he became Senator.

Mr. MURDOCK. I do not know that I follow the Senator.

Mr. PEPPER. The Senator spoke a minute or so ago about imagining that one had committed an offense. If he had committed a homicide, for example, prior

to coming to the Senate, then the Senate would have the power to find, by a majority vote, that the commission of that offense constituted a lack of qualification.

Mr. MURDOCK. No; I take the opposite view. I take the position that the Senate has no right under the Constitution to go into the morals of the Senator-elect.

Mr. PEPPER. I see. The Senator construes section 5, or article I, which gives each House the power to judge of the qualifications of its Members, to be limited to the things prescribed in the Constitution?

Mr. MURDOCK. Yes.

Mr. PEPPER. I thank the Senator.

Mr. MURDOCK. The Senator from Florida states the matter very clearly.

I read further from Senator Knox's statement, which I do not think I had completed:

> The simple constitutional requirements of qualification do not in any way involve the moral quality of the man.

I may say to the distinguished Senator from Florida that I am now reading from the argument made by Senator Knox in the Smoot case, which appears on page 49 of the minority views. I continue reading:

> They relate to facts outside the realm of ethical consideration and are requirements of facts easily established.

A man's age, his citizenship, his inhabitancy—those things are easily ascertained.

> Properly enough, therefore, as no sectional, partisan, or religious feeling could attach itself to an issue as to whether or not a man is 30 years of age, had been a citizen of the United States and an inhabitant of a State for the periods prescribed, the decision as to their existence rests with a majority of the Senate. When, however, a different issue is raised dehors the Constitution upon allegations of unfitness, challenging the moral character of a Senator, involving a review of questions considered and settled in the Senator's favor by the action of his State in electing him, then the situation is wholly changed, and a different function is to be performed by the Senate calling for its proper exercise, the highest delicacy and discretion in reviewing the action of another sovereignty.
>
> If I were asked to state concisely the true theory of the Constitution upon this important point, I would unhesitatingly say—

This is what Senator Knox said was his construction of the Constitution, and I think it is worth while to consider it:

> First. That the Constitution undertakes to prescribe no moral or mental qualification, and in respect to such qualifications as it does prescribe the Senate by a majority vote shall judge of their existence in each case, whether the question is raised before or after the Senator has taken his seat.

In other words, if the question of age is raised, if the question of citizenship is raised, if the question of residence is raised, whether before the Senator takes his oath or after, all that is required for a decision of such a question is a majority vote.

Mr. PEPPER. Mr. President, will the Senator yield for another question?

Mr. MURDOCK. Yes.

Mr. PEPPER. I was wondering if we could find the protection which the Senate would feel justified in asking for under that interpretation, in the probability that any offense involving serious moral turpitude would have constituted such a legal offense in the State of a man's election that he would probably have become convicted of a crime which would have made him ineligible to be an elector and, therefore, ineligible to be a Senator, so that the Senator's interpretation would not leave the Senate without probable protection under the law of any ordinary civilized State?

Mr. MURDOCK. I think it is stated in a report of the Judiciary Committee of the House that the State certainly is not going to send convicted felons here, nor is it going to send idiots, nor persons absolutely physically disqualified to carry on the duties of a Senator. I think an attempt to construe the Constitution in the light of a presumption that a State may elect a moral pervert, or a felon, or an idiot, or a man physically disqualified to come here and perform his duties, would be a very strained construction of the Constitution. I continue to read:

> Second. That as to all matters affecting a man's moral or mental fitness the States are to be the judges in the first instance, subject, however, to the power of the Senate to reverse their judgment by a two-thirds vote of expulsion when an offense or an offensive status extends into the period of senatorial service, and such a question can only be made after the Senator has taken his seat.

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

Mr. MURDOCK. I yield.

Mr. LUCAS. The Senator read:

> When * * * an offensive status extends into—

the Senator's term.

That is the very point I tried to make awhile ago.

Mr. MURDOCK. If the Senator will obtain a copy of the minority views—I do not know whether he has taken enough interest in them to read them——

Mr. LUCAS. Oh, he certainly has.

Mr. MURDOCK. This is what Senator Knox said, and I read it again:

> Second. That as to all matters affecting a man's moral or mental fitness the States are to be the judges in the first instance, subject, however, to the power of the Senate to reverse their judgment by a two-thirds vote of expulsion when an offense—

In the Roberts case the offense he was charged with continued right up to the point of the presentation of his credentials.

Mr. LUCAS. Did it in the Smoot case?

Mr. MURDOCK. I continue reading:

> When an offense or an offensive status extends into the period of senatorial service, and such a question can only be made after the Senator has taken his seat.

I know some Senators who take a very similar position; I think Senator Knox took the position that if an offense exists at the time the credentials are presented, and it is carried over into the service of the Senator, then the Senate has the right to expel by a two-thirds majority.

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

Mr. MURDOCK. Yes; I yield.

Mr. LUCAS. I do not disagree with the Senator upon that proposition. I agree with him when an offense continues over into the service after he takes the oath. That is exactly what happened in the Reed Smoot case. But on the question of moral unfitness——

Mr. MURDOCK. What was in question in reference to Smoot? Was it intellectual unfitness or moral unfitness?

Mr. LUCAS. Moral unfitness.

Mr. MURDOCK. Yes.

Mr. LUCAS. For the benefit of those who did not hear it, let me read what I said in the Senate last Friday:

> It will be noted that Senator Knox took the position that a Senator-elect could not, for moral unfitness, be excluded by a majority vote even if it should be done prior to taking the oath. In this he differs from the majority of the committee in the Roberts case, differs from the precedents above discussed, and differs from the prevailing views expressed at length in the Smith case. However, he was logically obliged to adopt that position if he were to maintain the proposition that a majority vote was not sufficient after the oath had been taken.

Mr. MURDOCK. That is the Senator's construction of Senator Knox's position. As I have previously stated, I cannot agree with him in that construction. The position stated by Senator Knox, that a two-thirds vote is required to expel if a Senator possesses the constitutional qualifications, was adopted by the Senate.

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

Mr. MURDOCK. I yield.

Mr. PEPPER. I was interested in the language which the Senator read. I obtained the impression from the reading of it by the Senator that the continuing offense referred to meant an actual continuity of wrong. For example, if one were a disturber of the peace outside, and continued to be a disturber of the peace inside the Chamber; or if outside the Chamber one believed in the overthrow of the Government by violence, and inside the Chamber also advocated the overthrow of the Government by violence, there would be a continuity of wrong. That is the kind of continuity which would bring the offense through the doors of the Chamber. However, section 5, which refers to misbehavior which would justify expulsion, does not mean that a person who possesses a character which at some previous time was capable of misbehavior has committed an offense in the Senate. It refers to the place of commission of the act. I have not read all the record. Is Senator LANGER charged with having committed any such act since he became a Senator?

Mr. MURDOCK. In answer to the Senator, let me read the resolution proposed by the majority of the committee. I think that in their zeal and in their desire to get away from the two-thirds vote they have overstepped themselves. They have strained at that point so persistently and tenaciously that, in my opinion, they overstrained or overdid themselves.

The first resolving clause is as follows:

> *Resolved*, that the case of WILLIAM LANGER does not fall within the constitutional provisions for expulsion or any punishment by two-thirds vote, because Senator LANGER is

neither charged with nor proven to have committed disorderly behavior during his membership in the Senate.

In other words, it is proposed that we first resolve that he is a Member of the Senate, and that during the time he has been a Member he has not done anything to bring him within the two-thirds rule.

The second resolving clause is as follows:

Resolved, That WILLIAM LANGER is not entitled to be a Senator of the United States from the State of North Dakota.

That is considered a resolution of exclusion, requiring only a majority vote.

Mr. PEPPER. Does the Senator construe that language to mean that the committee has affirmatively found that since he has been a Member of this body Senator LANGER has been guilty of no offense involving moral turpitude or furnishing grounds for his exclusion by this body?

Mr. MURDOCK. The majority of the committee have not only come to that conclusion and stated it in the resolution, but they take nine pages of their legal brief to argue that point, when no Member of the Senate even questions it.

Mr. PEPPER. So, if he has committed any offense or possesses any lack of qualifications which would bar him from being a Senator, it must be something which occurred prior to the time he came here and presented himself as a Senator.

Mr. MURDOCK. That is the position of the majority.

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

Mr. MURDOCK. I yield.

Mr. CHANDLER. I think it should be remembered that on the opening day, when Senator LANGER presented himself, objection was made, and he was given good treatment, whereas he might have been given what would have been considered bad treatment. He could have been told to stand aside until we had made an investigation and had made up our minds whether or not to let him have a seat at all; but the majority leader made a statement in which he said that the better practice was to let him be sworn without prejudice either to the Senator or to the Senate. Then a discussion ensued, and the Vice President said that according to his information on the parliamentary law of the situation, the Senate could later pass upon his qualifications by a majority vote.

It is not denied that a two-thirds vote would be required to expel him. I do not know any member of the committee who would not say that a two-thirds vote would be required to expel him. I think we all agree that he has committed no wrong since he has been a Senator. We did not try to determine whether or not he had. If he has done so we have not been advised of it.

Under the authority which the committee had—and I think the Senator from Utah and the Senator from Illinois will support this statement—we investigated the question as fully as we thought we were authorized to investigate it. If Senator LANGER committed offenses prior to his coming here, those offenses continued, or at least they have not been adjudicated so far as the Senate is concerned. The case was not brought by any member of the Senate Privileges and Elections Committee. It was brought by persons from North Dakota. Each side had representatives, lawyers, and ammunition; and so far as I know all hands agreed that the issue should be tried. The charge has been repeatedly made that somebody wants to do something to Senator LANGER which under the rules ought not to be done. I wish to disavow any such desire.

Mr. MURDOCK. I do not know of anyone who has made that accusation.

Mr. CHANDLER. It has been repeatedly made.

Mr. MURDOCK. By whom? Only two Senators have spoken—the Senator from Illinois [Mr. LUCAS] and myself.

Mr. CHANDLER. Numerous Senators have spoken.

Mr. MURDOCK. I certainly do not accuse anybody of violating any rules.

Mr. CHANDLER. I think Senator LANGER has been given good treatment by the Senate. His case has not been prejudiced by the Senate, because he was permitted to take the oath and be a Senator during the time the investigation and examination went on. The Senator is familiar with what the Vice President said. Objection was made to seating Senator LANGER and the Senator from Vermont [Mr AUSTIN] said:

Does this procedure waive any requirement of a two-thirds vote?

In the course of the debate the Vice President said:

The Parliamentarian advises the Chair that it does not. If this agreement is entered into, only a majority of the Senate will be required to pass on the qualifications of the Senator-elect.

That debate took place on the opening day. We were sincerely of the opinion—at least 13 of us were—that, so far as we knew, Senator LANGER had not committed any offense since he came to the Senate. However, the offenses which he was charged with committing before he came to the Senate have not been adjudicated by the Senate. They still stand until we pass on them one way or the other. Only a majority vote of the Senate would be required to determine whether he was guilty of those offenses to such an extent as to constitute moral turpitude. Is not that a fair statement of the situation, at least from the point of view of the majority?

Mr. MURDOCK. I think the Senator is always fair; and I have the highest regard for his ability.

I have the highest regard for the Parliamentarian of the Senate. I think that in the ordinary case we can be absolutely guided by him. However, when it comes to a construction of the Constitution, I, as a Senator, must reserve the right to construe it as I see it. I do not think that any statement by the Parliamentarian or by the Vice President is binding on me as a Senator. It is true that the Senator from Kentucky [Mr. BARKLEY] stated that when the Senator took the oath he did so without prejudice either to himself or the Senate; but in my investigation of these questions I cannot find any authority in any constitutional construction or precedent which gives the Senate the right to permit a man to come here as a Member and then exclude him, except by a two-thirds majority. I say that on that question the Smoot case is a precedent.

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

Mr. MURDOCK. I yield.

Mr. BARKLEY. Of course, if that were the rule of the Senate, the result would be that when anyone came here with his credentials and any question were raised as to his right to enter the Senate, the Senate, in order to protect itself, would be compelled to exclude him until the investigation were held.

Mr. MURDOCK. I cannot agree with that construction, with all due respect to the majority leader—and I have a profound respect for him.

Mr. BARKLEY. I appreciate that; but when a man comes here with credentials if all we can do is to examine the regularity of his credentials, find out how old he is, and how long he has lived in the State, then no matter what sort of question may be raised as to his election and his right to come here, if we permit him to take the oath we cannot pass upon that question originally. The only way we can pass upon it originally is by requiring him to stand aside.

Mr. MURDOCK. That is not my position. My position is that if the election is in question, of course he should not be allowed to come in. However, if we admit that his credentials are in order; if we admit—as we must in this case—that he has the constitutional qualifications, then I say that the Senate has no right under the Constitution to ask him to stand aside.

Mr. BARKLEY. I am trying to settle this matter for the future of the Senate, without regard to this particular case.

Mr. MURDOCK. I also am interested in properly settling this case for the future, so that it may be a precedent.

Mr. BARKLEY. If the Senate is to pass upon the question of whether a two-thirds vote is required to enable the Senate, after a man gets in, to do what it could have done by a majority vote before he got in, then certainly an important question is presented for decision to guide the Senate in the future. We could have excluded the Senator from North Dakota by a majority vote on the day he arrived with his credentials.

Mr. MURDOCK. My answer is that we could not rightfully have done so.

Mr. BARKLEY. Suppose, as is sometimes done, he had been asked to stand aside, and had refused to stand aside, but had demanded the right to take the oath. Does the Senator contend that we could not have prevented him from taking the oath except by a two-thirds vote?

Mr. MURDOCK. No. If we had then wanted to say to him, by a majority vote, "You cannot come in here," that action probably would have stood. There is no review of our proceedings; but we must not confuse the power with the right. I do not think we would have the right to do so, but we might have the power.

Mr. BARKLEY. In connection with a constitutional question of this kind we

are bound to assume that when the writers of the Constitution gave us the power to do a definite thing they also gave us the right to do it, if within the judgment of the Senate it should be done.

The point is that on the day when Senator-elect LANGER came to the Senate, we could have said to him, by a majority vote, "You cannot enter the Senate until the charges are investigated." Instead of doing so, as an act of courtesy, generosity, and even of justice, we said, "Very well, you can come in; but the Senate reserves the same rights to deal with you after you get in as it now has before you get in."

Is it the Senator's contention that, having admitted him in that tentative way, without prejudice either against him or against the Senate, we cannot now, except by a two-thirds vote, do what we could have done by a majority vote on the first day of the session?

Mr. MURDOCK. That is my position, that we have no right now to expel the Senator, except as provided by the Constitution. In support of my contention I call the Senator's attention to the case of former Senator Smoot.

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

Mr MURDOCK. I yield.

Mr. WHEELER. I think the Senator perhaps misunderstood or misconstrued the question the Senator asked. I take it that, under the Constitution of the United States, neither the Republican leader nor the Democratic leader nor any other Senator has a right to say to a Senator-elect, "Step aside." The Senator-elect can demand that he be sworn in. It is probable that under the Constitution we have the power to say to him by a majority vote, "We will not let you in." However, under the Constitution we have no right to do so unless there is involved a question of fraud in his election. But if it is a question of his morals, if it is a question of his intellect, we would not have a right by a majority vote of the Senate to say, "You cannot be sworn in."

Mr. MURDOCK. That is exactly what I meant.

Mr. WHEELER. I thought so, but it seemed to me that perhaps the Senator from Utah misunderstood the question.

Mr. MURDOCK. I thank the Senator for clarifying my position; he has stated it exactly.

Mr. BARKLEY. Of course, if that were to be the position of the Senate the Senate could not, except by a two-thirds vote, question on any ground whatever, except that of lack of age or other constitutional qualifications, the right of any Senator-elect to be admitted.

Mr. MURDOCK. No; except that if there were a contest of his election, or a charge that he did not have the qualifications required by the Constitution, of course, we would have the right to say, under the Constitution, "Your eligibility is questioned; you cannot be sworn in until we ascertain whether you are 30 years of age, whether you are a resident of the State of North Dakota, or whether you have been a citizen of the United States for the requisite number of years."

Of course, these are prerequisites to admission.

On the other hand, when a Senator-elect comes here without having any question whatever raised about his election or about his constitutional qualifications, I take the position that we have no right to exclude him on grounds of moral or intellectual disqualifications.

Mr. BARKLEY. As I recall the Smith case, which has been considerably discussed, it grew out of a question raised regarding expenditure of money in the primary election, not in the general election.

Mr. MURDOCK. That is correct.

Mr. BARKLEY. The Supreme Court had held that the Congress of the United States had no jurisdiction over primaries, and that therefore the title of Smith to his seat, as a result of the November election, could not be questioned, if no question was raised as to his election in November. The question which was raised, and which resulted in his exclusion, was not a question of legality, but a question of morals surrounding the primary, in which he spent a large sum of money—a matter over which Congress had no control. When he presented his credentials, his legal title to the seat was not involved, but the case necessarily turned upon the question of good morals in the conduct of a campaign over which Congress had no control. So that we are bound to get away from the theory that we can consider only the question of one's age, his residence, and the legality of the certificate, when he comes here as the result of an election which we can control, which is the general November election.

Neither Smith's age, his residence, nor the legality of his election in November, was involved when he came with his certificate. The only question was as to the conduct of the primary election, which did not involve the legality of the November election, but involved what the Senate evidently thought was a moral question in the expenditure of money and the source of the money in obtaining a nomination which entitled him to have his name placed on the ballot in November.

Mr. MURDOCK. I cannot agree with the distinguished Senator from Kentucky in his analysis of the facts in that case. About all I can do is to refer him to the resolution which was reported by the committee, which states emphatically why they recommended the denial of the seat; I think the gist of the offense charged was fraud and corruption in the election.

Mr. WHEELER. That is correct; what was actually involved in the Smith case was fraud and corruption in the way he secured his nomination.

Mr. BARKLEY. Yes; and, so far as the Senate was concerned, so far as his title to the seat here was concerned, that was a moral question, not a legal question.

Mr. WHEELER. I do not agree at all with the Senator from Kentucky on that point. I say that if the man obtained the nomination illegally, if he was corrupt in getting his name on the ballot, that was part and parcel of his whole election; and that is the way the Senate looked on the matter at that time.

If my recollection serves me correctly, what the Supreme Court said was that we did not have a right to pass a law governing the nominations and the fixing of the amount of money which could be spent, or something to that effect.

Mr. BARKLEY. No; that we had no control over primary elections; that they were not a part of the elective process which Congress could control or regulate. Personally, I did not agree with the decision; but it was a decision of the court and we have lived up to it since then.

Mr. WHEELER. I did not agree with the decision, and the Senate of the United States did not agree with it, because when the Senate threw out Mr. Smith it threw him out on the ground that the machinery which elected him was corrupt and a fraud upon the people of the State of Illinois. The Senate threw him out for that reason.

Mr. MURDOCK. Let me make this suggestion in answer to the remarks of the Senator from Montana: If a Senator fraudulently got his name on the ballot, then would he not carry the fraud into a general election with his name on the ballot?

I think all one has to do is to read the report of the committee on the Smith case to find that the committee at least thought, and the Senate supported them in the view, that the whole election, from the primary to the finish, was corrupt by reason of the vast amount of money used.

Of course, as to whether the Congress of the United States has a right to pass a law with reference to a primary election, that certainly is an entirely different question, and I do not see that it is involved.

Mr. BARKLEY. The question whether he won the primary election by fraud was a matter to be passed upon by the courts and the election authorities of the State of Illinois.

Mr. MURDOCK. No; I cannot agree to that. I think the Senate certainly has something to say about it.

Mr. BARKLEY. Oh, no; we have nothing to do with saying how a Senator shall get his name on the ballot in a general election.

Mr. MURDOCK. That may be true—that probably we could not write the laws and the rules for the primary elections; but certainly the Senate is the judge of the elections of its Members; and if there is corruption in getting a man's name on the ballot, corruption in securing a nomination carries over into the general election; and I think in that view I am supported by the action of the Senate and the report of the committee.

Mr. BARKLEY. I may be meticulous in attempting to draw a distinction between an illegal act and an immoral act. The question of whether Smith's name was rightfully on the November ballot in Illinois was not a question on which the Senate could legally pass.

Mr. MURDOCK. I cannot agree with the Senator in that.

Mr. BARKLEY. It could not pass a law that would keep his name off the

ballot; that is certain. The Senator will agree to that. Congress had not passed such a law; and we had no legal jurisdiction to review a man's nomination so as to determine whether he should get on the ballot in November. That is a matter for the State courts and the State election authorities to regulate.

Mr. MURDOCK. But the Senate ruled contrary to that in that very case.

Mr. BARKLEY. No; the Senate did not rule contrary to that.

Mr. MURDOCK. The Senator and I disagree as to that. I think it did.

Mr. BARKLEY. There is no question that Smith received the largest number of votes in November.

Mr. MURDOCK. No; there is no question of that.

Mr. BARKLEY. The Senate passed upon the question—which, in my judgment, was at least partly a moral question and not a legal question—that in obtaining the nomination, although satisfactory to the authorities of Illinois, or to a certain extent certainly it was not contested by the authorities of Illinois, he was guilty of immoral conduct in the course of the primary—conduct which vitiated his right to the nomination, even though he received the largest number of votes in November when his name was legally on the ballot in Illinois. I say that the case does involve a moral question, as well as a legal question.

Mr MURDOCK. I do not doubt that at all.

Mr. LA FOLLETTE. Mr. President, will the Senator from Utah yield?

Mr. MURDOCK. I yield.

Mr LA FOLLETTE. Of course, it is very difficult, in reading the roll call which occurred in the Smith case, which arose in 1926 or 1927, if my recollection serves me correctly, to know what was in the minds of the various Senators who voted "yea" or "nay," but I think anyone who will read the record in the Smith case cannot escape the conclusion that what the Senate at least appeared to be doing at that time was to take the position that the Newberry decision of the Supreme Court, by a 5 to 4 vote, striking down an act of Congress setting up certain prohibitions against corrupt practices in primaries, was not to be binding upon the Senate. Furthermore, because of the constitutional provision which we have heard repeated so often in this case, that the Senate is the judge of the qualifications of its Members, the Senate took the view, the Supreme Court decision to the contrary notwithstanding, that the primary and the election were one continuous process, and that, if a committee of the Senate and the Senate itself determined that there was an excessive use of money in the primary, the nomination in the primary was therefore obtained as the result of the excessive use of money and of corrupt methods, the entire process had been corrupted, and that therefore the Senate, under the Constitution, was entitled to take that into consideration, and by a majority vote exclude a person who had presented himself here with credentials under such circumstances.

Mr. WHEELER. The Senator from Wisconsin is entirely correct. The Senate merely held that the election of Smith was fraudulent and corrupt, and that was why they threw him out. It may be that they had no right, under the Supreme Court decision, to say, "Because you got your nomination illegally, through fraud, you shall not be seated here." Possibly they had no right to say that, if they were following the decision strictly. But the Senate said, "Your election was fraudulent," and they included in the election the primary. Consequently the question in the Smith case was expressly a question of fraudulent election.

Mr. CLARK of Missouri. Mr. President, will the Senator from Utah yield for a suggestion along the line of a remark of the Senator from Wisconsin?

Mr. MURDOCK. I yield.

Mr. CLARK of Missouri. The Senator from Kentucky has stated that the Senate had no jurisdiction over the question of the primary election; but the Senate had asserted jurisdiction over the primary election and had assumed jurisdiction over the primary election by its investigation into contributions in Illinois, Pennsylvania, and other States, and by the original appointment of the Reed committtee. What right did the Reed committee have to go around and investigate into the primary if the Senate had no jurisdiction over it? The whole basis of the investigation of the Reed committee, which was also the basis of the action subsequently taken by the Senate itself in the Smith case, was that the Senate did have jurisdiction over the primary, because it was part and parcel of the general election, by which the credentials were given Smith under which he came here and claimed the right to be sworn in.

If the Senator from Utah will yield for a further interruption, let me point out that it has been the practice of the Senate in every election year since the time of the Smith case to appoin a select committee, and to take the very jurisdiction the so-called Reed committee had in the two cases referred to.

Mr. BARKLEY. I do not wish to take the time of the Senator from Utah; perhaps he desires to suspend if he does not hope to conclude this afternoon, it now being after 5 o'clock; but where Congress has no legal jurisdiction to regulate the preliminary process, which might justify the Senate, if facts developed like those involved in the cases referred to, in excluding a Member-elect from the Senate, I think that there is involved as much of a moral question as of a legal question. That is the point I am undertaking to make.

Mr. MURDOCK. I thin' we are confusing two things: One is our right to pass a law controlling, or attempting to control, a primary election; the other is our constitutional jurisdictior over the question of fraud and corruption in an election. I have no doubt that the Supreme Court held as the Senator states, and I agree with the Senator that probably we had no right to prescribe rules or regulations by law for a primary election, but certainly that would have no bearing on our right to investigate a charge of fraud and corruption in an election; and, as the Senator from Wisconsin and the Senator from Montana have stated, if there is fraud and corruption in the primary, certainly it carries over into the general election.

Mr. BARKLEY. That is true; but it might be argued, on the contrary, that the fraud having been known to the people of Illinois when they elected Smith in November, therefore we were barred from considering it, because the people of Illinois had passed upon that question.

Mr. MURDOCK. It might be so argued, but the Senate might think differently.

Mr. BARKLEY. Does the Senator wish to suspend at this time?

Mr. MURDOCK. Let me finish reading the statement of Senator Knox, which is very brief, and then I shall suspend:

> If to this it is objected that it contemplates admitting a man who may be immediately expelled, I reply that it is hardly proper to adopt a rule of constitutional construction and senatorial action based upon the theory that the States will send criminals or idiots to the Senate. Besides, it does not seem to me to be conceding much to a State, after it has deliberately and solemnly elected a Senator after the fullest consideration of his merits, to concede on the first blush of the business the State's intelligent and honorable conduct by allowing its chosen representative admission to the body to which he is accredited.

Mr. President, I believe I may be able to conclude my legal argument in a very few minutes tomorrow, and I am sure that I can conclude the argument on the facts within an hour or an hour and a half at the most.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2208) to further expedite the prosecution of the war; that the House had receded from its amendments Nos. 45, 46, and 50 to the bill, and that the House further insisted upon its amendments Nos. 32 and 47 to the bill.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. TUNNELL in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. MURDOCK, from the Committee on the Judiciary:

Daniel B. Shields, of Utah, to be United States Attorney for the District of Utah; and

Gilbert Mecham, of Utah, to be United States Marshal for the District of Utah.

By Mr. VAN NUYS, from the Committee on the Judiciary:

James O. Carr, of North Carolina, to be United States Attorney for the Eastern District of North Carolina; and

Philip F. Herrick, of Puerto Rico, to be United States Attorney for Puerto Rico, vice A. Cecil Snyder, resigned.

By Mr. McFARLAND, from the Committee on the Judiciary:

Louis LeBaron, of Hawaii, to be associate justice of the Supreme Court, Territory of Hawaii, vice Samuel B Kemp, who has been elevated to be chief justice; and

Carrick H. Buck, of Hawaii, to be judge of the first circuit, circuit courts, Territory of Hawaii, vice Louis LeBaron, whose term has expired.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committee, the clerk will state the nominations on the calendar.

PUBLIC HEALTH SERVICE

The Legislative Clerk read the nomination of Donald J. Hunt to be a surgeon.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The Legislative Clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask unanimous consent that the postmaster nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. BARKLEY. I ask that the nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

Mr. BARKLEY. I ask that the President be immediately notified of all nominations confirmed today.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith of all confirmations.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 8 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, March 17, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate March 16 (legislative day of March 5), 1942:

COLLECTOR OF CUSTOMS

Frank J. Duffy, of Nogales, Ariz., to be collector of customs for Customs Collection District No. 26, with headquarters at Nogales, Ariz. Reappointment.

UNITED STATES PUBLIC HEALTH SERVICE

The following-named doctors to be assistant surgeons in the United States Public Health Service, to take effect from date of oath:

John Warren O'Donnell
Stephen John Lange
Fred L. Wommack

APPOINTMENTS IN THE REGULAR ARMY

TO BE FIRST LIEUTENANTS, MEDICAL CORPS, WITH RANK FROM DATE OF APPOINTMENT

First Lt. John Mitchell Willis, Jr., Medical Corps Reserve.

First Lt. Michael Joseph Hitchko, Medical Corps Reserve.

First Lt. Robert Hicks Holmes, Medical Corps Reserve.

First Lt. Arthur Joseph Carbonell, Medical Corps Reserve.

First Lt. Edward Jenner Whiteley, Medical Corps Reserve.

TO BE FIRST LIEUTENANTS, DENTAL CORPS, WITH RANK FROM DATE OF APPOINTMENT

First Lt. George Nicholas Schulte, Dental Corps Reserve.

First Lt. Edwin Howell Smith, Jr., Dental Corps Reserve.

First Lt. Julius Calvin Sexson, Dental Corps Reserve.

First Lt. Frank Archer Mitchell, Dental Corps Reserve.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES

TO ADJUTANT GENERAL'S DEPARTMENT

Lt. Col. Perry Cole Ragan, Infantry, with rank from November 29, 1940.

TO QUARTERMASTER CORPS

First Lt. James Lee Massey, Infantry (temporary major, Army of the United States), with rank from August 1, 1935.

TO CORPS OF ENGINEERS

Lt. Col. Edward Marion George, Quartermaster Corps (temporary colonel, Army of the United States), with rank from November 29, 1940.

Lt. Col. Wallace Marmaduke Allison, Quartermaster Corps, with rank from October 15, 1941.

TO ORDNANCE DEPARTMENT

First Lt. James Aloysius Cain, Jr., Field Artillery (temporary captain, Army of the United States), with rank from August 1, 1935.

TO CHEMICAL WARFARE SERVICE

First Lt. Ronald LeVerne Martin, Field Artillery (temporary major, Army of the United States), with rank from June 12, 1937.

TO AIR CORPS

Second Lt. James Arthur Plant, Corps of Engineers (temporary first lieutenant, Army of the United States), with rank from June 11, 1940.

Second Lt. William Thomas Seawell, Corps of Engineers, with rank from June 11, 1941

Second Lt. Howard Clarke Goodell, Corps of Engineers, with rank from June 11, 1941.

Second Lt. Kenneth O'Reilly Dessert, Field Artillery, with rank from June 11, 1941.

Second Lt. Hume Peabody, Jr., Infantry, with rank from June 11, 1941.

Second Lt. Ben Isbel Mayo, Jr., Corps of Engineers, with rank from June 11, 1941.

Second Lt. Robert Merrill Tuttle, Coast Artillery Corps, with rank from June 11, 1941.

Second Lt. John Langford Locke, Field Artillery, with rank from June 11, 1941.

Second Lt. Wayne Edgar Rhynard, Infantry, with rank from June 11, 1941.

Second Lt. Charles Edwin Jones, Coast Artillery Corps, with rank from June 11, 1941.

Second Lt. John Miles Henschke, Coast Artillery Corps, with rank from June 11, 1941

Second Lt. David Ernest Kunkel, Jr., Infantry, with rank from June 11, 1941.

Second Lt. Clarence Lewis Elder, Infantry, with rank from June 11, 1941.

Second Lt. Robert James Colleran, Signal Corps, with rank from June 11, 1941.

Second Lt. Floyd Sturdevan Cofer, Jr., Coast Artillery Corps, with rank from June 11, 1941.

Second Lt. Willis Bruner Sawyer, Coast Artillery Corps, with rank from June 11, 1941.

Second Lt. John Adams Brooks 3d, Field Artillery, with rank from June 11, 1941.

Second Lt. Clifford Elbert Cole, Infantry, with rank from June 11, 1941.

Second Lt. Eric Thomas de Jonckheere, Coast Artillery Corps, with rank from June 11, 1941.

Second Lt. William LeRoy Mitchell, Jr., Coast Artillery Corps, with rank from June 11, 1941.

Second Lt. Leon Herman Berger, Coast Artillery Corps, with rank from June 11, 1941.

Second Lt. George Hamilton Stillson, Jr., Infantry, with rank from June 11, 1941.

Second Lt. Edwin Watson Brown, Coast Artillery Corps, with rank from June 11, 1941.

Second Lt. Paul Rutherford Larson, Cavalry, with rank from June 11, 1941.

Second Lt. Herbert Welcome Frawley, Jr., Signal Corps, with rank from June 11, 1941.

Second Lt. Jack Leith Bentley, Cavalry, with rank from June 11, 1941.

Second Lt. Andrew Julius Evans, Jr., Infantry, with rank from June 11, 1941.

Second Lt. Robert William Horn, Coast Artillery Corps, with rank from June 11, 1941.

Second Lt. Walter Leon Moore, Jr., Coast Artillery Corps, with rank from June 11, 1941.

Second Lt. Richard William Kline, Cavalry, with rank from June 11, 1941.

Second Lt. Paul James O'Brien, Infantry, with rank from June 11, 1941.

Second Lt. Thomas Rees Cramer, Coast Artillery Corps, with rank from June 11, 1941.

Second Lt. William Wallace Brier 4th, Infantry, with rank from June 11, 1941.

Second Lt. Clinton Field Ball, Infantry, with rank from June 11, 1941.

Second Lt. Rob Reed McNagny, Jr., Infantry, with rank from June 11, 1941.

Second Lt. Fred Milas Hampton, Quartermaster Corps, with rank from June 11, 1941.

Second Lt. Charles Love Mullins, Coast Artillery Corps, with rank from June 11, 1941.

Second Lt. Charles Sumner Seamans 3d, Coast Artillery Corps, with rank from June 11, 1941.

Second Lt. James Henderson Dienelt, Field Artillery, with rank from June 11, 1941.

Second Lt. Gwynne Sutherland Curtis, Jr., Coast Artillery Corps, with rank from June 11, 1941.

Second Lt. Horace Grattan Foster, Jr., Infantry, with rank from June 11, 1941.

Second Lt. John William Meador, Quartermaster Corps, with rank from June 11, 1941.

Second Lt. George Scratchley Brown, Infantry, with rank from June 11, 1941.

Second Lt. Richards Abner Aldridge, Coast Artillery Corps, with rank from June 11, 1941.

Second Lt. Joseph John Weidner, Infantry, with rank from June 11, 1941.

Second Lt. George Luther Hicks 3d, Infantry, with rank from June 11, 1941.

Second Lt. Edison Kermit Walters, Infantry, with rank from June 11, 1941.

Second Lt. Maxwell Weston Sullivan, Jr., Infantry, with rank from June 11, 1941.

Second Lt. Charles Fuller Matheson, Infantry, with rank from June 11, 1941.

Second Lt. Thomas Goldsborough Corbin, Infantry, with rank from June 11, 1941.

Second Lt. Harry Canavan Harvey, Infantry, with rank from June 11, 1941

Second Lt. Roderic Dhu O'Connor, Infantry, with rank from June 11, 1941.

Second Lt. Edgar Mathews Sliney, Infantry, with rank from June 11, 1941.

Second Lt. Charles Edwin Thomas, 3d, Infantry, with rank from June 11, 1941.

Second Lt. Edwin Forrest Harding, Jr., Infantry, with rank from June 11, 1941.

Second Lt. Jean Albert Jack, Field Artillery, with rank from July 1, 1941.

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

To be colonels with rank from March 1, 1942

Lt. Col. Harry Albert Flint, Cavalry (temporary colonel, Army of the United States).

Lt. Col. Walter Melville Robertson, Infantry (temporary brigadier general, Army of the United States).

Lt. Col. John Henry Lindt, Coast Artillery Corps (temporary colonel, Army of the United States).

Lt. Col. Pearl Lee Thomas, Cavalry (temporary colonel, Army of the United States).

Lt. Col. Sidney Vincent Bingham, Cavalry (temporary colonel, Army of the United States).

Lt. Col. Bird Spencer DuBois, Coast Artillery Corps (temporary colonel, Army of the United States).

Lt. Col. Isaac Spalding, Field Artillery (temporary brigadier general, Army of the United States).

Lt. Col. Harry James Maloney, Field Artillery (temporary brigadier general, Army of the United States).

Lt. Col. Henry Lytton Flynn, Cavalry (temporary colonel, Army of the United States).

Lt. Col. Robert Fee Hyatt, Field Artillery (temporary colonel, Army of the United States).

Lt. Col. Harold Marvin Rayner, Cavalry (temporary colonel, Army of the United States).

VETERINARY CORPS

To be captain

First Lt. Edward James Watson, Veterinary Corps, with rank from February 25, 1942.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 16 (legislative day of March 5), 1942:

UNITED STATES PUBLIC HEALTH SERVICE

Donald J. Hunt to be a surgeon in the Public Health Service.

POSTMASTERS

ALABAMA

Eugene Edward Haynes, Headland.

ALASKA

Marshall V. Rafferty, Skagway.

CONNECTICUT

Willis M. Nettleton, Guilford.

KANSAS

E. Leon Morain, Minneola.
Ruth A. Coleman, Sharon.

KENTUCKY

Mary E. Chaudoin, Buffalo.
Carolyn H. Grimes, Harrodsburg.

MICHIGAN

Robert B. Fair, Beulah.
Alden E. Derrie, Champion.
Tella C. Hunter, Gagetown.

NEW HAMPSHIRE

Daniel H. Goodwin, Hollis.

NORTH CAROLINA

Wilbur C. Ormond, Ayden.
Silas R. Nichols, Sparta.

VIRGINIA

Martha P. Walker, Denbigh.

WASHINGTON

Wilbur W. Washburn III, Neah Bay.
Jane W. Cody, Republic.

WISCONSIN

Clovis J. McGeehan, Ashland.
Gerald Scanlan, Fennimore.

APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES

Col. Robert Hilliard Mills to be Assistant to the Surgeon General, with the rank of brigadier general, for a period of 4 years from date of acceptance.

TEMPORARY APPOINTMENTS IN THE ARMY OF UNITED STATES

TO BE LIEUTENANT GENERAL

Brehon Burke Somervell

TO BE MAJOR GENERALS

Lindsay McDonald Silvester
Charles Philip Hall
Wade Hampton Haislip
Franklin Cummings Sibert
Robert Henry Lewis
Alexander McCarrell Patch, Jr.
Orlando Ward
Glen Edgar Edgerton
Raymond Albert Wheeler
Russell Lamonte Maxwell
Jonathan Waverly Anderson
Albert Monmouth Jones

TO BE BRIGADIER GENERALS

Louis Emerson Hibbs
Douglass Taft Greene
John Bellinger Thompson
Eugene Manuel Landrum
Stafford Le Roy Irwin
Manton Sprague Eddy
Frederick Augustus Irving
James Allen Lester
Stanley Eric Reinhart
Fay Brink Prickett
Raymond Eugene McQuillin
Thomas James Camp
Robert Walker Grow
Raymond Oscar Barton
Jay Ward MacKelvie
Edward Mallory Almond
William Spence
Basil Harrison Perry
Withers Alexander Burress
Robert Alexis McClure
Ernest Nason Harmon
Alfred Maximilian Gruenther
Wilhelm Delp Styer
James Edward Wharton
Lucius DuBignon Clay
Charles Philip Gross
Paul Lewis Ransom
Raymond Alexander Kelser
Charles Everett Hurdis
James Richard Townsend
Charles Spurgeon Harris
La Rhett Livingston Stuart
Stanley Raymond Mickelsen
Arthur William Vanaman
William Ormon Butler
William Elmer Lynd
Raymond George Moses
Robert Meredith Perkins
Edwin Jacob House
Stuart Chapin Godfrey
Lewis Charles Beebe
Charles Duncanson Young
Ralph Waldo Coane

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO ADJUTANT GENERAL'S DEPARTMENT

Maj. Leon Calhoun Boineau.

TO QUARTERMASTER CORPS

Lt. Col. Maurice Vernon Patton.
Maj. Daniel Francis Healy, Jr.

TO FINANCE DEPARTMENT

Maj. Ernest Orrin Lee.

TO CORPS OF ENGINEERS

Lt. Col. Elmer Gwyn Thomas.
Capt. Carleton Merritt Clifford.
Capt. Jesse Huckett Veal.
First Lt. Gordon Pendleton Larson.

TO ORDNANCE DEPARTMENT

First Lt. Henry Jacob Katz.

TO COAST ARTILLERY CORPS

First Lt. Kenneth Edward Tiffany.

TO AIR CORPS

Second Lt. Everett Houston Ware.
Second Lt. Joseph Lee McCroskey.
Second Lt. Charles Leonard Peirce.
Second Lt. Fred John Ascani.
Second Lt. Richard Bradford Polk.
Second Lt. Clarence John Lokker.
Second Lt. Joseph Meryl Silk.
Second Lt. George Winfield Stalnaker.
Second Lt. Frank Ely Locke.
Second Lt. Alpheus Wray White, Jr.
Second Lt. Lanham Carmel Connally.
Second Lt. Richard Van Pelt Travis.
Second Lt. Charles Gleeson Willes.
Second Lt. Donald Vincent Thompson.
Second Lt. James Philip Walker.
Second Lt. Howard Frank Adams.
Second Lt. Joseph Scott Peddie.
Second Lt. David Burch Taggart.
Second Lt. Justus MacMullen Home.
Second Lt. Hamilton King Avery, Jr.
Second Lt. Joseph Scranton Tate, Jr.
Second Lt. Harry Lee Jarvis, Jr.
Second Lt. Bert Stanford Rosenbaum.
Second Lt. William John Hershenow, Jr.
Second Lt. Alden George Thompson.
Second Lt. Bruce Campbell Cator.

PROMOTIONS IN THE REGULAR ARMY

TO BE LIEUTENANT COLONELS

William Warren Welsh, Air Corps.
Arthur Ignatius Ennis, Air Corps.
Caleb Vance Haynes, Air Corps.
Jean Edens, Infantry.
Emil Frederick Kollmer, Quartermaster Corps.
LeRoy William Yarborough, Infantry.
Edward Bernard Schlant, Judge Advocate General's Department.
Richard Francis Stone, Quartermaster Corps.
James Norwood Ancrum, Infantry.
William Wallace Brier, Quartermaster Corps.
John Brandon Franks, Quartermaster Corps.
John Joseph Turner, Field Artillery.
Richard James Sothern, Field Artillery.
Orville Ervin Davis, Quartermaster Corps.
John Thomas McKay, Quartermaster Corps.
Percival Adams Wakeman, Signal Corps.
Herman Jackson Crigger, Field Artillery.
Floyd Thomas Gillespie, Signal Corps.
Charles Homer Martin, Cavalry.
William Henry Speidel, Infantry.
Robert Owen Montgomery, Field Artillery.
Sidney Frank Wharton, Infantry.
Stephen Eugene Bullock, Field Artillery.
Dayton Locke Robinson, Infantry.
Home: Banister Pettit, Corps of Engineers.
James Yancey Le Gette, Field Artillery.
Sherman Edgar Willard, Coast Artillery Corps.
Howard Samuel Paddock, Signal Corps.
Harold Arthur Bartron, Air Corps.
Joseph Albert Sullivan, Quartermaster Corps.
James Bryan McDavid, Quartermaster Corps.
Lloyd Henry Gibbons, Infantry.
Henry Elmer Sowell, Field Artillery.
William Stilwell Conrow, Cavalry.
James Webb Newberry, Infantry.
John Frederick Whiteley, Air Corps.
John Carson Grable, Signal Corps.

TO BE MAJORS

Cleveland Rex Steward, Medical Corps.
William A. Dains Woolgar, Medical Corps.
Karl Rosenius Lundeberg, Medical Corps.
Arthur Herman Corliss, Medical Corps.
Jonathan Milton Rigdon, Medical Corps.

TO BE CAPTAINS

Raymond Taylor Jenkins, Medical Corps.
Carl Bennett Stilson, Medical Corps.
Harold Thomas Little, Medical Corps.
Robert Nathan Lehman, Medical Corps.
Louis Franklin Saylor, Medical Corps.
Raymond Bender Croissant, Medical Corps.
Richard Stirling Bolten, Medical Corps.

TO BE COLONEL

George William Brower, Veterinary Corps.

TO BE FIRST LIEUTENANT

Howard Brim Nelson, Medical Administrative Corps.

TO BE COLONEL

Milton Omar Beebe, Chaplains, United States Army.

TO BE CAPTAIN

Ralph Mark Reed, Chaplains, United States Army.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 16, 1942

The House met at 12 o'clock noon.

Rev Edward T. Gilbert, pastor of St. Agnes Church, Washington, N. C., offered the following prayer:

In the name of the Father and the Son and of the Holy Ghost. Amen. We pray Thee, O God of might, wisdom, and justice, through whom authority is rightly administered, laws are enacted and judgments decreed, assist with Thy Holy Spirit of counsel and fortitude the President of these United States, that his administration may be conducted in righteousness and be eminently useful to Thy people over whom he presides, by encouraging due respect for virtue and religion, by faithful execution of the laws in justice and mercy, and by restraining vice and immorality. Let the light of Thy divine wisdom direct the deliberations of the Congress and shine forth in all the proceedings and laws framed for our rule and government, so that they may tend to the preservation of peace, the promotion of national happiness, the increase of industry, sobriety, and useful knowledge, and may perpetuate to us the blessings of equal liberty.

O God, from whom proceeds all holy desires, all right counsels, and just works, grant unto us, Thy servants, that peace which the world cannot give, that our hearts may be devoted to Thy service, and that being delivered from the fear of our enemies we may pass our times in peace under Thy protection. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Friday, March 13, 1942, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6543. An act to amend certain provisions of the Internal Revenue Code relating to the production of alcohol.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5945) entitled "An act granting the consent of Congress to a compact entered into by the States of Colorado, Kansas, and Nebraska with respect to the use of the waters of the Republican River Basin."

EXTENSIONS OF REMARKS

Mr. WOODRUM of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks at two points, in one place to insert a letter from the Civilian Conservation Corps, and in another to insert an address which I expect to deliver on the radio tonight.

The SPEAKER. Is there objection?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to insert in the RECORD some remarks by myself and also a brief statement by the Under Secretary of War; also a second request, to extend my remarks in the RECORD and to include brief excerpts from the hearings before the Committee on Ways and Means.

The SPEAKER. Is there objection?

There was no objection.

FORTY-NINE-CENT PENALTY ON WHEAT

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I arise to call the attention of the House to a decision of national importance, which was handed down Saturday by a special three-judge United States court, at Dayton, Ohio. This decision declared the 49-cents-per-bushel penalty on surplus wheat illegal; and prohibits the collection of such penalties by the Department of Agriculture under authority of the law passed by this Congress in May of 1941. The decision, which is far-reaching in its scope, came as a result of a suit filed by one of our former colleagues, Hon. Harry N. Routzohn, of Dayton, Ohio, on behalf of thousands of farmers in Ohio who were protesting the heavy and unfair penalty placed on surplus wheat. The court's decision will be of great satisfaction and benefit to the vast majority of the farmers of America.

SYNTHETIC RUBBER

Mr. WINTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and extend my remarks in the RECORD and include a statement by Mr. W. S. Farish, president of the Standard Oil Co. of New Jersey.

The SPEAKER. Is there objection?

There was no objection.

[Mr. WINTER addressed the House. His remarks appear in the Appendix.]

STRIKES AND THE WAR EFFORT

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

[Mr. CARTWRIGHT addressed the House. His remarks appear in the Appendix.]

FORMER GOVERNOR GRAVES, OF ALABAMA

Mr. GRANT of Alabama. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRANT of Alabama. Mr. Speaker, astronomers say that so distant are many of the fixed stars from us that if one were extinguished its light would still linger for years on our earth. And the poet adds:

So when a great man dies
For years beyond our ken,
The light he leaves behind him lies
Upon the paths of men.

It is with profound regret and sorrow that I announce to the House the passing of former Governor Graves, of Alabama. Governor Graves has the distinction of having twice served his State as Governor. He was an officer in the World War and was deeply interested in the preparedness program of our country.

Governor Graves was a close friend of President Roosevelt, and at the time of his death was serving by request of the President upon an important national agricultural board.

He knew not only the great but he knew the humble. He was one of whom it can be said "he walked with kings and kept the common touch."

A great Frenchman once said:

The dead take into the next world clasped in their still cold hands only what they gave away in this world

Bibb Graves gave his life in service to his State and Nation. His motto was "Keep on keeping on." He kept the faith.

Someone has said:

I wrote my name upon the sand,
And trusted it would stand for aye;
But soon, alas, the refluent sea
Had washed my feeble lines away.

I carved my name upon the wood,
And after years returned again,
I missed the shadow of the tree
That stretched of old upon the plain.

The solid marble next my name
I gave as a perpetual trust;
An earthquake rent it to its base,
And now it lies o'erlaid with dust.

All these had failed; I was perplexed;
I turned and asked myself, what then?
If I would have my name endure,
I'll write it on the hearts of men.

Bibb Graves' name has been written on the hearts of the people of Alabama. He has been called the builder—a builder of schools, roads, and other worthy projects that insure the convenience and happiness of mankind.

Knowing Bibb Graves as I do, I believe that he would want and cherish this simple epitaph upon his tomb:

Bibb Graves,
The Builder.

Our sympathy is extended to his devoted wife and helpmate, the former Senator from Alabama, who is affectionately known as Miss Dixie.

EXTENSION OF REMARKS

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. STEFAN. Mr. Speaker, also I ask unanimous consent to extend my remarks and include a statement on manganese in war.

The SPEAKER. Is there objection?

There was no objection.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a short editorial.

The SPEAKER. Is there objection?

There was no objection.

STRIKES AND THE WAR EFFORT

Mr. COX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. COX. Mr. Speaker, I have become convinced that the bad situation of which the gentleman from Oklahoma [Mr. CARTWRIGHT] complains, is one that can only be cured by an aroused, inflamed, sustained public opinion. This governmental boordoggling, coddling of extremists, and particularly the racketeers in the ranks of labor must come to an end. I want the public to express itself, I want it to turn on the heat, and more heat and more heat, and compel the suspension, if not the complete abrogation, certainly for the duration of the war, of the 40-hour workweek, and force the outlawing of strikes against the Government.

The SPEAKER. The time of the gentleman from Georgia has expired.

LABOR LEGISLATION

Mr. DISNEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. DISNEY. Mr. Speaker, I have with me this bale of letters, my last 3 days' mail on the subject of racketeering, strikes, and the suspension of the operation of the 40-hour week. This comprises about 4,000 communications all told. I would like to ask unanimous consent to have them inserted in the RECORD.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr DISNEY. No. I would like to, but I do not have time.

This expresses the inflamed and enraged attitude of the people which the gentleman from Georgia [Mr. Cox] hoped would come about. They are enraged and inflamed. This was precipitated by the speeches of H. V. Kaltenborn and Donald Nelson a week ago Sunday on the subject of war production, followed by editorial comment in the papers of my State. The people are justified in asking "Why" when their sons are going all out for war.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. DISNEY. Mr. Speaker, is it proper for me to ask unanimous consent to insert all these in the RECORD?

Mr. COX. Reserving the right to object, what is it?

Mr. DISNEY. This is my last 3 days' mail on racketeering, strikes, and the suspension of the 40-hour week. It comprises about 4,000 communications.

Mr. COX. An indication of the feeling of the people in your district?

Mr. DISNEY. Yes, sir.

Mr. RANKIN of Mississippi. Mr. Speaker, I have no objection, if the gentleman will call attention to the fact that this legislation is now pending in the Senate.

Mr. RICH. Mr. Speaker, reserving the right to object, we cannot permit the RECORD to be filled up with communications from the gentleman's district, but I do hope that every district in the United States will back every Member of Congress in the same manner they have backed the gentleman from Oklahoma, and we will get action in the House of Representatives.

I object to inserting those in the RECORD, Mr. Speaker.

The SPEAKER. Objection is heard.

THE SOO LOCKS

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. BRADLEY of Michigan. Mr. Speaker, I take this time to inform the House that I have today introduced a House joint resolution instructing the Secretary of War to henceforth designate the new lock at Sault Ste. Marie, Mich., as the General Douglas MacArthur lock. I am introducing this resolution and sincerely hope that prompt action will be forthcoming thereon, because of the fact that I understand that it has been the long-established custom in the War Department not to name locks, dams, and similar construction projects after living persons. These, however, are unusual times and frequently require deviation from our past customs. In introducing this resolution I fully appreciate that this suggested honor is but a very minute tribute to the courage, energy, and patriotic devotion to duty exemplified by our Nation's No. 1 hero, General MacArthur. I do feel, however, that if this lock is to be immediately and henceforth known as the General Douglas MacArthur lock that it will serve as an inspiration to the efforts of everyone who will be employed in the construction and operation of this lock and that its earliest possible completion may be thereby stimulated. The demand for the services to be performed by this lock is immediate and of the greatest urgency, and the courageous defense of the Bataan Peninsula will serve as a daily reminder of the vital need for this new link in the chain of our armament for offensive warfare.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. JONKMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include reflections of an editor.

The SPEAKER. Is there objection?

There was no objection.

Mr. WASIELEWSKI. Mr. Speaker, I ask unanimous consent to extend my remarks at two points, and in one to include an editorial from the Milwaukee Journal and in the other to include an editorial from the Christian Science Monitor.

The SPEAKER. Is there objection?

There was no objection.

Mr. TERRY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and include therein a short editorial.

The SPEAKER. Is there objection?

There was no objection.

LABOR LEGISLATION

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. LELAND M. FORD Mr. Speaker, I thoroughly concur in what my colleagues have said about the suspension of the 40-hour week. Unfortunately there was no record vote made on that, and I want this record to show right here that I was one of the 60 or more Members who voted to suspend the 40-hour week. Our people are called upon to make additional sacrifices and to give up their way of living I say that other people in this country should make the same kind of sacrifice.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. CLASON. Mr. Speaker, I ask unanimous consent to extend my remarks in two particulars, in one to include an editorial from the Springfield Union and in the other to include a news item from a Washington newspaper.

The SPEAKER. Is there objection?

There was no objection.

Mr BROOKS. Mr. Speaker, I ask unanimous consent to extend my remarks and include a letter from the department commander of the American Legion of Louisiana.

The SPEAKER. Is there objection?

There was no objection.

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a brief editorial from the Herald Journal of Syracuse, N Y.

The SPEAKER. Is there objection?

There was no objection.

LABOR LEGISLATION

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMITH of Ohio. Mr. Speaker, a special three-judge court at Dayton, Ohio, in a 2-to-1 decision, has nullified the 49-cent penalty on wheat.

According to my understanding of this court decision, the wheat status now reverts back to what it was before the passage of Public, 74, Seventy-seventh Congress, approved May 26, 1941.

This is fortunate for the country, especially coming at this time, when the Nation is in its greatest peril.

The idea of the bureaucracy penalizing the farmers for raising bread would be wrong at any time, but to do this now, when a large portion of the world

is starving and when we ourselves are seriously threatened with a food shortage is so wrong that no words exist to describe it. If the present crop-scarcity program is not stopped, it can lose us the war.

NEW SLOGAN FOR CONGRESS

Mr. WILLIAM T. PHEIFFER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. WILLIAM T. PHEIFFER. Mr. Speaker, I wish to propose the following new slogan for immediate adoption by the Congress:

A plague on politics, on red tape, on the demands of special pressure groups, and on quibbling, and a moratorium on social reform until we have won a smashing victory over our enemies.

It would not be comportable with the decorum of the House of Representatives for me to repeat verbatim the strong language that my constituents have used in asking me why the Congress does not act, immediately and decisively, to remove some of the stumbling blocks standing in the path of full and effective performance of our war-production program, but it is proper to paraphrase in milder language the questions relating to one of these stumbling blocks which looms large before us. I therefore put this question to the House, How in the name of high heaven can we expect to win the war by working 40 hours a week when all of our enemies are working 24 hours a day every day in every week?

[Here the gavel fell.]

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. RANKIN of Mississippi addressed the House. His remarks appear in the Appendix.]

Mr. RANKIN of Mississippi. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein in the Appendix the bill to which I referred.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SUBVERSIVE PUBLICATIONS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an article from the New York Tribune.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BOGGS. Mr. Speaker, I hold in my hand a reprint from the Washington Post of yesterday citing a list of about 10 pro-Nazi weeklies that are flourishing in this country today. These publications include within their columns all of the vile, filthy, dirty tripe that is being put out by Nazi and Axis short-wave propaganda broadcasts.

I believe wholeheartedly in freedom of the press and free speech, but I do not believe in freedom for treasonable publications in this country or freedom for treason; and I take this opportunity to call on the Attorney General of the United States to investigate this filth which is seeping into the mails all over the Nation.

[Here the gavel fell.]

STRIKES DURING WARTIME

Mr. EDWIN ARTHUR HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. EDWIN ARTHUR HALL. Mr. Speaker, prior to the election of the Seventy-seventh Congress I thought I had gone a little too far when I made a preelection statement to the effect that anyone who was to raise his hand and strike against the Government of the United States would be guilty of a treasonable act.

Since December 7, Mr. Speaker, I feel that such words were not too strong but rather were too weak and too supine. So at this time I reiterate that statement and say to the Congress that is is high time some action was taken to heed the protests we are getting from back home and to eliminate the strikes that are going on all over the country and hindering war production. We must back up the boys at the front with full-time production here at home.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. WOODRUFF of Michigan. Mr. Speaker, I desire to submit three unanimous-consent requests: First, to extend my remarks in the RECORD and to include therein an editorial from the Memphis Commercial Appeal entitled "Let Us All Keep Faith"; second, to extend my own remarks in the RECORD and include an editorial from Saturday's Washington News entitled "Mr. Baruch Was Not Too Late"; and third, to extend my own remarks in the RECORD and to include therein an article by Mark Sullivan on the question of sugar.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ANDERSON of New Mexico. Mr. Speaker, I ask unanimous consent that on Tuesday next after the disposition of the legislative business of the day and other special orders I may address the House for 30 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. PIERCE addressed the House. His remarks appear in the Appendix.]

Mr. RIZLEY. Mr. Speaker, I ask unanimous consent that at the conclusion of the other special orders for today I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. RIZLEY]?

There was no objection.

Mr. RIZLEY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. RIZLEY]?

There was no objection.

PETITION FROM OKLAHOMA

Mr. RIZLEY. Mr. Speaker, I hold in my hand a very brief petition, but it is signed by 4,842 people from one city in my congressional district. The petition is to the Congress of the United States and reads as follows:

This demand is made by the undersigned voters of Enid, Okla., and vicinity, who bitterly realize that Congress, through its cowardly persistence in refusing to take the necessary action to place our war production on an effective basis, has forfeited all rights to the customary courteous petition.

With the head of the New Jersey Congress of Industrial Organizations announcing that a complete investigation shows the war production plants of that State to be operating at only 50-percent capacity, and with this same condition prevalent throughout the United States, a Congress, bankrupt of public spirit, is betraying this country and its armed forces by an abject surrender to conscienceless labor leaders, reinforced by a farm bloc under a threat by the Congress of Industrial Organizations.

A 168-hour production week is necessary to win the war. We demand action. Forget politics. Produce or quit and come home. Then we can elect men who are not cowardly enough to sacrifice our $21-a-month soldiers to keep $10,000 jobs.

Mr. Speaker, I propose this afternoon to put the monkey on the back where it belongs as to who is really to blame for failure to enact effective antistrike legislation.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks at two points in the RECORD and in one to include a resolution and in the other to include a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. SHAFER]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. JOHNSON]?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, during the past several days members of the Oklahoma delegation in Congress, and I presume other delegations, have been deluged with letters and telegrams from our citizens at home protesting against the strike situation in

war industries and urging the suspension of the 40-hour law during the present grave emergency. Judging from the information I have, I am sure that I have received fewer letters than any of the other members of the Oklahoma delegation in Congress on this all-important subject. Possibly this is for the reason that during the past several months I have repeatedly and persistently criticized radical labor leaders and their contemptible attitude in failing and refusing to cooperate in speeding up of the national defense program.

More than once I have stood on this floor and demanded legislation to outlaw strikes and the suspension of the 40-hour week during the present grave emergency. We must have a full all-out war production program so that the United States can actually take the offensive in the near future and hasten the war to an early and successful end. I have been delighted to receive letters from home urging immediate and drastic action. I am pleased to know how the people of Oklahoma feel about the present war situation. I am especially glad to know that an overwhelming majority of citizens who have written me endorse my position on this issue. The record will show, Mr. Speaker, that many months ago, and that of course means long before Pearl Harbor, I took a definite position against strikes in defense industries.

It is needless for me to add that I have consistently supported labor legislation for normal times, including the 40-hour week, but these are not normal times. The Nation is now in a death struggle that will decide the destiny of our people for thousands of years hence. We cannot afford to take any chances on losing this war.

In discussing the subject of strikes at some length in June 1941, I warmly commended the President for ordering the Army to take over the North American Aviation Co. factory in Inglewood, Calif., where workers had gone on a strike. I also commended the President for ordering those strikers who refused to return to work despite the fact that they were receiving from $8.40 to $24 a day, to be reclassified in the draft. It is significant that within 24 hours after the President's order the House attached two important amendments with teeth in them against strikes to a $10,000,000,000 defense bill. I actively supported those amendments. It is also significant that after Congress took the proverbial bull by the horns and passed this legislation, that particular strike came to a sudden end. That, I repeat, was way last June.

As mentioned by the gentleman from Oklahoma [Mr CARTWRIGHT] a few minutes ago, and others, this House, on the 3d of December 1941, passed by an overwhelming vote, the Smith bill to put teeth in the law and forever outlaw strikes in all defense industries. I was glad also to give that bill my enthusiastic support.

Again, 1 week after Pearl Harbor, as shown by the CONGRESSIONAL RECORD, while the House was observing the one-hundred and fiftieth anniversary of the ratification of the Bill of Rights, I spoke my mind in no uncertain terms on this controversial subject of strikes. In that address I said:

> Further strikes in defense industries must not be tolerated. This House has spoken in no uncertain terms on legislation to curb defense strikes. It is to be hoped that the body at the other end of the Capitol will also act at an early date so that the public may know that strikes in these great industries so essential to the Nation's defense are actually at an end. One who strikes now in a defense industry is striking against his Government and is giving aid and comfort to the enemy.

The gentleman from Mississippi [Mr. RANKIN] a few moments ago stated that the bill in question passed by the House has been peacefully sleeping in a certain Senate committee since last December. I am glad to say the chairman of that committee has finally decided to hold hearings on the bill passed by the House December 3.

It will be recalled that a year ago and the year previous the Oklahoma delegation opposed a proposal that the House recess for a period of 2 or 3 weeks in order to permit the Members to return home and rest or repair their political fences. I think I am safe in saying that we believed then as now that the business of Members of Congress is in Washington and that this matter of speeding up the Nation's defense is a lot more important than anyone's job. Rumor has it that Congress proposes to take another recess the latter part of this month. I do not know whether or not there is any basis to this rumor, but, speaking for myself, and myself only, I am opposed to that proposal. I know that Members of Congress have been working overtime. I realize full well that we are under a tremendous strain. The Committee on Appropriations, of which I have the honor to be a member, has been in session almost constantly for many months. Aside from that the Interior Subcommittee on Appropriations, of which I have the added responsibility of chairman, has been in long, tedious session daily since the 23d of February. I might say here that the committee has been working seriously and overtime in an effort to materially reduce all nondefense expenditures in that bill, which includes twenty-odd agencies of Government. That bill when reported by my committee to this House will speak for itself.

Let me say in conclusion, I am convinced that the citizens and taxpayers of the country have a right to become aroused, not only because of the strike situation, but also because of the lethargy and complacency of Congress. I am glad the people are demanding immediate action. Many of them have sons with General MacArthur, or out somewhere in the Pacific, or elsewhere in the armed forces. They not only have a right to speak up and give their views but they speak with authority.

Let us not only stop these strikes, that the radical labor leaders have promised so often would be stopped, but at the same time stop the racketeering of excess profits in war contracts. This Congress should also drastically curtail all activities of the Government for the duration of the war not strictly in connection with an all-out effort to win this war and save for ourselves and our posterity the precious heritage which we call the American way of life.

EXTENSION OF REMARKS

Mr. JONES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a brief newspaper article issued by the publisher of the Wapakoneta Daily News.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. JONES]?

There was no objection.

A NEW SECRETARY OF WAR AND A NEW SECRETARY OF THE NAVY

Mr. SAUTHOFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. SAUTHOFF]?

There was no objection.

Mr. SAUTHOFF. Mr. Speaker, I have been sitting patiently on the sidelines waiting, listening, and trying to learn something about our conduct of the war and our present situation. If there is any one fact that stands out in my mind it is this: In 1940 two political appointments were made to the Cabinet. It was a shrewd political move and it served its purpose. But the election is over. We are now confronted with the most serious problem we have ever had to face. The two most powerful war machines that the world has ever known are seeking our subjugation or destruction. These political appointments are no longer adequate. I respectfully suggest that instead of a corporation lawyer from New York and a Chicago publisher running our Army and our Navy that the President pick the best possible naval authority as the head of the Navy and the best possible authority on military affairs as the head of the Army. And let these men be young enough to stand the strain and airminded enough to give this branch of our service every possible attention.

ABOLISHMENT OF 40-HOUR WEEK

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. SMITH]?

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, I am glad to note from what I have heard this morning that the House is now anxious to vote upon suspension of the 40-hour week. I propose to present and to get to the House for a vote in the very near future a bill which will accomplish that purpose and will set forth the following declaration of policy with provisions of law to implement them:

First. That it is the inherent and inalienable right of American citizens to work at any lawful occupation without being required to maintain membership in or pay tribute to any person, association, or organization;

Second. That no person, firm, or corporation should be permitted, in the prosecution of the war effort, to make or

to retain excessive profits at the expense of the taxpayers of the United States;

Third. In the prosecution of work essential to the defense of the Nation there should be no limitation by law or by contract upon hours of work which may be voluntarily performed, and no individual should receive, at the expense of his Government, compensation in excess of that paid as straight time under prevailing law; and

Fourth. That all laws, customs, contracts, and agreements which violate the policies above set forth must, in the interest of national security, be suspended during the period of the existing war.

IS THE CONGRESS WAKING UP?

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. RICH]?

There was no objection.

Mr. RICH. Mr. Speaker, I, too, am glad to see that some of you are having a change of heart in the House of Representatives and that it comes from the people back home. It is a good bit like when we voted a pension for Congressmen. The four gentlemen from Oklahoma have been getting a large amount of correspondence in reference to the 40-hour week and these radical labor leaders. These radicals should be put in concentration camps if they are going to prohibit the furnishing of guns, ships, and supplies that are necessary for our boys to win the war by calling strikes. I hope every Member of Congress will receive a lot of this same kind of correspondence. May I say to my people that they do not have to write to me, because I have been against all that sort of nonsense all along. If you fellows will get a change of heart on account of the people back home and their correspondence, then we will get proper legislation in Congress, Mr. SMITH, and Mr. SMITH will go to town.

[Here the gavel fell.]

WHEAT QUOTAS

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. REES of Kansas. Mr. Speaker, I rise, because of a question I asked the distinguished gentleman from Oregon [Mr. PIERCE], with reference to the farm program. I refer to the question of feeding wheat. I do not want to wreck the farm program, but I think it is subject to a good many modifications at this hour. I do not see why the Committee on Agriculture, with all the information it has before it, should not report my bill that would relax these restrictions enough to let a farmer feed his own wheat to his livestock without charging him 49 cents a bushel on it, especially in view of the increased demand from the Government and from the country for more meat and more dairy products. As I see it, it just is not common sense to make a farmer pay 49 cents a bushel on the wheat he feeds his own livestock and poultry, or to penalize him for using this grain to raise more livestock and more poultry and thereby provide more food for our people and for our armed forces.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the La Crosse (Wis.) Tribune, dated March 14, 1942, under the title of "The Alaskan Highway."

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. GATHINGS. Mr. Speaker, I ask unanimous consent that on Wednesday next, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

AIRCRAFT PRODUCTION

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I should like to read a few sentences from a letter I have received from a man who works in an aircraft factory. He says:

> Since the war every time we see a ship come out of the shop all complete and ready to see action we are proud and look forward to the future when instead of only one or two a day we can be furnishing five or six a day. It won't be long either; just in the past month production has stepped up from one to seven a week. Don't feel discouraged; this is only one type of ship. The other types have more men working on them and there is a good-looking stream of finished airplanes every day.

Mr. Speaker, I ask that Members not forget that there are several million fellows like this involved in all the questions you have been talking about today. Yes; he works in a factory. He builds airplanes. Sometimes I get the impression here in the House that Members think somehow airplanes would get built, even though there were no men to do it. Fortunate for us it is that these men carry on day after day, regardless of the things said about them here.

[Here the gavel fell.]

ANTISTRIKE LEGISLATION

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, on last Friday I told the House that I had received 5,000 letters urging antistrike legislation and urging suspension of the 40-hour week during the emergency. This morning that number has increased, and the tide is still rising. I have received more than 13,000 of these letters. I know we are not supposed to work on Sundays, but the Bible says that if your ox gets in the ditch, get him out. I hired 13 girls yesterday out of my own pocket in order to answer those letters. I will say that not only did my ox get in the ditch but my ox, cart, and all got in the mudhole, and I have tried to get them out. I tell you that the rest of you are going to receive literally thousands of such letters in the next few days.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that on tomorrow, at the conclusion of the legislative program of the day, and following any special orders heretofore entered, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I feel a good deal like Rip Van Winkle must have felt when he came out of his 20 years' sleep. Back in 1937 I suggested to the House and subsequently introduced bills that would have made it possible for a man to work without buying a license to work or without paying any money for the privilege of working.

I never got anywhere with those bills and never heard much about them on the floor, but from the sounds of wailing heard in the House this morning, it is evident that, while I have been dreaming here for the last 5 years of good legislation to come, the people from back home have been getting under the skins of their Representatives and somebody is in trouble over this lack of a sound labor policy, and I really hope that everybody begins to get a few letters and that at last we get action. I have many from the C. I. O. and from Communists. Now we are all hearing from the people to whom we must answer.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Mr. Speaker, I have heard a great deal about labor racketeers from the gentleman from Oklahoma and others, but it is strange no one has mentioned the large industrial racketeers and chiselers who are making many millions, as indicated from their financial reports.

These poor millionaires seem to have the sympathy of many Members. Personally, I have no use and hold no brief for labor chiselers or racketeers, nor have I any use for these avaricious multi-million-dollar corporations who have hundreds of millions of dollars in contracts, who refuse to go on a 24-hour-work-day basis or fail to work overtime for fear their large profits will be reduced.

In this connection I wish to insert a letter addressed to me on March 12, which reflects conditions existing not only in the plant of the International Harvester Co. but in the plants of the General Electric Co., the Bethlehem Steel Co., the Winchester Repeater Arms Co., and many others:

UNITED FARM EQUIPMENT WORKERS OF AMERICA,
Chicago, Ill., March 12, 1942.

Representative A. J. SABATH,
House Office Building, Washington, D. C.

DEAR SIR: Our organization, which is composed of workers from the tractor plant, International Harvester Co., Chicago, Ill., which employs approximately 5,300 men, is in full agreement with Mr. Nelson's program as enunciated in his March 2 radio address for joint committees of management and labor.

The situation in the tractor plant has become very acute. Approximately 1½ weeks ago a curtailment order came through in regard to the crawler-type tractors that we have been building. The result of the order was the men in those departments have been staying home for that length of time. But this is not the worst of the picture. Today another curtailment order came through in regard to the Farmall "A" and "B" tractors, built in our plant, which will affect about a thousand men.

Is this the company's answer to the President's request for no interruption in the production program?

We think this plant is capable of handling most any kind of work essential to winning the war. We are ready and willing to work 24 hours a day, 7 days a week—anything—to defeat Hitlerism.

We call upon you to do all you can to alleviate this situation, which will grow worse if war work is not obtained, and "business as usual" continues.

Respectively yours,
UNITED FARM EQUIPMENT WORKERS OF AMERICA, LOCAL NO. 101,
ARTHUR PETERSON,
Recording Secretary.

Here are men willing to work, at any time of the day, but for some unknown reason many machines and toilers are kept idle.

I feel that if these industrial czars and the few labor leaders who are responsible for a few strikes, do not cooperate at this time, they may regret their indifference to the country's needs.

I have received letters from many employees in many plants complaining that they are being laid off and are not permitted to work longer hours, but that does not seem to interest the labor baiters and those who are principally interested in bringing about the destruction of organized labor who, I repeat, are cooperating and wholeheartedly supporting the Government, in full realization of the dangerous conditions.

The country today is really in a threatened, desperate situation and it will require the complete cooperation of all, to produce more planes, more tanks, and more munitions. Although I have the utmost confidence that we will win the war that has been thrust upon us, I feel that if there is not complete solidarity, united action, and 100 percent cooperation on the part of industry and labor, the ultimate victory will be delayed for 2 or 3 years. Our boys on our ships, in the air, and in the trenches plead for more planes, for more tanks, and munitions, and it is our duty to supply them. I hope that we will go ahead at full speed in the realization that we are not only protecting our courageous fighters, but our Nation and our liberty as well.

EXTENSION OF REMARKS

(Mr. PATRICK asked and was given permission to revise and extend his own remarks in the RECORD.)

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made a few moments ago and to include therein excerpts from several communications I have received.

The SPEAKER. The Chair thinks that something ought to be done about this matter now. There is not a Member of the House who is not receiving literally hundreds of telegrams and letters with reference to this so-called labor situation. If we begin putting these letters and these telegrams in the RECORD, the RECORD will be bigger than the Revised Statutes each day. The Chair would suggest to Members that they do not ask consent to put these letters in the RECORD, or excerpts from them.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I have no thought of putting any letter or any telegram in the RECORD, but I did think that a few excerpts from letters giving a general idea of how the people of the district I have the honor to represent think would be appropriate at this time.

The SPEAKER. The Chair would think that if the Members would read their own mail they would know what the people generally are thinking. If no one else objects, of course, the Chair is not going to object.

Mr. YOUNG. Mr. Speaker, reserving the right to object to this request, after all the test is whether legislation is right or wrong, not the pressure that is brought on us, and I do object to this request.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD, not with my own remarks, but under my name, the purported newspaper story in yesterday's Washington Post by the Vice President, with respect to his intent or purpose to extend the New Deal to the four corners of the earth.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SECOND WAR POWERS BILL

Mr. SUMNERS of Texas. Mr. Speaker, I call up conference report on the bill (S. 2208) to further expedite the prosecution of the war, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2208) entitled "An act to further expedite the prosecution of the war," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 30, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 48 and 49 and agree to the same.

Amendment numbered 9: That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with the following amendments: Page 2, line 18 of the House engrossed amendments, strike out the comma and the words "and deliveries" and insert in lieu thereof a period and the word "Deliveries", and in line 20 after the word "and" where it appears the first time, insert the words "deliveries of material under", and in the same line strike out the word "and" where it appears the second time and insert in lieu thereof the word "or"; and the House agree to the same.

Amendment numbered 11: That the Senate recede from its disagreement to the amendment of the House numbered 11, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment strike out, in the Senate engrossed bill, all after "subsection." in lines 8 and 9, page 5, down to and including "defense." in line 23, and insert in lieu thereof the following (printed flush):

"Deliveries under any contract or order specified in this subsection (a) may be assigned priority over deliveries under any other contract or order; and the President may require acceptance of and performance under such contracts or orders in preference to other contracts or orders for the purpose of assuring such priority. Whenever the President is satisfied that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of any material or of any facilities for defense or for private account or for export, the President may allocate such material or facilities in such manner, upon such conditions and to such extent as he shall deem necessary or appropriate in the public interest and to promote the national defense."

And the House agree to the same.

Amendment numbered 14: That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with an amendment, as follows: Page 5, line 7, of the House engrossed amendments, after the word "documentary", insert the words "evidence or certified copies thereof"; and the House agree to the same.

Amendment numbered 27: That the Senate recede from its disagreement to the amendment of the House numbered 27, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment strike out, in the Senate engrossed bill, lines 13 to 18, inclusive, on page 8, and insert in lieu thereof the following: "by striking out the proviso therein and inserting in lieu thereof the following: '*Provided*, That any bonds, notes, or other obligations which are direct obligations of the United States or which are fully guaranteed by the United States as to principal and interest may be bought and sold without regard to maturities either in the open market or directly from or to the United States; but all such purchases and sales shall be made in accordance with the provisions of section 12A of this Act and the aggregate amount of such obligations acquired directly from the United States which is held at any

one time by the twelve Federal Reserve banks shall not exceed $5,000,000,000.'"; and the House agree to the same.

Amendment numbered 28: That the Senate recede from its disagreement to the amendment of the House numbered 28, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"SEC. 501. The head of each department or agency responsible for the administration of the navigation and vessel inspection laws is directed to waive compliance with such laws upon the request of the Secretary of the Navy or the Secretary of War to the extent deemed necessary in the conduct of the war by the officer making the request. The head of such department or agency is authorized to waive compliance with such laws to such extent and in such manner and upon such terms as he may prescribe either upon his own initiative or upon the written recommendation of the head of any other Government agency whenever he deems that such action is necessary in the conduct of the war."

And the House agree to the same.

Amendment numbered 29: That the Senate recede from its disagreement to the amendment of the House numbered 29, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"SEC. 602. The second sentence of the first paragraph of section 1 of the Act of October 16, 1941 (55 Stat. 742), entitled 'An Act to authorize the President of the United States to requisition property required for the defense of the United States', is amended by striking out the words 'on the basis of the fair market value of the property at' and inserting in lieu thereof the words 'as of'; and at the end of such sentence, before the period, inserting the words ', in accordance with the provision for just compensation in the Fifth Amendment to the Constitution of the United States', so that such sentence will read as follows:

"'The President shall determine the amount of the fair and just compensation to be paid for any property requisitioned and taken over pursuant to this Act and the fair value of any property returned under section 2 of this Act, but each such determination shall be made as of the time it is requisitioned or returned, as the case may be, in accordance with the provision for just compensation in the Fifth Amendment to the Constitution of the United States.'"

And the House agree to the same.

Amendment numbered 31: That the Senate recede from its disagreement to the amendment of the House numbered 31, and agree to the same with an amendment, as follows: Page 11, line 4 of the Senate engrossed bill, strike out the word "or"; and the House agree to the same.

Amendment numbered 37: That the Senate recede from its disagreement to the amendment of the House numbered 37, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment with the following amendments:

Page 13, line 8 of the Senate engrossed bill, after the number "1137" insert "; U. S. C. 1940 ed., Title 8, secs. 501-907".

Page 13, line 17 of the Senate engrossed bill, after the word "war" insert: "and who, having been lawfully admitted to the United States, including its Territories and possessions, shall have been at the time of his enlistment or induction a resident thereof,".

Page 13, lines 19 and 20 of the Senate engrossed bill, strike out the words "and no certificate of arrival".

Page 14, lines 23 and 24 of the Senate engrossed bill, strike out the words "this Act as provided in title XV" and insert in lieu thereof "those titles of the Second War Powers Act, 1942, for which the effective period is specified in the last title thereof".

Page 16, line 18 of the Senate engrossed bill, after the word "Act" insert: "; and such ground for revocation shall be in addition to any other provided by law".

Page 16, strike out lines 23 and 24 of the Senate engrossed bill.

And the House agree to the same.

Amendment numbered 44: That the Senate recede from its disagreement to the amendment of the House numbered 44, and agree to the same with amendments, as follows: Page 10, line 14 of the House engrossed amendments after "documentary" insert "evidence or certified copies thereof", and in lieu of the matter proposed to be inserted by that part of the House amendment beginning on page 12, line 19 of the House engrossed amendments, and ending on page 13, line 21 thereof, insert the following:

"SEC. 1501. The Secretary of Commerce shall, at the direction of the President, and subject to such regulations as the President may issue, make such special investigations and reports of census or statistical matters as may be needed in connection with the conduct of the war, and, in carrying out the purpose of this section, dispense with or curtail any regular census or statistical work of the Department of Commerce, or of any bureau or division thereof. Any person who shall refuse or willfully neglect to answer any questions in connection with any special investigations made under this section, or who shall willfully give answers that are false, shall upon conviction thereof be fined not exceeding $500 or imprisoned for a period of not exceeding sixty days, or both.

"SEC. 1502. That notwithstanding any other provision of law, any record, schedule, report, or return, or any information or data contained therein, now or hereafter in the possession of the Department of Commerce, or any bureau or division thereof, may be made available by the Secretary of Commerce to any branch or agency of the Government, the head of which shall have made written request therefor for use in connection with the conduct of the war. The President shall issue regulations with respect to the making available of any such record, schedule, report, return, information or data, and with respect to the use thereof after the same has been made available. No person shall disclose or make use of any individual record, schedule, report, or return, or any information or data contained therein contrary to the terms of such regulations; and any person knowingly and willfully violating this provision shall be guilty of a felony and upon conviction thereof shall be fined not exceeding $1,000, or be imprisoned not exceeding two years, or both.

"SEC. 1503. For purposes of this title the term "person" shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not."

And the House agree to the same.

The committee of conference have not agreed to the following amendments:

Disagreement as to substance

Amendment numbered 32.

Disagreement solely as to title and section numbers and cross-references

Amendments numbered 45, 46, 47, and 50.

HATTON W. SUMNERS,
CHARLES F. MCLAUGHLIN,
CLARENCE E. HANCOCK,
Managers on the part of the House.

JOSEPH C. O'MAHONEY,
WALL DOXEY,
WARREN R. AUSTIN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2208) entitled "An act to further expedite the prosecution of the war", submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendments numbered 1, 2, 3, 4, 5, 6, 7, and 8: These amendments are of a minor clarifying or clerical nature. The Senate recedes.

Amendment numbered 9: The Senate bill made specific amendments to paragraph (1) of subsection (a) of section 2 of the Priorities Law (the act of June 28, 1940, as amended) and the House amendment set out the full text of that paragraph. The Senate recedes from its disagreement to the amendment of the House with amendments of a minor nature which clarify the language. The amendment, in setting out the full text of such paragraph (1) necessarily repeats language of existing law in which no change is proposed. Included in this language in which no change is proposed are certain restrictions on the making of Government contracts. The First War Powers Act authorized the President to relax certain requirements in the making, performance or modification of contracts whenever he deems such action would facilitate prosecution of the war. The President's powers under the First War Powers Act are not intended to be restricted by the restatement in this legislation of such provisions of paragraph (1) of section 2 (a).

Amendment numbered 10: This amendment is a clarifying one. The Senate recedes.

Amendment numbered 11: This amendment is of a clerical nature. The conferees agreed to an amendment in lieu of the House amendment which merely strikes out all after "subsection." in lines 8 and 9, page 5 down to and including "defense." in line 23 in the Senate engrossed bill, and reinserts the same language with the House amendment (printed flush), so that the style and arrangement will be corrected and conform to the present law.

Amendments numbered 12 and 13: These two amendments are clerical ones and the Senate recedes.

Amendment numbered 14: This amendment set forth the subpena powers of the President to obtain books and records in connection with priorities, and permitted the furnishing of certified copies. The bill as it passed the Senate made applicable similar powers of the Federal Trade Commission, by reference. The Senate recedes with an amendment to insert after the word "documentary" the words "evidence or certified copies thereof", in order to make the language contained in the House amendment consistent.

Amendments numbered 15, 16, 17, 18, 19, 20, 21, and 22: These amendments are clerical, and the Senate recedes.

Amendment numbered 23: This amendment eliminated the restriction which limited the benefits of the provisions of paragraph (7) under Title III of the bill to persons who had received priority or allocations orders, and extended such benefits to any person who defaults on a contract caused by compliance with such an order. The Senate recedes.

Amendments numbered 24, 25, and 26: These amendments are clerical, and the Senate recedes.

Amendment numbered 27: This amendment provided for limiting to $5,000,000,000 the aggregate amount of bonds, notes, or other obligations of the United States or which are fully guaranteed by the United States as to principal and interest, which Federal Reserve banks may buy and sell without regard to maturities. The Senate recedes with an amendment which rewrites the proviso of subsection (b) of section 14 of the Federal Reserve Act making it clear that direct purchases from the Treasury are

to be subject to the usual rules governing purchases in the open market and that the aggregate amount of such obligations acquired directly from the United States which is held at any one time by the 12 Federal reserve banks shall not exceed $5,000,000,000.

Amendment numbered 28: This amendment restored Title V of the bill, relating to the waiver of navigation and inspection laws, to the form in which it was reported by the Senate Committee on the Judiciary to the Senate. On February 28, 1942 the President issued an Executive order transferring the authority vested in the Secretary of Commerce to waive compliance with the navigation and vessel inspection laws, to the Secretary of the Navy and the Secretary of the Treasury. It was therefore desirable to change the House amendment and make the language flexible so that the "head of each department or agency responsible for the administration of the navigation and vessel inspection laws" will be authorized to make the waiver. The Senate recedes with amendments effecting this change.

Amendment numbered 29: This amendment was made on the floor of the House and proposed that whenever machinery or equipment in actual use and necessary to the operation of a factory or business is requisitioned, the owner be paid fair and just compensation which shall not be less than the difference between the fair market value of such factory or business before and after the taking of such equipment or machinery. The conferees agreed to an amendment in lieu of the House amendment which would rewrite the second sentence of the first paragraph of section 1 of the Requisition Law (act of October 16, 1941) to make it clear that the determination as to the amount to be paid for property requisitioned or returned shall be in accordance with the provision for just compensation in the fifth amendment to the Constitution of the United States.

Amendment numbered 30: This amendment is a clerical correction. The Senate recedes.

Amendment numbered 31: This amendment was made on the floor of the House and has the effect of exempting members of Selective Service and Training Boards from certain prohibitions of the Hatch Act. The Senate recedes with an amendment to strike out the additional word "or" to clarify the language.

Amendments numbered 33, 34, 35, and 36: These amendments clarified the language of title IX to make it clear that protection may be afforded against hazards other than forest fires. The Senate recedes.

Amendment numbered 37: This amendment struck out title XI of the bill providing for the naturalization of aliens honorably serving in the armed forces of the United States during the present war. The conferees have restored the title with several amendments. The amendments require that the alien shall have been lawfully admitted to the United States, including its Territories and possessions, and a resident thereof at the time of his enlistment or induction; and provision is made that the revocation of citizenship of a person subsequently dishonorably discharged is a ground for revocation in addition to any other provided by law. As the alien is required to have been lawfully admitted, the language is stricken out which would have relieved the necessity of furnishing a certificate of arrival. Clerical amendments also have been made.

Amendments numbered 38, 39, and 40: These amendments are clerical changes. The Senate recedes.

Amendment numbered 41: This amendment eliminated a restriction of the Senate bill which would have limited the addition of other metals to 10 percent of the proposed new 5-cent piece of silver and copper. The restriction was eliminated in order not to limit the possibility of devising an all-purpose 5-cent piece. The Senate recedes.

Amendment numbered 42: This amendment merely added "records" to the authorization for inspection and audit of war contractors books and plants. The Senate recedes.

Amendment numbered 43: This amendment was made on the floor of the House and provided that the inspection and audit of war contractors and the determination whether a given contract is a "defense contract" should be made by a governmental agency or officer designated by the President or by the Chairman of the War Production Board, instead of by the agency placing such contract or order or the contract or order under which such subcontract was placed, or by the chairman of the War Production Board. The Senate recedes.

Amendment numbered 44: This amendment did two things: First, it inserted in title XIV specific provisions with respect to administering oaths, requiring the attendance and testimony of witnesses, and other related matters, in lieu of the provisions of the Senate bill which made the provisions of sections 9 and 10 of the Federal Trade Commission Act applicable by reference. Second, it added a new title XV to the bill, granting to the Secretary of Commerce authority to make special investigations and reports, subject to the direction of the President, needed in connection with the conduct of the war. The Senate recedes with amendments which (1) make clear that the Secretary of Commerce is to make the special investigations and reports, and dispense with or curtail regular census or statistical work, when directed by the President, and subject to regulations issued by the President, and (2) define the term "person" and use such term in appropriate places in the title, (3) make clear that the regulations of the President issued under section 1502 shall apply both to the making of information available by the Secretary of Commerce and to the use of such information after it has been made available, (4) provide that records and other information are to be made available only on written request, and (5) provide that only knowing and willful violations of the President's regulations will be subject to punishment.

Amendments numbered 48 and 49: The bill makes numerous amendments to existing law which are intended to be effective only during the period specified in the last title of the bill. Amendments numbered 48 and 49 were intended to make this purpose more clear. The Senate recedes.

The committee of conference have not agreed on the following amendment of substance:

Amendment numbered 32, which struck out title VIII of the Senate bill, relating to compensation for certain civilian defense workers.

The committee of conference have not agreed on the following amendments relating solely to title and section numbers and cross-references, because the proper numbering cannot be determined until an agreement is reached with respect to amendment numbered 32:

Amendments numbered 45, 46, 47, and 50.

HATTON W. SUMNERS,
CHARLES F. MCLAUGHLIN,
CLARENCE E. HANCOCK.
Managers on the part of the House.

Mr. SUMNERS of Texas. Mr. Speaker, may I submit a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. SUMNERS of Texas. Amendment No. 32 is highly controversial. I understand it is my duty to move that the House further insist upon this amendment. May I ask unanimous consent that the consideration of that amendment be postponed for the moment?

The SPEAKER. The Chair suggests to the gentleman from Texas that the first thing to do is to adopt the conference report, leaving out, of course, those matters that are in disagreement.

Mr. SUMNERS of Texas. Then, Mr. Speaker, I make that motion at this time.

Mr. PATMAN. Mr. Speaker, if the gentleman will permit, one part of this conference report is very controversial. There is a misunderstanding about one amendment to which I think some consideration should be given, by the conferees at the present time. I know that it was a case of misunderstanding between the parties. When this bill passed the House, several of us expected to ask for a separate vote on title IV, on the so-called Smith amendment, knowing that the House would very quickly strike it out, and that it would not even be in conference. We were told and allowed to believe that it would be stricken out in conference, and that there would be no use in asking for a separate vote, but that we should let it go to conference, and that it would be stricken out. The misunderstanding came about, I think, by reason of the $5,000,000,000. We were not as much concerned about the language in respect to it as about the amount. In view of that honest misunderstanding, I hope that the chairman of the committee will give us opportunity to vote on that amendment separately, even if it is necessary to take it back to conference to do so.

The SPEAKER. The parliamentary situation is this: Insofar as the amendments in disagreement are concerned, the conference report must first be voted up or down. The gentleman from Texas has moved that the conference report be adopted.

Mr. PATMAN. Then I ask for recognition in opposition to it.

The SPEAKER. The gentleman from Texas has the floor, and he may yield to the gentleman.

Mr. PATMAN. I hope the gentleman will yield to me.

Mr. SUMNERS of Texas. Mr. Speaker, let me inquire in regard to the time. How much time is allowed for the entire disposition of the conference report, including amendment No. 32?

The SPEAKER. The gentleman is entitled to 1 hour on the conference report. He can yield such time as he desires. Then, if he desires, an hour may be taken on each amendment in disagreement.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. PATMAN].

GOVERNMENT BOND RACKET

Mr. PATMAN. Mr. Speaker, up until 1935 the Federal Reserve banks could purchase securities directly from the Treasury of the United States. That was as it should have been, because our Government, through Congress, has given the Federal Reserve banks the power to issue money on the credit of this Nation. The Federal Reserve banks have the right to call upon the Bureau of Engraving and Printing to print for them all the

money that they want, and the Treasury had the right to exchange Government securities for that money. The Treasury itself could not issue the money. But in 1935, in another body, what appeared to be a very innocent amendment was placed in an act which it had no relation to at all. That amendment provided that hereafter the Treasury could not sell bonds to the Federal Reserve banks directly and save the brokerage commission, the service fees, which are enormous in these transactions involving hundreds of millions and even billions of dollars, and provided that the Federal Reserve banks could only buy those bonds by going into the open market and buying them with the Government-created money. That made a pure, simple racket out of it.

We have heard on the floor of this House where farmers are being charged so much a truck to carry their produce into the city of New York and other cities. This is exactly the same principle involved. We are permitting the big banks of this country to control our credit to the extent that the Government itself must pay a brokerage, a service fee, upon its own money that it creates itself.

Now, is that right? Is that fair? Is that just? Absolutely not. It is wrong in principle and cannot be defended any place in this world.

When this war-powers bill was before the House it provided in title IV that hereafter the Treasury could, as they had done before 1935, deliver to the Federal Reserve banks Government securities and get credit for them. In other words, exchange an interest-bearing obligation for a noninterest-bearing obligation. The Government created both of them, and both of them created upon the credit of the people of this Nation. They are both a lien and an obligation against the earnings of all the people and the productive capacity of this country. They are exactly the same.

So when the bill came in the House the gentleman from Virginia [Mr. SMITH] offered an amendment to restrict it to where the aggregate amount that may be bought shall be $5,000,000,000. I was not concerned about the language. I was concerned about any limitation of any kind whatsoever.

Mr. McLAUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. McLAUGHLIN. The gentleman states that he was not concerned about the language. The fact is, however, that the language made a very material difference in the amendment.

Mr. PATMAN. That is very true.

Mr. McLAUGHLIN. In other words, the Smith amendment provided that the aggregate of Government obligations which might be purchased from the Treasury would be $5,000,000,000.

Mr. PATMAN. Yes.

Mr. McLAUGHLIN. That is, as amended by the Dewey amendment.

Mr. PATMAN. Yes.

Mr. McLAUGHLIN. But it made no distinction between purchases in the open market and purchases direct from the Treasury.

Mr. PATMAN. I thoroughly agree with the gentleman.

Mr. McLAUGHLIN. Now you say you have no interest in the language. The language carried out that very intention.

Mr. PATMAN. The language was not the determining factor with me. The determining factor with me was a limitation of any kind whatsoever.

Mr. McLAUGHLIN. But the sense which the language conveyed is what I am addressing myself to now, and what we have before us today is a distinctly different thing than the thing upon which we voted when we passed upon the Smith amendment.

Mr. PATMAN. A difference in qualifying phrases only. That $5,000,000,000 limitation is still in here.

Mr. McLAUGHLIN. But my friend will recognize that if the Smith amendment had been passed the $5,000,000,000 limitation would have applied to purchases on the open market, whereas under the provision which we have before us today there is no limit on the purchases on the open market. The only limitation is as to purchases direct from the Treasury. The provision under discussion would create a revolving fund. In other words, as the obligations move out of the Treasury they can be replaced by other obligations, provided the high level does not exceed $5,000,000,000. There is a vast distinction between the two proposals.

Mr. PATMAN. That is very true, but it makes it very vulnerable for the gentleman to present it to us in that way. In other words, we say to the banks of this country, "It is all right for the Federal Reserve banks to go into the open market and buy all the bonds they want to. It is unlimited." The gentleman is right about that. But where it comes from the Treasury to the Federal Reserve it is limited to $5,000,000,000. If it is fair to have one unlimited, why is it not fair to have the other unlimited? I agree with the gentleman that the language as written is much better than the Smith amendment, but the Smith amendment language is not what I was concerned about so much as I was the $5,000,000,000 limitation or any limitation of any kind.

HIGH INTEREST AMENDMENT

May I suggest to you that this will probably be called a high-interest amendment. That is what it means. It means high interest on Government bonds. There are a number of people in this House who would like to have our Government compelled to pay at least 4-percent interest on Government obligations instead of 2½ percent. This is the greatest step in the direction of 4-percent interest that has been taken since this emergency started.

I want to read the report that was filed by the gentleman from New York [Mr. REED], a prominent Republican Member of the House on this bill. It commences on page 19 of the hearing. I want to read one excerpt from it:

While the New Deal has been able to finance its spending at low interest rates and without apparent difficulties to date, such excessively low interest rates—

And I hope the chairman of the committee will listen to this—

such excessively low interest rates are not a sign of financial stability but the sign of economic ill health.

This report was submitted by the Republican conference committee on national debt policy, of which the gentleman from New York [Mr. REED] was a member.

In other words, the Republican members of the Judiciary Committee gave the House and the country notice that what we want is higher interest rates; that they are opposed to the Government getting its money for 2½ percent. They want the Government to pay more than 2½ percent. Two and one-half percent interest in economic ill health, they say, and they want higher interest rates. So they are getting it in this particular limitation.

I can see how those who want higher interest rates would want a limitation of this kind, but I cannot see how anyone who is in favor of the present policy of the Government financing its debt burden at the cheapest possible rate, can afford to vote for any such limitation as this, or any other limitation.

It is absolutely wrong and should not be permitted to stand. I know that we are at a great disadvantage. I know this was an honest misunderstanding, but in view of the fact that both sides know it was a misunderstanding and that those of us who felt this matter keenly relied upon what we believed to be the understanding that this would be stricken out and that we had to give up a valuable right, we sat there and did not ask for a division, we did not ask for a separate vote. I believe the members of this committee would tell us now it would have been stricken out if we had asked for a separate vote; but, counting on the honest belief that it would be stricken out in conference, we gave up that valuable right.

I know what the gentleman from Texas [Mr. SUMNERS] and the gentleman from Nebraska [Mr. MCLAUGHLIN] thought: They thought we were concerned about the language, but they were honestly mistaken. Since there was an honest mistake, I hope the committee will see fit to take it back and correct it. The Senate does not want this language, why should the House insist upon it? They did not have it in here. It was the House that put in that qualifying language, and I hope the committee will concede that point and voluntarily take it back to conference.

I will briefly summarize points that I believe should be given consideration:

First. The 12 Federal Reserve banks that are privately owned create the money on the Government's credit. They have tons of money printed at the Bureau of Engraving and Printing and pay on an average of 30 cents per thousand for it. Each piece of paper money is the same as a Government bond, except it provides for no interest. Each piece of paper money is a separate obligation of the United States Government

and not an obligation of the Federal Reserve bank issuing it; it provides on its face:

The United States of America promises to pay on demand —— dollars.

Nowhere on the paper money does the Federal Reserve bank issuing it promise to pay it. It is purely and simply a Government obligation, just like a Government bond, except no interest.

Second. A Federal Reserve bank obtains a million dollars' worth of this paper money and buys a million dollars' worth of bonds that are being sold in the open market. The Federal Reserve bank gives a million dollars in currency, for which it paid 30 cents per thousand dollars, in exchange for the million dollars' worth of Government bonds, which provide an interest rate. The Federal Reserve bank then keeps the bonds, and, if they provide for 3-percent annual interest, each year the bank will collect $30,000, having exchanged a Government non-interest-bearing obligation for a Government interest-bearing obligation.

Third. The Committee on the Judiciary says that it is all right for the 12 Federal Reserve banks to buy all of the bonds they want to in that way through the open market. It would be possible for them to buy $240,000,000,000 worth that way, and the Committee on the Judiciary offers no criticism whatever on this policy.

Fourth. The committee says, however, that the 12 Federal Reserve banks should not be permitted to buy bonds directly from the Treasury, except to the amount of $5,000,000,000. In other words, after these 12 banks have purchased and accumulated $5,000,000,000 worth of Government bonds, they cannot buy another bond direct from the Treasury. After that they will have to go into the open market and buy bonds and pay the extra premiums, service fees, brokerage fees, commissions, and so forth.

Fifth. If it is a sound business transaction for the Federal Reserve banks to buy an unlimited amount of bonds in the open market, why would it not be just as sound a transaction for the same Federal Reserve banks to buy the same bonds directly from the Treasury and save the enhanced value of the bonds, extra interest, extra service charges, extra commissions, and so forth?

Sixth. The limitation gives the few big banks of the country a tight grip upon the financial throat of the American people. It will place these few big banks in a position to whip up interest rates, have great influence on Government finances through this cornering-of-the-market ability given to them by this amendment, will result in higher interest rates to the Government and move a large part of the financial capital back from Washington to Wall Street.

Seventh. It must not be overlooked that the 12 Federal Reserve banks create the money on the Government's credit and furnish nothing themselves to back it, which is used to buy these interest-bearing bonds.

Eighth. Congress should at the earliest possible date compel the Treasury to finance the Government's deficit that cannot be taken care of by the sale of bonds to the public by depositing non-interest-bearing bonds with the 12 Federal Reserve banks and receiving credit therefor. In this way, the Government would not have to pay interest and a 3-percent payment each year on the principal would entirely liquidate the debt in 33½ years. It is true that the debt will still have to be paid just the same, but the people, the taxpayers, and the Government will not be compelled to pay tribute to any person or corporation for creating money upon the Government's own credit to finance the cost of the war.

Ninth. The Government has title to more than $22,000,000,000 in gold. The 12 Federal Reserve banks are now receiving the free use of this gold. It could be used through the Federal Reserve System to finance the war without placing the people in perpetual bondage.

Tenth. The effect of the Judiciary Committee amendment placing a limitation of $5,000,000,000 on the amount of securities that the 12 Federal Reserve banks can own at one time by reason of purchase directly from the Treasury causes the Government to be placed in this position: Let us say that out of the $125,000,000,000 national debt, which we will soon have, that it is necessary over a comparatively short time to refinance $10,000,000,000 of it and the Federal Reserve banks buy their $5,000,000,000, all that they can buy from the Treasury. Then the other $5,000,000,000 will be sold to commercial banks, who buy them and immediately sell them back to the 12 Federal Reserve banks at a good premium.

Eleventh. When the Pearl Harbor incident occurred December 7, 1941, the Treasury had outstanding an offer to sell $150,000,000 in bonds the next day, December 8. The Treasury could not sell them directly to the Federal Reserve banks, so the Treasury and the Federal Reserve officials, thinking possibly the Pearl Harbor disaster might affect and particularly weaken the market for Government bonds to the extent that they might not be sold the next morning, got in touch with a few big bankers and told them to go ahead and buy the bonds; that the Federal Reserve would guarantee to take them off their hands promptly at a premium of $1.30 per hundred dollars without them putting up a penny. This was equal to about $2,000,000 on the issue that the Government would have to pay at the rate of $1.30 a hundred. This round-about way was fixed by the limitation of the Federal Reserve Act. Now this limitation should be completely removed and the $5,000,000,000 amendment should be rejected.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. DEWEY].

Mr. DEWEY. Mr. Speaker, I listened to the gentleman from Texas with a great deal of interest, but I would like to refer him to the traditional relations between central banks of issues and treasury departments, which are a matter of history.

I have here a factual statement prepared for me at my request by the Federal Reserve Bank of New York in regard to the British treasury borrowings from the Bank of England. I would like to ask the House to listen to a pertinent paragraph of this statement. Later I will ask unanimous consent to have the whole statement placed in the Appendix of the RECORD. I read:

LEGAL BASIS FOR TREASURY BORROWING FROM THE BANK OF ENGLAND

The Bank of England is almost unique among central banks in that it is subject to virtually no legal restrictions of any sort. The deputy governor of the bank, for example, in his testimony before the Macmillan committee in 1930, stated that the only legal restrictions upon the bank's operations related to its note issue, its form of weekly statement, the prohibition of bank dealings in merchandise or other wares, and its ability to lend to the Government. No elaboration was made by him concerning this latter restriction; however he apparently had in mind the original restriction in the act of 1694, noted above, and the restatement and amplification of that restriction in the act of 1819. In that act, which still regulates the bank's power to make advances to the Government, the bank was prohibited from advancing or lending any sum whatever to the Government upon the credit of any Government bills or securities, or in any other manner, without the express authorization of Parliament. The act also provided that, whenever the Treasury wished to borrow from the bank, copies of the application for such advances, as well as the bank's answer, must be laid before Parliament. In accord with this provision correspondence between the Government and the bank relating to ways and means advances is laid before Parliament annually. These advances are annually authorized in the annual appropriation acts which always contain a clause authorizing the Bank of England to lend any sums not exceeding those mentioned in the act, the moneys so borrowed to be repaid with interest, not exceeding 5 percent per annum, not later than the next succeeding quarter to that in which the said moneys were borrowed.

I make this statement merely to prove that the Bank of England, formed in 1694, has followed this procedure and has set a limit each year as to the amount of money the treasury may borrow from the Bank of England or the bonds or securities that the Bank of England may purchase from the treasury.

[Here the gavel fell.]

Mr. DEWEY. Mr. Speaker, I ask unanimous consent to incorporate in the Appendix the statement to which I referred in my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, let me see if I can explain this situation from the standpoint of the conferees of the House whose report is before you. It will be recalled that the Committee of the Whole House on the state of the Union adopted the Smith amendment. The Smith amendment puts a limitation on the Federal Reserve banks of $5,000,000,000 on transactions in Federal securities throughout all the future, both open market and those directly with the Treasury. It was understood generally that there was some confusion about that amendment and how it came to be in the bill. I believe it was the statement made by members of the

Committee on the Judiciary and by the prospective conferees on the part of the House that such a limitation upon the transactions of the Federal Reserve banks would not be agreed to, in fact the Smith amendment would go out.

As stated by the gentleman from Texas [Mr. PATMAN], there seems to have arisen some confusion because of their attitude as to just what position the Members of the House conferees would take when they got to conference. It is to be regretted of course that this misunderstanding has developed. Here is what was done, and this is why it was done. It will be recalled by Members of the House that since 1935 there has been no authority for the Federal Reserve banks to buy directly from the Treasury. Now, let us follow this along.

After the Pearl Harbor occurrence it was found that a difficult condition had to be dealt with. There was a billion and a half of Federal securities coming on the market at about that time. The market was in no condition to stand the weight of another billion and a half of Federal bonds. An indirect arrangement was made under which the Federal Reserve banks in effect bought indirectly from the Treasury. That was not a good way to do it. Hence the request for authority to make direct purchases from the Treasury. A Federal Reserve bank representative and an advised representative of the Treasury, while preferring no limitation, told the conferees on the part of the House that insofar as they could visualize the future the $5,000,000,000 reservoir of securities that might be bought directly from the Treasury would meet all that they could see in the future, or all that they could anticipate in the future.

This $5,000,000,000 reservoir for direct purchases has nothing to do with the total amount of Government securities purchased in the open market which may be held by the Federal banks at one time. At the moment the Treasury has not one bond, not one dollar's worth of Federal securities that has been bought directly from the Treasury. With this $5,000,000,000 provision in the law, the Federal Reserve bank would have the right and power to absorb that limit of Federal securities purchased directly from the Treasury at this time, sell and purchase more from the Treasury; in other words keep this $5,000,000,000 reserve full, and in addition purchase without limit in the open market. I do not profess to be an expert on these things and I do not believe my brother conferees would make that claim for themselves.

Mr. PATMAN. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Texas.

Mr. PATMAN. I concede that the amendment is much better than when it left the House, there is no question on earth about that, but the gentleman states it is all right for the Treasury to sell all the bonds it wants to the open market and the banks, then for the Federal Reserve banks to buy them back in unlimited quantities, thereby compelling the Government to pay a brokerage and service fee that runs into the millions of dollars per issue. If it is right and fair to have it unlimited and the Government is forced to pay a brokerage fee and service fee, why not let them sell directly to the Treasury unlimited? If we have it unlimited in one case, why restrict it in the other? Does it not appear to the gentleman like it is hog-tying the Government to where it will be compelled to pay a brokerage and service fee for the Government's money?

Mr. SUMNERS of Texas. I neither endorse nor condemn the brokerage-fee proposition. In fact, I do not know much about it. I understand it is about one-thirty-sixth of 1 percent.

Mr. PATMAN. But it ran into $2,000,000 on the Pearl Harbor issue.

Mr. SUMNERS of Texas. All right. Under this conference report the banks could have bought that entire issue directly from the Treasury and had left over three and one-half billion unexpended authority to make direct purchases from the Treasury. We are dealing here in this report with 12, 13, or maybe 14 different items which have to do more or less with the immediate needs of the Government in conducting this war. This is important to have in mind. This committee, not professing to be experts in regard to these matters, of permanent monetary policy sought to procure legislation which would certainly take care of any emergency needs of the Government in the conduct of the war. These matters of permanent policy must be dealt with by committees to whose jurisdiction they belong.

We were not attempting to set up a permanent system with regard to transactions in the securities of the Government. We were attempting to make provision by which, if there should be a repetition of a similar thing to that which happened at Pearl Harbor, the Federal Government could clearly protect its credit. That is what we tried to do. We were not trying to compel the things which my distinguished friend from Texas is tremendously concerned about. Insofar as the testimony which we had is concerned, we have done that very thing. It is within the province now and probably within the responsibility of the Banking and Currency Committee to bring before the House a suggested permanent policy with regard to these transactions in Federal securities.

I assume that my friend from Texas, who has studied these matters a long time, has a notion that there ought not to be any transactions in the open market by the Federal Reserve banks. That may be sound as a matter of fixed policy insofar as I know.

Mr. PATMAN. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Texas.

Mr. PATMAN. No. I say there should be open-market transactions under certain conditions, but you should not compel the Government to go into the open market.

Mr. SUMNERS of Texas. Well, all right. That is a matter dealing with the permanent policy of the Government, that is something that this committee did not attempt to go into in bringing in these many items, each of which could have been a separate bill. They could have gone to separate committees. That is something we were not qualified to deal with and something we did not attempt to deal with.

Mr. MAY. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Kentucky.

Mr. MAY. As a matter of fact, there are about a dozen different things or more that are regarded as emergency needs of the different defense organizations, the Army and Navy in particular?

Mr. SUMNERS of Texas. The gentleman is correct.

Mr. MAY. Included in which is the right to condemn the use of land as well as the fee simple title?

Mr. SUMNERS of Texas. I say to the gentleman that there are many things, and an examination of the bill shows them. Where the gentleman from Texas, for whom I have great respect, is in confusion with reference to this bill is as between meeting an emergency need of the Government and establishing what he considers to be a sound public fiscal policy with regard to Federal securities.

[Here the gavel fell.]

Mr. COLE of New York Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield myself 1 additional minute, Mr. Speaker, and yield to the gentleman from New York.

Mr. COLE of New York. May I ask the gentleman with regard to the title that was in the bill and which was stricken by the House with relation to granting citizenship to soldiers in uniform?

Mr. SUMNERS of Texas. We will come to that later.

Mr. COLE of New York Is that in this bill?

Mr. SUMNERS of Texas. Yes; much.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. MOSER. Mr. Speaker, I am opposed to this conference report and am constrained to make a point of no quorum.

The SPEAKER. Does the gentleman object to the vote on the ground that a quorum is not present?

Mr. MOSER. I do, Mr. Speaker.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 315, nays 22, not voting 94, as follows:

[Roll No. 41]

YEAS—315

Allen, Ill.	Andresen,	Bates, Ky.
Allen, La.	August H.	Bates, Mass.
Andersen,	Andrews	Baumhart
H. Carl	Angell	Beam
Anderson, Calif.	Arends	Beckworth
Anderson,	Arnold	Bell
N. Mex.	Barnes	Bender

Bennett	Hall,	Pittenger
Blackney	Edwin Arthur	Plauché
Bland	Hall,	Ploeser
Boehne	Leonard W.	Plumley
Boggs	Halleck	Po ge
Bolton	Hancock	Powers
Boren	Hare	Priest
Bradley, Mich.	Harness	Rabaut
Brooks	Harrington	Ramsay
Brown, Ga.	Harris, Ark.	Ramspeck
Brown, Ohio	Harris, Va.	Randolph
Bryson	Hart	Rankin, Mont.
Buck	Harter	Reece, Tenn.
Bulwinkle	Hartley	Reed, Ill.
Burch	Hébert	Reed, N. Y.
Burgin	Heidinger	Rees, Kans.
Butler	Hendricks	Richards
Byrne	Hess	Rizley
Camp	Hill, Colo.	Robertson,
Canfield	Hinshaw	N. Dak.
Cannon, Mo.	Hobbs	Robertson, Va.
Carlson	Hoffman	Robinson, Utah
Carter	Holbrock	Robsion, Ky.
Cartwright	Holmes	Rockefeller
Case, S. Dak.	Hope	Rockwell
Chapman	Houston	Rodgers, Pa.
Chenoweth	Hull	Rogers, Mass.
Chiperfield	Hunter	Rogers, Okla.
Cıason	Imhoff	Rolph
Claypool	Jackson	Russell
Cluett	Jacobsen	Sabath
Cochran	Jenkins, Ohio	Sanders
Coffee, Nebr.	Jennings	Sasscer
Coffee, Wash.	Jensen	Satterfield
Cole, N. Y.	Johns	Sauthoff
Collins	Johnson, Calif.	Schuetz
Colmer	Johnson, Ill.	Schulte
Cooley	Johnson, Ind.	Secrest
Cooper	Johnson,	Shafer, Mich.
Copeland	Luther A.	Shanley
Costello	Johnson, Okla.	Sheppard
Courtney	Johnson, W. Va.	Sikes
Cox	Kean	Simpson
Cravens	Keefe	Smith, Maine
Crawford	Kefauver	Smith, Ohio
Crosser	Kelly, Ill.	Smith, Va.
Crowther	Kennedy,	Smith, Wash.
Culkin	Martin J.	Smith, W. Va.
Cunningham	Kerr	Smith, Wis.
Curtis	Kilday	Snyder
D'Alesandro	Kinzer	South
Davis, Ohio	Knutson	Sparkman
Davis, Tenn.	Kunkel	Spence
Day	Landis	Springer
Dewey	Lanham	Steagall
Dingell	Lea	Stearns, N. H.
Dirksen	Leavy	Stefan
Disney	LeCompte	Stevenson
Domengeaux	Lesinski	Sullivan
Dondero	Ludlow	Sumners, Tex.
Doughton	Lynch	Sutphin
Downs	McGehee	Talle
Drewry	McGregor	Tenerowicz
Duncan	McIntyre	Terry
Durham	McLaughlin	Thom
Dworshak	McLean	Thomas, Tex.
Eaton	McMillan	Thomason
Edmiston	Maas	Tibbott
Eliot, Mass.	Maciejewski	Tinkham
Elliott, Calif.	Maciora	Traynor
Ellis	Mahon	Treadway
Elston	Manasco	Van Zandt
Engel	Mansfield	Vincent, Ky.
Fellows	Martin Iowa	Vinson, Ga.
Fenton	Martin, Mass.	Vorys, Ohio
Fish	Mason	Wadsworth
Flaherty	May	Ward
Flannagan	Meyer, Md.	Wasielewski
Folger	Michener	Weaver
Forand	Mills, Ark.	Weiss
Ford, Leland M.	Mills, La.	Welch
Ford, Miss.	Monroney	Wene
Fulmer	Mott	West
Gamble	Mundt	Wheat
Gathings	Murray	Whelchel
Gearhart	Nelson	Whitten
Gehrmann	Nichols	Whittington
Gibson	Norrell	Wickersham
Gifford	Norton	Wigglesworth
Gilchrist	O'Brien, Mich.	Williams
Gillie	O'Brien, N. Y.	Wilson
Gore	O'Hara	Winter
Gossett	O'Leary	Wolcott
Graham	O'Neal	Wolfenden, Pa.
Granger	Paddock	Wolverton, N. J.
Grant, Ala.	Patrick	Woodrum, Va.
Green	Patton	Wright
Gregory	Pearson	Young
Guyer	Peterson, Fla.	Youngdahl
Gwynne	Peterson, Ga.	Zimmerman
Haines	Pheiffer, William T.	

NAYS—22

Burdick	Ford, Thomas F.	Izac
Faddis	Hill, Wash.	Jones
Fitzgerald	Hook	Jonkman
Lambertson	Patman	Tarver
Moser	Pierce	Voorhis, Calif.
O'Connor	Rankin, Miss.	Woodruff, Mich.
Oliver	Rich	
Pace	Starnes, Ala.	

NOT VOTING—94

Baldwin	Gerlach	Murdock
Barden	Gillette	Myers, Pa.
Barry	Grant, Ind.	O'Day
Beiter	Healey	Osmers
Bishop	Heffernan	O'Toole
Bloom	Howell	Pfeifer,
Boland	Jarman	Joseph L.
Bonner	Jarrett	Rivers
Boykin	Jenks, N. H.	Romjue
Bradley, Pa.	Johnson,	Sacks
Buckler, Minn.	Lyndon B.	Scanlon
Buckley, N. Y.	Kee	Schaefer, Ill.
Byron	Kelley, Pa.	Scott
Cannon, Fla.	Kennedy,	Scrugham
Capozzoli	Michael J.	Shannon
Casey, Mass.	Keogh	Sheridan
Celler	Kilburn	Short
Clark	Kirwan	Smith, Pa.
Clevenger	Kleberg	Somers, N. Y.
Cole, Md.	Klein	Stratton
Creal	Kocialkowski	Sumner, Ill.
Cullen	Kopplemann	Sweeney
Delaney	Kramer	Taber
Dickstein	Lane	Talbot
Dies	Larrabee	Thill
Ditter	Lewis	Thomas, N. J.
Douglas	McCormack	Tolan
Eberharter	McGranery	Vreeland
Englebright	McKeough	Walter
Fitzpatrick	Magnuson	White
Fogarty	Marcantonio	Worley
Gale	Merritt	
Gavagan	Mitchell	

So the conference report was agreed to.

The Clerk announced the following pairs:

General pairs:

Mr. McCormack with Mr. Englebright.
Mr. Barden with Mr. Douglas.
Mr. Gavagan with Mr. Scott.
Mr. Boland with Mr. Taber.
Mr. Koegh with Mr. Ditter.
Mr. Jarman with Mr. Kilburn.
Mr. Bonner with Mr. Short.
Mr. Kocialkowski with Mr. Gale.
Mr. Dies with Mr. Gerlach.
Mr. Clark with Mr. Howell.
Mr. Kramer with Mr. Thill.
Mr. Merritt with Mr. Thomas of New Jersey.
Mr. Cannon of Florida with Mr. Bishop.
Mr. Boykin with Mr. Clevenger.
Mr. Murdock with Mr. Jenks of New Hampshire.
Mr. Cole of Maryland with Mr. Osmers.
Mr. Klebereg with Mr. Grant of Indiana.
Mr. Bloom with Mr. Vreeland.
Mr. Romjue with Mr. Talbot.
Mr. McKeough with Mr. Gillette.
Mr. Cullen with Mr. Baldwin.
Mr. Rivers with Mr. Jarrett.
Mr. Scrugham with Mr. Stratton.
Mr. Creal with Miss Sumners of Illinois.
Mr. Tolan with Mr. Marcantonio.
Mr. Delaney with Mr. Buckler of Minnesota.
Mr. Barry with Mr. Lane.
Mr. Healey with Mr. Buckley of New York.
Mr. Kee with Mr. Casey of Massachusetts.
Mr. Capozzoli with Mr. Kirwan.
Mr. Kopplemann with Mr. Celler.
Mr. Lewis with Mr. Eberharter.
Mr. Fitzpatrick with Mr. Mitchell.
Mr. Myers of Pennsylvania with Mr. Fogarty.
Mr. Klein with Mr. Walter.
Mr. White with Mr. Beiter.
Mr. Joseph L. Pfeifer with Mr. Sacks.
Mr. Kelley of Pennsylvania with Mr. OToole.
Mr. Michael J. Kennedy with Mr. Magnuson.
Mr. McGranery with Mr. Heffernan.
Mr. Bradley of Pennsylvania with Mr. Lyndon B. Johnson.
Mr. Somers of New York with Mr. Smith of Pennsylvania.
Mr. Sweeney with Mrs. O'Day.
Mr. Dickstein with Mr. Schaefer of Illinois.
Mr. Sheridan with Mr. Shannon.
Mr. Scanlon with Mrs. Byron.

Mr. HOOK changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and include therein certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Pasadena Star-News.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PADDOCK. Mr. Speaker, I have been granted permission to address the House for 15 minutes at the close of business today. I ask unanimous consent that this time be transferred to next Thursday, at the conclusion of the legislative program of the day and following any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SECOND WAR POWERS BILL, 1942

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 32: Page 16, "Title VIII. Compensation for certain civilian defense workers," strike out all of page 16 and lines 1 and 2 on page 17.

Mr. SUMNERS of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SUMNERS of Texas. How much time is permitted for debate on this proposition?

The SPEAKER. Debate is under the hour rule. The gentleman has control of 1 hour. If he does not move the previous question at the end of that time, any other Member getting the floor will have an hour.

Mr. SUMNERS of Texas. Mr. Speaker, I move that the House insist upon its amendment numbered 32, and yield myself 10 minutes.

Mr. Speaker, I hope the Members of the House will give full attention to this discussion on a matter with reference to which members of the Committee on the Judiciary and Members of the House have very definite differences of opinion. This amendment deals with a governmental policy that goes very, very deep, and is something we ought to consider as we are moving away from the position of the skirmish line of this World War and into the realities of a struggle for existence.

This is a proposition to attach to the Federal Treasury millions of persons engaged in voluntary community service. I want to get across what this proposes. We have been going on the theory in America that the Federal Treasury is inexhaustible. It is my observation, and I have studied this thing pretty closely, that every time there is a manifestation of true, democratic spirit in America some one of the Federal bureaus runs out and tries to suppress it, ties it into the Federal machinery and smothers its spirit of independence. There is not a bit of use in getting up here and denouncing bureaus when we endorse the extensions of this character of bureaucratic power over these fine voluntary manifestations that the spirit of democracy is not dead in America.

We are coming to a show-down in America as to what sort of government we are going to have here. You cannot have a democratic government in America if the people of the communities are not able or willing or permitted to assume on their own responsibility these local matters. That is all there is to it.

Each of you is familiar with the various activities of civilian defense, including the work of air-raid wardens, and so forth. I have been checking in on the spirit of those people and of the spirit of the American people generally. To my mind, it is the one bright spot in this whole picture—self-reliance, conscious responsibility, and a willingness to do the job without looking to Washington to get something from the Federal Treasury.

These people are proud of what they are doing, and I want to tell you that that is the spirit we have got to have in America if we are to win this war. That is all there is about it. A man who will not go out in his community and do what he can to protect his neighbors unless he has assurance that, somehow, he can connect up with the Federal Treasury, does not make up the sort of people that have a chance to win this war. When they are becoming fitter and finer day by day, why do this destructive thing?

I am going to read a telegram, and I want you to listen to it. I want to say that this telegram does not represent the spirit of the new-born America. I do not know whether you people have been taking samples of the public attitude and public fitness in America or not. I have been doing it for several years, especially during the past 2 years. The most magnificent thing I have seen on this earth and the most heartening thing I have seen on this earth is to see the people now under the challenge of danger and responsibility shoving aside this false, unfit, soft personality which used to dominate America and standing forth now strong, courageous, determined people willing to do the job that is necessary in order to preserve our democracy.

This thing reaches further than just attaching these some millions of people to the possibility of getting something from the Federal Treasury. These people are exemplifying what we have got to have in America if we are to have a chance to win.

Let me read this telegram, and I am talking to you now when your Nation and mine and everything we have got are at stake. Do not tell me that any people have a chance to win who are not strong and vigorous and determined to do the job as civilian protectors of their own communities without getting attached to the Federal Treasury. Here are these patriotic citizens in little communities and big communities meeting under the challenge of community danger, and of our democracy, and here we have one of these Federal bureaus running out and trying to hook them onto the Federal Treasury. Let me read this telegram to you. I do not know whether these telegrams have been stimulated from Washington or not:

> Believe imperative that public liability feature of Senate bill 2208 be restored to protect volunteers in civilian defense.

I want you to listen to this. This is signed by public officials, and this is what they say about their people:

> Unless this is done—

Now listen to this, talking about his folks in his community:

> Unless this is done, not only will the morale of the air wardens, auxiliary policemen, and auxiliary firemen be destroyed.

Unless we attach these people to the Federal Treasury, a busted Treasury, unless we attach them, the morale of auxiliary air wardens and policemen and firemen will be destroyed.

Have we got a chance to win a war with a gang like that? We might just as well put up the white flag now and be done with it. Destroy their morale—

Now, listen to this:

> But we may lose their services.

Think of a man saying that about the people in his community—they will absolutely quit. Well, I think it is a pretty good time to find out what we have with which to fight this war. I have been studying people all my life and the American people today have got the fittest stuff in them they have had since I have had any connection with public life. I want to tell you they are way ahead of us here. What we need in this country is to let these patriotic citizens in these communities stand out as a flaming light in a dark night, and let us point to them as patriotic citizens willing to serve their country without greasing their pockets with Federal money.

What is the matter with the communities taking care of these people? Where is this money coming from if the Federal Government does it? It is coming from them. The outfit that is possibly having these telegrams sent out wants to have some more thousands of people administering this thing on the Federal pay roll eating up the tax money of the people, which we need to fight this war. Where is the money coming from? It is coming from the people.

I feel deeply about this. I have respect for gentlemen who disagree with me about it, but I have been studying this matter. I have been going deep into it. I have been wondering whether my people have a chance to win. We cannot win in Congress. The President cannot win. We need something more than armies and navies with which to win.

We need that which is represented by the sacrifice and the effort and the devotion to service of these brave men who go out to these meetings, willing to risk their lives for their Nation and their community, and yet this man who sends this telegram says they will quit unless, somehow or other, they can hook on to the Federal Treasury. He has a finer people than that telegram indicates.

I am now going to reserve the rest of my time, and I am going to have something more to say when the other fellows get through.

Mr. HANCOCK. Mr. Speaker, will the gentleman yield to me?

Mr. SUMNERS of Texas. How much time does the gentleman want?

Mr. HANCOCK. Mr. Speaker, if the gentleman will yield me 20 minutes, I think that will take care of all of the time wanted on this side. I have three requests for time.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. HANCOCK]. If the other gentlemen to whom he refers will come to me, I think I can take care of them.

The SPEAKER. The gentleman from New York is recognized for 10 minutes.

Mr. HANCOCK. Mr. Speaker, the conferees on the part of the Senate and the House have been able to compose the differences in S. 2208 as it was passed by the two bodies, so far as they are authorized to do so, in all respects save one. Our distinguished chairman, as he has told you with characteristic eloquence and earnestness, is unalterably opposed to title VIII as contained in the text of the bill passed by the Senate and to any modification or amendment of it. He does not believe that the unsalaried employees of the O. C. D. should be eligible for any benefits under the United States Employees' Compensation Act, no matter how dangerous or how arduous their duties may be. Out of deference to him and because of our high regard for him, the conferees have agreed to disagree so that he may again state his views to the House and ask for instructions to insist on the House amendment striking title VIII from the bill.

I realize that this is not an opportune time for the Director of the O. C. D. to ask that his organization be made eligible for the benefits of the Employees' Compensation Act. The first two Directors of it showed such a thorough misconception of its proper functions as to bring the entire institution into disrepute. The O. C. D. was created by Executive order on May 20, 1941. It was set up primarily to organize for defense against the destruction and the suffering that may be occasioned by enemy bombardments and air raids on our cities, our factories, and our civilian population. For these purposes the Congress appropriated $100,000,000. Many of our finest citizens have volunteered to do the various types of work involved in saving

lives, saving property, caring for the injured, the homeless, and all the victims of hostile attacks on our shores. Serious blunders have been made at the top but not in the rank and file of the O. C. D.

The people of the United States were disgusted and indignant when they learned that the responsible heads of the organization here in Washington had diverted their efforts from making necessary preparations for protective services to promoting public amusement and recreation on the theory that such activities would bolster public morale. If there is any Member here who failed to recognize the public outcry against the employment of dancers, movie actors, coordinators of rowing, walking, ping-pong, billiards, bag punching, horseshoe pitching, and other amusements he must be deaf, dumb, and blind.

The people are sick and tired of boondoggling, of waste and extravagance, of inefficiency in high places, and of partisan politics. I do not believe they approve such narrow partisan attitudes as that displayed by the Attorney General when he intimated that the success of the New Deal was of paramount importance; by Chairman Flynn when he stated the election to office of any but new dealers would be a disaster as great as Pearl Harbor; by ex-Chairman Farley when he exhorted his cohorts to keep the political pot boiling. They are outraged by the jockeying of rival labor organizations and farm groups and industrial groups for profits and preferential treatment in this critical hour when our national existence is theatened. How many more defeats must we suffer, how many more disasters must befall us, how much greater must be our taxes and privations before selfish individuals and groups of individuals from the highest to the lowest in the land realize the necessity for sacrifice, for hard work, for a united effort to save our common country and the institutions we cherish?

All this may seem beside the point, but it is not. Title VIII in a modified form is in the interest of our war effort. Certain of our citizens will be called upon in the event of bombardment from the sea or air attack to act as air-raid wardens and fire wardens. Others will engage in air patrols. They are training now for these dangerous and important duties. Theirs will be the chief responsibility to actively assist the regular police and the fire departments in protecting the rest of us when the shells and the bombs begin to fall. It is all very well to say that everyone will rush to assist their neighbors at such a time. Unorganized and untrained men can accomplish nothing except to create confusion and pandemonium in a crisis.

If attacks come, they will be made against the large industrial cities on or near the Atlantic and Pacific coasts. The property damage will be largely localized, but the burden should be shared by all of us. We have recognized the justice of this proposition in the disaster insurance bill passed a few days ago. Many of the wardens in those cities will be killed or maimed. The burden of caring for them or their dependents ought not to be placed on the charity of the afflicted communities. It is the duty of all of us to assist the victims of the aggression of our common enemy.

I still think the O. C. D. should have been placed under the jurisdiction of the War Department and that greater use should have been made of such splendid organizations as the American Legion, the American Red Cross, and other patriotic and humanitarian societies in the work of protection and rescue. However, we must accept the situation as it is and make the best of it.

The new Director of the O. C. D. has inherited a job badly begun. There are mistakes he must correct, and I have enough faith in him to believe he will do it. He is entitled to our support. He most earnestly asks that the men of the O. C. D. trained for hazardous duties and willing to perform them in emergencies without pay shall be brought within the provisions of the United States Employees' Compensation Act as a matter of simple justice and for the purpose of strengthening their morale. The policemen and firemen with whom they will work in emergencies are covered by local compensation laws. The paid personnel of the O. C. D. are eligible for compensation. If the wardens received salaries they would automatically come within the provisions of the Federal compensation law. There is no justice in barring them from the benefits of the act because they are public spirited enough to risk their lives for the common cause without pay.

I am not entirely satisfied with the language of the title as originally introduced in the Senate, as amended in the Senate, or as suggested to the conferees by a proposed new draft of the title. I think the benefits of the United States Employees' Compensation Act should be limited to those men who have taken a prescribed course of training in one of the protective services and who in an emergency are obliged to expose themselves to danger when the rest of the population seeks shelter, to men who have been officially designated for such duties and who have taken an oath to perform them. I want these groups specifically named.

The passage of this bill ought not to be unduly delayed, since many of its provisions are urgent. I should dislike, however, to have this House go on record as being opposed to the principle of title VIII. Let it go back to conference without instructions. If the conferees cannot speedily agree upon a just and reasonable provision with proper limitations, one which will meet your approval, I as a humble member of the conference will vote to strike it from the bill. It will then come up as a separate bill and be considered de novo. But the matter ought to be settled now in the interest of justice and the morale of the O. C. D. England has such a law. We will have it sooner or later. We have already delayed action on too many important questions too long.

It is our duty to see to it that these brave, generous, public-spirited men who do the perilous work of wardens receive the benefits of the Compensation Act just as much and more than to indemnify the people whose property is destroyed by shells and bombs from the air and from the sea.

It is hard to resist the eloquence of the gentleman from Texas [Mr. SUMNERS]. He usually wins. I simply ask you to give this matter some thought. Send it back to conference and see if we cannot bring back a fair bill with limitations that will satisfy you and that will do justice.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. HANCOCK. I yield.

Mr. MICHENER. If I understand the gentleman's position, he is not in favor of title VIII of the bill as written, or what has been agreed to by the conferees?

Mr. HANCOCK. No; I am not. I think the whole thing should be rewritten and that limitations should be inserted such as I have indicated, that benefits should only be extended to those men who are especially trained to do the work of air wardens or fire wardens and who have taken an oath to do it and who will be obliged to expose themselves to danger while the rest of us are seeking shelter.

Mr. MICHENER. I appreciate the gentleman's position, but this thing as drafted is so broad that if any one of those people working for the O. C. D., which is an agency of the Government, and under the direction of somebody who is an agent of the Government in the O. C. D., as, for example, a dancer, should break a toe, the Federal Government must pay. We will be confronted with a lot of accidents of that kind. I, for one, want to vote to eliminate this whole title VIII from the bill.

Mr. HANCOCK. So do I as it is now written. I agree with the gentleman. The class of people the gentleman has in mind should not come within the provisions of the compensation law.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, in order that Members of the House may have full information respecting title VIII of this bill, S. 2208, and what is proposed at this particular time, may I briefly explain that at the time this bill was considered by the Judiciary Committee, title VIII was not agreeable to a majority of the committee. The bill came to the floor of the House. After debate, title VIII was entirely eliminated from this bill. It then went to conference and the conferees have made a report herein, by which they bring back into this bill title VIII, by language approximately the same as that which was originally included in the bill.

Title VIII, as you know, provides that all of these volunteers, either air-raid wardens, or fire wardens, even though they receive no compensation for service, if there is any injury of any kind suffered during any fire or during any air raid, they are brought under the Federal compensation law just as if they were receiving $100 per month compensation from the Government for services rendered. In other words, the basis of their compensation would be 66⅔ percent of such

monthly pay, at the rate of $100 per month. Any person who is injured, who comes within the classification of a fire warden or an air-raid warden, would be entitled to that compensation, if this provision is agreed to.

I am inclined to believe, Mr. Speaker, that our people are all patriotic. I am constrained to believe that our people want to guard the safety of themselves, their families, and neighbors, as patriots.

I want to call the attention of Members of the House to the argument which was presented by my very distinguished friend, the gentleman from New York [Mr. HANCOCK]. He and I are usually in full agreement. However, I cannot agree with his logic in this instance. The gentleman from New York says these air-raid wardens or fire wardens ought to be brought under the provisions of the Federal compensation law. However, I suggest to you, in that connection, where are you going to draw the line of demarcation between an air-raid warden, or an assistant, or one whom he sends into a dangerous position, or place, in time of peril? To which one of those men are you going to say, "You may receive compensation?" Yet, to the other man, who is not classified as an air-raid warden or a fire warden, you are compelled to say, "You cannot receive 1 cent compensation." Think with me for just a moment in this connection: In some of the large apartment houses in this city I have checked with some of the air wardens. Just last Saturday afternoon I was talking with one who has assumed that responsible position of air-raid warden. I discussed this provision of this bill with that gentleman, title VIII. This is what he said to me: "We do not want any law of that kind." I discussed with him the subject of his assistants and those who have been assigned to positions of responsibility in case of an air raid or in case of a fire. He said to me, "I have assigned people on every floor and in every wing of this apartment house." Some of these people will no doubt have a very responsible task in case of attack. In case of a fire, or in case of a raid, who would have the position of greatest responsibility? The warden, who would give the general command, or the fellows who would go into the wings of the apartment building and get people out and aid in getting them into places of safety?

My judgment, Mr. Speaker, compels me to say that, in my opinion, the assistants—those who go into the places of extreme danger—are in peril equally as great as the warden himself. There is certainly no difference between men—certainly there is no difference between an air-raid warden or fire warden and his assistant. Then, pray tell me, why the warden, if injured, should claim compensation under Federal law, while his assistant, or others working for the general safety of the public, cannot claim such compensation? If title VIII, approved by the conferees, is accepted by the House that is just the plan we will endorse.

I am wondering where you are going to draw the line of demarcation. If one group is entitled to such compensation, then all groups should likewise be so entitled. If you include one, you must include all. Everyone will be in position of peril under those circumstances.

May I conclude with this statement: We are engaged in a terrible war. We must win this war, and we must win it as quickly as possible. We must save the lives of our men and boys. While our boys are fighting, and while every American is making an all-out effort to win this war, do we want to take away the right of patriotic Americans to render a service for their country, for themselves, their families, and their neighbors, without placing their hands in the Federal Treasury. Our people want to work, they want to render service, they want to win this war, and they do not want either pay or compensation. They want to assert their patriotism.

Mr. Speaker, when I think of the millions of our people who would come under the provisions of title VIII, if it should be enacted into law, I shudder at the staggering cost. Can we visualize the frauds which might be involved—malingering would become the watchword in many instances, and deception would be presented. Our Government would be almost completely helpless to protect itself.

Let us forget these pensions. When this war is over we will face staggering pensions. Let us win this war now. Let us not attempt to buy the patriotism of our patriotic people—let us encourage them. Let us stop this plan for pensions, and let us think of our Nation. We must preserve it, forever.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LELAND M. FORD].

Mr. LELAND M. FORD. Mr. Speaker, I want to read a telegram into the RECORD:

LOS ANGELES, CALIF., *March 13, 1942.*
Hon. LELAND M. FORD,
Washington, D. C.:

Believe imperative that public liability features of Senate bill No. 2208 be restored to protect volunteers in civilian defense. Unless this is done, not only will morale of air-raid wardens, auxiliary policemen, and auxiliary firemen be destroyed, but we may lose their services. Congress urged to remember matter of tremendous importance to volunteers serving in this target area.

SHERIFF E. W. BISCAILUZ,
Chairman,
HAROLD W. KENNEDY,
Executive Director,
Los Angeles County Defense Council and member of California State Defense Council.

This telegram comes from an area which will be a battleground. I have heard the argument both for and against this section 8 of the bill. Nobody can accuse me of wanting to vote for frivolous expenses, particularly in view of the fact that it was my amendment that passed the House 88 to 80 to cut them out.

Now, Mr. Speaker, I want to answer my colleague about the matter of demarcation. One demarcation—I say this sincerely—could be those areas that are battle areas. In California, for instance, it would not be proper to make a State set-up and make the State carry these compensation cases because, after all, the people of the west coast did not declare war; it was the United States of America that declared war. They therefore should be responsible for the expense. We are in the combat area and we have to face it. I will agree with my colleague from Texas that we should cut out expenses of certain kinds, but there are in the O. C. D. two kinds of functions, proper functions and improper functions. I will go down the line on cutting out every single one of the frivolous expenses not only on this bill but I will go right on down the line on every department on the matter of social gains and a lot of these things that I consider to be unreasonable and undesirable and unnecessary functions of the Government.

In the matter of this air-raid warden service the wardens will not only be located in apartment houses but they will go out in the streets. These air wardens who serve on a voluntary basis and who are willing to sacrifice their lives, if necessary, are a part of our defense forces and should therefore be properly protected. Are you going to say to all these people: "You go out and protect us but if you are injured we will not stand behind you?" What is going to happen to your organization?

Mr. Speaker, these things either are necessary or they are not necessary. If they are necessary there are certain reasonable expenses that must go along with their operations. I say that this is a necessary expense. It is a part of our war program. It may be that title VIII should be rewritten, should be clarified, the language made more specific. If that is necessary I hope it will be done, but I hope the conferees will include this title in the bill.

[Here the gavel fell.]

Mr. ROLPH. Mr. Speaker, Mayor Angelo Rossi, of San Francisco, wired me Friday:

Senate bill 2208, title 8, provides for workmen's compensation for civilian defense workers engaged in protective services and brings these persons within purview of Federal Workmen's Compensation Act. After passage by Senate, House deleted title 8, section 801. Tomorrow morning conference will consider reinstating deleted portion of said bill. If bill is not adopted as passed by Senate, San Francisco as well as other cities will have to provide fund to care for civilian defense workers when injured. Workers in San Francisco alone will amount to over thirty thousand. Their duties are not entirely local but represent national as well as civilian defense. I ask you to exert your best efforts in obtaining reinstatement of deleted portions of bill.

On making inquiry as to the conference mentioned in the mayor's telegram, I learned that no conference was to be held last Saturday, so reference is no doubt to the report being considered today.

Title VIII deleted by the House is still in dispute as will be seen by conference report.

When title VIII was before the House on February 28, 1942, the gentleman

from Texas, Representative SUMNERS, said:

Briefly, this title VIII deals with voluntary organizations, individuals, and so forth, in the various communities of the States engaged in community defense, like fire wardens and people of that sort. This bill provides that in the event of injury, persons not on a salary shall be dealt with from the standpoint of Federal compensation as though they were employed at a salary of $100 a month.

And from Congressman CELLER'S remarks I quote:

Our Judiciary Committee wishes to provide relief for those injured, hurt, maimed, wounded, and for dependents of those who have rendered the supreme sacrifice. But we desire that it be done in a separate bill.

The gentleman from Ohio [Mr. THOM] said he opposed the amendment when it was discussed in the Judiciary Committee. When the bill was later reported to the Committee of the Whole he offered an amendment which was as follows:

On page 15, line 21, after the word "defense", insert "during an enemy attack."

In support of this special amendment, the gentleman from Ohio [Mr. THOM] explained:

Every man who enlists as a warden and is injured will seek his Congressman out and have him introduce a special bill in the House of Representatives. If these air bombings become general you will have hundreds and hundreds of special bills to deal with. These bills will grant lump sums that may be used up quickly, whereas the compensation system would give them a certain amount weekly over many weeks in order to keep their families together until they can again become wage earners.

Large cities on all seacoasts will no doubt be subjected to the most devastating and most intense air raids. This is so apparent that it hardly seems necessary to restate it, but those people who live inland and therefore are in sections less likely to air raids should realize the war is all-out war against the United States and not a war against the Atlantic States, the Gulf States, or the Pacific States.

Mr. Speaker, I urge the House to recede from our position and accept the Senate title VIII, section 801, of Senate bill 2208.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman will state it.

Mr. MICHENER. There seems to be a slight misunderstanding as to what is before the House. As I understand the matter, the chairman of the Judiciary Committee has made a motion that the conferees insist on the position of the House; that is, if that motion carries, and if the conferees do insist, title VIII will be out of the bill entirely, or at least the matter must come back to the House. Am I correct?

Mr. McLAUGHLIN. Mr. Speaker, if the Chair will permit me, that is not the situation.

Mr. MICHENER. What is it, then?

Mr. McLAUGHLIN. I want to disclaim——

Mr. MICHENER. Just a minute, I cannot yield any time for debate, I do not control the time.

Mr. McLAUGHLIN. There is no time running against anybody. The gentleman is operating under a parliamentary inquiry.

Mr. MICHENER. The only person who technically can answer the question is the Speaker, but if the gentleman has the answer I am sure we would like to have it.

Mr. McLAUGHLIN. I shall be pleased to give the gentleman my best judgment on it, having given it a little thought, if he is willing to listen.

My understanding is that the matter went to conference on a disagreement. The House struck title VIII out of the bill after the Senate had passed title VIII in the form in which it was in the bill as stricken out by the House. Those conferees who were favorable to the general purpose of title VIII were not willing to adopt title VIII of the Senate bill in the form in which it had been defeated in the House. The Senate conferees came back with a proposition and suggestion amending title VIII, to which the gentleman from New York [Mr. HANCOCK] and myself as conferees were willing to agree. The gentleman from Texas [Mr. SUMNERS] was not willing to agree. We then agreed, rather than to sign a 5 to 1 conference report embodying the Senate amendment, to bring the conference report back in total agreement with exception of title VIII that we have before us.

That means this, as I understand it: In order to send the bill back to conference, it is necessary, as I view it, for those on both sides, either for or against, to vote to insist on the House amendment. This will put the bill in disagreement and will send it back to conference. We will go to conference and will then consider it in conference, bringing back a conference report, unless the Senate should accept our position, in which event the matter would be terminated.

Mr. MICHENER. That is my understanding, but I wanted to get before the House the fact that in order to eliminate this title VIII the vote on this motion must be "yea." Then the bill goes back to the Senate and if the House conferees will stay by the instructions given them by the House, through the passage of the bill, they will insist on the elimination of title VIII from the bill and so report back to the House.

Mr. McLAUGHLIN. I am not entirely in accord with the gentleman so far as the latter part is concerned.

Mr. MICHENER. Disagreements do sometimes occur.

Mr. McLAUGHLIN. I agree with that, but might I say that I do not understand the situation to be that the conferees will be in a position where they will not be permitted to exercise their judgment or discretion as conferees in the event the House votes to insist upon its amendment, because that is the only way in which the matter can go to conference. The situation now is such that in order to get title VIII back to conference, even to incorporate in the bill the Senate amendment, we would have to vote against title VIII, or, in other words, we would have to vote for the Sumners motion to insist on the action of the House. When the gentleman says that the House conferees are bound to insist on the elimination of title VIII, I am afraid I do not agree with the gentleman.

Mr. MICHENER. There is no use arguing that. All I am interested in is this: I have listened to the two speeches of the gentlemen who are on the conference committee. The gentleman from Texas [Mr. SUMNERS] stated his position, which was the position of the House when the bill was before the House. The gentleman from New York [Mr. HANCOCK] stated his position, which was broader than the position taken by the House. There were many, especially on this side, who feel as they did when the matter was before the House and do not agree with the position expressed by my good friend from New York, with whom I usually agree. It would seem strange to vote with the gentleman from New York when you are not in favor of the position which he suggests, yet that is the thing we must do here if we are still of the same mind we were when we voted on the bill when it was before the House.

Mr. HANCOCK. Will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from New York.

Mr. HANCOCK. The gentleman from Nebraska will remember that it was our hope that this bill with this title would come back to the House for instructions, and it was my hope that the chairman of the committee would make his motion in the form of a request for instructions. Before abandoning title VIII entirely, the gentleman from Nebraska and myself wished to have an expression of the sentiment of the House.

Mr. McLAUGHLIN. The gentleman is correct.

Mr. MICHENER. That cannot be accomplished under the parliamentary procedure in the House, as presently presented. The gentleman from Nebraska and the gentleman from New York are suggesting doing something that cannot be done at this time under the rules of the House. That is why I am asking for a clarification by the Speaker as to just what the situation is.

The SPEAKER pro tempore [Mr. DUNCAN]. The Chair may say that there are two things the House may do: The House may insist on the amendment, or it can recede from it. If the bill goes to conference, then the conferees have the subject before them, to be considered by the conferees, if the Senate insists on its position.

Mr. McLAUGHLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McLAUGHLIN. If the House votes not to insist upon its amendment, then there is nothing before the conferees, because the House will then have yielded to the position taken by the Senate, as I understand the situation. Am I correct?

The SPEAKER pro tempore. If the House recedes from its amendment, then

there would be no reason to go to conference.

Mr. McLAUGHLIN. That is what I intended to ask. So that the situation is, Mr. Speaker, if I understand it correctly, we have two alternatives—one to insist and one to recede.

The SPEAKER pro tempore. That is correct.

Mr. McLAUGHLIN. If we recede, we vote to pass without further action by the conferees the bill in the form in which it was prior to the time the Judiciary Committee, by committee amendment, moved that this title be stricken out, and prior to the time the House adopted that amendment. If we vote to insist, then we send it back to conference for action by the conferees. Is that not the situation?

The SPEAKER pro tempore. If the House adopted the pending motion, then it goes back to the Senate for further consideration. It goes to the Senate first before it goes to conference.

Mr. McLAUGHLIN. If the Senate does not agree with our action in accepting the Sumners motion insisting on the House amendment, then the matter will have to go to conference?

The SPEAKER pro tempore. That is correct.

Mr. McLAUGHLIN. In that event the conferees on the part of the House and the conferees on the part of the Senate will have within their power and discretion the right to bring in any proposal which they see fit to bring back to the House and to the Senate?

The SPEAKER pro tempore. It will be before the conference and the conferees may bring in a compromise report, if they so desire.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MICHENER. The real point in which I am interested is that there is no possible parliamentary way whereby the House may instruct the conferees at this time. To effect our purpose therefore we must send this bill back to conference or accept the objectionable Senate amendment.

The SPEAKER pro tempore. The House cannot instruct the Senate conferees.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN. If I want to vote against putting the employees upon the compensation roll, if they are hurt, how should I vote?

The SPEAKER pro tempore. Vote "aye" on the motion.

Mr. SUMNERS of Texas. Mr. Speaker, a number of gentlemen have asked for time and I want to make another big speech, but I believe I shall move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion offered by the gentleman from Texas.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 45: Page 31, in the title, strike out "XV" and insert "XVI."

Mr. SUMNERS of Texas. Mr. Speaker, I believe all the other amendments in disagreement are formal amendments, and I ask unanimous consent that they may be considered en bloc.

The SPEAKER. The Chair understands that the remaining amendments in disagreement are not controversial and are simply amendments changing the numbers of sections.

Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Clerk will report the remaining amendments in disagreement.

The Clerk read as follows:

Amendment No. 46: Page 31, line 6, strike out "1501" and insert "1601."

Amendment No. 47: Page 31, line 7, strike out "Title XII" and insert "Titles XII and XV."

Amendment No. 50: Page 31, line 17, strike out "1502" and insert "1602."

Mr. SUMNERS of Texas. Mr. Speaker, I move that the House recede on its amendments numbered 45, 46, and 50.

The motion was agreed to.

Mr. SUMNERS of Texas. Mr. Speaker, I move that the House insist on its amendment numbered 47.

The motion was agreed to.

By unanimous consent, a motion to reconsider the votes by which the several motions were agreed to was laid on the table.

EXTENSION OF REMARKS

(Mr. ELIOT of Massachusetts asked and was given permission to extend his own remarks in the RECORD.)

Mr. SUMNERS of Texas. Mr. Speaker, I had agreed to yield time to the gentleman from California [Mr. ROLPH] during the discussion on the conference report just adopted, but overlooked it. I ask unanimous consent that the gentleman from California be permitted to extend his own remarks in the RECORD at that point.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

PUYALLUP TRIBE OF INDIANS, STATE OF WASHINGTON

The Clerk called the first bill on the Consent Calendar, H. R. 4578, to authorize certain corrections in the tribal membership roll of the Puyallup Tribe of Indians in the State of Washington, and for other purposes.

Mr. COLE of New York. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OF CLASSIFICATION ACT OF 1923

The Clerk called the next bill, H. R. 6217, to amend section 13 of the Classification Act of 1923, as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MOSER, Mr. COLE of New York, and Mr. KEAN objected.

ADDITIONAL JUDGE FOR THE DISTRICT OF NEW JERSEY

The Clerk called the next bill, S. 1961, to eliminate the prohibition against the filling of the first vacancy occurring in the office of district judge for the district of New Jersey.

Mr. KEAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. HART. I object, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN. I object, Mr. Speaker.

AMENDING THE NATIONALITY ACT OF 1940

The Clerk called the next bill, H. R. 6439, to expedite the naturalization of persons who are not citizens, who have served or who hereafter serve honorably in the naval or military forces during the present war.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SUMNERS of Texas. Reserving the right to object, Mr. Speaker, I think this bill covers the same subject matter that was dealt with in the conference report just agreed to.

Mr. COLE of New York. I was going to object to the consideration of the bill for that reason, Mr. Speaker. With that explanation, I object.

INDIANS OF CALIFORNIA

The Clerk called the joint resolution (H. J. Res. 268) to extend the time for amending the petition of the Indians of California under section 4 of the act of May 18, 1928.

Mr. COCHRAN. Mr. Speaker, at the request of the gentleman from California [Mr. LEA], I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FRED B. WOODARD

The Clerk called the next bill, H. R. 3759, to limit the operation of sections 109 and 113 of the Criminal Code, and section 190 of the Revised Statutes of the United States, with respect to certain counsel.

Mr. KEAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

TLINGIT AND HAIDA INDIANS OF ALASKA

The Clerk called the next bill, H. R. 5484, for the relief of the Tlingit and Haida Indians of Alaska.

Mr. COCHRAN. Mr. Speaker, at the request of the Delegate from Alaska [Mr.

DIMOND], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CREDITING OF MILITARY SERVICE UNDER RAILROAD RETIREMENT ACTS

The Clerk called the next bill, H. R. 6387, to extend the crediting of military service under the railroad retirement acts, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act approved June 24, 1937 (50 Stat. 307), entitled "An act to amend an act entitled 'An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes,' approved August 29, 1935," as amended, is hereby amended as follows:

Subsection (a) of section 3A is hereby amended to read as follows:

"(a) For the purposes of determining eligibility for an annuity and computing an annuity, including a minimum annuity, there shall also be included in an individual's years of service, within the limitations hereinafter provided in this section, voluntary or involuntary military service of an individual within or without the United States during any war service period, including such military service prior to the date of enactment of this amendment: *Provided, however*, That such military service shall be included only subject to and in accordance with the provisions of subsection (b) of section 3, in the same manner as though military service were service rendered as an employee: *Provided further*, That an individual who entered military service prior to a war service period shall not be regarded as having been in military service in a war-service period with respect to any part of the period for which he entered such military service."

SEC. 2. Subsection (b) of section 3A is hereby amended to read as follows:

"(b) For the purpose of this section and section 202, as amended, an individual shall be deemed to have been in 'military service' when commissioned or enrolled in the active service of the land or naval forces of the United States and until resignation or discharge therefrom; and the service of any individual in any reserve component of the land or naval forces of the United States, while serving in the land or naval forces of the United States for any period, even though less than 30 days, shall be deemed to have been active service in such force during such period."

SEC. 3. Subsection (c) of section 3A is hereby amended to read as follows:

"(c) For the purpose of this section and section 202, as amended, a 'war service period' shall mean (1) any war period, or (2) with respect to any particular individual, any period during which such individual (i) having been in military service at the end of a war period, was required to continue in military service, or (ii) was required by call of the President, or by any act of Congress or regulation, order, or proclamation pursuant thereto, to enter and continue in military service, or (3) any period after September 7, 1939, with respect to which a state of national emergency was duly declared to exist which requires a strengthening of the national defense."

SEC. 4. Subsection (f) of section 3A is hereby amended to read as follows:

"(f) Military service shall not be included in the years of service of an individual unless, prior to the beginning of his military service in a war-service period and in the same calendar year in which such military service began, or in the next preceding calendar year, the individual rendered service for compensation to an employer or to a person service to which is otherwise creditable under this act, or lost time as an employee for which he received remuneration, or was serving as an employee representative."

SEC. 5. Subsection (k) of section 3A is hereby amended to read as follows:

"(k) No person shall be entitled to an annuity, or to an increase in an annuity, based on military service unless a specific claim for credit for military service is filed with the Board by the individual who rendered such military service, and in no case shall an annuity, or an increase in an annuity, based on military service begin to accrue earlier than 60 days prior to the date on which such claim for credit for military service was filed with the Board nor before October 8, 1940: *Provided*, That this subsection shall not be construed to prevent payment of annuities with respect to accruals, not based on military service, prior to the date on which an annuity based on military service began to accrue."

SEC. 6. Subsection (l) of section 3A is hereby amended to read as follows:

"(l) An individual who, before the ninety-first day after the date on which this amendment of section 3A is enacted was awarded an annuity under the Railroad Retirement Act of 1937 or the Railroad Retirement Act of 1935, but who had rendered military service which, if credited, would have resulted in an increase in his annuity, may, notwithstanding the previous award of an annuity, file with the Board an application for an increase in such annuity based on his military service. Upon the filing of such application, if the Board finds that the military service thus claimed is creditable and would result in an increase in the annuity, the Board, notwithstanding the previous award, shall recertify the annuity on an increased basis in the same manner as though the provisions making military service creditable had been in effect at the time of the original certification subject, however, to the provisions of subsection (k) of this section. If the annuity previously awarded is a joint and survivor annuity, the increased annuity shall be a joint and survivor annuity of the same type, the actuarial value of the increase to be computed as of the effective date of the increase: *Provided, however*, That if on the date the increase begins to accrue the individual has no spouse for whom the election of the joint and survivor annuity was made, the increase on a single life basis shall be added to the individual's annuity."

SEC. 7. Immediately after subsection (l) of section 3A insert the following new subsection:

"(m) In determining the amount of death benefits payable under section 5, there shall be added to the aggregate compensation (determined as provided in section 5) an amount equal to $160 multiplied by the number of months in which the deceased was in creditable military service after December 31, 1936: *Provided*, That if, under any other act of Congress, there is payable with respect to the death of the individual any gratuitous death benefit, allowance, or pension by reason of military service on the basis of which, in whole or in part, death benefits payable under section 5 are increased under the provisions of this subsection, the amount of such increase shall be reduced by the total amount payable under such other act or, if such total amount is unascertainable in advance, by the actuarial value thereof, as determined by the Board."

SEC. 8. Subsection (m) of section 3A is hereby amended to read as follows:

"(n) In addition to the amount authorized to be appropriated in subsection (a) of section 15 of this act, there is hereby authorized to be appropriated to the railroad retirement account for each fiscal year, beginning with the fiscal year ending June 30, 1941, (i) an amount sufficient to meet the additional cost of crediting military service rendered prior to January 1, 1937, and (ii) an amount found by the Board to be equal to the amount of the total additional excise and income taxes which would have been payable during the preceding fiscal year under subchapter B of chapter 9 of the Internal Revenue Code, as amended, with respect to the compensation, as defined in such subchapter B, of all individuals entitled to credit under the Railroad Retirement Acts, as amended, for military service after December 31, 1936, if each of such individuals, in addition to compensation actually earned, had earned such compensation in the amount of $160 in each calendar month in which he was in such military service during such preceding fiscal year and such taxes were measured by all such compensation without limitation as to amount earned by any individual in any one calendar month. The additional cost of crediting military service rendered prior to January 1, 1937, shall be deemed to be the difference between the actuarial value of each annuity based in part on military service and the actuarial value of the annuity which would be payable to the same individual without regard to military service. In calculating these actuarial values, (1) whenever the annuity based in part on military service begins to accrue before age 60, the annuity without regard to military service shall be valued on the assumption of deferment to age 60, and whenever the annuity based in part on military service is awarded under subsection 2 (a) of section 2 (a), the annuity without regard to military service shall be valued on the assumption of deferment to age 65; and (2) all such actuarial values shall be calculated as of the date on which the annuity based on military service begins to accrue and shall not thereafter be subject to change. All such actuarial calculations shall be based on the combined annuity table of mortality and all calculations in this subsection shall take into account interest at the rate of 3 percent per annum compounded annually. The Railroad Retirement Board, as promptly as practicable after the enactment of this amendment, and thereafter annually, shall submit to the Bureau of the Budget estimates of such military service appropriations to be made to the account, in addition to the annual estimate by the Board, in accordance with subsection (a) of section 15 of this act, of the appropriation to be made to the account to provide for the payment of annuities, pensions, and death benefits not based on military service. The estimate made in any year with respect to military service rendered prior to January 1, 1937, shall be based on the cost, as determined in accordance with the above provisions, of annuities awarded or increased on the basis of such military service up to the close of the preceding fiscal year and not previously appropriated for, and shall take into account interest from the date the annuity began to accrue or was increased to the date or dates on which the amount appropriated is to be credited to the railroad retirement account. In making the estimate for the appropriation for military service rendered after December 31, 1936, the Board shall take into account any excess or deficiency in the appropriation or appropriations for such service in any preceding fiscal year or years, with interest thereon, resulting from an overestimate or underestimate of the number of individuals in creditable military service or the months of military service."

SEC. 9. Immediately after the subsection of section 3A which, as amended, is subsection (n), insert the following new subsection:

"(o) Section 3A, as herein amended, shall be effective as of October 8, 1940. No rights shall be deemed to have accrued under section 3A which would not have accrued had this act amending section 3A been enacted on October 8, 1940."

SEC. 10. The third proviso of section 202 of said act of June 24, 1937, is hereby amended

to read as follows: *"And provided further,* That for the purposes of determining eligibility for an annuity and computing an annuity there shall also be included in an individual's service period, subject to and in accordance with the second proviso of subsecton (a), subsections (b) to (e), inclusive, and subsections (g) to (l), inclusive, of section 3A of this act, as amended, voluntary or involuntary military service of an individual within or without the United States during any war service period, including such military service prior to the date of enactment of this amendment, if, prior to the beginning of his military service in a war service period and in the same calendar year in which such military service began, or in the next preceding calendar year, the individual rendered service for compensation to a carrier, or to a person, service to which is otherwise creditable, or was serving as a representative; but such military service shall be included only subject to and in accordance with the provisions of the Railroad Retirement Act of 1935, in the same manner as though military service were service rendered as an employee. This proviso, as herein amended, shall be effective as of October 8, 1940. No right shall be deemed to have accrued under this proviso which would not have accrued had this amendment thereof been enacted on October 8, 1940."

SEC. 11. Immediately after section 18 of said act of June 24, 1937, insert the following new section:

"INCOMPETENCE

"SEC. 19. (a) Every individual receiving or claiming benefits, or to whom any right or privilege is extended, under this or any other act of Congress now or hereafter administered by the Board shall be conclusively presumed to have been competent until the date on which the Board receives written notice, in a form and manner acceptable to the Board, that he is an incompetent, or a minor, for whom a guardian or other person legally vested with the care of his person or estate has been appointed: *Provided, however,* That the Board may, in its discretion, validly, recognize actions by, and conduct transactions with, others acting, prior to receipt of, or in the absence of, such written notice, in behalf of an individual found by the Board to be an incompetent or a minor, if the Board finds such actions or transactions to be in the best interests of such individual.

"(b) Every guardian or other person legally vested with the care of the person or estate of an incompetent or minor who is receiving or claiming benefits, or to whom any right or privilege is extended, under this or any other act of Congress now or hereafter administered by the Board shall have power everywhere, in the manner and to the extent prescribed by the Board, to take any action necessary or appropriate to perfect any right or exercise any privilege of the incompetent or minor and to conduct all transactions on his behalf under this or any other act of Congress now or hereafter administered by the Board. Any payment made pursuant to the provisions of this or the preceding subsection shall be a complete settlement and satisfaction of any claim, right, or interest in and to such payment.

"(c) This section shall be effective as of August 29, 1935."

SEC. 12. Effective as of June 24, 1937, except as to death benefits certified prior to the date of the enactment of this section, section 5 of said act of June 24, 1937, is hereby amended to read as follows:

"DEATH BENEFITS

"SEC. 5. (a) The death benefit shall be an amount equal to ½ percent of the aggregate compensation (determined in accordance with section 1 (h) of this act but exclusive of the excess over $300 in any month's earnings) earned by an individual as an employee after December 31, 1936, less any annuity payments paid him, and less any annuity payments due him but not yet paid at his death, and, if he is survived by a spouse entitled to a joint and survivor annuity, less any annuity payments paid such spouse under sections 3 (f) and 4 of this act, and less any annuity payments due such spouse under said sections but not yet paid at death.

"(b) The amount of the death benefit computed under subsection (a) of this section shall be due upon the death of an individual who was an employee after December 31, 1936, or, if he is survived by a spouse entitled to a joint and survivor annuity, upon the death of such spouse and, upon application therefor, as provided in subsection (c) of this section, shall be paid in a lump sum to the person or persons designated by such individual in a writing filed, on or before the date of his death, with the Board, in such manner and form as provided by the Board: *Provided, however,* That if such designation has not been filed, or was improperly executed or improperly filed, or no designee is alive on the day the death benefit becomes due, the amount of the death benefit shall be paid to the person determined by the Board to have been such individual's spouse on the day of his death; if no such spouse is alive on the day the death benefit becomes due, such amount shall be paid to the person determined by the Board to be his child, by blood or by legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such child they shall share equally; if there be no such child, such amount shall be paid to the person determined by the Board to be his parent and alive on the day the death benefit becomes due, and if both parents are so determined they shall share equally; if there be no such parent, such amount shall be paid to the person determined by the Board to be his brother or sister, by blood or through legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such brother or sister they shall share equally; and if there be no such brother or sister such amount shall be paid to the person determined by the Board to be his grandchild, by blood or through legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such grandchild they shall share equally. If there be no such persons enumerated above in this subsection, the Board may compensate other persons to the extent and in the proportions that they have borne the expenses of the last illness or funeral or both of such individual in an amount or amounts, and upon such conditions, as the Board may fix as equitable, but the total of such amounts shall not exceed the amount of the death benefit.

"(c) No payment shall be made to any person under this section unless application therefor, in such manner and form as provided by the Board, shall have been filed, by or on behalf of any such person (whether or not legally competent), prior to the expiration of 2 years after the date the death benefit becomes due as provided in subsection (b) of this section. For the purpose of this subsection, if the death benefit became due as provided in subsection (b) of this section before the enactment of this amendment, such death benefit shall be considered to have become due on the date of the enactment hereof."

SEC. 13. The first proviso in subsection (c) of section 1 of said act of June 24, 1937, is hereby amended to read as follows: *"Provided, however,* That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case the Board may prescribe such other formula as it finds to be equitable:".

The amendment in this section shall operate in the same manner and have the same effect as if it had been part of the Railroad Retirement Act of 1937 when that act was enacted on June 24, 1937.

SEC. 14. The first proviso in subsection (d) of section 1532 of the Internal Revenue Code, approved February 10, 1939 (53 Stat. 1), is hereby amended to read as follows: *"Provided, however,* That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to subsection (c) of section 1 of the Railroad Retirement Act of 1937 shall be applicable:".

The amendment in this section shall operate in the same manner and have the same

effect as if it had been part of the Internal Revenue Code when that code was enacted on February 10, 1939, and as if it had been part of the Carriers Taxing Act of 1937 (50 Stat. 435) when that act was enacted on June 29, 1937: *Provided, however,* That no interest or penalties shall accrue or be deemed to have accrued for the failure to make returns under, or pay taxes levied by, sections 1500 and 1520, respectively, of said Internal Revenue Code and sections 2 and 3, respectively, of said Carriers Taxing Act of 1937 with respect to the compensation of employees of any local lodge or division or of any general committee of a railway-labor-organization employer earned prior to the enactment of this amendment, if (1) the headquarters of such a local lodge or division was not located in the United States, or (2) all, or substantially all, the individuals constituting the membership of such a local lodge or division were employees of an employer not conducting the principal part of its business in the United States, or (3) the individuals represented by such a general committee were employees of an employer not conducting the principal part of its business in the United States, or (4) the service to such a general committee was rendered outside the United States, or (5) the office or headquarters of the individual rendering service to such a general committee was not located in the United States and if such returns are made and such taxes are paid within the time allowed for making returns and paying taxes with respect to the first calendar quarter beginning after the enactment of this amendment.

SEC. 15. The first proviso in subsection (e) of section 1 of the Railroad Unemployment Insurance Act, approved June 25, 1938, as amended, is hereby amended to read as follows: *"Provided, however,* That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case the Board may prescribe such other formula as it finds to be equitable:".

The amendment in this section shall operate in the same manner and have the same effect as if it had been part of the Railroad Unemployment Insurance Act when that act was enacted on June 25, 1938: *Provided, however,* That no interest or penalties shall accrue or be deemed to have accrued for the failure to make returns under, or pay contributions levied by, section 8 of said Railroad Unemployment Insurance Act with respect to the compensation of employees of any local lodge or division of a railway-labor-organization employer earned prior to July 1, 1940, and with respect to the compensation of employees of any general committee of a railway-labor-organization employer earned prior to the enactment of this amendment if, with respect to any such local lodge or division (1) the headquarters of such a local lodge or division was not located in the United States, or (2) all, or substantially all, the individuals constituting the membership of such a local lodge or division were employees of an employer not conducting the principal part of its business in the United States; and if, with respect to any such general committee (1) the individuals represented by such a general committee were employees of an employer not conducting the principal part of its business in the United States, or (2) the service to such a general committee was rendered outside the United States, or (3) the office or headquarters of the individual rendering service to such a general committee was not located in the United States and if such returns are made and such contributions are paid by such a local lodge or division or by such a general committee within the time allowed for making returns and paying contributions with respect to the first calendar quarter beginning after the enactment of this amendment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CITY OF ATLANTA, GA.

The Clerk called the next bill (H. R. 5866) for the relief of the city of Atlanta, Ga.

There being no objection, the clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $276.38 to the city of Atlanta, Ga., in full settlement of all claims against the United States for the construction of a cement sidewalk adjacent to the property of the Civil Aeronautics Administration on Wells Street in that city.

With the following committee amendment:

Page 1, at the end of the bill change the period to a colon and insert:

"Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

POLICE JURISDICTION OVER LANDS WITHIN THE SHENANDOAH NATIONAL PARK

The Clerk called the next bill (H. R. 5016) to amend section 1 of the act approved August 19, 1937 (50 Stat. 700), entitled "An act to direct the Secretary of the Interior to notify the State of Virginia that the United States assumes police jurisdiction over the lands embraced within the Shenandoah National Park, and for other purposes."

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act of August 19, 1937 (50 Stat. 700), entitled "An act to direct the Secretary of the Interior to notify the State of Virginia that the United States assumes police jurisdiction over the lands embraced within the Shenandoah National Park, and for other purposes," is hereby amended to read as follows:

"That in order to provide for uniform Federal jurisdiction over all of the lands now or hereafter embraced within the Shenandoah National Park, the provisions of the act of the General Assembly of the Commonwealth of Virginia, approved April 1, 1940 (acts of 1940, ch. 402, p. 725), fixing and defining the respective jurisdiction and powers of the Commonwealth of Virginia and the United States and ceding to the United States exclusive police jurisdiction over all lands now or hereafter included within the park are hereby accepted and such exclusive jurisdiction is assumed by the United States over such lands. From the effective date of this act the respective jurisdiction and powers of the Commonwealth of Virginia and the United States over all lands within the Shenandoah National Park as it is now constituted or may hereafter be extended shall be as follows:

"(a) The United States shall have exclusive jurisdiction, legislative, executive, and judicial, with respect to the commission of crimes, and the arrest, trial, and punishment therefor, and exclusive general police jurisdiction thereover.

"(b) The United States shall have the power to regulate or prohibit the sale of alcoholic beverages on said lands: *Provided, however,* That, if the sale of alcoholic beverages is prohibited by general law in the Commonwealth of Virginia outside of said lands, no such alcoholic beverages shall be sold on said lands contained in said park area: *And provided further,* That, if the general laws of the Commonwealth of Virginia permit the sale of alcoholic beverages, then the regulations of the United States relating to such sales on said lands shall conform as nearly as possible to the regulatory provisions in accordance with which such sales are permitted in the Commonwealth of Virginia outside of said park lands. Nothing in this subsection shall be construed as reserving in the Commonwealth power to require licenses of persons engaged in the sale of intoxicating beverages on said lands, nor the power to require that any sales be made through official liquor stores.

"(c) The Commonwealth of Virginia shall have jurisdiction to serve civil process within the limits of said park in any suits properly instituted in any of the courts of the Commonwealth of Virginia, and to serve criminal process within said limits in any suits or prosecutions for or on account of crimes committed in said Commonwealth but outside of said park.

"(d) The Commonwealth of Virginia shall have the jurisdiction and power to levy a nondiscriminatory tax on all alcoholic beverages possessed or sold on said lands.

"(e) The Commonwealth of Virginia shall have jurisdiction and power to tax the sales of oil and gasoline, and other motor-vehicle fuels and lubricants for use in motor vehicles. This subsection shall not be construed as a consent by the United States to the taxation by the Commonwealth of such sales for the exclusive use of the United States.

"(f) The Commonwealth of Virginia shall have the jurisdiction and power to levy nondiscriminatory taxes on private individuals, associations, and corporations, their fran-

chises and properties, on said lands, and on their businesses conducted thereon.

"(g) The courts of the Commonwealth of Virginia shall have concurrent jurisdiction with the courts of the United States of all civil causes of action arising on said lands to the same extent as if the cause of action had arisen in the county or city in which the land lies outside the park area, and the State officers shall have jurisdiction to enforce on said lands the judgments of said State courts and the collection of taxes by appropriate process.

"(h) Persons residing in or on any of the said lands embraced in said Shenandoah National Park shall have the right to establish a voting residence in Virginia by reason thereof, and the consequent right to vote at all elections within the county or city in which said land or lands upon which they reside are located upon like terms and conditions, and to the same extent, as they would be entitled to vote in such county or city if the said lands on which they reside had not been deeded or conveyed to the United States of America. All fugitives from justice taking refuge in the park shall be subject to the same laws as refugees from justice found in the Commonwealth of Virginia."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DECLARATION OF CERTAIN LANDS AS PART OF PUBLIC DOMAIN AND THE ADMINISTRATION THEREOF

The Clerk called the next bill, H. R. 5860, declaring certain lands to be a part of the public domain and providing for the administration thereof.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That from the date of the approval by the Secretary of the Interior of the release, each tract of land, claims to which have been or may be released by a carrier by railroad pursuant to subsection (b), section 321, part II, title III, of the act of September 18, 1940 (54 Stat. 898, 954), shall be deemed to be a part of the public domain: *Provided*, That, subject to existing valid rights, any such tract lying within the exterior boundaries of a withdrawal or reservation shall be deemed to be a part of the withdrawal or reservation in which it lies and shall be administered by the agency of the United States charged with the administration of the withdrawal or reservation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GUILFORD COURTHOUSE NATIONAL MILITARY PARK COMMISSION

The Clerk called the next bill, H. R. 5719, to abolish the Guilford Courthouse National Military Park Commission, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Guilford Courthouse National Military Park Commission, established pursuant to the act of March 2, 1917 (39 Stat. 996; 16 U. S. C. 430i), is abolished effective at the expiration, on October 13, 1941, of the current appointment of the resident commissioner.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONSENT OF CONGRESS TO AMENDMENT OF CONSTITUTION OF STATE OF NEW MEXICO

The Clerk called the next bill, H. R. 6625, granting the consent of Congress to an amendment to the Constitution of the State of New Mexico, providing a method for executing leases for grazing and agricultural purposes on lands granted or confirmed to the State of New Mexico by the act of Congress approved June 20, 1910.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of New Mexico and the qualified electors thereof to amend the constitution of such State by the adoption of the following amendment proposed by the legislature of said State at its fifteenth regular session by Senate Joint Resolution No. 8, approved April 4, 1941, to be added to the end of article XXIV of the constitution of said State, to be designated as: "Paragraph (A), article XXIV" and entitled: "Contracts Relating to Grazing and Agricultural Leases Upon State Lands," said amendment being as follows, to wit:

"Leases for grazing and agricultural purposes on lands granted or confirmed to the State of New Mexico by the act of Congress of June 20, 1910, entitled 'An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States,' may be made under such provisions relating to the necessity or requirements for or the mode and manner of the appraisement, advertisement, and competitive bidding, and containing such terms and provisions as may be provided by the act of the legislature; the rentals and other proceeds therefrom to be applied and conserved in accordance with the provisions of said act of Congress for the support or in aid of the common schools or for the attainment of the respective purposes for which these several grants of land were made."

SEC. 2. The consent of Congress also is granted to such State to enact such laws and establish such rules and regulations as it may deem necessary to carry such constitutional provision into full force and effect upon its adoption.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DECORATIONS FOR HEROIC SERVICE IN AMERICAN MERCHANT MARINE

The Clerk called the next business, House Joint Resolution 263, to provide decorations for outstanding conduct or service by persons serving in the American merchant marine.

Mr. KEAN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Virginia why this dates back to the very beginning of the European war. During the last war such a bill was passed and that was limited to the time we were in the war. I could understand going back to the time that we passed the Lend-Lease Act, when it was considered our duty to get these goods across, but up to that time I do not see how we can go any further.

Mr. BLAND. Because under the operation of the merchant marine during the war in Europe, but before our entry, there have been instances of valorous conduct that should be recognized. For instance, I cite one case, that of bringing a ship back from Norway and valorous service in connection therewith. There may have been other valorous services that have been performed by men of the merchant marine, before our entry into the war, that ought to be recognized. I do not have at my finger tips all of those instances, but I do recall a particular case in which Captain—I forget the name——

Mr. KEAN. I recall the instance the gentleman has in mind.

Mr. BLAND. Where the ship was captured and brought back, and there was valorous conduct on the part of officers and men. I recall now that the ship was the *City of Flint*, of which Capt. Joseph Gainard was master. There may have been other cases such as that relating to men in merchant ships, and in the fishing boats—cases where the crews have rendered valorous services. The situation somewhat parallels the bill that we passed a short time ago in which, if we adhered strictly to the entry into the war, we would not have recognized a man belonging to the Coast and Geodetic Survey who was killed in the Philippines. It is to take care of cases such as those.

Mr. KEAN. Is it the gentleman's intention to make this permanent legislation or only for the duration of the war?

Mr. BLAND. It is for the duration of the war. It may not be strictly limited to that, but I think the language is sufficient to make it for the duration. The only part not within the duration of the war would be from 1939 down to the entry into the war.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. BLAND. Yes.

Mr. DONDERO. Does this involve any charge upon the Treasury of the United States, or the expenditure of public money?

Mr. BLAND. I doubt that anybody would be getting the medals entirely free. It, of course, is limited to the cost of the medal.

Mr. DONDERO. It is limited simply to a public decoration with medals?

Mr. BLAND. Yes.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the United States Maritime Commission is hereby authorized and directed, under such rules and regulations as it may prescribe, to provide and award a medal of such material and design and with such devices and inscriptions as the Commission may deem suitable to each person who in the American merchant marine, on or after September 3, 1939, has distinguished himself or during the war distinguishes himself by outstanding conduct or service in the line of duty. Such medals shall be presented with appropriate ceremony as specified by the Commission.

SEC. 2. There may be issued with each medal a rosette or other device to be worn in lieu of the medal. Not more than one

medal shall be issued hereunder to any person, but for each succeeding instance sufficient to justify the award of a medal to such person the Commission may award a suitable bar or other emblem or insignia to be worn with the medal and the corresponding rosette or other device. In case any person who so distinguishes himself as to justify the award of a medal or decoration hereunder dies before the award can be made to him, the award may be made and the medal or decoration presented to such representative of the deceased as the Commission deems proper.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ACQUISITION OF LANDS BY FEDERAL WORKS ADMINISTRATION

The Clerk called the bill (S. 2222) to authorize the Federal Works Administration to acquire title, on behalf of the United States, to not more than 35 acres of land, subject to certain reservations in the grantors.

The SPEAKER. Is there objection?

Mr. STEFAN. Mr. Speaker, I reserve the right to object. I do this to get an explanation of the bill from the author. What land are they buying?

Mr. LANHAM. When the airport was built at Gravelly Point, the Public Roads Administration had lands and buildings in proximity to the airport.

Mr. STEFAN. Are these the brick buildings south of the airport?

Mr. LANHAM. A great many of those are now being used in connection with the airport. Land was acquired elsewhere for the Public Roads Administration, and these 35 acres are adjacent to that site. This involves no appropriation whatever. The transfer of the funds in the exchange from the airport site to the present site will take care of the acquisition of this land.

Mr. STEFAN. Are we buying additional land from Virginia to put in the Washington airport site with this legislation, or giving the Federal Works Administration power to buy 35 acres, or not more than 35 acres, of this land?

Mr. LANHAM. The 35 acres are a part of the site that has been acquired, except there has been no conveyance by reason of the fact that these 35 acres are owned by two ladies who have built for themselves a home in one corner of it. They wish to remain in their home, and it is in a part of the tract which will not interfere with the use of the remainder by the Public Roads Administration for its testing work.

Mr. STEFAN. It will still be part of the Washington National Airport?

Mr. LANHAM. No; it will be a part of the site of the Public Roads Administration.

Mr. STEFAN. And no part of the Washington Airport?

Mr. LANHAM. Oh, no. The Public Roads Administration had to move when the airport was built. The Federal Works Agency now has this site, with the exception of these 35 acres. It has also the funds with which to purchase that site.

Until now the ladies who own the property have been unwilling to convey it, but by reason of the fact the home they wish to occupy is in a corner of the tract that will not interfere in any way with their occupancy or with the operations of the Public Roads Administration, they have decided to dispose of it.

Mr. STEFAN. I do not object to the legislation at all, but I would like to know whether or not this legislation will further complicate the question as to whether this Washington National Airport is going to belong to the District of Columbia or Virginia?

Mr. LANHAM. Oh, not in the least. This land would have been acquired prior to this time as a part of the Public Roads Administration site but for the fact that these ladies who own this particular 35 acres did not wish to convey it, by reason of the fact that they have built their home upon it, but they are willing to convey it with the reservation that they may continue to live there during their lives and occupy their home. That will not interfere with the work of the Public Roads Administration.

Mr. STEFAN. The distinguished gentleman who is chairman of the Committee on Public Buildings and Grounds has made a very fine explanation of this matter. I am happy that he assures me this will not complicate the argument as to whether the airport is in Virginia or in the District of Columbia.

I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That not more than 35 acres of the land to be acquired by the Federal Works Administrator on behalf of the United States as a site for the testing laboratory and research activities of the Public Roads Administration may be acquired subject to a nonassignable and nontransferable reservation to the grantor or grantors of the right to continued occupancy during his or their natural lives of so much thereof as, in the opinion of the Federal Works Administrator, will not impair the use of such land for the purpose for which acquired.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SETTLEMENT OF CERTAIN AGRICULTURAL CLAIMS AND ACCOUNTS

The Clerk called the next bill, H. R. 5636, to expedite the settlement of claims and accounts incident to certain agricultural adjustment programs, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, reserving the right to object, will someone explain this bill? This is a very liberal relief bill.

Mr. FULMER. I will be pleased to explain the bill.

The purpose of the bill is to expedite the settlement of certain claims and accounts that came up prior to 1936 under the old original Agricultural Adjustment Act. They have been going along all of these years and have come to the period where they have collected practically everything that they can, and they want to establish a certain date or limitation for claims to be filed or settlements to be made, and at that time turn over to the Treasury the amount that they hold on hand, something over $100,000, and wind up same.

Mr. COCHRAN. Then in your proviso you strike out $45,000 and insert $25,000. That is going to remain unobligated for a year, although 180 calendar days closes up the whole act.

Mr. FULMER. That is right.

Mr. COCHRAN. Are you going to keep them on the job for the rest of the year after the 180 calendar days?

Mr. FULMER. If we do not pass this act the whole $100,000 is subject to be taken up by continuing this program in expenses and payments to employees.

Mr. COCHRAN. Section 2 relieves the disbursing officer.

Mr. FULMER. That would be a small amount.

Mr. COCHRAN. How much is that?

Mr. FULMER. Oh, that is just a small amount; it relates to small accounts.

Mr. COCHRAN. Section 3 will keep the Government from recovering overpayments. How much is involved there? In other words, if we have overpaid a man and we pass the bill with section 3 in it, we cannot collect, no matter how rich that man may be.

Mr. FULMER. Up to this date practically all accounts that could be collected have been collected, and they will have up to this limitation to collect any further accounts that can be collected, and then we will close this matter, turn the money into the Treasury, and cut out the expense that has been going on since 1936. I think it will save the Government money.

Mr. COCHRAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to expedite the settlement of claims and accounts incident to the agricultural adjustment programs in effect prior to January 6, 1936, under the Agricultural Adjustment Act of 1933 (48 Stat. 31), amendments thereto, and related legislation, no claim shall be considered or paid from the appropriation "Payments for agricultural adjustment" made by the Supplemental Appropriation Act, fiscal year 1936 (49 Stat. 1116), as amended, unless presented to the Secretary of Agriculture within 120 calendar days from the date of approval of this act, and the unobligated balance remaining in said appropriation 180 calendar days after the date of approval of this act shall be covered into the surplus fund of the Treasury: *Provided*, That not to exceed $45,000 of such unobligated balance shall remain available thereafter for not more than 1 calendar year for administrative expenses incident to carrying out the purposes of this act.

SEC. 2. That with respect to payments made in connection with any program (1) under the Agricultural Adjustment Act of 1933 or amendments thereto or other legislation relating to programs inaugurated prior to January 6, 1936, which were administered through the Agricultural Adjustment Administration; (2) under the appropriation "Payments for agricultural adjustment" as made in the Supplemental Appropriation Act, fiscal year 1936, as amended; or (3) under title IV of the Agricultural Adjustment Act of 1938 (52 Stat. 70), amendments thereto and re-

lated legislation, the Comptroller General of the United States is hereby authorized to allow credit in the accounts of the disbursing officers who made the payments and no charge shall be raised against the certifying officers who certified the vouchers: *Provided*, That the Secretary of Agriculture certifies that such payments were made in good faith and without fraud or collusion on the part of such disbursing officers or certifying officers.

SEC. 3. That where it appears payments mentioned in section 2 hereof have been made in excess of the amounts to which the persons to whom such payments were made were entitled, without fraud on their part, no action shall be taken by the United States to recover such excess payments if the Secretary of Agriculture, after such investigation as he deems appropriate, certifies that, considering the contribution made in good faith by any such person to agricultural adjustment compared with the contributions of other persons somewhat similarly situated, it would be inequitable to require refund of the excessive payments; or certifies that appropriate efforts to obtain such refunds have failed and there is no reasonable prospect of later obtaining such refunds.

With the following committee amendment:

Page 2, line 7, strike out "$45,000" and insert "$25,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

APPROVING ACT NO. 70, SPECIAL SESSION LAWS OF HAWAII

The Clerk called the next bill, H. R. 6166, to approve Act No. 70 of the Special Session Laws of Hawaii, 1941, reducing the rate of interest on loans and providing for the reamortization of indebtedness to the Farm Loan Board.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, I reserve the right to object.

Mr. GORE. Mr. Speaker, reserving the right to object, I would like to inquire from the Delegate from Hawaii if it appears advisable to him to reamortize unpaid interest?

Mr. KING. Mr. Speaker, this is part of a program of refinancing small farmers and homesteaders in Hawaii. The funds are borrowed from our local Territorial funds. The rate of interest heretofore charged was 6 percent. Then it was reduced to 5 percent. This act would reduce it to 3 percent and allow them to reamortize existing loans.

Mr. GORE. I was not questioning about the reduction of interest, but it did seem questionable to me if this was to come from United States funds, to reamortize the unpaid interest.

Mr. KING. These are local funds purely. No Federal funds at all. The only reason it is before the Congress is because the local attorney general ruled that it was in conflict with the organic act which requires congressional approval to validate the local law passed by the Territorial legislature.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Act No. 70 of the Special Session Laws of Hawaii, 1941, entitled "An act to amend chapter 253 of the Revised Laws of Hawaii, 1935, relating to farm loans, by amending section 7763 thereof and adding thereto three new sections, to be numbered 7764–A, 7764–B, and 7764–C, respectively, reducing the rate of interest on loans and providing for the reamortization of indebtedness to the Farm Loan Board," is hereby approved,

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECIAL SESSION LAWS OF HAWAII

The Clerk called the next bill, H. R. 5962, to ratify and confirm Act 20 of the Special Session Laws of Hawaii, 1941, extending the time within which revenue bonds may be issued and delivered under Act 174 of the Session Laws of Hawaii, 1935.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Act 20 of the Special Session Laws of Hawaii, 1941, amending section 17 of Act 174 of the Session Laws of Hawaii, 1935, as amended, so as to extend the time within which revenue bonds may be issued and delivered under said Act 174, is hereby ratified and confirmed and revenue bonds may be issued under and pursuant to the provisions of said Act 174 of the Session Laws of Hawaii, 1935, as amended, and as further amended by said Act 20, without the approval of the President of the United States and without the incurring of an indebtedness within the meaning of the Hawaiian Organic Act, and said Act 174, as amended, shall constitute full authority for the issuance of said bonds without reference to and independent of the Hawaiian Organic Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELEASE OF LANDS IN COCONINO NATIONAL FOREST, ARIZ.

The Clerk called the next bill, S. 1762, to authorize the Secretary of Agriculture to release the claim of the United States to certain land within Coconino County, Ariz.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to execute on behalf of the United States a quitclaim deed to Lewis E. Hart and Delia E. Hart, husband and wife, releasing to them all right, title, and interest of the United States in a certain tract of land consisting of approximately three hundred and eighty-seven one-thousands (0.387) acre in Coconino County, Ariz., which on January 24, 1931, was without consideration and as a gift deeded to the United States by said Lewis E. Hart and Delia E. Hart for the use of the Forest Service and which tract is not now needed for any Government purpose, said deed having been recorded in Book 60 of Deeds, pages 63–64, Records of Coconino County, Ariz.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSFER CUSTODY OF PORTION OF CROATAN NATIONAL FOREST, N. C.

The Clerk called the next bill S. 2089, to authorize the transfer of the custody of a portion of the Croatan National Forest, N. C., from the Department of Agriculture to the Department of the Navy.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to transfer to the control and jurisdiction of the Secretary of the Navy a portion of the Croatan National Forest, N. C., containing approximately 465 acres: *Provided*, That in the event the area transferred pursuant to the provisions of this act shall cease to be used for military purposes, it shall revert to its former national-forest status.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING PERISHABLE AGRICULTURE COMMODITIES ACT, 1930, AS AMENDED

The Clerk called the next bill, H. R. 6360, to amend the act know as the "Perishable Agricultural Commodities Act, 1930" (46 Stat. 531), approved June 10, 1930, as amended.

Mr. HULL. Mr. Speaker, reserving the right to object, I am wondering if the chairman of the committee would be willing to give consideration to legislation by his committee which would strike out the word "perishable" in connection with this bill.

Mr. FULMER. We would be very glad to do that.

Mr. HULL. I have no objection.

Mr. SMITH of Ohio. Mr. Speaker, reserving the right to object, I would like a little more explanation of this bill. Just what does it provide?

Mr. FULMER. They have been administering this provision for 10 or 11 years with commission merchants and others respecting the handling of the produce of farmers and shippers. The rules and regulations require that the commission merchants shall properly receive the goods, make out accounts, and settle for same. Some of the commission merchants have not properly received the goods, have let them remain on sidetracks; and where they did, while they made out accounts, they did not make payments. All this does is to see that they carry out these rules and regulations so that those who ship—farmers and others—will get proper return under the rules and regulations.

Mr. SMITH of Ohio. This is to protect the Government?

Mr. FULMER. No.

Mr. SMITH of Ohio. It is to protect the farmer?

Mr. FULMER. This is to protect the shipper, the farmer, those who ship in to commission merchants, and others.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Perishable Agricultual Commodities Act, 1930 (46 Stat. 531), as amended, be amended as follows:

"SECTION 1. That section 2, paragraph (4), is hereby amended by striking out the language therein and substituting the following:

"(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement in connection with any transaction involving any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold, or contracted to be bought, sold, or consigned, in such commerce by such dealer, or the purchaser or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account and make full payment promptly in respect of any transaction in any such commodity to the person with whom such transaction is had; or to fail, without reasonable cause, to perform any specification or duty, express or implied, arising out of any undertaking in connection with any such transaction."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARINE WAR RISK INSURANCE

The Clerk called the next bill, H. R. 6554, to amend war risk insurance provision of the Merchant Marine Act, 1936, as amended, in order to expedite ocean transportation and assist the war effort.

Mr. BATES of Massachusetts. Mr. Speaker, reserving the right to object—and I do this only to inquire from the chairman as to the provisions of this particular bill—just what particular war-risk insurance does this bill imply?

Mr. BLAND. The purpose of this bill is to broaden the scope and liberalize the conditions under which insurance may be granted.

At the time the original insurance bill was passed we were not at war, and the purpose of the insurance bill then was to take care of a situation that is inapplicable to a nation that is at war. It was provided that we should take care of hulls, of cargoes, and personnel on American-flag ships; and, of course, American-flag ships under the Neutrality Act were not permitted to go into the war zone. The situation is entirely different now. We are using foreign ships. We have a specific purpose in view—to win the war; and we must use all the ships we can get our hands on, whatever their flags may be. If necessary we have got to insure the movement of the water-borne commerce of the United States.

I would like for this bill to pass by unanimous consent. It has been reported by our committee. The gentleman from New Jersey [Mr. HART] may desire to further explain the bill, which was reported by him; however, there is already pending, and will be presented today, a rule for the consideration of this measure. So it rests entirely with the House. I should like to get the bill out of the way, because as it is now we are limited in the exercise of the insurance law we passed sometime ago. That law does not apply to foreign-flag ships that are used in the transportation of American water-borne commerce.

Mr. BATES of Massachusetts. There is no restriction in this bill at the present time in respect to underwriting war-risk insurance on American vessels?

Mr. BLAND. It is broadened in this bill and takes in fishing vessels, I may say to the gentleman from Massachusetts.

Mr. BATES of Massachusetts. As I understand, fishing vessels have already been included within the scope of the present law. This bill in no way restricts, does it?

Mr. BLAND. Not at all. It broadens and liberalizes the conditions under which insurance may be granted.

Mr. DONDERO. Mr. Speaker, further reserving the right to object, may I ask the gentleman. Is it broad enough to include the fishing industry in the Great Lakes area?

Mr. BLAND. I do not have in mind the Great Lakes. I think it does, but I would not like to say definitely.

Mr. DONDERO. That is the difficulty. I am afraid that sometimes we are entirely left out of mind and I do not want that to happen.

Mr. HART. May I say to the gentleman that it includes the fishing industry in whatever section of the country it might be located, provided it is engaged in the water-borne commerce of the United States.

Mr. BLAND. I think that statement is accurate.

Mr. DONDERO. That would cover the Great Lakes.

Mr. SABATH. May I say to the gentleman that after the Rules Committee listened to the gentleman from Virginia and the gentleman from New York, both gentlemen thoroughly and intelligently explaining the bill, the Rules Committee by unanimous vote granted a rule for the consideration of this bill. This will merely save time.

Mr. GORE. Mr. Speaker, reserving the right to object, and it is very much to my dislike to object to the present consideration of the bill, but I have read the bill and so far as I am able to determine it is thoroughly meritorious. However, as is evidenced by the number of questions that have been asked, it is entirely too important a bill to be passed by unanimous consent. In view of the fact a rule has already been granted, I believe the gentleman from Virginia will agree it should be discussed more fully by the House.

Mr. BLAND. That is entirely up to the House.

Mr. PLOESER. Does not this bill set up in the Maritime Commission an insurance situation which is similar to the war-risk insurance bill that was recently passed by the House?

Mr. BLAND. It is broader.

Mr. GORE. I am not going to discuss the bill and for the reason that these questions have been raised, I object, Mr. Speaker.

COMPACTS BETWEEN ATLANTIC COAST STATES FOR REGULATION OF FISHING

The Clerk called the next bill, H. R. 6020, granting the consent and approval of Congress to an interstate compact relating to the better utilization of the fisheries (marine, shell, and anadromous) of the Atlantic seaboard and creating the Atlantic States Marine Fisheries Commission.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GORE. Mr. Speaker, reserving the right to object, the statement which I made in reference to the previous bill on the calendar applies to this bill, therefore I object.

Mr. BLAND. Mr. Speaker, may I ask the gentleman to withdraw his objection? I shall ask unanimous consent that the bill be passed over for the present, retaining its place on the calendar without prejudice. I felt very much like the gentleman did about this bill and opposed it very vigorously until I was converted. The Virginia State Legislature has passed a bill, which has not yet been signed by the Governor; and I will ask unanimous consent to have this bill passed over because I wish to introduce an amendment.

Mr. GORE. Mr. Speaker, I withdraw my objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. BLAND]?

There was no objection.

AMENDMENT TO NATIONALITY ACT OF 1940

The Clerk called the next bill, H. R. 4743, providing for the naturalization of certain wives and children of citizens of the United States who lost citizenship through service in the Allied forces during the World War.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHULTE. Mr. Speaker, I object.

Mr. ANDREWS. Mr. Speaker, will the gentleman withhold his objection?

Mr. SCHULTE. I withhold it.

Mr. ANDREWS. Mr. Speaker, all this bill does is grant citizenship to some very few persons in the country who originally were citizens and lost that citizenship and came back to this country. These persons served with the Allied forces, particularly Canada, during the last war. It gives them and their families the right to become American citizens. That is all it does.

Mr. SCHULTE. I grant everything my friend says as being true and there is no reason why I should doubt his statement. But in view of the actions that have been taken on some of these immigration laws and in view of what has happened at Pearl Harbor, may I say to the gentleman that I am taking no more chances on being liberal. That is the reason I want to go into this bill. I object.

Mr. ANDREWS. Mr. Speaker, may I ask unanimous consent that the bill be passed over without prejudice?

Mr. SCHULTE. Mr. Speaker, I withdraw my objection to let it go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. ANDREWS]?

There was no objection.

INCREASE IN PERMANENT INSTRUCTION STAFF AT UNITED STATES COAST GUARD ACADEMY

The Clerk called the next bill, H. R. 6641, to amend the act entitled "An act to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy," approved April 16, 1937.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act approved April 16, 1937 (50 Stat. 66), be, and the same is hereby, amended as follows:

(a) Section 1, first sentence, after the word "heads", insert the words "or assistant heads".

(b) Strike out section 3 and insert in lieu thereof the following:

"SEC. 3. The Secretary of the Treasury, or the Secretary of the Navy when the Coast Guard is operating as a part of the Navy pursuant to law, is authorized to appoint in the Coast Guard, subject to the competitive provisions of the civil-service laws and regulations, such number of civilian instructors as he deems necessary, and the compensation of such appointees shall be fixed in accordance with the Classification Act of 1923, as amended."

With the following committee amendment:

Page 2, line 4, after the word "necessary", insert "not to exceed eight."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed and a motion to reconsider was laid on the table.

BRIDGE ACROSS BAYOU LAFOURCHE AT VALENTINE, LA.

The Clerk called the next bill, S. 1971, to legalize a bridge across Bayou Lafourche at Valentine, La.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHULTE. Reserving the right to object, Mr. Speaker, is this to be a toll bridge?

Mr. BULWINKLE. The gentleman from New York [Mr. WADSWORTH] is a member of the subcommittee in charge of this bill and he can tell the gentleman whether or not this is a toll bridge.

Mr. HOLMES. If the gentleman will yield, in reply to the gentleman from Indiana, may I say that this is a pontoon bridge which has been there a good many years. It was placed across the river illegally and this bill seeks to legalize its status. I do not believe this is a toll bridge; I think it is a free bridge.

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, until we can find out whether it is a toll bridge or a free bridge.

Mr. BULWINKLE. I may say to the gentleman from Indiana that I believe we are not passing any toll bridges.

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield?

Mr. SCHULTE. I yield to the gentleman from New York.

Mr. WADSWORTH. The Committee on Interstate and Foreign Commerce has not reported any legislation authorizing privately owned or built toll bridges. This bridge was built by a private company some years ago without realizing that the waters which it crosses were regarded as navigable. There has never been any complaint against it. However, they suddenly waked up to the fact that it would be better if they had had the permission of the Army engineers and the Bureau of Roads. This bill is to legalize the existence of a bridge which has been there a long time. Both the Army engineers and the other branch of the Government concerned O. K. it.

Mr. SCHULTE. Mr. Speaker, I withdaw my request and my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Chief of Engineers and the Secretary of War are hereby authorized to approve the location and plans of a pontoon bridge already constructed by Valentine Sugars across Bayou Lafourche at Valentine, La.: *Provided*, That said bridge has been authorized by the Legislature of the State of Louisiana and as located and constructed affords reasonably free, easy, and unobstructed navigation.

SEC. 2. When the location and plans of said bridge have been approved as provided in section 1 of this act, said bridge shall be deemed a lawful structure and subject to the laws enacted by Congress for the protection and preservation of the navigable waters of the United States.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TOLL BRIDGE ACROSS THE STRAITS OF MACKINAC, ST. IGNACE, MICH.

The Clerk called the next bill, S. 2133, to revive and reenact the act entitled "An act granting the consent of Congress to the State of Michigan to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan," approved September 25, 1940.

Mr. DONDERO. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TOLL BRIDGE ACROSS THE ST. MARYS RIVER, SAULT STE. MARIE, MICH.

The Clerk called the next bill, S. 2134, to revive and reenact the act entitled "An act authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the St. Marys River, from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada," approved December 16, 1940.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Reserving the right to object, Mr. Speaker, the purpose of this bill is to revive a previous act authorizing the construction of a toll bridge. It will be remembered that last summer or last fall when we considered these toll-bridge bills a question was raised about the advisability of imposing a restriction on the use of the toll bridges so as to make it impossible for the owner to levy a toll against any Government military vehicle using the bridge to cross the river. At that time members of the Committee on Interstate and Foreign Commerce said they would take it under advisement. I take this opportunity of making inquiry of them as to what has been done.

Mr. HOLMES. If the gentleman will yield, I may say to the gentleman that quite a little material and data have been secured in the interest of the committee with regard to this matter. We have had opinions from the War Department and the Public Works Administration and the Department of Justice. A number of decisions have also been pending on this question, and we have had photostatic copies made. However, we have not yet taken up the question of amending the original Bridge Act, as incorporated in the gentleman's suggestion.

Mr. COLE of New York. It is the thought of the committee, then, that when the committee does get around to it it will recommend a measure which will cover generally all toll bridges?

Mr. HOLMES. Yes.

Mr. COLE of New York. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act approved December 16, 1940, authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the St. Marys River, from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada, be, and is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge herein referred to be commenced within 2 years and completed within 4 years from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TOLL BRIDGE ACROSS THE WABASH RIVER, ST. FRANCISVILLE, ILL.

The Clerk called the next bill, H. R. 6080, authorizing the county of Lawrence, Ill., to construct, maintain, and operate a toll bridge across the Wabash River at or near St. Francisville, Ill.

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. WOLCOTT. Reserving the right to object, Mr. Speaker, may I ask the gentleman if it is going to be his purpose to stop all toll bridges, regardless of whom they are owned by or constructed by?

Mr. SCHULTE. I may say to my good friend from Michigan that before I take

the position of letting them go through this way we certainly want to look into them. There are too many toll bridges throughout the United States today. I am now thinking of several across the Ohio River that have been paid for a long time ago but are still operating as toll bridges.

Mr. WOLCOTT. My particular point is, Does the gentleman object to a bridge constructed by a commission established by two States, or a commission established under State authority to build an international bridge which is a State instrumentality, if it is a toll bridge?

Mr. SCHULTE. The gentleman from Indiana would like to look into the matter before either objecting or giving his consent.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

FREE HIGHWAY BRIDGE ACROSS THE MISSISSIPPI RIVER, BROOKLYN CENTER, MINN.

The Clerk called the next bill, H. R. 6495, granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the village of Brooklyn Center.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Minnesota to construct, maintain, and operate a free highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near the village of Brooklyn Center, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 7, after "Center", insert "Minnesota,".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the village of Brooklyn Center, Minnesota."

PROHIBITION OF INTERSTATE COMMERCE IN DENTURES IN VIOLATION OF STATE OR TERRITORIAL DENTAL LAWS

The Clerk called the next bill, H. R. 6730, to protect the public health by the prevention of certain practices leading to dental disorders; and to prevent the circumvention of certain State or Territorial laws regulating the practice of dentistry.

Mr. COLE of New York. Mr. Speaker, I reserve the right to object, and I do so for the purpose of getting some information from the committee reporting this bill. As I understand the bill, it prohibits the use of the mails or other instrumentalities of the Government for the transportation of dentures into a State, the laws of which regulate the practice of dentistry.

Mr. BULWINKLE. The gentleman is correct. There are 47 States that have laws that would prevent this within the State.

Mr. COLE of New York. There are 47 States that have enacted laws designed to prohibit the importation of false teeth?

Mr. BULWINKLE. I think so. This is from the American Dental Association, and the medical association also opposes this practice in some respects. The way this is done is that there are about 8 or 10 of these houses in the United States that will have advertisements in the papers, and if you write them they will send you a gob of wax or some kind of similar material, and if you need false teeth you put that material in some water and clamp down on it, and then send it back to them. Then you pay them twelve or fifteen dollars—I think the average is about twelve and a half dollars—and for this they send you these false teeth. The purpose of the bill is to prevent that practice, because the dentists say it has caused the people a great deal of trouble through not being properly fitted, and in some cases it may cause cancer or, perhaps, some other disease.

Mr. COLE of New York. My reason for making the inquiry is because there is a penalty to be imposed of $1,000 fine, or a year in jail. What consideration did the committee give, if any, to the protection of a person who, for instance, is away from his home State on a vacation or is traveling in another State and loses his denture and is unable to send back to his doctor for a replacement without being subject to a $1,000 fine?

Mr. BULWINKLE. It would not affect such a man at all.

Mr. COLE of New York. This would prohibit a doctor back in the man's home State from sending the denture to the man who had lost it or broken it.

Mr. BULWINKLE. No. The language is:

The construction or supply of dentures by a person other than, or without the authorization or prescription of, a person licensed under the laws of such State or Territory to practice dentistry—

And so forth.

Mr. WILLIAM T. PHEIFFER. Mr. Speaker, reserving the right to object, I believe, after speaking with our own Dr. TRAYNOR, this is aimed primarily at the mail-order racket, those who solicit these orders by use of the mails through advertisements in newspapers, and so forth, and would not refer to the case of a legitimate and reputable practitioner.

Mr. BULWINKLE. Yes; one of these mail-order men very frankly told us about that. I asked him, "Are you a dentist?" He said, "No." I asked him, "How did you happen to go into this?" He said, "I was looking around for something to make money on, and this was pretty good."

Mr. WILLIAM T. PHEIFFER. It is unquestionably a widespread "racket."

Mr. YOUNGDAHL. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. I yield.

Mr. YOUNGDAHL. The bill does not prohibit a dental laboratory, for instance, from furnishing a denture by prescription of a dentist?

Mr. BULWINKLE. Not at all.

Mr. DONDERO. This is simply to provide against the practicing of dentistry in absentia?

Mr. BULWINKLE. That is it.

Mr. DONDERO. I have had considerable correspondence on this same subject.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. I yield.

Mr. ROBSION of Kentucky. I think I understand the bill and I do not desire information about that, but I still have all my teeth and I am not interested in that respect——

Mr. BULWINKLE. The gentleman is to be congratulated. I have not.

Mr. ROBSION of Kentucky. In the years I have been here, some 8 or 10 of my constituents have complained about this practice, and I want to commend the gentleman and his committee for having brought out for our consideration this bill.

Mr. BULWINKLE. The gentleman from Delaware [Mr. TRAYNOR], who is a dentist, by the way, is responsible for it.

Mr. JENNINGS. Mr. Speaker, will the gentleman yield?

Mr. BULWINKLE. I yield.

Mr. JENNINGS. As I understand this, this bill prevents, for instance, a dentist from being able to violate a State law simply because he is carrying on these practices in another State and therefore is beyond the writ of the criminal court.

Mr. BULWINKLE. Yes.

Mr. DONDERO. I think the bill ought to be passed.

Mr. HAINES. Is it not true that these men are practicing dentistry without having a license to do so?

Mr. BULWINKLE. Yes; and as one of these men said, "Dentistry does not mean anything; it is just like going into a shoe shop and putting on a pair of shoes."

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That it shall be unlawful, in the course of the conduct of a business of constructing or supplying dentures from casts or impressions sent through the mails or in interstate commerce, to use the mails or any instrumentality of interstate commerce for the purpose of sending or bringing into any State or Territory the laws of which prohibit—

(1) the taking of impressions or casts of the human mouth or teeth by a person not licensed under the laws of such State or Territory to practice dentistry;

(2) the construction or supply of dentures by a person other than, or without the authorization or prescription of, a person licensed under the laws of such State or Territory to practice dentistry; or,

(3) the construction or supply of dentures from impressions or casts made by a person not licensed under the laws of such State or Territory to practice dentistry,

any denture constructed from any cast or impression made by any person other than, or without the authorization or prescription of, a person licensed under the laws of the State or Territory into which such denture is sent or brought to practice dentistry, or any mat-

ter advertising or soliciting orders for any denture so constructed or so to be constructed.

SEC. 2. As used in this act, the term—

(1) "Denture" means a set of artificial teeth, or any prosthetic dental appliance;

(2) "Territory" means any Territory or possession of the United States, including the District of Columbia and the Canal Zone.

(3) "Interstate commerce" means (1) commerce between any State or Territory and any place outside thereof, and (2) commerce within the District of Columbia or within any other Territory not organized with a legislative body.

SEC. 3. Any violation of any provision of this act shall be punished by a fine of not more than $1,000, or by imprisonment for not more than 1 year, or both such fine and imprisonment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This completes the eligible bills on the calendar.

EXTENSION OF REMARKS

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix by the inclusion of a resolution I received from my district relative to the patriotism displayed by various organizations.

The SPEAKER. Is there objection?

There was no objection.

WOMEN'S ARMY AUXILIARY CORPS

Mr. SABATH. Mr. Speaker, I call up House Resolution 438, which I send to the desk and ask to have read.

The Clerk read the resolution (H. Res. 438, Rept. No. 1769), as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into a Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6293) to establish a Women's Army Auxiliary Corps for service with the Army of the United States. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amenments thereto to final passage without intervening motion, except one motion to recommit.

Mr. SABATH. Mr. Speaker, later on I shall yield 30 minutes to the gentleman from New York [Mr. FISH]. I now yield myself 10 minutes.

This rule makes in order the so-called Rogers bill, a bill to establish a Women's Army Auxiliary Corps for noncombatant service in the Army of the United States. It provides for 2 hours of general debate, and that after that the bill shall be taken up under the general rules of the House under the 5-minute rule. This bill is recommended and urged by the War Department, by General Marshall, and others. Originally I was not inclined to support the bill or grant a rule, but after I heard some gentlemen from the War Department I came to the conclusion that they are entitled to our full cooperation. General Marshall feels that this will not add any additional cost to the Government, because the few thousand volunteer women who are now rendering splendid service and who are entitled to our appreciation are unsatisfactory in view of their volunteer status. I am of opinion that women of America desire to serve the Nation, and I believe the service they will render will be of great value to the Army.

Mr. Speaker, I believe that the work that will be performed by these auxiliary Army women workers will release a great deal of soldier manpower now used to carry on this particular work as well as civilians who are also employed at these tasks. Notwithstanding what has been stated as to the cost of establishing this corps, I personally do not think it will increase the expenditures. If anything, it might reduce them, because the auxiliary corps workers could do the work of those now engaged as clerks, machine operators, telephone, teletype, telegraph, and switchboard operators, and others, who are under civil service and, naturally, drawing higher salaries. Such civilian workers, of course, would be transferred to civilian defense departments, so no hardship would be worked.

Mr. Speaker, had we and the country followed the President's urgent appeals and recommendations, and if there had not been so much Nazi, Fascist, and Communistic activity in this country, and the Axis powers had not been made to believe by our own Nazi and Fascist leaders and our appeasers and pacifists that there was discord and disunity in our country, I feel that the Axis Powers would not have had the audacity to attack us and war against us. It is to be regretted that we still have men at large in our country who continue in every way in their efforts to delay our war activities just as they did in our preparation for defense. Their efforts are continuously directed in endeavoring to weaken those whose duties are to safeguard our freedom and liberties. I know that if any Fascist, Nazi, or such in Germany, Italy, or Japan committed such antagonistic acts it would not be tolerated and those guilty, even to a lesser degree than some of our own Nazi and Fascist leaders, would have been thrown into concentration camps, jails, or even shot.

Mr. Speaker, it is to be regretted that many of the appeasers, Nazi and Fascist leaders, in order to create discord and to hide behind their activities, continue to criticize, assail, and attack the United Nations, particularly Great Britain and Russia, who, taken by surprise, are fighting for their defense and at the same time fighting for our country to bring about the defeat of Hitler, Mussolini, and the Jap war lords. It is in view of these destructive, underhanded, and collusive activities that it has become necessary to establish a Women's Auxiliary Corps for the Army.

Mr. Speaker, 4 years ago, almost to the day on the 18th of March 1938, I called attention of the country in a speech I made on this floor, to the secret agreement between Hitler, Mussolini, and the Japs. In that speech I said:

> Three years ago (January 1935) I voiced belief that a secret or tacit agreement existed between Hitler, Mussolini, and Japan, but my warning went unheeded. In the Orient, Japan pursued a course toward domination of the yellow races, apparently with preassurance that Italy and Germany would so engage the attention of the European democracies that interference in China would be impossible. * * * Whether Il Duce is as smart as he thinks he is in cooperating with the imperialistic-minded Hitler, only the future will tell. But there are many sapient observers who have their doubts. * * * If this nefarious triumvirate should effect the dismemberment of the great British Empire, what would become of Canada? Could we still feel free and at ease without present-day Canada? In view of all this and our enemies within, I feel that it behooves us adequately to protect ourselves against even the remotest eventuality.

Mr. Speaker, if the Nazi propagandists had not succeeded in interesting so many Americans in attacking the President and all those who realize the coming dangers, this legislation would not be necessary. Unfortunately, today, nearly the same men who, under George Sylvester Viereck and the Gestapo, were attacking and striving to weaken the President in his efforts are still continuing to snipe, despite the fact that our country is at war.

I hope to God that this force will not weaken or bring about disunity among our people, and that we will realize our responsibility and work in harmony and unity and stand by the President and the administration that is doing everything humanly possible to protect this Nation, as well as to protect the democracies and the people of the world. Unfortunately, hardly a day passes when we do not hear some people who fail to recognize the danger to our own country. I hope that in the near future they will realize it and recognize that we have a real duty to perform; that each and every one of us, the 130,000,000 Americans, will be united as one man in an effort to bring about the defeat of Hitler, Hitlerism, and the Japanese war lords.

I feel that with united action and with the cooperation and ability that we possess in this country we can bring about the defeat of these men. To do so we need the organization that this rule provides for. In view of those conditions I am in favor of the adoption of the rule and the passage of the bill.

I ask unanimous consent to revise and extend my remarks, Mr. Speaker.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SABATH. Mr. Speaker, I reserve the balance of my time and I now yield 30 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, there is only one paramount issue before the country. That issue has nothing whatever to do with partisan politics. I will say to the distinguished chairman of the Rules Committee [Mr. SABATH] it has nothing to do with former interventionists or noninterventionists. There is just one issue before the country, and that is to win the war. I do not think it serves any purpose, any good purpose certainly, whether it is in this House or in the press or among the columnists or over the radio to revive the issue between interventionists and noninterventionists.

Mr. SABATH. Will the gentleman yield?

Mr. FISH. Yes; I yield.

Mr. SABATH. Well, that is my object. That is my plea. I hope we will eliminate all those things.

Mr. FISH. I will say to the gentleman there was 100-percent unity when Japan attacked this country on December 7th. But if interventionists continue to rehash these pre-war issues that unity will be jeopardized. I want to go on record as saying that I do not know of a single noninterventionist that has changed his views and certainly 80 percent of the American people were noninterventionists and against going to war unless attacked. But they are all united to win this war. However, they are losing their patience and getting sick and tired of having their motives impugned, whether for constructive criticism of President Roosevelt or anyone else in the administration for the tragic failures in the conduct of the war and for the waste and incompetency on nondefense projects. I hope from now on both sides will adhere to the main issue and program before the American people, of winning this war, cost what it may in blood, treasure, and tears.

That is the reason we have this bill before us today to permit women to volunteer in an auxiliary force, under the supervision of the Army, to do noncombatant work, because it is part and parcel of the program of all-out war, of all-out service, of all-out sacrifice, and of all-out effort in winning this war at the earliest possible moment. That is the reason for the legislation now before you, approved by the Military Affairs Committee by unanimous vote, and by the Rules Committee by unanimous vote, because they believe we are in the greatest war in the history of the world, the greatest war we have ever been engaged in, and that we are united, regardless of partisanship, to win that war. You can only win it by fighting; not by resolutions and talk, or hehashing what happened before the war. The sooner the American people realize that, the more unity we will have.

Let me say this: I am not one of those who, because we have been defeated several times on the high seas, have lost faith in our Navy. As far as I am concerned, I think we ought to admit our defeats. I think the more facts that are given to the American people the more unity there will be. I do not believe in the present program of secrecy, which never existed in the last war. I would publish the casualty lists. I would let the people know what this war means to them. They are still rulers of this country. They have a right to know what is going on. They can take it even if we suffer a few more defeats, and carry on to victory.

It is like a football game. One team may make two or three touchdowns in the first quarter. The other team, the stronger team, will then get going, get organized, and begin to play football, and their plays will click, and they will run the ends, smash the line, and throw forward passes. We have the most powerful team, and we are going to win this war. Our Navy is going to click. We still have a greater Navy than Japan. We have lost the first quarter, that is all. We have three more quarters to go. Before the war is a year old we will be ahead of the game, and from then on we will make a clean sweep with our Navy, our Air Force, and our Army. There is nothing to be discouraged about, but for heaven's sake let us take the American people into our confidence, as they have the courage, faith, and determination to win.

I have received a lot of telegrams, and so has everybody else in this House, as follows: "Please use your influence to help MacArthur immediately." "Save MacArthur"; "do something now." Everybody in the House knows that we have lost control of the far Pacific for the time being and that we cannot relieve MacArthur immediately, but in this Nation of ours, with our great industrial and natural resources, this war is down our alley. If it is a question of building big ships, big tanks, big airplanes, and building them better than any other nation, we can build them and outstrip all the Axis nations.

It may take time to finish that program, but before we are through we shall have more ships, we shall have more airplanes, we shall have more tanks, and bigger and better than our enemies. If there is any person in this Chamber who does not think that the American soldier properly trained is not just as good as any Jap or any German then he does not know what he is thinking about. The American soldier is just as brave, just as intelligent, and will make just as courageous a fighter as any in the world.

I want to go on record in favor of this bill as part of an all-out war effort that we are making to bring the final victory to America. The one thing that can stop victory is to split the people of this country apart and destroy the existing unity. A handful of interventionists, newspaper columnists, and radio commentators who insist on keeping this issue alive are not going to deceive the American people, but if it goes any further then the responsibility is theirs and they will divide the American people, who are now united. That is why I replied as I did to the gentleman from Illinois. I hope I misinterpreted what he had to say; I am rather inclined to think that possibly I did misinterpret his remarks. I am sure he wants unity in this country, but I am also sure he does not mean to say to the minority that the minority has no right of constructive criticism, no right to criticize the President when we think he is wrong, or the Secretary of War, or the Secretary of the Navy, or any official in the administration. We are still living in a free country. Healthy criticism is the best thing that can happen in a free country during a war, or even in time of peace.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. SABATH. I myself believe in honest criticism, but I am opposed to continuous striking. I am for unity. I have plead for it for 4 long years, and I hope we shall have it. This is the reason I took the floor today to repeat it. I hope to God we shall be united as one people fighting for the cause of democracy, freedom, and liberty.

Mr. FISH. I am sure the gentleman is but he should not open up the pre-war issues if he believes in national unity. Here is what one Member of Congress had to say today according to the press:

> That criticism of the President in relation to the $600,000 Central Information Bureau for the Office of Government Reports to be erected on the park at Fourteenth Street and Pennsylvania Avenue is giving aid and comfort to the enemy.

In other words, any Member of Congress is a Nazi because he criticizes these nondefense projects, these nonessentials that the American people want to cut out. There is a limit to such tirades and I hope no Member of Congress on the minority side will be fooled. I hope the Democrats will go along in trying to cut out these nondefense expenditures and these nonessentials and not be stopped because some ardent New Dealer says you are a Nazi or that you are aiding and abetting the enemy.

I am in favor of this bill as a part of the all-out program to win the war. I hope it will be passed unanimously and without any restrictive amendments.

MARINE WAR-RISK INSURANCE

Mr. SABATH from the Committee on Rules submitted the following privileged resolution (H. Res. 457, Rept. No. 1902) on the bill (H. R. 6554) to amend war-risk insurance provisions of the Merchant Marine Act, 1936, as amended in order to expedite ocean transportation and assist the war effort, which was referred to the House Calendar and ordered printed:

> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6554) to amend war-risk insurance provisions of the Merchant Marine Act, 1936, as amended, in order to expedite ocean transportation and assist the war effort. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Merchant Marine and Fisheries, the bill shall be read for amendment under the 5-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

CALL OF THE HOUSE

Mr. BROOKS. Mr Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. THOMASON). The Chair will count. [After counting.] Sixty-nine Members are present, not a quorum.

Mr. NICHOLS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 42]

Anderson, Calif.	Gavagan	Mitchell
Baldwin	Gillette	Murdock
Barden	Gossett	Myers, Pa.
Barry	Grant, Ind.	O'Day
Beiter	Hébert	Osmers
Bishop	Heffernan	O'Toole
Bloom	Howell	Pfeifer,
Boland	Jarman	Joseph L.
Bonner	Jarrett	Rivers
Bradley, Pa.	Johnson,	Robertson,
Buckler, Minn.	Lyndon B.	N. Dak.
Buckley, N. Y.	Kee	Romjue
Byron	Kelley, Pa.	Sacks
Cannon, Fla.	Kennedy,	Scanlon
Capozzoli	Michael J.	Schaefer, Ill.
Casey, Mass.	Keogh	Scrugham
Celler	Kilburn	Shanley
Clark	Kirwan	Shannon
Clevenger	Kleberg	Sheridan
Cole, Md.	Klein	Smith, Pa.
Creal	Kocialkowski	Somers, N. Y.
Cullen	Kopplemann	Stratton
Cunningham	Kramer	Sumner, Ill.
Delaney	Lane	Sweeney
Dickstein	Larrabee	Taber
Dies	Lewis	Talbot
Ditter	Lynch	Thill
Douglas	McCormack	Thomas, N. J.
Eberharter	McGranery	Tolan
Englebright	McKeough	Vreeland
Fogarty	Maas	Walter
Ford, Leland M.	Maciejewski	White
Fulmer	Magnuson	Whitten
Gale	Marcantonio	Wilson
Gamble	Merritt	Worley

The SPEAKER. On this roll call 330 Members have answered to their names. A quorum is present.

On motion of Mr. NICHOLS, further proceedings, under the call, were dispensed with.

Mr. NICHOLS. Mr. Speaker, I yield myself 10 minutes.

Mr. ANDREWS. Will the gentleman yield for a question?

Mr. NICHOLS. I yield to the gentleman.

Mr. ANDREWS. Am I correct in understanding from the chairman of the Committee on Military Affairs that it is his intention to take action on the rule tonight and that going into the Committee of the Whole and actual debate on this bill will come tomorrow? Is that correct?

Mr. MAY. That is the statement I made to the gentleman from New York, if there is no objection.

EXTENSION OF REMARKS

Mr. HAINES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter from the Civilian Conservation Corps and a statement attached thereto.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. HAINES]?

There was no objection.

Mr. GORE. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee [Mr. GORE]?

There was no objection.

Mr. GRANGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter.

The SPEAKER. Is there objection to the request of the gentleman from Utah [Mr. GRANGER]?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a certain editorial comment on the Alaska Highway and the aviation facilities in that country.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There was no objection.

Mr. GUYER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Kansas City Star.

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. GUYER]?

There was no objection.

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter received from Mr. Leon Henderson.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. BECKWORTH].

There was no objection.

WOMEN'S ARMY AUXILIARY CORPS

Mr. NICHOLS. Mr. Speaker, in a few minutes I want to discuss an amendment which I will offer to this bill when we come to the consideration of it. Before I do that, however, I would like to answer some of the statements made by my colleague on the Rules Committee, the gentleman from New York [Mr. FISH]. I agree with the gentleman from New York [Mr. FISH] that we should quit talking about things that the President did before the declaration of war. I agree with that 100 percent and I hope that our friends on the left side of the aisle will also agree with the gentleman from New York [Mr. FISH] on that point.

Mr. HOFFMAN. Will the gentleman yield for a question?

Mr. NICHOLS. Briefly.

Mr. HOFFMAN. Does the gentleman also agree there should be no talk about what some other folks did prior to entering the war?

Mr. NICHOLS. The gentleman from New York [Mr. FISH] complains because the newspapers are not, as he says, permitted to publish everything that is going on about this war. Mr. Speaker, may I remind the membership of a very interesting chapter in Hitler's Mein Kampf. I recommend that you read it. Hitler there points out how impossible it is for a democracy to defend itself against a dictatorship because, Mr. Hitler says, under a dictatorship the dictator can go secretly about his way of making preparations for war, without the necessity of advising the people of what he is doing. In a democracy, on the other hand, that cannot be done. A government representative in form must inform all the people about all the things the government is doing with the people's money, or the people will kick the government out of office.

Is that a pretty fair statement? Yes; Hitler is right. The dictatorship, of course, has the best of it. The dictator tells his people only that which he wants to tell them, whether or not it is the truth. We, under the time-honored principles of our Government, have followed the time-honored practice of advising the people of everything the Government is doing.

I hope the people of the United States and the administration and the Government have now come to the point where they are willing to realize that many things that are being done by the Government must be withheld from the people. I hope the people of the United States are willing to accept this. They must accept it. Whether you like it or not, Franklin Delano Roosevelt is the Commander in Chief today, and we will win this war or lose it under his direction and nothing can be done about it.

I therefore hope that the President will have intestinal fortitude enough to recommend to the other agencies of the Government that many things be withheld from the people in the interest of our preparation to win this war.

I agree with the gentleman from New York [Mr. FISH] that Members of this body should not be criticized for making constructive criticism, but I would warn you that you keep your criticism constructive. When it is constructive, I am confident that no one will complain. Thank goodness, this is the citadel where constructive criticism can be made without fear. We can walk into the Well of this House and, under the protection of the rules that are thrown around us, make any statement we want, be it constructive or not. But I hope we will not abuse that protection and in our zeal go beyond constructive criticism.

Mr. EATON. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from New Jersey.

Mr. EATON. I have today seen a communication from the county head of the civilian defense in one of the counties in the gentleman's State of Oklahoma, in which he pledges himself to ask everybody to vote against every Member of Congress who does not vote to suspend the 40-hour week and break up strikes. Then he states that the President of the United States has been in favor of these things for some time, the implication being that Congress has headed off his very patriotic efforts in this respect. What does the gentleman have to say about that?

Mr. NICHOLS. I thank the gentleman for his contribution.

I should now like to address myself for a minute to the bill whose consideration this rule makes in order, the Women's Auxiliary Corps. Among other things, this bill provides that when these women are taken into service to serve with the Army, if they receive an injury or are killed in the line of duty, they shall be paid for their injury, disability, or death, under the provisions of the United States compensation law, as other civilian employees.

When a general from the War Department was before the Committee on Rules, I asked him why they had seen fit to make a distinction between women who would be serving in the field by the side of soldiers and the soldiers themselves, when admittedly these women will be made a part of American expeditionary forces sent outside the continental limits of the United States to any place in the

world we would send any soldier, and when admittedly they will be used in Army posts and in Army camps to do noncombatant service. I said:

Why, then, Mr. General, would you make a distinction between the man and the woman?

The reply was this:

Because these women are not actually in the Army and we do not have complete control over them; that is to say, we cannot court martial them, we cannot punish them as we would punish the soldiers. Therefore, we think this distinction is justified.

Mr. Speaker, I believe that in 2 minutes I can prove to this House that these women will come under the Articles of War and be subject to every regulation, rule, and penalty that any soldier in the United States Army would be subject to. Let me see if I can do that.

On page 10 of this bill, section 12, down to the first comma, reads as follows:

The corps shall not be a part of the Army, but it shall be the only women's organization authorized to serve with the Army.

Keep that "with the Army" in mind.

Now follow me.

On page 11, section 14 states this:

The members of the corps shall be subject to such disciplinary regulations as the Secretary may prescribe, including provisions for the punishment of major infractions by summary discharge from the corps, and shall be subject to the Articles of War pursuant to the second article thereof when applicable.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Speaker, I yield myself 5 additional minutes.

Let us see what the second article of war provides. You will find it in the United States Code, section 1473, on page 612. I read:

The following persons are subject to these articles and shall be understood as included in the term "any person subject to military law," or "persons subject to military law," whenever used in these articles.

Subsection (d) reads as follows:

All retainers to the camp and all persons accompanying or serving with the armies of the United States without the territorial jurisdiction of the United States, and in time of war all such retainers and persons accompanying or serving with the armies of the United States in the field, both within and without the territorial jurisdiction of the United States, though not otherwise subject to these articles.

Now what does that mean? This bill was prepared in the War Department before the declaration of war. I do not charge these Army officers who came up here and made these statements with bad faith at all. The bill was prepared before the declaration of war, and before the declaration of war if they were serving within the continental limits of the United States they would not be subject to article 2 of the Articles of War. But since the declaration of war, if I can read the English language, whether they are serving within or without the continental limits of the United States, they are subject to the Articles of War the same as the soldiers. Therefore I have prepared, and shall offer at the appropriate time, an amendment which will provide, in substance, and it has been carefully prepared by the drafting service of the House, that these women, during and after the war is over, will be given the same rights and privileges as the soldier by whose side they serve, and you need not worry about building up a great big mountain here that will be too big to handle because the committee, when this bill is read for amendment, will offer an amendment which will limit this corps to 150,000. So it only means 150,000. The War Department says it will mean very much less than that, 17,500. But small or large, if you are going to take these women and put them by the side of the men, I say they are entitled, after the war and during the war, to every benefit and every protection that a man is entitled to. I sure do not want to go home and tell my girls that I took care of the soldiers and that I was willing to give them compensation and hospitalization and allow them to pay for and carry insurance on their lives, but I was not willing to let the women do it.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. Yes, I yield.

Mr. MAY. The gentleman understands, of course, that unless these women are actually inducted into combat service as members of the Army, they are civilian employees of the Government.

Mr. NICHOLS. Yes; they are civilian employees. That is right.

[Here the gavel fell].

Mr. NICHOLS. Mr. Speaker, I yield myself 2 additional minutes.

Mr. MAY. The soldiers in service are actually members of the Army and can be ordered into combat duty. Does the gentleman mean to say that without regard to sex he would make a distinction between them and say the women should have the same compensation, pensions, and disability allowances as those in the combat service?

Mr. NICHOLS. I will answer the gentleman. You are going to put uniforms on these girls.

Mr. MAY. Yes.

Mr. NICHOLS. You are going to give them the rank of officers up to major and you are going to commission them down to third lieutenants. They are subject to every rule and regulation and they will be on duty 24 hours a day subject to call the same as a man. They will be running your telephone exchanges on the posts and in the fields. They will be running your laundries on the post and in the field, right in the combat areas.

Mr. MAY. No.

Mr. NICHOLS. Yes; they will, admittedly, and they will be waiting on tables. They will be running information centers and filter centers in continental United States and out. Certainly, I am not willing to draw a hairline distinction between active and inactive or combative and noncombative service in any such narrow line as that.

Mr. MAY. Mr. Speaker, will the gentleman yield again?

Mr. NICHOLS. Yes.

Mr. MAY. Does the gentleman think this language would protect them:

Or if any member dies as a result of such physical injuries, she or her beneficiaries shall be entitled to all the benefits prescribed by law for civilian employees of the United States who are physically injured while in the performance of duty or who die as a result thereof.

Mr. NICHOLS. Yes; it will protect her to this extent. To the extent that is provided under the United States compensation law, but this law was passed for civilians, and I say these women to all intents and purposes are in the Army.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield.

Mr. MICHENER. The gentleman has just called attention to one point that I wanted to mention. Another point is this. One of the purposes of this bill is to make it possible to bring the women into the service under Army discipline. As the Committee on Rules was told, one of the factors is to make it possible to send these women outside our own country.

Mr. NICHOLS. That is right.

Mr. MICHENER. Now, the question is if the same ship carries the men and the women to perform a like duty in Iceland and they are performing a similar duty under the same kind of conditions in Iceland, and they are bombed, why should we treat the woman in a different manner from the man?

Mr. NICHOLS. I thank the gentleman.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the gentleman from Oklahoma [Mr. NICHOLS] just told us in substance that we should forget what the President said and what he has done. That is all right, but gentlemen will remember the question I asked the gentleman from Oklahoma [Mr. NICHOLS]. I asked, What about forgetting what other folks have said, and what other folks have done? How about it? The gentleman did not answer my question. Does he believe there should be one rule for New Deal spokesmen, another for their opponents? It is a poor rule that does not work both ways. It is easy enough to go along and say nothing about what the President said or what he has done. That is no hardship. But when someone, whether he be a new dealer, a Communist, or one of our own political faith, or some Democrat gets up on the majority side or any place else and challenges the patriotism of some of us who said some things which we thought would keep us out of war prior to entry into this war—if you think we are going to keep still and take all of the abuse and falsehoods that are hurled at us, then you are mistaken. We are not going to be lied about, accused of lack of loyalty or patriotism, and remain silent. The fact of the matter is that there were two schools of thought in this country prior to December 7, and all of us can assume that everyone was honest and sincere in his convictions. The

President told us that he was going to keep us out of war by following a certain course. Some of us thought we would stay out of that war by following a different course. Now, forget it. I agree with the gentleman from Oklahoma [Mr. NICHOLS] it does no good to talk about the past. It matters not who got us in; it matters not how we got in; we are in—as we will learn to our sorrow, as we did yesterday, when we read the report that came from the Southwest Pacific, that told of the destruction of our Asiatic Fleet.

I cannot agree with what the gentleman said that we will lose or win this war under the present Commander in Chief and that we cannot do anything about it. He is right in the first half of that assertion. We may win or lose under this Commander in Chief, but we can do something about it. On my desk Saturday came this bill, which falsely accused me of spreading Hitler's doctrine, because I said:

> Perhaps nothing but a march on Washington will ever restore this Government to the people.

Was that a true statement? This morning, or this noon rather, man after man got up on this floor and disclosed the messages which he had received from his people during the last few weeks, demanding the end of strikes, of pay and a half, of double pay on defense work. There will be more letters and wires from home, and that sentiment will continue to grow, and there is something that we can do about it. We can do something about strikes and slow downs and about pay and a half and double pay.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. And every man on this floor knows that we can do something about it, and if we do not, then I say to you in all sincerity that there will be something besides letters and telegrams and telephone messages. You will have delegations from home down here, and do not underestimate the demand for this legislation. They will come down here with anger in their hearts, and if we do not do what the people want, come November next, they will get a new Congress, as they should, if we do not follow the will of our people. I yield to the gentleman for a question.

Mr. COX. For an observation.

Mr. HOFFMAN. Just briefly.

Mr. COX. I am sure that there is no room for questioning the patriotism of any Member of this body.

Mr. HOFFMAN. Of course there is not.

Mr. COX. I probably was as much in favor of war as any Member. The gentleman may have been as strongly against rushing into war. I gladly concede that the gentleman's patriotism is just as good as mine. I do not think there is any difference between any of us. We all want to do our best to carry through.

Mr. HOFFMAN. There is no question about that. Listen to this. Here is another statement in this lying circular which refers to the gentleman from Pennsylvania [Mr. FADDIS], who sits back here. Listen to this, please, and get the purport of these words. This Member of Congress is accused of aiding Hitler by making a statement, and here is the statement. Said the gentleman from Pennsylvania [Mr. FADDIS]:

> When the present war is over, if we are at that time victorious—and I hope we will be—we will have within our midst a great number of men who have honorably served their Nation in various wars. Because of the sacrifices those men have made, because of what they have given of themselves to their country's cause and in the defense of this Nation, and in guaranteeing its national security, I have an abiding faith that those men will rise up in their wrath and they will demand that the affairs of this Nation be put into the hands of solid, substantial citizens, of unquestionable loyalty, and see that they administer the affairs of this Nation as they should be.

What is there in that statement that spreads the doctrine of Hitler? Not a single thought. Why should not the men who return from this war insist that the affairs of this Nation be put in the hands of solid, substantial Americans of unquestioned loyalty?

The statement of the gentleman from Pennsylvania [Mr. FADDIS] is one which might well serve as a declaration for every loyal American.

Let me repeat: Is there anything unpatriotic about that statement of the gentleman from Pennsylvania? Is there a single word in it which gives aid to the enemies of our country? The only ones who could possibly be disturbed by those words are the enemies of our country.

It is quite evident from the criticism of those words by Friends of Democracy, Inc., that Friends of Democracy, Inc., and Birkhead, national director, object that those who have served their Nation in this war, when the war is over, will rise up in their wrath and demand that the affairs of this Nation be put into the hands of solid, substantial American citizens of unquestioned loyalty.

It is quite evident from their criticism of these words that Birkhead and his associates, when this war is over, want the affairs of this Nation put into the hands of irresponsible people of questionable loyalty.

Because the gentleman from Pennsylvania warned that when the war was over, patriotic ex-servicemen would insist that public officials be loyal to this Nation, he is now charged with disloyalty. Shame on the so-called Friends of Democracy, Inc.

By their own utterances Birkhead and Friends of Democracy, Inc., stand convicted of disloyalty, of being enemies of our country, and that in time of war. It is evident from the circular which he puts out that Birkhead and his associates want the affairs of this Government, after this war is over, to be administered by the international bankers, the international politicians, and those who think not of the needs of America, not of the preservation of America, but of their own selfish ends.

What does this organization want?

Mr. MAY. Will the gentleman yield?

Mr. HOFFMAN. I cannot. What does this organization want? Evidently, it wants this Government placed in the hands of some international banker or some dictator who believes in communism, which teaches that there is no God; has no faith in religion; and tells us there is no hereafter. The gentleman from Pennsylvania [Mr. FADDIS] could not have made a more patriotic statement. He could not have offered a better guide for every loyal American than that quoted in this smearing, lying circular.

I yield back the balance of my time.

Mr. FISH. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, I, too, refer to a certain circular that was sent out on Saturday because it contains my name. I just want to read a little of it now, and I quote:

> This is war.
>
> And Hitler's propaganda is repeated in Congress.
>
> On the floor of the House of Representatives—

It refers to four other Members of Congress and myself—

> are making statements that can be heard any night on your short-wave radio coming straight from Berlin and Rome.
>
> Are Adolf Hitler and Benito Mussolini putting words in the mouths of our Congressmen or are our Congressmen furnishing the Axis with propaganda?
>
> In their desire to nullify the influence of the President, these Representatives seek to arouse distrust in our duly elected leaders and in our Government, thus, whether intentionally or not, serving Hitler's cause.

Signed by Friends of Democracy, Inc., L. M. Birkhead, national director, Eastern Regional Office, 103 Park Avenue, New York City, N. Y.

I would say this fellow must be a Communist. When he says his name is Birkhead I think he is a pinhead for making a statement like that. I want to be just as patriotic an American citizen as there is in America. Just as the gentleman from Georgia [Mr. Cox] said a moment ago, we are in this war. We got into it. It may not have been our wish. We might have had different ideas, but God only knows I want to win it. I am going to do everything I can to see that we win it, but when the time comes that we cannot conscientiously and honorably criticize some of the things that are done that we know will lose the war if they are continued, then we are not good, patriotic American citizens for standing here and permitting it to go on.

Mr. PATRICK. Mr. Speaker, will the gentleman yield?

Mr. RICH. I cannot yield now. I have tried to economize in Government ever since I have been here. I have been talking economy down through the years. I realize where we are going when we are taking our Nation into a debt that is almost unbelievable, almost to bankruptcy, so that it is necessary for you and me to cut out a lot of unnecessary spending. I suggest that we do it by eliminating and cutting out the W. P. A., except those projects that have been partly finished and it is necessary to finish. I say let us cut out the C. C. C. Let us cut out the N. Y. A. Let us cut out the F. H. A. Let us cut out the A. A. A. Let us cut out a lot of these things that are not essential to winning this war. You must

do it; it is imperative. Let us remember this, that we have boys fighting for $21 a month, 24 hours a day, risking their lives. It is our duty to furnish them with guns, tanks, ammunition, and airplanes. We are not going to do it if we permit strikes to continue by radical labor leaders who are leading these strikers on. We ought to stop it. We must stop strikes. The House of Representatives passed a bill on December 3, and we ought to see that that bill is passed. The Senate should find out why that bill is not passed. The President of the United States should find out why that bill is not passed. These constructive criticisms to furnish these implements of war are essential and necessary. If we want to win this war we should be like the football team that takes the offensive. We have to carry the ball. The only way we can carry the ball in this game now is by having the implements of war to go ahead and win it. We are not going to do it by taking the defensive. Get on the offensive and do it at once.

Mr. PATRICK. Will the gentleman yield?

Mr. RICH. I yield for a question.

Mr. PATRICK. Does not the gentleman feel, if this is what the gentleman says, merely a windmill, that Members of Congress are making a mistake in bringing it onto the floor and helping distribute it before the Nation?

Mr. RICH. Well, I just want this fellow to know that I have the intestinal fortitude to get up on the floor of this House and defend my actions. I want to defend them, because I believe I am as good an American as there is in the House of Representatives, and certainly a better one than that skunk.

Mr. PATRICK. Is he important enough to make that sacrifice and distribute it to the Nation and advertise his cause on the floor of the House?

Mr. RICH. That may be all right, but we find it is a question of criticism, and I say constructive criticism is necessary and essential to the best interest of the American people. In this afternoon's Star I see criticism of the administration in the O. G. R. hearing over the $600,000 being spent in the construction of another and greater information bureau. I think it is a waste of money. Spend that money for airplanes; they will win the war; not waste and unnecessary squandering in teaching fan dancing and the playing of all kinds of games. This is a time for work and hard work. This is a time to use good, common sense; a time to stop the unnecessary things and only dwell on essentials. Essential war material and a will to win will do the job. Let us go to work—work not 40 hours a week but 50 hours, if necessary, and more.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. Cox].

Mr. COX. Mr. Speaker, nobody wishes to suppress criticism. It is something we all indulge in more or less, some more freely and more extensively than others, but there is a danger of our going too far, because we are obliged to concede that maintenance of public confidence is of tremendous importance.

The gentleman from Oklahoma observed in addressing the House a few moments ago that we are fighting this war under the leadership of our present Commander in Chief. We must be careful in our criticism to guard against undermining the public confidence which the President is obliged to hold and enjoy. I am not complaining of the gentleman from Pennsylvania for his taking note of this unfair criticism contained in this circular to which reference has been made, but as observed by the gentleman from Alabama, it is of hardly sufficient importance to justify the gentleman in taking public notice of it.

Mr. EATON. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes; I yield to the gentleman with pleasure.

Mr. EATON. It seems to me there is a concerted movement going on in the country to fix the blame for everything that happens or does not happen upon the Congress and thus remove attention from the administration that has the responsibility of leading all this effort.

Mr. COX. I think it a mistake to direct all criticism at Congress. I believe that so far as Congress is concerned, this branch of the legislative body is prepared to do everything that might be expected of a loyal and patriotic citizen in behalf of winning the terrible war in which we are now engaged.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HINSHAW].

Mr. HINSHAW. Mr. Speaker, it has been said that there might be some duties which the gentleman from Oklahoma referred to, such as kitchen police and laundry duty, to be done by the women who are included in this bill. It is not my thought that anyone having anything to do with the program has any idea whatsoever of using these women for those duties, or any duties anywhere near like them.

In considering this bill I am going to vote for the 1,500 patriotic women out in my part of the country who are employed at the Fourth Air Force Interceptor Command. They are the women who are entitled to enter the Army service. They are doing the work of enlisted men in the Army, and in some cases of the officers of the Army, and they are doing an excellent job. They are on duty 24 hours a day plotting on the various boards and maps the location of aircraft, friendly and enemy, if they appear, and so forth. This is the type of women it is intended to bring in under this bill. I believe that if this bill is to pass they are entitled to the same treatment as members of our own armed forces because they are doing the work of the armed forces, and they are probably going to suffer just as much hazard as those in the armed forces who are so engaged.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield.

Mr. MICHENER. One of the questions raised in the Rules Committee in opposition to this bill was the fact that in cases like Los Angeles—that was referred to in particular, where these women are doing such a splendid job as volunteers—that if this bill were enacted into law and these auxiliary women placed in those positions, then the California volunteer women would be out of jobs. Those women have volunteered, irrespective of their station in life. In one letter it was pointed out that one woman's hands were full of diamonds; that she is a wealthy loyal woman with a family, but wants to contribute, and is contributing. The woman next to her is perhaps a maid. They are all interested as volunteers.

Mr. HINSHAW. There is no class distinction between those women who are volunteering nor is there class distinction in our armed forces.

Mr. MICHENER. They will be supplanted by women sent from all over the country—and this must be so, who will be sent to Hawaii, Alaska, and Iceland under this bill.

Mr. HINSHAW. I believe the women now engaged in the work should certainly be protected under this bill, in order that they may continue in the splendid work they are doing, where they are presently engaged. A number of them spoke to me, when I was home briefly last January, saying that they needed to be placed on an official status as part of the military service. They are all serving as volunteers without pay, many of them going to their headquarters after finishing their regular day's work at home or in an office. The turnover is fairly high, as many cannot afford physically to do 2 days' work in 1 day with regularity. This should not be necessary. Pay and allowances will permit them all to do military work only, and will increase efficiency. However, enlistment under this bill and its provisions will not be attractive to a number of women who do not wish to give up their home life and who now contribute 6 hours per day of their time to their country. This whole matter must be given serious consideration.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield the gentleman one-half minute.

Mr. COX. Will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Georgia.

Mr. COX. Does not the gentleman agree with me that since this is the first expression of national interest, so far as the bringing of the women of the country into our defense activities is concerned, that we ought to leave the question of shaping the legislation to the extent that it affects the women of this Nation to the author of the bill, the gentlewoman from Massachusetts [Mrs. ROGERS], who represents the womanhood of America?

Mr. HINSHAW. I think she should understand the problem quite fully.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. KUNKEL], such time as he may desire.

Mr. KUNKEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short article from the Pennsylvania Commercial.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. KUNKEL]?

There was no objection.

Mr. FISH. Mr. Speaker, I yield to the gentlewoman from Massachusetts [Mrs. ROGERS], author of the bill, the balance of the time on this side.

Mrs. ROGERS of Massachusetts. Mr. Speaker, to go back to the bill, this authorizes a Woman's Army Auxiliary Corps for the noncombatant forces of the Army of the United States, for the purpose of making available to the national defense the needed knowledge, skill, and special training of the women of this Nation.

I suppose that no one can realize the gratitude that I have that this bill is on the floor today for consideration. I introduced this measure last May, as H. R. 4906, because I felt it was a very vital part of our national defense. When I introduced the corrected bill, H. R. 6293, in December, I felt it to be a very vital part of not only our national defense but a vital part of our war effort.

Mr. COX. Will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from Georgia.

Mr. COX. Does the gentlewoman from Massachusetts realize that a very outstanding compliment and honor is being paid to the gentlewoman by the membership of this House, both minority and majority, all standing aside and leaving to the gentlewoman from Massachusetts the responsibility not only of sponsoring but of carrying through this important piece of legislation? I think it quite a compliment to the gentlewoman, and I think it is one well deserved. Nobody has tried to filch from her the sponsorship of this bill. The entire membership has gladly gotten behind her, and it appears to me that she has pretty solid support from the membership.

Mrs. ROGERS of Massachusetts. I appreciate that more than I can say. May I say to the gentleman from Georgia that I consider it a great compliment when he makes that statement, because I know of his intense interest in our war program.

Away back in 1917, when I was overseas, the English women had a similar corps, a women's army auxiliary corps, that worked even with our own soldiers, our own A. E. F. There were 2,000 of them who served with our men. They were considered very valuable to our own armed forces. I contrasted their lot with the lot of our own women who served over there in various capacities, and not so far removed from the women's auxiliary corps of England. But our women, with the exception of the nurses, had no status recognized by the Army. They had not the protection offered by such recognition, neither did they have the benefit of hospitalization and compensation if injured or in any way disabled—and many of them were. Since 1917 I have wanted the Army to have a Women's Auxiliary Corps. This measure has the wholehearted support both of the Secretary of War and of the Chief of Staff. Both have urged immediate passage of the measure repeatedly.

[Here the gavel fell.]

The SPEAKER. All time has expired.

Mr. NICHOLS. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. SHORT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include two editorials from the Washington Daily News.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. SHORT]?

There was no objection.

PREVIOUS ORDER

The SPEAKER. Under a previous order of the House, the gentleman from Michigan [Mr. ENGEL] is recognized for 15 minutes.

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include a letter written to me by the Brewster Aeronautical Corporation, dated March 11, received March 13, also copy of a telegram I sent to the Brewster Aeronautical Corporation, and extracts from the Grand Rapids Herald, dated March 12, 1942.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. ENGEL]?

There was no objection.

COMMISSIONS ON AIRPLANE CONTRACTS

Mr. ENGEL. Mr. Speaker, on Monday, March 9, I called the attention of the House to certain transactions between the Brewster Aeronautical Corporation and the Hayes Aircraft Accessories Corporation, of New York, and the Hayes Manufacturing Corporation, of Grand Rapids, Mich. According to the Navy Department the Brewster Aeronautical Corporation hold some $20,000,000 in Navy airplane contracts. The Hayes Manufacturing Corporation is a subcontractor making airplane wings and other airplane parts. I also called attention to the fact that on April 12, 1940, F. William Zelcer, Alfred J. Miranda, Jr., and I. J. Miranda, organized under the laws of the State of New York the Hayes Aircraft Accessories Corporation with a nominal capital stock; that while this corporation purported to be a manufacturing corporation, it was in fact a sales corporation and that these three men were the sole owners, officers, and directors. I pointed out further that on June 28, 1940, they obtained an exclusive sales contract with the Hayes Manufacturing Corporation whereby they were to sell all the Hayes Manufacturing Corporation products, adding from 5 to 10 percent commission to the sale price. These facts were taken from reports made by the corporation to the Securities and Exchange Commission which report also stated that on January 22, 1942, the Hayes Manufacturing Corporation had unfilled and pending orders for aircraft subassemblies amounting to approximately $12,200,000.

Since I discussed this matter on the floor of the House on Monday, March 9, I have acquired additional information. I find that Alfred J. Miranda, Jr., and Ignatius J. Miranda were arrested on May 6, 1936, by the United States marshal of New York, charged with violation of title 18, section 88, of the United States Code, the charge being conspiracy to violate the arms embargo. Each was sentenced to serve 1 year and a day in the Federal penitentiary and to pay a fine of $2,000 each. The record further shows that Ignatius J. Miranda and Alfred J. Miranda, Jr., were received at the Federal penitentiary at Lewisburg, Pa., on April 1, 1940, and that Alfred J. Miranda, Jr., was paroled on August 28, 1940, and Ignatius J. Miranda was paroled 1 day later, on August 29. 1940. Thus, I find that on April 12, 1940, the date the incorporation papers of the Hayes Aircraft Accessories Corporation were filed with the Secretary of State of the State of New York, two of the three incorporators were confined in the Federal penitentiary at Lewisburg, Pa. They were still so confined on June 28, 1940, when the exclusive sales contract was signed between them and the Hayes Manufacturing Corporation whereby the Hayes Manufacturing Corporation agreed to pay them from 5 to 10 percent commission on sales. It would be interesting to know just what service these three men who were the sole owners, officers, and directors of the Hayes Aircraft Accessories Corporation could render to the Hayes Manufacturing Corporation or to the Government to justify the payment of any commissions in view of the fact that two of those men were in the Federal penitentiary serving a sentence at the time the company was incorporated and the contract was signed.

It would be interesting to know just why an old corporation with a splendid reputation covering years of work, the Hayes Manufacturing Corporation, permitted these two ex-convicts while in prison to use their name "Hayes" in organizing what purported to be a manufacturing corporation, but actually was a sales corporation without capital stock; just why did they permit these two ex-convicts while in prison serving a term to use their name to mislead the public into believing that it was a manufacturing corporation instead of a sales corporation which was taking commissions and operating solely on a commission basis?

Alfred J. Miranda, Jr., and Ignatius J. Miranda, operating together apparently as sales agents, were convicted of "conspiracy to violate the arms embargo." It takes more than two men operating together on one side of a question to conspire. Who were the other conspirators? Who were the others who conspired with these two Mirandas, and what were the inside facts? How could sales agents in a conspiracy be convicted without convicting the other men who were similarly involved? Can it be that Alfred J. Miranda, Jr., and I. J. Miranda are taking the rap and protecting someone else and, if so, was this the pay-off?

It would be interesting to know just what influenced the Hayes Manufacturing Corporation to sign an exclusive sales contract with this sales corporation while two out of the three incorporators were serving a sentence in the Federal penitentiary. It would be interesting to know who were the persons in the Brewster Aeronautical Corporation who were influenced to the extent of having that corporation impose a condition in a

$5,000,000 subcontract with the Hayes Manufacturing Corporation by which F. William Zelcer, Alfred J. Miranda, Jr., and I. J. Miranda acquire "for retention for a reasonable time a stockholding interest in the Hayes Manufacturing Corporation of not less than 100,000 shares." I would like to know whether the charges filed in the $10,000,000 stockholders' suit against the Brewster Aeronautical Corporation that they were paying excessive commissions and refused to purchase from concerns not represented by the Mirandas as sales agents and that the Brewster Aeronautical Corporation gave orders for airplane parts to the Hayes Manufacturing Corporation on a noncompetitive basis were true, despite the denials made by Brewster.

I received a letter from James Work, chairman of the Brewster Corporation, who, according to the New York Times, is one of the defendants in the $10,000,000 stockholders' suit, in which he quotes a letter written to the Navy Department which I am placing into the record. He stated that they have placed one order for Navy wings with the Hayes Manufacturing Corporation and claims "that we were assured in writing by the Hayes Aircraft Accessories Corporation that the Hayes Aircraft Accessories Corporation receives no commission on this order" and "that in the breakdown of costs no commissions were allowed by the Hayes Manufacturing Corporation and we are informed that no commission will be paid on this order." He does not say anything about what the Hayes Manufacturing Corporation agreed to. The fact of the matter is that according to the Securities and Exchange Commission, Alfred J. Miranda, Jr., I. J. Miranda, and F. William Zelcer, as sole owners of the Hayes Aircraft Accessories Corporation, have the exclusive right to handle all Hayes Manufacturing Corporation products, adding to the price of the product from 5 to 10 percent commission and the Hayes Manufacturing Corporation under the law is liable to the Hayes Aircraft Accessories Corporation for these commissions under the contract, unless specifically waived by contract between the Hayes Manufacturing Corporation and the Hayes Aircraft Accessories Corporation. The Brewster letter also claims that no commissions were paid by them. No one said that the Brewster Corporation had paid any commissions. I have before me a news release of the Grand Rapids Herald of March 12, 1942, in which the officers of the Hayes Manufacturing Corporation stated that the $5,000,000 subcontract upon which the 5-percent commission was paid, was a subcontract for a British and Netherlands Government order admitting they paid $223,000 commission. Whether it was or not, the final result is that this gave either the British or Netherlands Government $223,000 less to expend before they reached down into the lend-lease money which comes out of us.

It is also there stated that the owners of the Hayes Aircraft Accessories Corporation, F. William Zelcer, Alfred J. Miranda, Jr., and I. J. Miranda, all of New York City, were described by a Hayes Manufacturing Co. official as having important connections with the Netherlands Government for which he stated they have made large purchases of military supplies. It would be rather difficult to convince anyone that the good Queen Wilhelmina of the Netherlands would send her agents to the Federal Penitentiary at Lewisburg, Pa., to make purchases for her or that anyone in the Federal penitentiary where Alfred J. Miranda, Jr., and I. J. Miranda were serving a term would have any influence with the good Queen Wilhelmina and her government or even with our Government. The fact is that these three men, two of whom were convicts, received $223,000 out of this one order alone and have an exclusive sales contract with the Hayes Manufacturing Corporation whereby they can demand 5 to 10 percent commission from every product that rolls off their assembly line. It seems rather strange to attempt to defend this sort of conduct by saying "I didn't rob Uncle Sam, I robbed Queen Wilhelmina. It was not the American Army that did not get the bomber that this money would have bought, but it was those brave Dutchmen fighting in the Macassar Straits, Java, and Batavia whose greatest prayer was for extra bombers or fighting planes." It did not make any difference to these two ex-convicts whether this extra bomber could have sunk a few Jap transports in that battle and save thousands of Dutch lives, so long as they got their $223,000 commission, even though they were serving a sentence in the Federal penitentiary when the contract was made.

This whole transaction should be investigated thoroughly. I have talked to my good friend, the gentleman from Georgia, CARL VINSON, chairman of the Naval Affairs Committee of this House, who is doing such a splendid job in his investigation work. I am turning all the information I have over to him. He has agreed to investigate the matter thoroughly, to stop payment, if possible of any commissions under this contract and to do what he can to prevent the giving of any Government contracts so long as this commission agreement exists by which these three men can demand a commission on such contracts. I am also hoping that the publicity given to the entire matter will in itself prevent the payment of any commission on contracts which the Hayes Manufacturing Corporation now has or may have in the future.

May I add that we need the productive capacity of these factories and I sincerely hope that we can eliminate these practices in such a way so as to retain that productive capacity as well as to keep the men who are working in those factories employed.

When I received this letter from the Brewster Aeronautical Corporation, which I am including herein, I sent the following telegram to Mr. James Work, chairman of the Brewster Aeronautical Corporation:

WASHINGTON, D. C., *March 13, 1942.*

Mr. JAMES WORK,
Chairman, Brewster Aeronautical Corporation, Johnsville, Pa.:

Letter received. Please explain why Brewster Aeronautical Corporation imposed a condition precedent in the $5,000,000 subcontract to the Hayes Manufacturing Corporation that F. William Zelcer, Alfred J. Miranda, Jr., and I. J. Miranda acquire for retention for a reasonable time a stockholding interest in the Hayes Manufacturing Corporation of not less than 100,000 shares. Also inform me whether Alfred J. Miranda, Jr., and I. J. Miranda, two of the three sole owners of the Hayes Aircraft Accessories Corporation, are the same Alfred J. Miranda, Jr., and I. J. Miranda who served a term in the Lewisburg Penitentiary for violation of the Arms Embargo Act.

ALBERT J. ENGEL,
Member of Congress.

This telegram went out on the morning of March 13, and to date I have received no reply.

I have pointed out the fact that through the manipulations of these 3 men the Hayes Aircraft Accessories Corporation acquired 100,000 shares of stock in the Hayes Manufacturing Corporation.

I have further information, Mr. Speaker, that the total shares of stock of the Brewster Aeronautical Corporation outstanding on October 15, 1941, were 521,356.

I find further that on December 21, 1940, the Brewster Aeronautical Corporation sold, by private sale, 50,000 shares of $1 par capital stock to Brewster Export Corporation for $600,000, and since that time this interest has been acquired by Alfred J. Miranda, Jr., I. J. Miranda, and F. William Zelcer. These 3 men are the owners of 50,000 shares of stock in the Brewster Aeronautical Corporation.

I further find that on December 31, 1941, foreign sales were made through the Brewster Export Co., a partnership composed of Alfred J. Miranda, Jr., I. J. Miranda, and F. William Zelcer. Under an agreement dated November 30, 1939, Brewster Aernautical Corporation agreed to pay Brewster Export Corporation—the predecessor of the Brewster Exporting Co.—commissions not to exceed 12½ percent of the contract price on sales of airplanes and accessories to certain foreign governments. The Brewster Export Corporation was liquidated on June 26, 1941, and the agency agreement was assigned to the Brewster Export Co., the present partnership. At this time, commissions to the export company were reduced from a basis not to exceed 12½ percent to a basis not to exceed 10 percent of the contract price of foreign orders, and the agreement was made to terminate May 31, 1942, subject to renewals.

Here we have a situation where these men were knocking down 12½ percent commission on these foreign sales. This means that the foreign countries paying this 12½ percent are reaching the end of their dollar resources and will come under lend-lease 12½ percent sooner. For instance, if one of these countries has $1,000,000,000 in dollar resources, it means that when they reach $1,000,000,000 less 12½ percent they are through buying out of their own resources and will come that much sooner into our lend-lease funds, which will, of course, never be repaid in full.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Georgia.

Mr. VINSON of Georgia. I thank the distinguished gentleman from Michigan for the valuable aid he is rendering to his country, and particularly to the Committee on Naval Affairs in their investigation, by presenting to us the information he has. I assure the gentleman that not only in this instance but in other instances, by ferreting out and exposing the extravagance and waste that has been going on in connection with the construction of buildings in Army cantonments, the gentleman has performed an outstanding service for which the country is deeply grateful to him. We will look into this matter most carefully. I appreciate the fact that the gentleman has called it to the attention of the House.

Mr. ENGEL. I refer this to the distinguished chairman of the Committee on Naval Affairs and his committee with complete confidence that they will get to the bottom of the matter and get all the facts and handle the matter in their usual efficient way.

Mr. VINSON of Georgia. With the gentleman's cooperation, I believe we shall be able to accomplish something.

Mr. ENGEL. I thank the gentleman.

EXHIBIT A

BREWSTER AERONAUTICAL CORPORATION,
Johnsville, Pa., March 11, 1942.

The Honorable ALBERT J. ENGEL,
House of Representatives,
Washington, D. C.

SIR: I have received a copy of a speech delivered by you March 9, 1942, in the House of Representatives, in which you made a wholly unwarranted attack on certain contractual relations between Brewster Aeronautical Corporation, Brewster Export Co., Hayes Manufacturing Corporation, and Hayes Aircraft Accessories Corporation. This speech was given wide publicity. We have advised the Navy Department as follows concerning your charges:

"We wish to assure you that no 'illegitimate practices' or 'irregularities,' either legal or moral, have existed or now exist insofar as this corporation's relations with Brewster Export Co., Hayes Manufacturing Corporation, or Hayes Aircraft Accessories Corporation are concerned. We state for the record that no commissions of any kind or description were proposed to be paid, have been paid, or will be paid to Brewster Export Co. on any Army or Navy business obtained by Brewster Aeronautical Corporation. Our contract with Brewster Export Co. covers only foreign business. None of these foreign orders were received under lend-lease.

"We have placed one order for Navy wings with Hayes Manufacturing Corporation. Before placing this order, which was approved by the Navy, we were assured in writing by Hayes Aircraft Accessories Corporation that Hayes Aircraft Accessories Corporation would receive no commissions on this order. In the break-down of costs no commissions were allowed by Hayes Manufacturing Corporation and we are informed no commissions will be paid on this order.

"In summation, not one penny of Government money is involved in any of the contracts in question. Furthermore, all of these contracts have been made a matter of public record with the Securities and Exchange Commission, both by Brewster Aeronautical Corporation and Hayes Manufacturing Corporation.

"We are requesting Mr. ENGEL to retract his charges."

Unfortunately, this corporation has no legal redress against false allegations made under congressional immunity, even though such statements adversely affect the reputation of the corporation and most definitely undermine the morale of our employees. In light of the foregoing statements made to the Navy Department, the truth of which statements may easily and quickly be checked by yourself, it is respectfully requested that you give the same publicity to the facts in the case which you saw fit to give to the erroneous assumptions made in your recent speech. Such publicity coming from you will allow the management of this corporation to devote its time to the manufacture of much needed airplanes, rather than to the denial of your charges to the numerous stockholders and employees of this corporation who are of necessity vitally interested. It certainly has not aided this corporation in its war efforts to have 12,000 employees read in the public press that the integrity of their management has been questioned on the floor of Congress.

Your cooperation in remedying this situation will be deeply appreciated.

Very truly yours,

JAMES WORK, *Chairman.*

[From the Grand Rapids (Mich.) Herald of March 12, 1942]

MR. ENGEL'S CHARGES BRANDED FALSE BY HAYES OFFICIAL

Asserting an investigation would be welcome, Arch A. Anderson, vice president of Hayes Manufacturing Corporation, Tuesday issued a detailed denial of statements made Monday on the floor of the House at Washington by Representative ALBERT J. ENGEL, of Muskegon. He accused ENGEL of "grossly misrepresenting the facts" and drawing conclusions that are "wholly wrong."

Mr. ENGEL said he has requested and received assurance from the War and Navy Departments of an investigation into an alleged agreement to pay commissions on war subcontracts and charged the local concern was obligated to pay $850,000 in commissions to Hayes Aircraft Accessories Corporation, described as a subsidiary. The financial return to R. W. Clark, president of Hayes Manufacturing, also drew Mr. ENGEL's fire.

BRANDS CHARGES

Following a telephone conversation with Clark, who is absent from the city on business, Anderson branded Mr. ENGEL's charges as false and misleading. He asserted that:

1. Hayes Manufacturing Corporation never has authorized nor paid commissions on war subcontracts.

2. The arrangement entered into by Hayes Manufacturing with Hayes Aircraft Accessories Corporation and Brewster Aeronautical Corporation, of Long Island City, N. Y., were approved over a year ago by the Securities and Exchange Commission and the Reconstruction Finance Corporation, to which Hayes then owed $450,000.

3. Disclosure that, while Hayes Manufacturing has approximately $12,000,000 in unfilled orders, only $1,500,000 is represented by aircraft production for the Government under Brewster subcontracts. Hayes is making outer wing panels for Navy aircraft.

COMMISSIONS

Commissions discussed by Mr. ENGEL are supposedly due on subcontracts placed with Hayes Manufacturing by Brewster, and Mr. ENGEL said they ranged from 5 to 10 percent. Mr. ENGEL calculated the commissions on a $5,000,000 Brewster subcontract which he said is complete and on additional $12,200,000 in unfilled orders which, according to Mr. ENGEL, were aircraft subcontracts.

Hayes never received that volume of aircraft subcontracts, according to Anderson. He said the total is $6,500,000, of which $5,000,000 was the first Brewster subcontract and the remainder for the Navy, on which no commission was paid.

Anderson admitted that Hayes Aircraft Accessories earned a commission on the $5,000,000 Brewster subcontract which, he added, is not yet finished, but said it covered production for the British and Netherlands Governments. He revealed that the commission was $223,000 and owners of Hayes Aircraft Accessories accepted Hayes' stock in payment, taking altogether $250,000 in stock and paying the local concern cash representing the difference.

IDENTIFIED OWNERS

Since then, he said, Hayes Aircraft Accessories earned additional commissions of approximately $50,000 for obtaining contracts other than Government orders.

Mr. ENGEL identified owners of the accessories company and declared it is purely a sales agency. Anderson admitted the fact, but asserted Hayes Manufacturing had nothing whatever to do with its organization.

The owners, F. William Zelcer, Alfred J. Miranda, Jr., and I. J. Miranda, all of New York City, were described by Anderson as having important connections with the Netherlands Government, for which, he said, they have made large purchases of military supplies.

Hayes Manufacturing officials were put in touch with them by a New York stockbroker, A. W. Porter, according to Anderson's statement. They offered the $5,000,000 Brewster subcontract, and in order to handle it, Hayes had to sell stock, Anderson explained, adding:

"LIKE TO LOOK

"The Securities and Exchange Commission told us that if Hayes Aircraft Accessories Corporation could deliver the Brewster business, they would approve the stock sale. The corporation did deliver the contract, and the Securities and Exchange Commission approved. Maybe Mr. ENGEL would like to take a look at that approval."

Particularly unfair, Anderson said, was Mr. ENGEL's reference to compensation paid Hayes' president. He said Clark's salary and commission and the manner of their payment were likewise approved by the Securities and Exchange Commission and the Reconstruction Finance Corporation and are in line with common business practice.

Mr. ENGEL had said that by deducting Clark's salary and commission, Hayes Manufacturing lowered its income-tax liability.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a newspaper editorial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

(Mr. BOYKIN and Mr. DEWEY were given permission to revise and extend their own remarks in the RECORD).

SPECIAL ORDER

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Tennessee [Mr. PRIEST] is recognized for 10 minutes.

Mr. PRIEST. Mr. Speaker, a few days ago I introduced in the House a bill, H. R. 6765. This bill would authorize the President of the United States to require the services of men deferred under the Selective Service and Training Act of 1940 for certain work in civilian pursuits necessary for the prosecution of the war. Since the introduction of that bill, Mr. Speaker, I have had very wide response in my mail, and the reaction largely has been very favorable, not altogether favorable. I am not planning to take the time of the House this afternoon to go

into a full discussion of that measure and how it might operate, but I do want to call the attention of the House to the question of manpower which I believe we must face very shortly and face rather seriously.

We are in total war, Mr. Speaker. Anyone who questions that needs only to consider the information of the hour to be convinced, I am sure. And total war, if it means anything to me, means total mobilization, total mobilization of all our manpower, our machinery, and the utilization of that manpower and that machinery every hour of every day. I want to emphasize that: Every hour of every day.

Selective service during the past year and a half has called thousands—yes, hundreds of thousands—into the service of the land and naval forces of this country. It has called men to carry guns and to fire them. It has called men to man submarines and to fire torpedoes, to fly airplanes and drop bombs. In short, to do all of the work necessary for an army.

Now, Mr. Speaker, there are thousands of others who have been deferred for one reason or another under section 5–E of the Selective Service and Training Act of 1940. I am convinced, and I believe most of you will agree with me, that a great majority of those who have been deferred for one reason or another are entirely willing, and most of them eager to perform whatever service their Government wants them to perform at this time and for the prosecution of this war. I doubt if there is a Member of this House who has not received letters from men deferred, perhaps, for physical reasons, asking that certain waivers be granted in order that they might get into the service. This has been very common during the past few weeks, I am sure, and I believe that a great majority of them want their Government to tell them what they can do, and are ready to take any job, anywhere, so long as they can take such job without paying some exorbitant fee for the right to exercise that inalienable privilege of working. I am thoroughly convinced they are willing by the millions to do whatever may be necessary.

I was interested yesterday, Mr. Speaker, in reading in the New York Times a dispatch cabled from Wellington, New Zealand. I read just a paragraph or two from that dispatch:

> New Zealand's total mobilization for defense against the Japanese threat was announced by Prime Minister Peter Fraser, today. He revealed that the War Cabinet had decided to extend the use of the country's manpower into the ranks of older men and also to enlist women for war work.

I come down to one other paragraph, which I read:

> The normal working week is now 54 hours in the defense program, Mr. Webb said.

That was the action taken only last week by New Zealand, as a step toward total mobilization and total utilization of its manpower. The goal of production which has been set by the President of the United States for industry and labor is indeed a stupendous one. We have appropriated money already to provide for $50,000,000,000 worth of war matériel by this time next year. I notice today that the President shortly will ask for $18,000,000,000 in addition for war production. Let us look at that situation just for a second in the light of our employable population, and also in the light of man-hours, as applied to dollars worth of production. According to the 1940 census, we have 56,000,000 employables in the United States. During the year 1940 there were engaged in what we then called our national defense program 1,400,000 people. That number had increased last year to 7,500,000, and now we have estimates that an additional 10,000,000 must be engaged in war production by the end of 1942, making a total thus engaged, of 17,500,000.

I believe all production engineers, or a greater portion of them, use as a basis for deciding how we can turn man-hours into dollars' worth of production that rule that we may count on $1 worth of production for each man-hour of labor. If we employ 17,500,000 workers for 50 hours a week 50 weeks in the year between now and this time next year, we will produce 43,750,000,000 man-hours, and on that basis of a dollar of production for a man-hour of labor, we will still be far short of the $50,000,000,000 worth of production we must turn out within the next 12 months.

There may not be any immediate labor shortage except for a few special skills and in a few special places, but I am convinced that the hour is fast approaching when we in this House must give some consideration to legislation which will enable us more fully and completely to utilize the manpower of this Nation, to select men who have been deferred for one reason or another from jobs they now hold and put them to doing some other jobs more important to our war effort. It is being done in many other places. The time rapidly approaches when every person of military age in this country must be engaged in a job necessary for the winning of this war.

At another crisis in our Nation's history, Mr. Speaker, an American poet wrote these lines:

> New occasions teach new duties; time makes ancient good uncouth;
> They must upward still, and onward, who would keep abreast of truth.
> Lo, before us gleam her campfires,
> We ourselves must Pilgrims be,
> Launch our Mayflower, and steer boldly,
> Through a troubled, wintry sea.
> Nor attempt the future's portals,
> With the past's blood-rusted key.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. PRIEST. Mr. Speaker, I ask unanimous consent to proceed for 1 minute more.

The SPEAKER. Has the gentleman from Oklahoma any objection?

Mr. RIZLEY. No; I have no objection.

Mr. PRIEST. Mr. Speaker, if we have any agreements made in a peaceful past that are interfering with a realization of our maximum production, we must do whatever is necessary by voluntary agreement or legislation to take care of that situation, and to realize this maximum production. If we have any laws enacted in a peaceful past which are today hampering our war effort, then they should, for the duration, be suspended.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Oklahoma [Mr. RIZLEY] is recognized for 20 minutes.

LABOR LEGISLATION

Mr. RIZLEY. Mr. Speaker, I doubt if it would be the part of wisdom at this late hour to take the full 20 minutes, and I shall not do so.

This morning I called the attention of the Members of this House to a petition which I received from one county in my district relating to strikes and stoppages in defense plants and relating to the Wages and Hours Act as it applies to 40 hours per week, and other concessions. Since I inserted the petition in the RECORD this morning and read the same, I shall refrain from again reading it. In addition to this huge petition, which contains the signatures of 4,842 people, all from a city of about 30,000 inhabitants, which means that approximately one-seventh of the population took this means of petitioning their grievances to this Congress, I have received thousands of letters, telegrams, petitions, and other documents of similar import.

From the information I have accompanying this petition, it is significant that the petition was not passed around for the purpose of obtaining signatures, as is the ordinary petition, but a notice containing the paragraphs of the petition was placed in the local newspapers and the public was told that the petition was available for signatures, and that if they believed in and stood for the things set out in the petition, to call there and sign the petition. In that manner these 4,842 citizens responded.

In addition to that, as I have stated, I have received in the past 3 days letters and telegrams from more than 15,000 people in my own district and in other parts of Oklahoma. This convinces me that this complaint is not the hobby of someone who simply wants to obtain publicity or who is politically ambitious; it represents the genuine sentiment in this country of the vast majority of the people relating to strikes and stoppages in our defense industries and the things that the people believe are causing us to lose this war.

Another thing that prompted me to make this short speech this afternoon was another form of petition, practically the same as this, which has some official significance, due to the fact that it is signed by the chairman of the civilian defense committee in one of the counties in Oklahoma, a splendid gentleman. I know him well. He is also county judge of that county. This petition was publicized in every paper in the county, both weekly and daily papers. This is what he says.

Mr. Speaker, I ask unanimous consent that I may include as a part of my remarks this communication from Judge Carver, chairman of the civilian defense committee.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

(The matter referred to is as follows:)

WILL WE WIN?—WILL WE LOSE?—STOP ALL STRIKES IN ALL DEFENSE OR WAR MANUFACTURING AND MUNITION PLANTS NOW

As your county chairman of civilian defense in Kay County, I wish to call your attention to the pledge to help win the war, which is attached hereto.

Democracy is ruled by the voice of the people expressing their choice in legislation.

It is my honest conviction that it is necessary to stop all strikes in the munition and war manufacturing plants during the war and also suspend the 40-hour-week labor law during our national emergency.

Our Commander in Chief of the Army and Navy has for some time advocated this legislation, as well as certain restrictions on agriculture and business.

If you agree with me on these questions, which I believe are advisable for our national preservation and for ultimate victory, will you please detach the pledge below and send it to your Senator or Congressman or bring it to my office and I will see that it is mailed to them.

Your Senators are ELMER THOMAS, Senate Building, Washington, D. C.; JOSH LEE, Senate Building, Washington, D. C.; and Congressman Ross RIZLEY, House Office Building, Washington, D. C.

Respectfully submitted.

ROY R. CARVER,
County Chairman
of the Civilian Defense Committee.

MY PLEDGE TO HELP WIN THE WAR

I do solemnly pledge that I will refuse to vote for the reelection of any United States Senator or any United States Congressman who does not consistently vote for a law outlawing all strikes in every industry connected with defense and who does not vote to abolish the limitation of the 40-hours-a-week labor in defense industries for the remainder of the war.

(Signed) ——— ———.
(Address) ——— ———.

Mr. BURDICK. Mr. Speaker, will the gentleman yield?

Mr. RIZLEY. Yes; I yield.

Mr. BURDICK. That article seems to indicate that the President of the United States has set before this Congress that exact situation and we had failed to act.

Mr. RIZLEY. That is correct, and that is why I have taken this time this afternoon.

Mr. BURDICK. As a matter of fact, the President of the United States has not communicated any special message to this Congress setting forth the facts about strikes, has he?

Mr. RIZLEY. Not to my knowledge.

Now, let us look at the facts in this case. To use the words of a distinguished Democrat:

Let us look at the record.

Four days before Pearl Harbor—on December 3 to be exact—this body passed, by a vote of 252 to 136, and sent to the other body what is known as the Smith bill, having for its purpose stopping strikes and stoppages in industrial plants manufacturing or assembling war munitions and supplies of every kind and character.

The bill has since reposed in the Labor Committee of the other body, or some other committee, and I have been advised that its demise over there has the complete approval of the administration.

Mr. Speaker, when a nation becomes involved in an all-out war such as we are now in, every citizen is subject to military duty. It should be fundamental that if we can take the young and middle-aged by force and compel them to serve in the Army, that every dollar and every hour of capital and labor should also be at the command of our Government. The burden for doing this is upon the executive and legislative departments of the Government. The President and Congress have equal responsibilities.

In order that the record may be kept straight, and particularly because many of these communications which I have received set out as a fact that the executive branch of the Government has been trying to get legislation that will stop strikes and suspend the Wage and Hour Act, and that the sole blame is upon the Congress, I think it only fair, decent, and right, that we "put the monkey" on the backs of those where it rightfully belongs.

Why, Mr. Speaker, during the 14½ months that I have been in Congress, gentlemen on both sides of the aisle, day after day, week after week, have repeatedly requested that the committees having the various bills which have been introduced to curb and stop strikes bring the bills out of committee and bring them before the Committee of the Whole House for action.

The gentleman from Virginia [Mr. SMITH], the gentleman from Kentucky [Mr. MAY], chairman of the Military Affairs Committee, and many others, have attempted repeatedly to amend by antistrike provisions the appropriation and authorization bills relating to the national defense contracts for material and machinery, and have been repeatedly defeated by those who purport to speak for the executive branch of this Government.

The gentleman from Michigan [Mr. HOFFMAN] by a conservative estimate has more than 100 times during the past year, pled, begged, and demanded of the majority leader and others that legislation be enacted to stop strikes and suspend the provisions of the Wage and Hour Act during the emergency.

Mr. Speaker, the issue became so hot that some of my friends on the other side of the aisle were threatening to start a sit-down strike themselves against major legislation until something was done by the administration to stop the strikes. It reached such a stage that our great Speaker took the floor himself on one occasion, to assure the membership that he personally was ready to follow or lead in any movement by legislation or sanely otherwise that would keep the defense production going in our country; and it was only 21 days from the time that he gave that assurance until this body passed the Smith bill to which I have heretofore referred.

Let those who are now becoming so vocal about this matter put the blame where it belongs. The party in power has approximately 100 majority in this House, and a larger majority proportionately in the Senate. Most of us over here I am sure, are anxious and ready to enact effective legislation that will "get the job done," and bring about uninterrupted production in our manufacturing and assembly plants—and let me repeat, uninterrupted production. Yes, 24 hours per day, 7 days in the week.

I can at least assure you of my own personal desire for such a program. I have voted consistently for every measure, whether it was an original bill or by way of amendment, which had for its purpose preventing strikes and stoppages in our plants.

Just a few days ago when we were considering Senate bill No. 208, having for its purpose to further expedite the prosecution of the war, I voted for the amendment offered by my colleague, the gentleman from Oklahoma [Mr. MONRONEY], authorizing the President to suspend the provisions of the Wage and Hour Act in plants determined by him to be vital to the production of war supplies; and when the Monroney amendment failed, I was 1 of the 62 who walked between the tellers and registered my vote for the Smith amendment which likewise attempted to suspend certain provisions of the Wage and Hour Act during the emergency.

I did this, notwithstanding the fact that the distinguished majority leader, the gentleman from Massachusetts [Mr. MCCORMACK] forcibly and effectively (and quite logically) opposed the amendment and pled with the Congress to leave the matter up to the President, who, as he suggested, is charged with the successful conduct of the war. Notwithstanding the logic and the reason offered by the majority leader, I voted for the amendment because I felt that even though it might not be sufficient to do the job for which it was intended, that it would have a salutary effect throughout the country, and would be an indication to both capital and labor that production must go on uninterrupted every day of the week, every hour and every minute.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. RIZLEY. I yield to the gentleman briefly.

Mr. JONES. I want to keep the RECORD straight. Will the gentleman permit this observation: That the Smith bill, to which he has referred, that passed the House by a 2-to-1 majority is now reposing in the Committee on Education and Labor of the Senate.

Mr. RIZLEY. I thank the gentleman for his contribution. I have already so stated.

Yes, Mr. Speaker, I was fearful then that its defeat would bring about the very condition that these thousands and tens of thousands of letters and telegrams are indicative of, namely, that we have a labor government and that we are going the way of France.

Is that what the people are believing?

Let me call your attention to just one letter—and I have hundreds more containing similar language. Here is how it reads:

MY DEAR CONGRESSMAN: America is losing this war.

The folks back home deplore the recent shocking approval of the principle of the 40-hour week by Congress.

France worked 40 hours while Germany worked 70 hours, and now suffers abject slavery. This should be a lesson to us.

In spite of solemn pledges by labor leaders not to strike in war industries, we find as of

the week ending February 28 that there were 30 war-industry strikes, involving 14,260 employees.

Another serious aspect is the slow-down to enforce union demands and the "racket of dues picketing" involving shut-downs where there was no dispute with management.

This war cannot be won on a 40-hour week.

The folks back home are incensed at the attitude of Government toward strikes in war industries and further nonwar spending.

We expect action to the end that America win this war.

Mr. EATON. Mr. Speaker, will the gentleman yield?

Mr. RIZLEY. I yield.

Mr. EATON. Where did this county judge get the information that the President of the United States has been advocating for some time this legislation to abolish strikes and cut out the 40-hour week?

Mr. RIZLEY. I am sure I cannot answer the gentleman as to where the information came from.

Mr. EATON. Did he get it from the Senate committee that has had this legislation in its pigeon hole for 3 months?

Mr. RIZLEY. As I say, I cannot give the gentleman that information; I am sorry.

Mr. Speaker, it was said here this afternoon that while some of us may have disagreed in the beginning as to the best course to pursue, we are in this war now, we must have unity; and we must give to our boys, whether in the jungles, on sea, or in the air, the necessary guns, tanks, planes, and other equipment to carry on. So far with the exception of the gallant MacArthur and his small band of immortals we have taken a terrific beating on every hand.

As was so well said in an article by Felix Morley in the Washington Star of yesterday:

The rapid spread of World War II threatens to engulf all races.

Rangoon, occupied by the Japanese on March 9, was the seventh center of white administrative control in the Far East to fall into the hands of a conquering Asiatic race.

Hanoi, the French Indochina, came under Japanese direction some months before the assault on Pearl Harbor. Since then, in rapid succession, the capitals of the Philippines, of Sarawak, of North Borneo, of the Federated Malay States, of the Netherlands East Indies, and of Burma, have all been unceremoniously placed under the flag of the Rising Sun.

Of these seven distinct colonial areas, four had previously owed allegiance to Great Britain, one each to the United States, the Netherlands, and France. Now, at a speed so great that few realize the magnitude of the event, these great white empires have disappeared. The Star-Spangled Banner yet waves defiantly on the peninsula of Bataan. The flags of Portugal and France may still be displayed by Japanese suffrance in Macao, Timor, and Indochina. Otherwise, and almost overnight, symbols of white power have been swept from the Far East.

This major political operation has been so sudden, so unexpected, that the inevitable after-effect is not yet apparent in this country. * * * There has been no change to compare with this in the lives of men now living. It is no the sort of change which future events can ever completely cancel out.

* * * * *

Since the United States entered the war, the general balance sheet has swiftly altered to the material detriment of our side. The fact is as indisputable as it is surprising and shocking.

Mr. Speaker, again let me repeat—we are now in this war. I had hoped and prayed that it might be averted; that we would not again have to send our sons to fight and die in Europe, Asia, and Africa, but such was not to be; apparently it was decreed otherwise.

There is no turning back now. We could not if we would, and we would not if we could. And so we must lay aside everything; politics, ambitions, greed, avarice, labor advantages, capital and management advantages, and many things that we will fight for in peacetime, in order to win this war.

If we lose this war we lose all. Free labor will go, free agriculture will go, free speech will go, free press will go, free schools and free institutions of all kinds—all of them will go. Yes; God and Christianity—the kind we have known about—will go.

Yes, if we lose this war we lose all. If we win, we win everything.

Let us suspend for a while at least, some of these so-called social gains that we have heard so much about. These dynamic and revolutionary policies which were so eloquently praised at the 9-year birthday party and the New Deal testimonial meeting by Mr. Biddle and others the other evening, can be submerged for a while in favor of some good old pioneer principles—thrift, economy, hard work, and long hours—these were the principles that conquered and made possible this, the greatest of all Christian nations; these were the principles which gave to us the American way of life; these were the principles which gave to us the heritage we are fighting to defend.

Either we shall continue to go along as we have been, considering political expediency paramount to national welfare, and considering political self-interest above patriotic duty and lose the war, or we will streamline our American way of life, forgetting self-interest and political expediency and subordinate everything to the task now before us, the task of winning this war and preserving for ourselves and our posterity the God-given liberties for which man has been struggling for thousands of years.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. MARTIN J. KENNEDY, for tomorrow (St. Patrick's Day), March 17, to participate in the parade in New York City in honor of St. Patrick.

To Mr. CLEVENGER, indefinitely, on account of illness.

PERMISSION TO ADDRESS THE HOUSE

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. SNYDER]?

There was no objection.

Mr. SNYDER. Mr. Speaker, I take pride in reading a few lines of a letter from a young man, 23 years of age, who comes from my district. He is a high-school graduate, has had several years in college, was a bank clerk, and for the last year a bank examiner for the Federal Government. This young man volunteered for service and enlisted in the Army as a buck private some weeks ago.

From the Army camp where he is located he wrote to me on March 12, 1942, as follows:

After a few weeks of Army life, I can only say that it is a shame we have to have a war in order to give the American boy an opportunity for this camp life. I think it is going to do us all a lot of good. Any parent can be assured that the boys are receiving the best attention possible.

This letter was from my nephew, Josef Tressler, of Meyersdale, Pa.

PERMISSION TO ADDRESS THE HOUSE

Mr. BURDICK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota [Mr. BURDICK]?

There was no objection.

[Mr. BURDICK addressed the House. His remarks appear in the Appendix.]

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2249. An act authorizing appropriations for the United States Navy, additional ordnance manufacturing and production facilities, and for other purposes.

ADJOURNMENT

Mr. MONRONEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 39 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 17, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds on Tuesday, March 17, 1942, at 10 a. m., for consideration of H. R. 6483. The hearing will be held in room 1304, New House Office Building.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, April 14, 1942. Business to be considered: Hearings along the line of the Sanders bill, H. R. 5497, and other matters connected with the Federal Communications Commission.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1493. A communication from the President of the United States, transmitting a supplemental estimate of appropriation of the Federal Security Agency for the fiscal year 1942, amounting to $9,000,000 (H. Doc. No. 668); to the Committee on Appropriations and ordered to be printed.

1494. A communication from the President of the United States, transmitting a supplemental estimate of appropriation of $235,000

for printing and binding, Post Office Department, for the fiscal year ending June 30, 1942 (H. Doc. No. 669); to the Committee on Appropriations and ordered to be printed.

1495. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated November 5, 1941, submitting a report, together with accompanying papers, on a preliminary examination and survey of the Nestucca River and tributaries, Oregon, authorized by the Flood Control Act, approved on August 28, 1937; to the Committee on Flood Control.

1496. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated December 31, 1941, submitting a report, together with accompanying papers, on a preliminary examination and survey of the Mud River and Wolf Lick Creek, Ky., authorized by the Flood Control Act approved on June 22, 1936; to the Committee on Flood Control.

1497. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated December 31, 1941, submitting a report, together with accompanying papers, on a preliminary examination and survey of the North Platte River and tributaries, Wyoming, authorized by the Flood Control Act approved on June 22, 1936; to the Committee on Flood Control.

1498 A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated December 20, 1941, submitting a report, together with accompanying papers, on a preliminary examination of the Fox River and its tributaries, Missouri, and dam at northern end of Fox Island, Clark County, Mo., authorized by the Flood Control Act approved on June 28, 1938; to the Committee on Flood Control.

1499. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated December 22, 1941, submitting a report, together with accompanying papers, on a review of the reports on a canal from Waldo, Fla., into Lake Alto and from Lake Alto into Little Lake Santa Fe, requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted on October 5, 1940; to the Committee on Rivers and Harbors.

1500. A letter from the Secretary of the Interior, transmitting a report of the National Park Service on a study of the park and recreation problem of the United States; to the Committee on the Public Lands.

1501. A letter from the Chairman, Railroad Retirement Board, transmitting the Annual Report of the Railroad Retirement Board for the fiscal year ended June 30, 1941; to the Committee on Interstate and Foreign Commerce.

1502. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Federal Security Agency, amounting to $12,500,000 for the fiscal year 1942, together with amendments to the Budget for 1943 involving a net increase of $3,100,000 (H. Doc. No. 670); to the Committee on Appropriations, and ordered to be printed.

1503. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal years 1942 and 1943, amounting to $15,800, for the Supreme Court of the United States (H. Doc. No. 671) to the Committee on Appropriations and ordered to be printed.

1504. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the national defense activities of the Civil Service Commission, amounting to $977,957 for the fiscal year 1942 (H. Doc. No. 672); to the Committee on Appropriations and ordered to be printed

1505. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment Architect of the Capital, for the fiscal year 1942, amounting to $45,650 (H. Doc. No. 673); to the Committee on Appropriations and ordered to be printed.

1506. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Federal Security Agency, for the fiscal year 1942, amounting to $453,000 (H. Doc. No. 674); to the Committee on Appropriations and ordered to be printed.

1507 A communication from the President of the United States, transmitting supplemental estimates of appropriation for the Federal Works Agency for the fiscal year 1942 in the amount of $4,177,245, and a supplemental estimate of appropriation for the fiscal year 1943, amounting to $4,588,025, the latter in the form of an amendment to the Budget for said fiscal year (H. Doc. No. 675); to the Committee on Appropriations and ordered to be printed.

1508. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the fiscal year 1942, amounting to $2,929,720, and drafts of two proposed provisions pertaining to existing appropriations, all for the Department of Commerce (H. Doc. No. 676); to the Committee on Appropriations and ordered to be printed.

1509. A communication from the President of the United States, transmitting four supplemental estimates of appropriations for the Department of the Interior for the fiscal year 1942, amounting to $2,002,300 (H. Doc. No. 677); to the Committee on Appropriations and ordered to be printed.

1510. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Navy Department and naval service for the fiscal year ending June 30, 1942, amounting to $825,924,000, together with proposed provisions affecting certain existing naval appropriations for the fiscal years 1942 and 1943 (H. Doc. No. 678); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROMJUE: Committee on the Post Office and Post Roads. H. R. 6759. A bill to amend the act entitled "An act to fix the hours of duty of postal employees, and for other purposes," approved August 14, 1935, as amended, so as to permit payment for overtime for Saturday service in lieu of compensatory time; without amendment (Rept. No. 1901). Referred to the Committee of the Whole House on the state of the Union.

Mr. SABATH: Committee on Rules. House Resolution 457. Resolution for the consideration of H. R. 6554, a bill to amend war-risk insurance provisions of the Merchant Marine Act, 1936, as amended, in order to expedite ocean transportation and assist the war effort; without amendment (Rept. No. 1902). Referred to the House Calendar.

Mr. REES of Kansas: Committee on Immigration and Naturalization. H. R. 6633. A bill to amend the Nationality Act of 1940; without amendment (Rept. No. 1903). Referred to the Committee of the Whole House on the state of the Union.

Mr. DICKSTEIN: Committee on Immigration and Naturalization. H. R. 6717. A bill to provide for the expeditious naturalization of former citizens of the United States who have lost United States citizenship through service with the allied forces of the United States during the first or second World War; without amendment (Rept. No. 1904). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ANDREWS: Committee on Military Affairs. S. 2026. An act to provide for the posthumous appointment to commissioned grade of certain enlisted men and the posthumous promotion of certain commissioned officers; without amendment (Rept. No. 1898). Referred to the Committee of the Whole House.

Mr. HARTER: Committee on Military Affairs. S. 2202. An act to reinstate Paul A. Larned, a major, United States Army, retired, to the active list of Regular Army; without amendment (Rept. No. 1899). Referred to the Committee of the Whole House.

Mr. ARENDS. Committee on Military Affairs. H. R. 2978. A bill for the relief of Merle E. Rudy; without amendment (Rept. No. 1900). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII public bills and resolutions were introduced and severally referred as follows:

By Mr. MAY:

H. R. 6789. A bill to amend the joint resolution approved August 27, 1940 (54 Stat. 858), as amended, and the Selective Training and Service Act of 1940 (54 Stat. 885), as amended so as to remove the requirements that the medical statements shall be furnished to those persons performing military service thereunder; to the Committee on Military Affairs.

By Mr. SMITH of Virginia:

H. R. 6790. A bill to permit the performance of essential labor on naval contracts without regard to laws and contracts limiting hours of employment, to limit the profits on naval contracts, and for other purposes; to the Committee on Naval Affairs.

By Mr. COSTELLO:

H. R. 6791. A bill to amend section 16 (b) of the Fair Labor Standards Act of 1938; to the Committee on Labor.

By Mr. SMITH of Virginia:

H. R. 6792. A bill to permit the performance of essential labor on military contracts without regard to provisions of law and contracts limiting the hours of labor or prescribing overtime compensation, to limit the profits on military contracts, and for other purposes; to the Committee on Military Affairs.

By Mr. VOORHIS of California:

H. R. 6793. A bill to promote the mutual understanding and insure the continental solidarity of the peoples of the American republics by the interchange of students and teachers; to the Committee on Foreign Affairs.

By Mr. FADDIS:

H. R. 6794. A bill to prevent certain farm-loan agencies from requiring assignment of rents and royalties while the borrower is not in default; to the Committee on Agriculture.

By Mr. BOREN:

H. R. 6795. A bill to insure the successful prosecution of the war; to the Committee on Labor.

By Mr. WICKERSHAM:

H. R. 6796. A bill to suspend during the continuance of the present war provisions of law or contract which require overtime compensation for employment in excess of a specified number of hours in any workweek; to the Committee on Labor.

By Mr. LEA:

H. R. 6799. A bill to increase the monthly maximum number of flying hours of air pilots, as limited by the Civil Aeronautics Act of 1938, because of the military needs

arising out of the present war; to the Committee on Interstate and Foreign Commerce.

By Mr. MAY:

H. R. 6801. A bill to amend sections 1 and 2 of chapter XIX of the Army Appropriation Act approved July 9, 1918; to the Committee on Military Affairs.

By Mr. BRADLEY of Michigan:

H. J. Res. 294. Joint resolution instructing the Secretary of War to henceforth designate the new lock in the St. Marys River at Sault Ste. Marie, Mich., as the Gen. Douglas MacArthur lock; to the Committee on Rivers and Harbors.

By Mr. FADDIS:

H. J. Res. 295. Joint resolution providing for the procurement of raw natural rubber from sources in the Western Hemisphere; to the Committee on Coinage, Weights, and Measures.

By Mr. COLLINS:

H. Res. 456. Resolution expressing the sense of the House of Representatives that there should be a consolidation of Federal agencies concerned with the production of natural and synthetic rubber; to the Committee on Expenditures in the Executive Departments.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD:

H. R. 6797. A bill for the relief of the estate of Tom Gentry; to the Committee on Claims.

By Mr. TIBBOTT:

H. R 6798. A bill for the relief of Elmer T. Johns; to the Committee on Military Affairs.

By Mr. DINGELL:

H. R. 6800. A bill to authorize the President of the United States to present a Congressional Medal to Dorie Miller; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2558. By Mr. JONKMAN: Petition of sundry citizens of Grand Rapids, Mich., advocating the enactment of the so-called Sheppard bill to prohibit the sale of intoxicating liquors at military establishments; to the Committee on Military Affairs.

2559. By Mr. KEOGH: Petition of the Association of Towns of the State of New York, concerning Federal taxes on State and local securities; to the Committee on Ways and Means.

2560. By Mr. SMITH of Wisconsin: Resolutions of the council of the city of Kenosha, calling upon the Congress of the United States to revive House bill 6559, providing for unemployment benefits for persons who by virtue of the conversion from peacetime to wartime production are left unemployed; to the Committee on Ways and Means.

2561. By the SPEAKER: Petition of the clerk of the House of Delegates of the Commonwealth of Virginia, petitioning consideration of their resolution with reference to taxes on hard liquors; to the Committee on Ways and Means.

2562. Also, petition of the chairman of the Chickasha war committee, petitioning consideration of their resolution with reference to speeding up the production for national defense; to the Committee on the Judiciary.

2563. Also, petition of the president international, the Pan American League Headquarters, petitioning consideration of their resolution with reference to 40-hour-week provision; to the Committee on Labor.

2564. Also, petition of the president, Lumbermen's Club of Memphis, petitioning consideration of their resolution with reference to coordination in the war production program; to the Committee on the Judiciary.

2565. Also, petition of the National Federation of Post Office Clerks, Local No. 443, Youngstown, Ohio, petitioning consideration of their resolution with reference to cooperation with the national defense program with the Post Office Department; to the Committee on Military Affairs.

SENATE

TUESDAY, MARCH 17, 1942

(Legislative day of Thursday, March 5, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, the Very Reverend ZeBarney T. Phillips, D. D., offered the following prayer:

Most mighty God and Father of us all, who art greater, wiser, and more glorious than we can ever know, who leadest us, whether in our pride or our humility, by ways we cannot understand: Give us an heart to love and worship Thee as the perfection of beauty after which we sigh, though we cannot attain unto it, and, out of Thy bounteous goodness, we beseech Thee to guide us in judgment, for though our eyes be holden, yet we believe in Thee, that Thou art and that Thou wilt grant us the vision of Thyself.

Make us true economists of happiness as we learn the use of joy and true beneficence in these days that need not only courage, but a wholesome gladness amid the reactions of lassitude caused by the wear and tear, the strain and stress of daily life; gladness amid the depression and uncertainty created by the deepening complexity of problems that are yet unsolved.

And now we ask that Thou wilt unfold to us the deepest thoughts which can fill the heart of our humanity with a sense of wonder and of power, thoughts which shall become the precious lifeblood of a master spirit, treasured up on purpose to a life beyond our life. In our Saviour's Name, we ask it. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, March 16, 1942, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Butler	George
Austin	Byrd	Gerry
Bailey	Capper	Gillette
Bankhead	Caraway	Glass
Barbour	Chandler	Guffey
Barkley	Chavez	Gurney
Bilbo	Clark, Idaho	Hayden
Bone	Clark, Mo.	Herring
Brewster	Connally	Hill
Brooks	Danaher	Holman
Brown	Davis	Hughes
Bulow	Doxey	Johnson, Calif.
Burton	Ellender	Johnson, Colo.
La Follette	O'Daniel	Stewart
Langer	O'Mahoney	Taft
Lee	Overton	Thomas, Idaho
Lucas	Pepper	Thomas, Okla.
McCarran	Radcliffe	Thomas, Utah
McFarland	Reed	Truman
McKellar	Reynolds	Tunnell
McNary	Rosier	Tydings
Maloney	Russell	Vandenberg
Mead	Schwartz	Van Nuys
Millikin	Shipstead	Wheeler
Murdock	Smathers	White
Murray	Smith	Willis
Nye	Spencer	

Mr. McNARY. I announce that the Senator from Nebraska [Mr. NORRIS] is absent because of illness.

Mr. HILL. I announce that the Senator from New Mexico [Mr. HATCH] is absent from the Senate because of illness.

The Senator from California [Mr. DOWNEY], the Senator from West Virginia [Mr. KILGORE], and the Senator from Washington [Mr. WALLGREN] are holding hearings in Western States on matters pertaining to national defense.

The Senator from Florida [Mr. ANDREWS], the Senator from Nevada [Mr. BUNKER], the Senator from Rhode Island [Mr. GREEN], the Senator from South Carolina [Mr. MAYBANK], the Senator from New York [Mr. WAGNER], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent.

Mr. AUSTIN. The Senator from Minnesota [Mr. BALL] is a member of the Senate committee holding hearings in the West on matters pertaining to the national defense and is therefore unable to be present.

The Senator from New Hampshire [Mr. BRIDGES] is absent as a result of an injury and illness.

The Senator from Massachusetts [Mr. LODGE] is necessarily absent.

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON A STUDY OF THE PARK AND RECREATION PROBLEM

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the National Park Service of the Interior Department on A Study of the Park and Recreation Problem of the United States (with an accompanying report); to the Committee on Public Lands and Surveys.

DISPOSITION OF EXECUTIVE PAPERS

Letters from The Archivist of the United States, transmitting, pursuant to law, lists of papers and documents on the files of the Departments of War (2) and Agriculture (5); the Federal Trade Commission (2), Federal Security Agency, Federal Security Agency (Food and Drug Administration), Federal Works Agency, and the National Archives, which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITIONS

Petitions were presented and referred as indicated: