

4435. Also, petition of Schroeder & Tremayne, Inc., New York City, concerning the anti-chain-store legislation; to the Committee on Interstate and Foreign Commerce.

4436. Also, petition of the Babcock & Williams Co., New York City, N. Y., concerning the compulsory licensing bill (H. R. 9259); to the Committee on Ways and Means.

4437. Also, petition of the Gotham Advertising Co., New York City, concerning the Executive reorganization legislation; to the Committee on Government Reorganization.

4438. Also, petition of the Association of Towns of the State of New York, Albany, N. Y., concerning the Parsons bill (H. R. 8327); to the Committee on Rivers and Harbors.

4439. By Mr. LAMNECK: Petition of Daniel Verbance and 114 other employees of the Federal Glass Co., Columbus, Ohio, urging Congress to work for an adequate tariff so that the American glass workers will be secure in their jobs; to the Committee on Ways and Means.

4440. By Mr. MEAD: Petition of the National Furniture Warehousemen's Association, submitted with accompanying letter from the O. J. Glenn & Son Co., of Buffalo, N. Y.; to the Committee on Ways and Means.

4441. By Mr. O'CONNELL of Rhode Island: Concurrent resolution of the State of Rhode Island in general assembly, memorializing the Congress of the United States of America to defeat House bill 3134, introduced by Representative BOLAND of Pennsylvania, seeking to place a 1 cent per gallon tax on fuel oil used for heating and the generation of power; to the Committee on Ways and Means.

4442. By Mr. PFEIFER: Petition of the Association of Towns of the State of New York, Albany, N. Y., opposing the Parsons bill (H. R. 8327); to the Committee on Rivers and Harbors.

4443. By the SPEAKER: Petition of the Birmingham Sunday School Council of Religious Education, Birmingham, Ala., petitioning consideration of their resolution with reference to House bill 9391, concerning conscription of material and human resources of this country in time of war; to the Committee on Military Affairs.

SENATE

TUESDAY, MARCH 15, 1938

(Legislative day of Wednesday, January 5, 1938)

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

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 14, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 1077) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, and it was signed by the Vice President.

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:

Adams	Bulow	Frazier	Hitchcock
Ashurst	Burke	George	Holt
Austin	Byrd	Gerry	Hughes
Bailey	Byrnes	Gibson	Johnson, Calif.
Bankhead	Capper	Gillette	Johnson, Colo.
Barkley	Caraway	Glass	King
Berry	Chavez	Green	La Follette
Bilbo	Clark	Guffey	Lee
Bone	Copeland	Hale	Lewis
Borah	Davis	Harrison	Lodge
Bridges	Dieterich	Hatch	Logan
Brown, Mich.	Donahay	Hayden	Loneragan
Brown, N. H.	Duffy	Herring	Lundeen
Bulkley	Ellender	Hill	McAdoo

McCarran
McKellar
McNary
Maloney
Miller
Milton
Minton
Murray
Neely

Norris
Nye
O'Mahoney
Overton
Pittman
Pope
Radcliffe
Reames
Reynolds

Russell
Schwartz
Schwellenbach
Shipstead
Smathers
Smith
Thomas, Okla.
Thomas, Utah
Townsend

Truman
Tydings
Vandenberg
Van Nuys
Walsh
Wheeler

Mr. MINTON. I announce that the Senator from Florida [Mr. ANDREWS], the Senator from Texas [Mr. CONNALLY], the Senator from Kansas [Mr. MCGILL], the Senator from Florida [Mr. PEPPER], the Senator from Texas [Mr. SHEPPARD], and the Senator from New York [Mr. WAGNER] are detained from the Senate on important public business.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

AIR-MAIL CONTRACT OF NATIONAL AIRLINES SYSTEM

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, a copy of the decision by Division 3, dated March 5, 1938, in Air Mail Docket No. 33, National Airlines System, Rate Review 1935-36, touching the profits being derived by or accruing to National Airlines System, contractor of air-mail route No. 31, from the rate of compensation paid to it for the transportation of air mail by airplane on that route, which, with the accompanying document, was referred to the Committee on Post Offices and Post Roads.

FINDINGS OF FACT AND CONCLUSION IN CERTAIN COURT OF CLAIMS CASES

The VICE PRESIDENT laid before the Senate a letter from the Chief Clerk of the Court of Claims, transmitting certified copies of findings of fact and conclusion in the following cases referred to the court by the Senate under the Judicial Code, which, with the accompanying documents, was referred to the Committee on Claims:

Henry W. Bibus against The United States.

George H. Custer against The United States.

Headley Woolston against The United States.

Nellie Savage, executrix of the estate of John Henry, against The United States.

Samuel Henry against The United States.

A. Myrtle Hensor, executrix of the estate of Charles W. Hensor, against The United States.

Annie Ulrick, widow of Martin Ulrick, against The United States.

Edward B. Duffy, administrator of Harry B. C. Margerum, deceased, against The United States.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Virginia, which was referred to the Committee on Commerce:

Senate joint resolution memorializing the Congress of the United States to provide for the construction of a highway bridge across the York River from Yorktown to Gloucester Point

Whereas a highway bridge across the York River at Yorktown would be of benefit, not only to the people of Virginia but to the traveling public in general, many of whom come from various parts of the United States to visit historic places, and for other purposes: Now, therefore, be it

1. Resolved by the senate (the house of delegates concurring), That the Congress of the United States be, and it is hereby, memorialized to take such appropriate action as may be necessary and proper to provide for the construction of a suitable highway bridge across the York River between Yorktown and Gloucester Point; and be it further

2. Resolved, That the clerk of the senate be directed to forward a copy of this resolution to the President of the Senate of the United States, to the Speaker of the House of Representatives, and to each Member of the Congress of the United States from Virginia.

The VICE PRESIDENT also laid before the Senate a telegram from the Hudson County Committee for Labor Defense and Civil Rights, Jersey City, N. J., stating that "In view of the notable work of the Senate Civil Liberties Committee in exposing terroristic methods and violations of civil liberties, and the great need for such an investiga-

tion in Jersey City, we ask that the Senate appropriate sufficient funds for it to complete its present investigation and undertake similar activities here," which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by Local Union No. 298, United Brotherhood of Carpenters and Joiners of America, of Long Island City, N. Y., favoring the enactment of the joint resolution (S. J. Res. 127) memorializing the Honorable Frank F. Merriam, Governor of the State of California, to grant to Thomas J. Mooney a full and complete pardon, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by Local No. 50, United Federal Workers of America, of Washington, D. C., protesting against the enactment of the so-called May bill, being the bill (H. R. 9604) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense, and promote peace, which was referred to the Committee on Finance.

He also laid before the Senate a letter in the nature of a petition from the Yorktown Heights (N. Y.) Parent-Teachers Association, praying for the enactment of the bill (S. 153) to prohibit and to prevent the trade practices known as compulsory block-booking and blind selling in the leasing of motion-picture films in interstate and foreign commerce, which was ordered to lie on the table.

Mr. MALONEY presented resolutions adopted by the Association of Highway Officials of North Atlantic States, favoring the enactment of legislation for the construction of arterial transcontinental highways, with the first link to be located between Washington, D. C., and Boston, Mass., which were referred to the Committee on Post Offices and Post Roads.

Mr. WALSH presented a resolution adopted by the City Council of New Bedford, Mass., protesting against the enactment of legislation imposing a Federal tax on fuel oil, which was referred to the Committee on Finance.

REPORT OF A COMMITTEE

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 3352) for the relief of W. Cooke, reported it with an amendment and submitted a report (No. 1499) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BILBO:

A bill (S. 3663) to authorize the purchase of originals or copies of portraits of former Chief Justices and Associate Justices of the Supreme Court of the United States, and the present Chief Justice and Associate Justices thereof, for the new building occupied by the Supreme Court of the United States, and for other purposes; to the Committee on the Library.

By Mr. BYRD:

A bill (S. 3664) for the relief of Robert James Allen; to the Committee on Naval Affairs.

By Mr. WHEELER:

A bill (S. 3665) authorizing the Administrator of Veterans' Affairs to restore the veterans' facility at Fort Harrison, Mont., to its former capacity; to the Committee on Finance.

By Mr. ELLENDER:

A bill (S. 3666) to amend the Agricultural Adjustment Act of 1938; to the Committee on Agriculture and Forestry.

By Mr. COPELAND:

A bill (S. 3667) granting a pension to Elia Rodde; to the Committee on Pensions.

By Mr. SMITH:

A bill (S. 3668) to amend the Agricultural Adjustment Act of 1938; to the Committee on Agriculture and Forestry.

By Mr. JOHNSON of Colorado:

A bill (S. 3669) granting an increase of disability compensation to Richard M. Cleary; to the Committee on Finance.

By Mr. THOMAS of Oklahoma:

A bill (S. 3670) for the relief of S. A. Rourke; to the Committee on Claims.

A bill (S. 3671) granting a pension to D. F. MacMartin (with accompanying papers); to the Committee on Pensions.

By Mr. GUFFEY:

A bill (S. 3672) for the relief of Fae Banas; to the Committee on Claims.

(Mr. KING (for himself and Mr. BRIDGES) introduced Senate Joint Resolution 276, which was ordered to lie on the table, and appears under a separate heading.)

INVESTIGATION OF TENNESSEE VALLEY AUTHORITY

Mr. KING. Mr. President, I ask unanimous consent on behalf of the Senator from New Hampshire [Mr. BRIDGES] and myself to introduce a joint resolution and that it lie on the table. A little later I will ask to have it read.

There being no objection, the joint resolution (S. J. Res. 276) to create a special joint congressional committee to investigate the administration of the Tennessee Valley Authority Act of 1933, as amended, was read twice by its title and ordered to lie on the table.

The joint resolution introduced by Mr. KING (for himself and Mr. BRIDGES) is as follows:

Resolved, etc., That there is hereby established a special joint congressional committee (hereinafter referred to as the "committee") to be composed of five Senators, to be appointed by the President of the Senate, and five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives. A vacancy in the committee shall not affect the power of the remaining members to execute the functions of the committee, and shall be filled in the same manner as the original appointment. The committee shall select a chairman from among its members.

SEC. 2. It shall be the duty of the committee to make a full and complete investigation of all phases of the administration of the Tennessee Valley Authority Act of 1933, as amended. The committee shall report to the Senate and House of Representatives, as soon as practicable, the results of its investigations, together with such recommendations as it deems advisable.

SEC. 3. The committee, or any subcommittee thereof, shall have power to hold hearings and to sit and act at such places and times, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to have such printing and binding done, and to make such expenditures, as it deems advisable. Subpenas shall be issued under the signature of the chairman of the committee, and shall be served by any person designated by him. The provisions of sections 102 to 104, inclusive, of the Revised Statutes shall apply in case of any failure of any witness to comply with any subpoena, or to testify when summoned, under authority of this section. The expenses of the committee, which shall not exceed \$50,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the committee.

SEC. 4. The committee shall have power to employ and fix the compensation of such officers, experts, and employees as it deems necessary in the performance of its duties, but the compensation so fixed shall not exceed the compensation fixed under the Classification Act of 1923, as amended, for comparable duties. The committee is authorized to utilize the services, information, facilities, and personnel of the departments and agencies in the executive branch of the Government.

SEC. 5. All authority conferred by this joint resolution shall expire on the completion of the report and its submittal to the Senate and House of Representatives.

REST-ROOM ATTENDANT

Mr. COPELAND submitted the following resolution (S. Res. 252), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the attending physician at the Capitol is authorized to employ a rest-room attendant to be paid from the contingent fund of the Senate at the rate of \$1,440 per annum until the expiration of the present session of Congress. Such attendant shall be attached to the office of the attending physician and shall possess such qualifications as he may deem desirable.

AMERICA'S VIEW OF THE AUSTRIAN CRISIS—ADDRESS BY SENATOR SCHWELLENBACH

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a radio address delivered by Senator SCHWELLENBACH on March 13, 1938, on the subject of the Austrian crisis, which appears in the Appendix.]

WHICH WAY OUT OF THE RECESSION—ADDRESS BY SENATOR SCHWELLENBACH

[Mr. MINTON asked and obtained leave to have printed in the RECORD an address delivered by Senator SCHWELLENBACH on Sunday, March 13, 1938, on the subject, Which Way Out of the Recession? which appears in the Appendix.]

BALANCED ABUNDANCE FOR FARM AND CITY—ADDRESS BY SECRETARY OF AGRICULTURE

[Mr. HERRING asked and obtained leave to have printed in the RECORD a radio address delivered by Hon. Henry A. Wallace, Secretary of Agriculture, on March 7, 1938, the subject being The New Farm Act: Balanced Abundance for Farm and City, which appears in the Appendix.]

WHEAT AND CORN PROVISIONS OF AGRICULTURAL ADJUSTMENT ACT OF 1938

[Mr. POPE asked and obtained leave to have printed in the RECORD a digest of the wheat and corn provisions of the Agricultural Adjustment Act of 1938, which appears in the Appendix.]

PHILIPPINE-AMERICAN RELATIONS—ADDRESS BY HON. PAUL V. McNUTT

[Mr. MINTON asked and obtained leave to have printed in the RECORD a radio address by Hon. Paul V. McNutt, High Commissioner of the Philippines, on Monday, March 14, 1938, on the subject Philippine-American Relations, which appears in the Appendix.]

HISTORY OF AMERICAN LEGION, BY THOMAS M. OWEN, JR.

[Mr. CLARK asked and obtained leave to have printed in the RECORD a brief history of the American Legion, by Thomas M. Owen, Jr., national historian of the American Legion, which appears in the Appendix.]

DRAFTING WEALTH AS WELL AS YOUTH—EDITORIAL FROM ENID (OKLA.) NEWS

[Mr. LEE asked and obtained leave to have printed in the RECORD an editorial from the Enid (Okla.) News of February 25, 1938, entitled "Drafting Wealth as Well as Youth," which appears in the Appendix.]

REORGANIZATION OF EXECUTIVE DEPARTMENT

The Senate resumed the consideration of the bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes.

THE VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Massachusetts [Mr. WALSH].

Mr. BARKLEY. Mr. President, I wish very briefly to discuss the amendment which is now before the Senate upon which the Senate is to vote at 2 o'clock. In opposing the amendment I wish to say in the outset that I appreciate the sincerity of the Senator from Massachusetts [Mr. WALSH], who has offered the amendment. I am glad to pay him the tribute of devotion to the cause of civil-service reform in the United States, and I share that devotion with him to a very large extent, if not completely. I wish also to say that what I shall urge in opposition to the amendment is not to be interpreted in any way as a criticism of the Civil Service Commission, which the bill proposes to abolish and in its place to set up a civil-service administrator.

I entertain for the members of the present Civil Service Commission the highest personal esteem. The Chairman, Mr. Mitchell, I have known ever since he came here as a member of the Commission, as its Chairman, and I have for him the highest regard, personally and officially. There is no finer and abler or more devoted woman in America to the public interest than Mrs. McMillin, who is also a member of the Commission. I do not know Mr. Ordway, the other member, so intimately as I know the other two members, but I have, in an official way, observed his conduct, and I have nothing except the highest esteem for him and for the Commission as a whole. So there is nothing personal, and there could not be anything personal, in my attitude on the amendment offered by the Senator from

Massachusetts. I try to look at this matter from the standpoint of efficiency and responsibility.

We are living in an age of administrative advance, not only in government but in business. In this age of complexity, of intertwining and intertangling of all sorts of business and political relationships, there is not a large business enterprise in America or in the world which has not been seeking in recent years to simplify its administration, and fix responsibility upon somebody for the conduct of its business. The Government of the United States is the largest business in America, if not in the world; and one of the objects of this measure, upon which the committee has spent many months of careful thought and dispassionate consideration, is to simplify and coordinate and make more efficient the operation of the Government of the United States.

Not only is that true of this bill, not only is an effort being made here to simplify and make more efficient the Government of the United States, but from the highest down to the lowest form of government in this country over a period of years the trend has been in the direction of simplification and the fixing of responsibility. I remember the days of the old city council, made up of a board of aldermen and a board of councilmen. I have seen, in the past quarter of a century, in many large and small cities of America, the advancement from the councilmanic form of government to the commission form of government, made up in most cases of a commission of three, in order to make the city government more efficient and more responsive and more responsible. Even from the commission form of government we have seen the trend go still further in the selection and adoption of city managers who do not make the laws but who administer the laws that are enacted by the legislative branches of every city government where there is a city manager.

We have seen the same tendency in county governments. Years ago I happened to be county judge in the county in which I live, the county judge being not only a judge but an administrative officer. He was more or less a general manager of the financial affairs of the county in the State of Kentucky, under our laws. He had a fiscal court made up of the justices of the peace, eight of them in the county in which I live; and the last act of my administration as judge of that county was to submit to the people a vote on the question whether they desired to have three commissioners to administer the county, or to continue the eight members of the fiscal court under the law of the State, and by an overwhelming majority they voted to change the form of their county government, and to have three commissioners instead of eight.

Not only has this been true in counties and cities, but it has been true in the States. We have had an agitation in this country for what we call the short ballot, by which is meant the reduction in the number of elective officers, the reduction in the number of commissions, and the creation of individual responsibility in the heads of departments and consolidated agencies of the States; and all these consolidations and all these changes have been in the direction of centralization of authority and of responsibility in the interests of efficiency.

So it is not strange that this greatest of all business enterprises in the United States, the Government of the United States, should follow the same direction, the same line of thought, the same trend, in an effort to fix responsibility and to advance efficiency by being able to point the finger of responsibility at some one person at the head of a department or an agency, and hold that one responsible for its administration.

Mr. President, the administration of civil service in this country or in any country or in any State is largely a routine matter that is more or less automatic, and in my judgment can be more promptly and more efficiently executed by a single administrator than by any commission of three, however able or however devoted it may be to the service of the public.

Reference has been made in this debate to the creation of a civil-service dictator. We hear a great deal about fascism and dictatorship and anti-Nazi-ism and all that, be-

cause in Europe one or two dictators have assumed the right to abolish the legislative branches of the Government and to set up their own will in the place of the will of the people. I see no more of a parallel between that situation and the reduction of the number of administrative heads of a Civil Service Commission in the United States than I see between the color of my garments and the state of my appetite or my ability to consume food. If we are afraid of a civil-service dictatorship, why are we not afraid of an Attorney General dictatorship, because we have only one Attorney General, or a war dictatorship, because we have only one Secretary of War, or a labor dictatorship, because we have only one Secretary of Labor, or an Executive dictatorship, because we have a single President instead of a Commission, which was under serious consideration in the Constitutional Convention, which finally decided in favor of a single head of the Nation instead of two or three?

I have been here a good many years, longer than I sometimes like to admit publicly, because one of the issues in the coming campaign in my State is how long I have been in Congress. I am not ashamed of the number of years I have served here. I am not unwilling that it shall be admitted, so far as that is concerned, but I have been here a good many years, though not so long as my able and devoted friend from Arizona [Mr. ASHURST], for whom, as he knows, I have a profound affection, not only personally but from the standpoint of ability and devotion to the public service. In all those years I, like every other Member of the House or of the Senate, have been besought by Government employees or by applicants who have thought they have received unjust treatment at the hands of the Civil Service Commission or a department, and I have tried to be as responsive to those complaints as any Member of the House or Senate, but when any applicant complains about the grade he has been given by the processes of the Civil Service Commission, I have invariably found it more effective and more satisfactory to take up the matter with the Board of Examiners, through the Chief Examiner, than to do so through any member of the Commission or all the members of the Commission, because after all the Board of Examiners determines what grade shall be received by any applicant for a civil-service appointment under the Government of the United States.

We do not in this bill abolish the Board of Examiners. The same process of examination will be followed under this bill that has been followed heretofore; for, after all, under the present law and under this bill it is the President of the United States who makes the regulations and rules under which the Civil Service Commission is governed. So hereafter we shall have the same opportunity and the same advantage in taking up any complaints of our constituents with the civil-service set-up here through a single head, or the Board of Examiners, or the Chief Examiner, or anybody else in the civil-service administration that we enjoy under the present system.

Reference has been made here to the fact that the President has the power of removal of the present Commission, which we all agree he has, and that he will have the power of removal of the administrator. It is very generally agreed that in the absence of such conditions as those which existed when an attempt was made to remove Mr. Humphrey from the Federal Trade Commission—where he occupied a semi- or quasi-judicial position, and in the act creating the Federal Trade Commission Congress had specifically provided that the members of the Commission could be removed only for cause—the President would not be handicapped in the matter of removing a Civil Service Commissioner or a civil-service administrator.

It is not my conception of the duties either of the present Commission or of an administrator that he or they would perform any quasi-judicial or legislative functions. Under the Constitution the appointment of all officers is an Executive function. The Civil Service Commission, or a civil-service administrator, or a civil-service administra-

tion is only an agency of the Executive, although created by Congress, of course, like all other offices, legislative and administrative, are created by some act. Whether we call it a commission, or administrator, or administration, it is a sort of machinery set up to enable the President himself to carry out his constitutional function in making appointments to the civil service or to the civil employment of the United States Government.

I do not think it need bother any of us whether any President might remove a Civil Service Commission. We know what has happened in the past. When there was a change in the administration there was usually a change in the Civil Service Commission, so that it has been to some extent a political body.

Let us assume that the President would have the power to remove the administrator. We are providing a term of 15 years. We are providing that the administrator shall not be appointed by reason of any partisan political considerations. It might be said, and it would be true, that no one can inject his eyes into the brain or the heart of any President to determine all the phases of an appointment, and all the angles and all the things which influence him in appointing any man to a given office; but we are trying to protect this long-term appointee by providing that he shall not be appointed by reason of his political affiliations. That does not mean that any Republican President would have to appoint a Democrat in order to comply with that suggestion. It does not mean that any Democratic President must appoint a Republican administrator in order to comply with the law. It means that the party affiliation of the administrator shall not be the determining factor in deciding whether he shall be appointed or not.

I think it is worth something, even if it is nothing more than a gesture, for Congress to write into the law, for the guidance of any President, that in setting up an administrator who shall preside over the machinery which tests the qualifications of men and women for public office something else besides mere partisan politics shall enter into the situation.

Let us assume that any President can remove the administrator after he is appointed, as he can remove the Commission now. We are undertaking by our legislative declaration to say that this is a 15-year job. There may be Members of the Senate who object to that long term, and I think there might be legitimate objection urged against it, because it is always conceivable that some man, however high he may stand, or however dignified he may be, might ultimately turn out to be the wrong man for the place, and it would be regrettable if no one had the power to get rid of an incompetent or bad appointee over a period of 15 years. But I dare say that no President, at the beginning of any administration or any change in political control of the United States Government, would dare remove any such man for political or partisan reasons, or for any other reason except reasons which would appeal to the sense of justice and fair dealing of the public toward the man who is removed.

I do not therefore entertain the fear that any President, whatever may be his politics, is going to remove the administrator as a matter of partisanship, or as a matter of caprice, or for any reason which cannot be justified in public opinion.

Mr. President, the Senator from South Carolina has so fully covered the trend of which I spoke at the beginning, toward the concentration of responsibility in order to bring about more efficiency with regard to the action of States, that I do not deem it necessary to reiterate or repeat what has been said; but it is a significant fact that in 1937 five of the American Commonwealths who set up the merit system in determining the method of making public appointments provided for a single administrator rather than a commission. The fact that it may not have worked well in Tennessee or in some other State is no argument against the law itself.

Mr. BYRNES. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from South Carolina?

Mr. BARKLEY. I yield.

Mr. BYRNES. With reference to the question whether or not it works well in Tennessee, I may say to the Senator that the junior Senator from Tennessee [Mr. BERRY] informs me that under the Tennessee law, which was enacted February 3, 1937, it was provided that it should not become effective until 1938. So there has been no test of the merit law in Tennessee.

Mr. BARKLEY. I am glad to have that information. I was not aware of the fact that the law postponed its operation.

I was about to say that if a single administrator, under the Governor of any State, should violate the law or should be guilty of desiring to use it for political purposes, he could do the same thing under a commission system, and it might even be worse under a commission than under a single man, upon whom the public had its eyes fixed and at whom it had its fingers pointed in the administration of the merit system, because when there is a commission of three or five or any other number it is always easy for any one of the commissioners to point his finger at his colleagues and say, "I did not do this, but it was voted over me," whereas it is more difficult for any single administrator to escape responsibility on his own account.

Mr. POPE. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. POPE. With reference to concentrated control, so far as the executive offices are concerned, has it not been the observation of the Senator that in the matter of executing or carrying out duties divided responsibility is very likely to create the very difficulty the Senator points out? In my own State a few years ago the more progressive groups in the State adopted a commission form of government law as applied to cities, so that in my own city, of which I was mayor for 4 years, there was for several years a commission form of government under which five men took over the executive departments. The law did not work well, because there was jealousy and constant bickering between the five, so that they were called "five little mayors." One councilman would be at the head of the fire department, another at the head of the park department, the mayor himself was at the head of the police department, so that there were five different heads of departments. Conditions became so bad that the law was repealed, and I do not think that anyone in the State, even among those who were most ardent advocates of the commission form of government in cities, would have the law back on the statute books. So observation of what happened in my State leads me to believe that whenever responsibility is divided in executing the law there are almost invariably enmities and jealousies and difficulties between the heads of departments.

Mr. BARKLEY. Mr. President, the Senator is correct; and, as I have said, even in cities where they have had the commission form of government they have gone even further and adopted a system under which they have a city manager, who is, in effect, a general manager of the business of the city. So far as I have been able to investigate that matter, in 99 out of a hundred cases the city government has been found to be more efficient, more responsive, more prompt, and there has not been discovered any injury to the public service by reason of concentrating responsibility in one man instead of having it in half a dozen.

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

Mr. BARKLEY. I yield.

Mr. POPE. When our commission form of government law was repealed we adopted, in effect, the city-manager form of government—that is, the mayor was made the city manager and the members of the city council were purely advisory and legislative in their duties. Having worked for 4 years in that sort of a government I found that it worked satisfactorily. The mayor gets the advice of the others, and yet the mayor has the power to execute the law. So, in effect, we adopted the city-manager form of government.

Mr. BAILEY. Mr. President, will the Senator from Kentucky yield?

Mr. BARKLEY. I yield.

Mr. BAILEY. Is the drift of the argument now that we ought to abolish all the boards and commissions and have just one man in charge of each activity?

Mr. BARKLEY. No; that is not the argument; not even the trend of it.

Mr. BAILEY. Is not that the suggestion?

Mr. BARKLEY. No; I made no such suggestion.

Mr. BAILEY. I thought the Senator had.

Mr. BARKLEY. We are dealing with the Civil Service Commission, not with any other board.

Mr. BAILEY. But is it not urged that one man would run that better, and that one man would run the Federal Trade Commission better, and so on?

Mr. BARKLEY. No; there is a difference. I would not approve any measure which provided for a one-man Interstate Commerce Commission, or a one-man Communications Commission, or a one-man Federal Trade Commission, or a one-man Power Commission, because those commissions are agencies set up by Congress in the performance of the duty of Congress to regulate commerce among the States. They are quasi-judicial and quasi-legislative. They are quite different, I say to my friend the Senator from North Carolina, from a commission which is created merely to aid the President in determining how he shall perform his Executive duty of appointing people to office, in the way of testing their qualifications. One is an Executive function, the others are legislative and judicial, and the only reason, of course, as the Senator and we all know, why the Interstate Commerce Commission was set up, and why the Federal Trade Commission, and the Power Commission, and the Communications Commission, were set up under the authority to regulate commerce among the States and with foreign governments, was the knowledge that Congress itself could not do that. It has neither the time nor the opportunity to gather the facts which would enable it to fix railroad rates or practices by statute, or to fix rates for communications across State lines, or to do the things which are enjoined upon the Federal Trade Commission, as the agency of Congress, in attempting to keep the channels of interstate commerce unchoked in order that business might go forward and progress.

I draw a very clear distinction between that function which is quasi-legislative and quasi-judicial and the function of the Civil Service Commission, which is neither, but is only an agency to help the Executive to decide who is best qualified to be appointed to public office.

Mr. BAILEY. But, Mr. President, on the basis of the distinction which the Senator draws, he advocates that all Executive activity should be administered by one man instead of by a commission. I should like to know if that would be the policy.

Mr. BARKLEY. I do not think the Senator has a right to draw that conclusion from what I have said.

Mr. BAILEY. Let me say to the Senator that with respect to the civil service the intent of the whole policy respecting the civil service was to take the Government employees out of politics, and the law provides that the Board shall be a bipartisan Board. We cannot have that condition with one man. We cannot find a bipartisan man.

Mr. BARKLEY. I realize that the theory was that it should be bipartisan, and it is a very beautiful theory on paper.

Mr. BAILEY. Does not the Senator realize that that was the object in mind at the time of the establishment of the Board, due to the necessities existing?

Mr. BARKLEY. Yes; but I do not think it is a necessity now, because gradually from year to year, regardless of administrations, the tendency has been to take the appointments that are covered into civil service out of partisan politics.

It is true that when the present administration came into power, when a great emergency existed and the situation had to be dealt with almost overnight, it was physically impossible for the Civil Service Commission to have gone through the routine necessary to certify qualified appointees in all the emergency agencies, and therefore we have at the

outset exempted many of them from the civil service, but I hope that all of them will ultimately be covered into the civil service, not without any test, not by a blanket order regardless of qualification but that they will be put to a test which will be genuine as to their qualifications, and that after they have gone through that test they may not again be subject to the whims of politics or partisanship in deciding whether they shall remain on the pay roll of the Government of the United States.

Mr. BAILEY. At the same time I remind the Senator that he is advocating the abandonment of the bipartisan theory of administration.

Mr. BARKLEY. No; I do not think so, I will say to the Senator, because I think we have gone forward sufficiently in the civil-service administration so that there is no greater danger of a single administrator, in the performance of his duty undertaking to control the result of examinations than there is for the present Civil Service Commission to do it. The Civil Service Commission does not appoint anyone. It is not an appointive body. It is only a certifying body. It goes through the necessary minutiae of details and examinations, and all that, to determine who is qualified. When the Commission has made up an eligible list it certifies to any department that has a vacancy the names of the three highest on the list. It may be possible that the appointing body in the department may have the power to exercise some personal preference or favoritism as among those three, but it is not done on the part of the Civil Service Commission, and it will not and cannot be done on the part of the civil-service administrator.

Under a single administrator there will be the same kind of examinations, or if not the same kind, probably an improved kind, because we have all had the experience that in the case of certain types of examinations that have been held in the past the test of qualifications of certain applicants for office seemingly had no real connection with the office to be filled.

However, the same automatic routine with respect to examinations held in the field or the examinations of the papers when they reach Washington, and their grading and determination according to the merits of those papers, will be gone through with that which is gone through now.

In my judgment neither a commission of three nor one administrator has any legal, political, or moral right to interfere in any way with the impartial grading of papers that are before the Commission or before the civil-service administrator in determining who may be appointed to office.

Mr. BAILEY. If I understand the force of the Senator's argument, we have after 50 years so developed the civil service that it has become automatic and partisan proof, and therefore we can put in one man at the will of the President. That is a great tribute to the civil service. Why change it?

Mr. BARKLEY. My theory is that, even if a commission of three was necessary at the beginning in order to get the civil service started, its machinery has become so well understood and so automatic that it is no longer necessary to maintain a commission of three, when one administrator, I believe, can act more promptly and with greater responsibility than can a commission of three.

Mr. BAILEY. If the Senator is sure of that, I should like to ask why the bill still contains a provision for an underlying nonpartisan board.

Mr. BARKLEY. That is not entirely different from the part-time boards that are set up in the States. In the State of Michigan, for instance, where they have a single administrator—

Mr. BAILEY. The Senator is arguing that the thing is automatic; that we do not need it any more.

Mr. BARKLEY. Of course, advice is always valuable. We do not always take it, even when it is good. It is not in the interest of partisanship, as I conceive it, for a part-time commission, nonpartisan in character, to be set up which may advise the administrator and aid him in the working out of any routine matters, and not matters of policy, because it is not a policy-making board. Instead of

having a commission, the members of which are in service all the time, drawing annual salaries, we provide for the establishment of a small board, which will meet periodically, or whenever it may be necessary, in order to act as a sort of a representative of the public in any way that it may be necessary to advise and counsel with and aid the administrator in the performance of his duties.

Mr. BAILEY. So, the Senator now says that we do need representatives of the public of a bipartisan character, and we need them for the purpose of advice. Why would not the advice of three people be better than the advice of one?

Mr. BARKLEY. I do not quite get the application of the inquiry.

Mr. BAILEY. The board now is conceived of in the argument as being advisory, and it is conceived that there is a necessity for it. The Senator is advocating a plan for one man's advice. I am advocating a plan for three, as we now have it.

Mr. BARKLEY. The one man is not simply an adviser. He is an administrator.

Mr. BAILEY. Yes.

Mr. BARKLEY. The board which it is proposed to create will be an advisory board. If the Senator objects to that, I should be willing to consider whether or not the provision ought to be retained; but I do not believe that in the administration or the execution of the law, in the certification of applicants for office to a department in Washington, three men can do it any more promptly or more efficiently or more satisfactorily than can one man, because, after all, these things are sifted from the very bottom up through all the various grades until they get to the top, and when they get to the top they are more or less automatically referred then to the various departments that have the power of appointment.

Mr. BAILEY. Let me say to the Senator that three persons can represent two parties or three parties. Three persons can represent three points of view. Three persons can outlast one another. One is appointed for 2 years, one for 4, one for 6 years. There is an element of continuity, an element of representation, an element of conference, and an element of check. None of those elements would be there if we should have only one administrator.

Mr. BARKLEY. If we are to assume that the Commission is made up of persons who in their individual capacity are engaged in some sort of political skullduggery and that each member ought to be watching some other member of the Commission who is engaged in some sort of political skullduggery, the Senator is correct. But I am arguing, and I certainly hope that the assumption is not without foundation, that whether it be a commission of three or an administrator of one, they will be unreservedly and with single-minded devotion to their duty interested in advancing the cause of civil-service reform and justice in the appointment of persons to the executive branches of our Government.

Mr. BAILEY. I will say to the Senator we do not have five men on a board or six just on the basis of one preventing another from engaging in skullduggery.

Mr. BARKLEY. The argument has been made in the Senate that the minority member of a commission of three representing the party not in power is in a position to watch the two who are in a majority on the commission, who in most cases have been appointed as a new administration has come into office, and inasmuch as these changes have gone on from time to time, I suppose it may be theoretically correct to say that politics may have played some part in their appointment.

Mr. BAILEY. The whole theory of the civil service was that there was too much politics played in appointments; therefore we would have a bipartisan board to prevent political play. That does not imply an attitude of suspicion of skullduggery, but only an attitude of caution by way of having three members, two of whom represented different points of view. When the Senator makes the argument that we are proceeding on a theory of skullduggery I think he is begging the question.

Mr. BARKLEY. The word "skullduggery" may be a little too strong, but if it is thought that a minority member ought

to be there in order to watch the majority member, the suspicion is created that something might go on that is wrong, because these commissions are not made up of policy-making men. The rules for their conduct are laid down by the Chief Executive. They follow those rules. They are responsible to the Chief Executive. I agree that in the beginning, when everything was a matter of patronage, and the spoils system prevailed, the Civil Service Commission was inaugurated in order to get away from the spoils system. The advocates of civil-service reform have had a long, hard fight, and have traveled a long road from the beginning of the civil-service conception of our public service up to the present time. I believe the present Commission is as completely nonpartisan as it is possible for any commission of high-minded men and women to be. Even if they wanted to favor some Democrat or some Republican in a contest for an appointment, I do not believe they could do it without everybody in the Commission knowing it; and I do not believe a single administrator could do it, either.

Mr. BAILEY. The Senator has paid a high tribute to the Civil Service Commission. He says it is as completely nonpartisan as such an institution could be. That being so, and the Commission having developed for 50 years, why disturb it? That was just the goal at which we aimed.

I should like to say to the Senator further that his argument for excluding minority representation, on the basis that minority representation exists only for the purpose of preventing skulduggery, is very badly founded. The very character of this Republic is conditioned on minority representation. It was always intended that the minority, whatever it was, should be represented in the Congress and everywhere else throughout the Government.

Mr. BARKLEY. There are variations of that theory. I realize that minorities are represented, and ought to be represented, in all processes of government. But if the Senator's theory were carried to its logical conclusion, we ought to have three Secretaries of War, so that there would always be one in the minority. We ought to have three Secretaries of the Treasury, so that there would always be one to watch the other two. We ought to have three Attorneys General, because the two in the majority might not always be willing to perform their duties as they should, and the minority member would be there to watch the other two.

Mr. BAILEY. Since the Senator has undertaken to reduce my argument to an absurdity—

Mr. BARKLEY. No; I have not. I am trying to reduce it to its logical conclusion.

Mr. BAILEY. Following out the Senator's argument, we ought to have three senior Senators from Kentucky, and three Presidents of the United States. If the Senator is satisfied with his argument by way of reducing my argument to an absurdity, I am satisfied by way of having reduced his argument to an absurdity.

Mr. BARKLEY. There could not be three senior Senators from Kentucky, unless all three of them were born on the same day, or elected on the same day.

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

Mr. BARKLEY. I will yield in a moment. I stated a while ago that in the Constitutional Convention which framed the Constitution the question was discussed whether we should have a single Executive or a commission. The commission idea was discarded in favor of the single Executive, on the theory of fixed responsibility.

I yield to the Senator from New Jersey.

Mr. SMATHERS. If I may make a suggestion, at the present time we have three senior Senators from the State of Kentucky in one.

Mr. BARKLEY. I thank the Senator for that compliment. I sometimes do meet myself coming back, which reminds me that there are at least two. [Laughter.]

Mr. BAILEY. I wish to thank the junior Senator from New Jersey for having reduced the Senator's argument to an absurdity.

Mr. BARKLEY. I am sorry the Senator from North Carolina has spoiled the compliment paid me by my friend from

New Jersey, who is also from North Carolina, a State from which my ancestors also came.

Mr. BAILEY. If the Senator will permit me, I desire to pay him a genuine compliment. He is a very able Senator and a very faithful Senator. He deserves the high place of leadership in which his party has placed him, and I am one of the Senators who hope he will remain here, not only for 6 years, but for 12 years, 18 years, or more, and that he will stay in the position of leadership. That is not absurd. That is a genuine compliment.

Mr. BARKLEY. That is the best speech I have heard lately. [Laughter.] I thank the Senator for his compliment.

Mr. President, I have taken more time than I intended. I do not wish to occupy the whole time allotted before the vote is taken on this amendment. I have no personal interest in it one way or the other. It is always regrettable to vote anybody out of office. It is always unpleasant to abolish any commission or any office to which one's friends have been appointed, and which they occupy. But looking at this matter from the standpoint of efficiency, from the standpoint of fixed responsibility, and from the standpoint of trying to reorganize and coordinate our Government, not only in the interest of economy but in the interest of efficiency—which, after all, is economy—much as I regret to oppose the amendment offered by my good friend the Senator from Massachusetts [Mr. WALSH], for whose legislative ability and for whose character I have the greatest respect, I hope this amendment will not be adopted.

Mr. CAPPER. Mr. President, it is not my intention to enter into a discussion of this entire measure to give to the President such extensive and comprehensive power to reorganize the executive departments, except that I want to make it plain that I believe the powers proposed are entirely too broad, and amount to an almost complete surrender of the powers and duties imposed upon the Congress by the Constitution.

I particularly want to voice my protest against the provision to replace the Civil Service Commission by a one-man administrator, completely under the domination of the White House.

I am for civil-service reform. I believe in extending the merit system of appointment and promotion in the civil service.

But this proposal, as it came from the committee, looks to me more like a program to destroy the civil service than to promote the merit system in the civil service.

I believe that a board of three is better qualified to administer the civil service than is a single administrator. I feel that the amendment proposed by the Senator from Massachusetts [Mr. WALSH] has the merit of removing the commission from White House domination, whereas the original proposal practically would make the administrator the chief patronage dispenser for whatever administration happened to be in power.

I cannot and will not support any proposal which carries such a complete surrender of the powers and duties of Congress as is proposed in the pending measure. If the administration is insistent upon its passage, I at least can vote, and shall vote, to improve it as much as possible by amendments.

The PRESIDENT pro tempore. The clerk will state the pending amendment.

The LEGISLATIVE CLERK. On page 8, beginning with line 20, it is proposed to strike out all down to and including line 9 on page 10 in the following words:

SEC. 201. (a) There is hereby established in the executive branch of the Government an organization to be known as the Civil Service Administration (hereinafter referred to as the "Administration"), at the head of which shall be a Civil Service Administrator (hereinafter referred to as the "Administrator"), who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of 15 years and shall receive a salary at the rate of \$10,000 per annum. The Administrator shall be selected without regard to any political affiliations, shall be a person specially qualified for the office of Administrator by reason of his executive and administrative qualifications, with particular ref-

erence to his actual experience in, or his knowledge of, accepted practices in respect to the functions vested in that office by law.

(b) The Administrator shall appoint a Deputy Civil Service Administrator, subject to the civil-service laws, and his salary shall be fixed in accordance with the Classification Act of 1923, as amended. The Deputy Civil Service Administrator shall perform such functions as the Administrator may prescribe, and shall act as Administrator in the absence of the Administrator or in the event of a vacancy in that office.

(c) The United States Civil Service Commission and the offices of Civil Service Commissioners are abolished, and all functions vested in such Commission are hereby vested in the Administration. The records, property (including office equipment), personnel, and unexpended balances of appropriations of such Commission are hereby transferred to the Administration.

(d) The Administrator is authorized to delegate to any officer or employee of the Administration any functions vested in the Administrator or the Administration by law, and to make such rules and regulations as may be necessary to carry out any of such functions.

(e) The Administrator shall cause a seal of office to be made for the Administration, of such device as the President shall approve, and judicial notice shall be taken of such seal.

Mr. BURKE. Mr. President, I was interested in the statement of the Senator from Kentucky [Mr. BARKLEY], in which he paid a high compliment to the present membership of the Civil Service Commission. The Senator said that, in his judgment, each one of the three members of that Commission was competent and fully determined to carry out the purposes of the act, and to do everything such a Commissioner should do.

When the Senator made that statement, I was reminded of a statement which I heard the senior Senator from Arizona [Mr. ASHURST] make a few days ago. In the course of his argument the Senator from Kentucky paid a very glowing tribute to the senior Senator from Arizona. The Senator from Arizona said, in reference to a certain piece of legislation, that he was reminded of the old saying that a failure to show necessity for a change is conclusive proof that there should be no change in the law.

I think what our friend from Kentucky has said has demonstrated rather conclusively that there is no pressing need for a change in the composition of the administrative body enforcing the Civil Service Act. As the argument has progressed in reference to this feature of the bill, it has seemed to me that the proponents have put themselves in a very difficult position.

On the one hand the Senator from South Carolina [Mr. BYRNES] told us that the Civil Service Commission does not have any important duties to perform; that there is a Chief Examiner, who does practically all the work; that there is a board of review, which looks after the examinations; and that the Commission does not really have anything in particular to do. Then we go on a little further, and we hear that this body, with such important duties to perform, by the very nature of its composition, is inefficient, and that if the work of this great governmental agency is to be carried on as it ought to be, in the interest of efficiency we must have a single administrator instead of three.

The two arguments do not go together very well. We cannot, on the one hand, say that the Commission has nothing but routine duties to perform and, on the other hand, say that the need for efficiency demands a single administrator.

I think the proponents of this measure must recognize that they are now placed in a very difficult situation. Under the proposal in the bill before us the three-member Commission will be replaced by a single administrator, but there will be set up also an advisory board. The extreme weakness of such a board and the great difficulty it would have in doing anything worth while have already been completely demonstrated. I am addressing my thought only to this phase of the matter. The proponents of this measure recognize, by their very eagerness to set up an advisory board, that there is something in addition to ordinary administration involved in this part of the bill. As a matter of fact, at the present time, with the three-member Commission, we have a Chief Examiner, who, as the senior Senator from Massachusetts [Mr. WALSH] pointed out yesterday, is, in effect, and in everything but title, the real administrator. He himself, single handed, performs all the routine duties. We have been told

that this Commission ought not to be bothered with such duties, and that a single administrator could do so much better.

But we already have in this system a Chief Examiner who does all that work, and then we have the Commission itself which serves as the advisory body, to which the six or seven hundred thousand Federal employees look as their last refuge. I see no advantage now in doing away with the system under which we have a three-man Commission and a Chief Examiner who does the administrative work and reports to the Commission. I think it would be a mistake to reverse that system and provide for a single administrator and a purely advisory committee. It seems to me it would not be in the interest either of efficiency or of good government.

I am sure that many Senators have heard from some of the six hundred or seven hundred thousand employees who look, as I have said, to the Civil Service Commission as their last refuge and hope. In my opinion the suggestion which was made earlier in this debate is an entirely reasonable one. Some light comment was made on the fact that the women employees of the Government feel that they would be better served by a commission than by a single administrator and that they are entitled to have representation on the Civil Service Commission. I think there is merit in that contention. I also think that when the American Federation of Labor says, as it has said very often in past years, that organized labor should be represented on the Civil Service Commission, there is merit in their contention. I do not believe that any of these great groups of our citizens would be pleased or satisfied if they were to be told, "Well, you can have representation on an advisory board," a board that will have no powers, no duties, no authority of any kind, and might, as a matter of fact, just as well never be brought into existence.

I am sure that the Senator from Kentucky and all other Senators who have taken part in this discussion, and who will vote their convictions on the pending question in a few moments, desire to make the civil-service system more effective. My own firm conviction is that we can do that far more effectively by adopting the amendment offered by the Senator from Massachusetts.

Mr. DAVIS. Mr. President, I spoke in behalf of the merit system on March 9 because I am convinced that if this bill is passed reorganization will be placed in the hands of those who have openly expressed their favor for the patronage system. We have come to the "parting of the ways." The abandonment of the civil-service merit system, and the substitution of the patronage system would mean the loss of jobs for thousands of civil-service employees at a time when unemployment is mounting daily. I am opposed to the proposal to abolish the Civil Service Commission for the purpose of setting up a one-man administrator. Such a procedure would threaten to advance the Nation one more step toward one-man government, to which, I am sure, the American people are resolutely opposed. I am certain that the problems of reorganization can be worked out within the framework of the present administration of civil service, and I am eager to have such reorganization in the interests of economy and the further extension of the principles of the merit system.

Mr. President, I shall not vote for this bill in its present form, because I regard it as a threat to the principles of social security, stabilized employment, and the property right which a worker has in his job. If there is failure under the present Civil Service Commission to provide the efficiency and dispatch in the performance of duty which the needs of the Government require, the law provides that any Civil Service Commissioner may be removed at the will of the President. I am not suggesting that there has been such failure. There are those, however, who are calling for a single administrator because they make charges of inefficiency against the Commission. If there is any validity in their point of view, the Chief Executive should not fail to discharge his duty. The President is charged with responsibility of requiring a competent administration on the part of the Commissioners under the law as it now stands. It should be observed that prior to

1933 the charges now made against the Commission were not considered worthy of attention.

Mr. President, in my judgment, the quickest and best solution of the important problems of personnel administration will be found in granting to the Civil Service Commission an adequate appropriation with which to carry on its work. Reference to the printed hearings before the subcommittee of the House Committee on Appropriations on the independent offices appropriation bill for the fiscal year 1939 discloses the fact that we are faced with the spectacle of the Bureau of the Budget, an agency of the Chief Executive, denying the Civil Service Commission's plea for adequate appropriations, while at the same time the President's Committee on Administrative Management is condemning the Civil Service Commission for its reputed failure to perform its functions competently.

Mr. President, I question if any thorough-going attempt has been made under the law as it now stands to effect the improvements which we all desire. Until such an effort shall be made under the present system, I am opposed to attempting to set up a new one.

Mr. LEWIS. Mr. President, I make bold to address myself for a moment to the argument which has been advanced as I have listened to it during the last few minutes. I mean the one against the proposal to provide a single administrator in lieu of the present Civil Service Commission.

Mr. President, when the civil service was first suggested it was not regarded as a system which was understood. A distinguished citizen of the name of George William Curtis, not unknown in the history of New York, was supposed to be the projector of the system. For a long time, sir, it was regarded as an attempt merely to assure officers of faithful service who would not be subject to dismissal by those who might come into power politically.

A former President of the United States, Theodore Roosevelt, was put in charge of some form of civil-service administration of a nature that will be remembered in connection with the law which was enacted. Since those days, as the Senator from Kentucky a moment ago wisely observed, many changes have occurred, and we have now reached a point that whatever should be done in connection with the civil service is really judicial in its application and in its spirit.

It is said, sir, that a commission consisting of three members should be retained because, as my eminent friend from North Carolina [Mr. BAILEY] suggests, there should be one of the minority. What minority? An eminent Senator from Wisconsin, the senior La Follette, a distinguished leader and highly esteemed citizen of America, represented for a considerable length of time one political element that could be called Republican, but was designated as Progressive Republican. At the same time one of the old order of Republicans, Mr. Penrose, who has now passed to heaven, was a distinguished Senator from Pennsylvania. If an appointment had been tendered a gentleman of the minority, would it have been intimated that the then distinguished Senator from Wisconsin would have accepted the gentleman presented for the minority by Mr. Penrose as a minority representative?

Then, sir, what makes a minority? May I come a little closer home? The able Senator has referred to Dr. White, a late member of the Commission. Dr. White was from my city; he was assumed to be a Republican. He was from the Chicago University in the city of Chicago. The mayor of that city advocated his appointment to the Civil Service Commission upon the theory that it were well to have one on that Commission who was schooled in the science of what is called civil service and who was a member of what has been designated here as the minority. So this gentleman, Mr. President, was promoted to the city of Washington as representing the minority on the national Civil Service Commission. Have you forgotten, sir, that the distinguished gentleman had changed about in his political views? He had supported Mr. Franklin Roosevelt for President of the United States. He was pleased to assert such truth. He

could no longer support those who previously were members of the party to which he was allied.

Our honorable friends, Senators on the other side—particularly one who is now absent from us for a little while, the Senator from Maine [Mr. WHITE]—legitimately contended that this gentleman, Dr. White, a member of the Civil Service Commission, was not a minority appointee. How could he be, asked the eminent Republican Member? True, he could be designated as a minority appointee, but he supported Mr. Roosevelt as the other members of the Commission supported Mr. Roosevelt. Therefore where was there any minority in this designation? Upon that, as my eminent colleagues recall, the matter rested. Dr. White was finally accepted on the theory that he had been an educator and student of the system of civil service in a great educational institution. Therefore, when we come to discuss what is a minority, we are confronted in these days with the fact that we have two or three political parties fairly well organized. I deplore to confess and profess here in this tribunal at this time that in coming Presidential contests we will see six different candidates for the Presidency, three of them representing the now recognized parties and three representing parties that will arise in the meantime, taking on the form of political organization. Therefore, if we are going to discuss the question of minority, we are back again to the famous inquiry in Pontius Pilate's day when it was asked about this man Christ not having spoken the truth. "Well," asks Pilate, "what is truth?" So the question will still remain, what is a minority? Therefore, sir, we are confronted again with the same sort of inquiry.

Now, sir, let us take the position of my eminent friend from Nebraska. I refer to my distinguished friend the junior Senator from that State [Mr. BURKE], whose leadership in great matters of Government legislation from the court bill to now entitles him to be known as "the oracle from Omaha." [Laughter.] My beloved friend asserts that this single individual as official in control would be a very bad result, because the whole power would be combined in his hands. I take him back to Nebraska, and I bring him before a tribunal where he has honored himself as counsel in several instances with able arguments and esteemed virtuous positions known to the law. In Omaha there is but one Federal judge, as the district United States judge. He sits in that court as a Federal judge. He is the trial Federal judge, and he has about him his advisers. Some of them are called, if you please, sir, masters in chancery. Some of them are called referees; but while the judge is the head of the tribunal, he has about him the same form of counselship which our eminent friend from Nebraska would intimate stands as something of an obstruction in the way of what would be called a single control by a single mind as to this civil-service head.

Mr. CLARK. Mr. President, will the Senator from Illinois yield to me?

Mr. LEWIS. I yield.

Mr. CLARK. It seems to me that for almost the first time in a lifetime of acquaintance with the Senator from Illinois in this instance he is using an extremely faulty analogy, because the Senator will recall that while the single judge sometimes sits individually, and frequently as a matter of routine sits individually, in the most important matters confided to the jurisdiction of the lower courts the statute has wisely required that not one Federal judge but three Federal judges shall sit in the disposition of such cases.

Mr. LEWIS. I beg to call the attention of my able friend to the circumstance that he has overlooked the fact that these are not the ordinary causes; that when the constitutionality of an act of the legislature of a sovereign State is brought into question, instead of allowing one Federal judge to assume himself to be powerful enough to dispose of the question, we have created what is called a three-man court, to use the words of the law, and three judges sit. This is in order that the question may be determined as against that sovereignty with something more than a single judgment. In that case there are three judges; but, sir, that does not

alter the fact that in the cases which are tried in the ordinary course of things there is but one judge. Appeal may be taken from him later, after conclusion of the matter, to a higher tribunal; but at the time the cause is being heard there is but one judge, although he has the right to listen to his masters in chancery and likewise to appoint his referees.

Mr. CLARK. Mr. President, if the Senator will permit me one word further—

Mr. LEWIS. I yield again.

Mr. CLARK. Again the Senator's analogy seems to me faulty, because while there may be a single judge trying the case in the first instance, as in the first instance before the Civil Service Commission at the present time a matter may be heard before the Chief Examiner, nevertheless an appeal lies to a circuit court of appeals, which consists of several judges, never less than three; and in a proper case an appeal may be taken to the Supreme Court of the United States, where it will be heard, not by one judge sitting as high commissioner or exercising arbitrary power but by nine judges.

Mr. LEWIS. But if the man we are seeking to appoint, an honorable man to sit as administrator, should do something that appeared to be in violation of the statute or in violation of regulations, an appeal could be taken from him directly to the President of the United States, and for all purposes of parallel, the appeal is provided just the same as my honorable friend from Missouri indicates.

Mr. SCHWELLENBACH. Mr. President—

Mr. LEWIS. I yield to the Senator from Washington.

Mr. SCHWELLENBACH. I call the attention of the Senator from Missouri to the fact that insofar as the administrative duties of the operation of his court are concerned, the judge always acts solely and individually, and does not rely upon a three-judge court; and there is no appeal from his decisions on the purely administrative operations of his office as a judge.

Mr. LEWIS. That I have tried to make clear. I could not have elucidated it more forcefully or more clearly than the Senator from Washington does; but I am merely answering the statement which is being made as if there were something novel, original, revolutionary, in having some one person of authority preside over a matter that is at all times semijudicial, as this new office under these new conditions certainly will be.

I have but one other observation to make.

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

Mr. LEWIS. I gladly yield to my friend.

Mr. BURKE. On yesterday the distinguished Senator from Illinois propounded an inquiry to the Senator from South Carolina [Mr. BYRNES] as to the purpose and function of the advisory board, what it was really to do; and the tone of voice which the Senator from Illinois used very clearly indicated to me that he had very grave doubts at the time whether any really worthwhile purpose and function would be or could be performed by the advisory board. I am wondering whether the Senator from Illinois has seen a great light, and now understands fully what the advisory board is to do.

Mr. LEWIS. I answer my friend that having very clearly in my mind a viewpoint of what the board is to do, I sought confirmation of my view from the Senator from South Carolina [Mr. BYRNES], who, upon the subject of this kind, naturally would afford a great light; and that I was pleased to follow, as additional illumination to that which I already possessed.

Mr. President, I conclude by saying that I cannot see the force of the reasoning which my able friends are adopting here to dispute the wisdom of reposing this power in a single individual, who will have authority, and there likewise will be recourse from his ruling, as provided in the bill.

And now may I invite your memory for a moment? When the establishment of the Civil Service Commission was suggested, it was to be composed of five members, my distinguished colleagues, not three. Our esteemed associate in this honorably body, my distinguished friend the Senator from

Missouri [Mr. CLARK]—then the young Parliamentarian—who was then the adviser of the House of Representatives as he now continues to be the adviser of the Senate—will recall that I was then an humble Member of that rather truculent House of Representatives. The contention was made that the imposition of such an obligation of five would be onerous; that the number of members proposed was so great that it would be so burdensome as to be useless. The contention was strongly made that there should be a single head, but, if you recall, it was said such head should be a judge. It was desired to have a judicial head. It was while the matter was pending in that form that finally there came the conclusion, on the suggestion made by my able friend from North Carolina and likewise my able friend from Nebraska, upon the theory of minority representation, by which the three finally came to be suggested.

So far as I am concerned, I now come back to the point that the whole matter will turn on the manner of man who is appointed to the place. If we have no confidence in the Executive, or the one who shall make this appointment, if we do not believe that he will name, under such conditions, a responsible character capable of executing the law within its terms and in accordance with its spirit, we are all wasting our time.

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

Mr. LEWIS. I yield to my friend from Maryland, of course.

Mr. TYDINGS. The Senator knows that the office of Comptroller General of the United States is a one-man office. The Senator knows that in the past there have been some difficulties between the Comptroller General who, under the statute, is an independent individual, and may be removed only for cause, and certain departments of the Government. The Senator knows that since the Comptroller General completed his terms of office there has been no appointment to the place, and therefore there has been no opportunity for either the Senate or the House to exercise its part in the executive functions of the National Government insofar as confirmation and the like may be a part of those functions.

If that were to happen with a one-man civil-service board—in other words, if the Civil Service Administrator were to die, or to resign, or for any other reason a vacancy were to occur, and there were only one Civil Service Commissioner instead of three, and a period of 18 months or 2 years were to elapse—does not the Senator feel that in that event it would be well to have two other men on the board to carry on?

Mr. LEWIS. If we are to assume that should death remove a man, and that is the cause of his disposal, there will be a delay of from 15 to 18 months on the part of an Executive in deciding who should fill the place, despite the vacancy calling for it, then, of course, we come to the conclusion that the Executive is deficient, and not the unfortunate situation growing out of the vacancy.

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

Mr. LEWIS. I yield to my friend.

Mr. TYDINGS. The Senator knows that in the case of the Comptroller General, whose function is perhaps more important than even that of the Civil Service Commission from the standpoint of the whole country, a long period of time has elapsed without the appointment of a successor, and in the meantime the Acting Comptroller General is carrying on. It seems to me there is an object lesson in that very vacancy or void, and that has inclined me to vote for three persons rather than one in the case of the Civil Service Commission. In the case of the Director of the Budget, I am advised that the same statement applies. But the point is that, while I believe that one good Commissioner probably would be better than three good Commissioners, because he would have sole authority, and if he were a man of high type he would administer the law well; but when there is one commissioner, in view of the lapse of time between the occurrence of a vacancy and the time when

another man takes his place in a highly important office, I think there is a great deal of merit in having two other high-class men who can carry on the functions properly in the interim.

Mr. LEWIS. If my able friend from Maryland, for whom we have great esteem, sees, as appears from his observations, such possibility of embarrassment, the offering by him of a slight amendment to the measure providing for the contingency in the event of the death of the administrator might meet the difficulty. It is perfectly apparent that, in the event of the death of a commissioner, there are those, as has been stated, who are in a position to carry on the routine.

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

Mr. LEWIS. In a moment. To one other suggestion of my able friend let this be said: A Justice of the Supreme Court, we will say, passes away. It takes a long time to find a man properly qualified to succeed him; much delay may be had in investigating the qualities of aspirants and much effort may be spent in trying to find a worthy successor. May it not be said in connection with the appointment of a budget director that sometimes delay is caused by the desire to investigate and find the proper man to fill the position?

Mr. TYDINGS. Mr. President—

Mr. BYRNES. Mr. President, will the Senator from Illinois yield to me now?

Mr. TYDINGS. The Senator asked me a question, and I should like to dispose of it, and then I will desist.

Mr. LEWIS. I yield to the Senator from Maryland, and then I will yield to the Senator from South Carolina.

Mr. TYDINGS. There is a great deal in what the Senator from Illinois has said, but I ask him what legitimate reason there can be for the lapse of a year and a half or two years between the expiration of the term of the Comptroller General in the one instance and the failure to appoint a successor? I concede that a reasonable length of time ought to be allowed to elapse, but certainly 18 months or 2 years is a pretty long time.

Mr. LEWIS. My answer is that that does not go to the merits of the question of the appointment of an administrator or a commission. It goes to the question whether we are willing to concede that those who have the appointing power are without a real or justifiable reason for a particular delay. But that is apart from the other question at issue.

I now yield to the Senator from South Carolina.

Mr. BYRNES. Mr. President, I suggest to the Senator from Illinois, in connection with what he has just stated, that whether or not the President should have appointed someone to the office of Comptroller General of course involves an entirely different question. I do not know why the President has not made an appointment, but we do know that in February 1937 the President submitted to the Congress a proposal to make a change in the General Accounting Office, and certainly one factor which may have been taken into consideration is that legislation had been introduced abolishing the office of the Comptroller General.

With reference to the question of a vacancy occurring in the office of a single civil-service administrator, there might not be the same trouble in administration through failure to make an appointment. The situation as to the Comptroller General is, we all agree, an unusual one, but in the State of Maryland the civil service is administered by a single administrator; there is no commission at all, no advisory committee, and there has been no difficulty in Maryland so far as the information of the committee goes with reference to that matter. The situation as to the Comptroller General is an unusual one, but a similar situation might arise as to the Secretary of the Treasury or any other official. We cannot assume that if there is a vacancy the President will not promptly make an appointment.

Mr. TYDINGS. Mr. President, will the Senator from Illinois yield?

Mr. LEWIS. I yield.

Mr. TYDINGS. I think the illustration or the parallel drawn by the Senator from South Carolina is not apropos to the present discussion. First of all, because legislation is introduced to change the set-up or the status of a department has nothing to do with the creation or existence of a vacancy which now, I believe, has existed for more than 2 years. If the legislation were imminent, if it were to be acted upon, that would be one thing; but certainly there is nothing to lead us to the conclusion that a 2-year period is necessary after legislation has been recommended. It presupposes that the Congress is going to do exactly what the recommendation suggests. I cannot see the parallel, I cannot see why a vacancy which has existed for more than 2 years can be brushed idly aside because legislation has been suggested dealing with the office. In any case, it is the duty of the Chief Executive, after a proper time, in my humble judgment, to fill all vacancies which exist, and certainly a 2-year period of vacancy during which hundreds of good men could have been found to put in the place is a pretty long time. I should not like to see the civil service run for a 2-year period while no person was suggested to fill the office of administrator. If the office is to remain vacant that long, then we ought to have no commissioners but should let the underlings in the office run it permanently.

Mr. LEWIS. Mr. President, in the event there were three commissioners, and the chief should die or be displaced, and a vacancy arise, the same argument, if we had an Executive so desultory in his habits and so lacking in his sense of duty, would apply just the same as if there were only one commissioner.

Mr. TYDINGS. Mr. President, if the Senator will yield, I must take issue with him as to that. So long as two or a majority of any board continue to make its policy, it is the same as if all three of them make it. At any rate, they would be men particularly charged with the operation of the business, whereas subordinates are never particularly charged with the operation of the business, because they are only subalterns, who carry out the routine and do not make policy decisions.

Mr. LEWIS. Possibly that is true. It seems to me that where my able friend from Maryland falls into error is in giving importance to a thing merely because it has some possible application to something which might somehow, somewhere happen.

I may illustrate the application by telling him that a lady from Maryland, from his great State, who I understand was a schoolteacher and a reformer of bad customs, stepped into the State of my friend the junior Senator from Virginia [Mr. BYRNES]. She was there to rescue some of the inhabitants of the benighted locality who needed restoration from the unhappy state into which they had fallen. But when she arrived in a certain small community it was discovered there was no hotel. So she went for guidance to the only man accessible. He was the postmaster, and she said, "I am here, but there is no hotel here."

He said, "No, madam; there is no hotel here."

Said she, "What am I to do? I must sleep somewhere. Where can I sleep?"

He replied, "Madam, the only thing I can suggest is that probably you can sleep with the station agent."

She indignantly exploded, "Sir, I am a lady."

"Yes; but what has that to do with it? So is the station agent." [Laughter.]

Mr. TYDINGS. Mr. President—

The PRESIDING OFFICER (Mr. CLARK in the chair). Does the Senator from Illinois yield to the Senator from Maryland?

Mr. LEWIS. I yield.

Mr. TYDINGS. The Senator's colloquy reminds me of another story, whereby I might illustrate that he is trying to justify his position on the ground that this has happened before.

There was walking down the street one day a certain Irishman whose trousers were rather highly gallused. A friend happened to notice that he had on one green and

one red sock, so, going up to Pat, the friend said, "Pat, you are dressed very unusually this morning."

Pat said, "How so?"

"Well," his friend said, "you have on one green and one red sock."

Pat looked down, and evidently had been absent-minded when he put on his socks that morning and had not noticed them, but he was witty, and he said, "Why, by golly, you are right, and the funny part of it is that I have another pair exactly like them at home." [Laughter.]

Mr. LEWIS. To that I merely add this observation: That it does fittingly apply to circumstances directing opposition to this bill. Here we have one group of individuals wholly green upon a subject and another group wholly red. [Laughter.]

Mr. TYDINGS. What I am trying to show the Senator is that he is neither green nor red, but that he is defending the maintenance of a vacancy which is all black. [Laughter.]

Mr. LEWIS. In view of the fate of the bill which I lately advocated in one form or another, the so-called antilynching bill, I have been met by my friends from the South with the assertion that they could not understand how I ever had a right to get "all black." [Laughter.]

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

Mr. LEWIS. I yield.

Mr. BYRNES. With reference to the office of Comptroller General being handled by a subordinate during this period, I remind the Senator from Illinois that the statement is not quite accurate, in view of the fact that that organization is being run by the Assistant Comptroller General, a man appointed by the President and confirmed by the Senate. The Assistant Comptroller General is appointed by the President by and with the advice and consent of the Senate. So the official in charge of that office is not a mere clerk discharging the duties of the office.

Mr. TYDINGS. Why not abolish the office of Assistant Comptroller General and let him be the Comptroller General? Why have the Comptroller General's office if the Assistant Comptroller General can run the organization? How long has the Assistant Comptroller General been running the office?

Mr. BYRNES. Not for so long as the Senator has stated; but since July 1936, when the Comptroller General resigned.

Mr. TYDINGS. Nearly 2 years.

Mr. BYRNES. Of all the appointments in the service of the Government, I know of no other where there is a vacancy at this time which has existed for that length of time, and it is not right to assume that because in one instance a vacancy is allowed to exist for that length of time, the President will permit such vacancies to exist in all offices.

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

Mr. LEWIS. I yield.

Mr. BARKLEY. Of course, the vacancy in the office of Comptroller General constitutes an exceptional situation, for which we may partly be responsible. The President, more than a year ago, sent in his request for legislation on the subject of reorganization, which affected that office. There is nothing to prevent the statutory assistant, in the absence of the head of the Comptroller General's office, continuing to operate the department or perform the duties of the Comptroller General awaiting the action of the Congress. I am not blaming anyone particularly for the delay in the consideration of the bill, but if the President's recommendation, made more than a year ago, had been followed, no doubt this office would have been filled long ago, and it hardly operates as a precedent or parallel in any respect affecting the administrator of the civil service.

Mr. BURKE. Mr. President, will the Senator from Illinois yield?

Mr. LEWIS. I yield.

Mr. BURKE. I do not know how direct a bearing this line of argument has on the pending amendment, but in the light of the statement made by the Senator from South

Carolina that he did not know of any other instance where a vacancy had been permitted to extend so long—

Mr. BYRNES. I am willing to admit there may be some, but the number is small compared with the total number of appointments.

Mr. BURKE. I wanted to call attention only to the office of the Director of the Budget. The Director of the Budget resigned long ago, and no successor has been appointed in his place. The particular thing to which I wish to direct attention is that Congress, I believe 2 years ago, passed the appropriate legislation to set up the Federal Alcohol Control Administration, with a board of three members to administer the law.

Possibly the idea that everything must be done by a one-man administrator has operated to delay the appointing power, because although 2 years have elapsed the board created by Congress has not yet been filled and the office is being run by an assistant or acting official, although Congress directed that that activity of the Government should be carried on by a board of three members.

Mr. LEWIS. I take it from the statements of the able Senator from Nebraska that there is an instance where three have been designated, and something happened by reason of which only one is called on to perform the duties of those three, but so successfully has that one performed those duties that apparently no complaint has resulted. This ought to be a commendable example to the prospect of the pending bill.

Mr. BURKE. I would question the Senator's statement only to a certain extent. If Congress in its wisdom determined that there should be a board of three I question whether there is anyone else who has a right to say, "It is being run so well by one, and that an acting one, that we will not carry out the will of Congress."

Mr. LEWIS. There may be much in that, but I am constrained to say that my able friend from Nebraska and I have been compelled to witness the great United States Senate at times conducting its important business with, on one side or perhaps both sides together not a sufficient number of Senators in attendance to echo back the voice of the distinguished educator who was addressing himself to a great question of government—and nevertheless the work of the Senate was performed in its fullness and completeness.

Mr. President, I have been taking too much time of the Senate, and I said a moment ago I would stop. I merely wish to point out the error of the conclusion reached by some with respect to the appointment of one individual as administrator, which some of my friends have indicated may result in great evil, if he were placed in charge and kept in charge and control of the disposition of the business in question.

I said I did not wish to make another speech. Senators have been very generous to me, and I would not continue longer were it not necessary to make some further remarks due to the fact that there have been several interrogations addressed to me. So I have been driven to saying a few more words. I indicate my position by an incident.

Mr. President, it is reported that a distinguished Senator of the United States lately called a newspaper office upon the telephone to announce the fact that twins had been born in his family, an event in which the Senator took considerable pride. The girl answering the telephone did not quite catch what he said, so she said to the Senator, "Will you repeat that?" "Not if I can help it," he quickly observed. [Laughter.]

Mr. President, I did not mean to repeat this address on the bill and amendment. However, I was rather driven into doing so.

I now wish to say that having presented my views as to why a single administrator would serve with completeness, I take the liberty to invite my eminent colleagues to another appropriate reflection.

My friend the able Senator from Michigan, who is giving me attention and who is being mentioned for very high office from place to place, and commendably, is a very great author, has written and published some very eminent books,

one of which is called the Ancient Grudge, than which there is no better history of all the mistakes which brought on the American Revolution and continued the hatreds. It will be recalled that in that book the author had occasion to quote Scripture. I call attention to it to show that the thing we are discussing today is not new. Hear me, Senators. It will be recalled that in the Book of Samuel it is stated that there were three who were the judges or the commissioners or the representatives of the people, and their conduct of the government was of a nature so confusing, so contradictory, and at times so unsatisfactory that the multitude met and demanded that the officials be abolished and that the people have a government with a single head, and he to be called the king. Thus it was initiated that there was in that land the single head to whom everyone could go and to whom responsibility could be attributed.

It will thus be seen that this discussion now taking place is not one that is in its nature new. We are merely repeating that which has taken place throughout all history and has been fixed in the experience of men. It is well, sirs, that we could have one in whom we could trust, in whose efficiency we could have confidence; and if the President would relieve us of all proposed difficulties, without any question it would be done when he would appoint none other than a man who he believed would be able to discharge the duties we now are considering, and this in a patriotic, efficient, and statesmanlike manner.

I thank the Senate.

Mr. LA FOLLETTE. Mr. President, I feel impelled to say a few words regarding this important question because I think it is of vital concern to the public service. I concede at the outset the sincerity of opinion on the part of those who differ on these amendments.

There is a grave need of improvement in the public service. The fate of the merit system is involved in our providing an administrative set-up which will result in securing for Government service men and women who are qualified to deal with the complex problems which grow out of modern industrialism and with which Government must be more and more concerned.

As I understand the argument of the proponents of the pending amendments, they are that we only need to extend the existing civil service and to bring under it the agencies not now covered by civil-service rules and regulations. I do not agree that such a course will achieve the objective. Every Senator who has had contact with conscientious administrators in the various executive departments, men not concerned at all with politics nor with patronage, men who are interested solely in efficiency of administration, will acknowledge that they have received numerous complaints about the qualifications and the capabilities of the persons who come through the present set-up of the civil service and are appointed to positions in the Government.

As I see it, the problem now confronting the advancement of the merit system is one largely involving administrative procedure. I contend that in view of this fact the problem now is largely a problem of administration. All persons familiar with organizational and functional activities, either in government or in business, will concede that in the exercise of administrative functions a single administrator is always to be desired rather than a board or commission.

The only justification, as I see it, for giving powers of an executive character to a board or commission is that the functions to be performed are quasi-legislative or quasi-judicial in character. In a large measure, such functions are now no longer important so far as our present civil service is concerned.

Furthermore, this problem has grown tremendously, Mr. President, since the Congress saw fit to create a civil-service commission. When the Commission was created, in 1883, it had two definite functions. One was to safeguard the civil service; to act as a sort of watchdog, so to speak, and as an advocate for the advancement of the merit system. The other function was to administer examinations and the related problems involved in procuring persons for eligible lists to be appointed in the civil service.

In 1883 there were only 13,780 persons in the civil service of the United States Government, and there were only 3,457 persons examined and only 489 appointed.

In 1937 there were 820,000 examined and 52,000 persons appointed.

I cite those figures to indicate that for many years of its history the administrative tasks of the Commission were relatively simple. Today the situation is greatly changed. Instead of a small number of employees falling into relatively simple classifications, we have the largest single employment service in the whole United States, with 500,000 of our civil servants now under the Civil Service Act, and about 300,000 more—whom I think all or nearly all concede—should come under the Civil Service Act.

Mr. President, the administrative functions imposed upon this board now are very great, and, in my judgment, they could better be discharged by a single competent administrator than by a board with divided opinions and the inevitable discussions which take place in connection with administrative problems.

Entirely too much reliance is placed by the proponents of these amendments upon the protection which a so-called bipartisan board can give against encroachments of the spoils system upon the civil-service or merit system.

In the first place, as suggested by the Senator from Illinois, party designations no longer mean much in this country. I doubt if there are more than a handful of men in the United States Senate today who if called upon to declare what their political beliefs were would be willing to rest their declarations merely upon the simple statement that they belong to one party or another.

In every case, if they were to give an adequate description of their point of view, they would have to qualify the statement that they were affiliated with one party or with the other, by indicating what kind of Democrats they were or what kind of Republicans they were. Therefore, it is no protection to the merit system to rely upon a bipartisan board, because, as we all know, it is very simple and it has been the practice of practically all administrations called upon to function in appointing men to boards designated as bipartisan to select a person from the minority party who is, in fact, in sympathy with the objectives of the appointing power.

So far as this Commission is concerned, the Commissioners, without taking into account the present Commissioners, have served for an average of 4.7 years. They are salaried officials. They are appointed by the President. They are dependent upon the President for their tenure of office; and there has been such a turnover that we have had an average length of service, without considering the present occupants of the Commissionerships, of 4.7 years. How can it be said, therefore, that this Commission has had tenure of office or that it has had continuity? As a matter of fact, we all know—at least, those of us who have been here any length of time—that these Commissioners have usually changed with the administration.

I think there is much greater likelihood of an individual appointed for 15 years, and who will have that security of tenure unless removed by the President, protecting the advancement of the merit system, than that it will be protected by a bipartisan board composed of men under salary, and who are dependent upon the Executive.

So far as the quasi-legislative functions of the Civil Service Commission are concerned, we all know that their quasi-legislative functions are strictly limited. They do not promulgate the civil-service rules. The civil-service rules are promulgated by the President of the United States.

The Commission may operate in that capacity, therefore, only as advisory to the Chief Executive. Therefore, to contend that we must have a commission to advise the President with regard to civil-service rules is, to my mind, absurd. One man can perform that function as well and as equitably, since he does not have power, as can a commission of three.

Insofar as their quasi-judicial functions are concerned, they fall into two broad, general categories. On the one hand, the Commission reviews the activities and the decisions

of its own staff and subordinates. We do not need a quasi-judicial body to review the actions of subordinates. Therefore this function can be discharged as well, if not better, by a single administrator, who can be held responsible for the actions of his subordinates and his review of their acts.

On the other hand, under very restricted circumstances, there are certain appeals by employees already in the civil service against the administrative actions of their superiors in the various departments and agencies of government which are under civil service. Employees may appeal to the Civil Service Commission, for example, on the question as to whether or not there has been a correct factual determination of the length of their service for retirement purposes under the Retirement Act; they may appeal on the question as to whether or not removal was caused by religious or political prejudices; they may appeal as to whether or not the penalties for like offenses are unequal.

However, it should be remembered that the board has no real power in regard to such appeals to it. All it may do is to make a recommendation to the administrative official who has been responsible for the decision under review in a particular case; or, if it sees fit, it may transmit a history of the case to the President of the United States for such action as he may desire to take in the premises.

For that reason I contend that it is entirely erroneous to make a comparison between the so-called quasi-legislative and so-called quasi-judicial functions of the Civil Service Commission and those exercised by the Interstate Commerce Commission, the Federal Trade Commission, or the Securities and Exchange Commission.

Mr. President, there is nothing startling or revolutionary in the proposal embodied by the committee in the pending bill with relation to reorganization of the civil service. The State of Wisconsin first enacted its civil-service statute in 1905. It was one of the first States in the Union to bring all its civilian employees under strict civil service. Down to 1929 we had the same kind of an anomalous situation that we have had in the civil service of the Federal Government since 1883. But in 1929, under Governor Kohler, a conservative Republican, the civil-service act was revised, and a personnel director, to be appointed by the Governor from a certified list on the basis of qualifications, was provided. The personnel board was then continued, but was relieved of the administrative functions. In essence this is the proposal now under consideration here.

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

Mr. LA FOLLETTE. I yield.

Mr. WALSH. Am I correctly informed that there are two members of the commission in Wisconsin?

Mr. LA FOLLETTE. There are three. My point is, however, that their administrative functions were taken away from them in 1929. I contend that a more efficient service has resulted. The person appointed as personnel director in 1929 has served under every Governor since that time, regardless of his political affiliations. I contend that there is no ground for apprehension that a man appointed to this important post on the basis of qualifications, and confirmed for a 15-year term by the Senate, will be removed without just cause by the present President or by any succeeding President. In my opinion, any President would require that there be adequate grounds before any such action should be taken.

If we should have in the future a President who was determined to wreck the civil service, my contention is that he could do it as easily, if not more easily, under the commission form of administration, whose three members he could appoint, and who could divide the responsibility, as he could under a single administrator, who would have a 15-year tenure.

I believe it is of vital importance, as I said at the outset, that we should do more than simply extend the existing civil service. With the problems with which government is now confronted in this industrial age, it is essential, if the Government service is not ultimately to break down and become demoralized, that we not only extend the merit principle but

that we improve the type and training of the personnel who come into the service, in order that they may be equipped to deal with the complex problems of our present-day society. I believe firmly that the proposition embodied in the bill as it comes from the committee will prove to be a great step forward in the extension and improvement of the merit system. I hope the amendments offered by the Senator from Massachusetts [Mr. WALSH] will be defeated.

Mr. McNARY. Mr. President, I am in receipt of a telegram, which I ask unanimous consent to have read at the desk.

The PRESIDING OFFICER. Without objection, the telegram will be read.

The Chief Clerk read as follows:

WASHINGTON, D. C., March 14, 1938.

HON. CHARLES L. McNARY,
United States Senate, Washington, D. C.:

In behalf of the officers and members of the American Federation of Government Employees, whose petition is wholeheartedly supported by the American Federation of Labor, I sincerely and earnestly request you to oppose the substitution of a single administrator for the bipartisan Civil Service Commission by voting for the Walsh amendment to section 201 (a) of Senate bill 3331, generally known as the Byrnes reorganization bill. We believe such action essential to the preservation of the merit system.

CHAS. I. STENGLE, President.

Mr. WALSH. Mr. President, I have refrained from making any argument today because I feel that the Senators who had not heretofore had an opportunity to discuss the bill should have the right-of-way. The issue was made clear in the debate of yesterday. Before the time expires, however, I desire to put into the RECORD some data which I have.

The impression has gone forth that the States have been rapidly moving from commissions of three to single administrators. The Senator from Wyoming [Mr. O'MAHONEY] a few days ago wrote to the Civil Service Commission asking for the facts. This information shows, I am sorry to say, that the Senator from South Carolina was misinformed when he stated, with respect to several of the States, that the civil service is now under the jurisdiction or control of administrators. Out of 15 States, only 3 have a civil-service administrator; and some of those States have advisory boards which the administrator is obliged to consult. I am putting into the RECORD information from the Civil Service Commission, which has made an investigation in view of statements which have been made on the floor of the Senate.

I also offer for the RECORD a statement by William C. Deming, former President of the United States Civil Service Commission, in which he takes a position in favor of three commissioners; also a communication from the Civil Service Commission of Colorado.

The PRESIDING OFFICER. Without objection, the matter offered by the Senator from Massachusetts will be printed in the RECORD.

The letters and other statements submitted by Mr. WALSH are as follows:

STATE CIVIL SERVICE COMMISSION,
DENVER, COLO., March 12, 1938.

HON. DAVID I. WALSH,

United States Senate, Washington, D. C.

MY DEAR SENATOR: I am enclosing a copy of letter this day addressed to Senator JOHNSON as well as a duplicate thereof addressed to Senator ADAMS, of Colorado, conveying my views with respect to the proposed readjustment of the Civil Service Commission. I most heartily agree with what you have said in your address found in the RECORD for March 2.

Sincerely yours,

STATE CIVIL SERVICE COMMISSION,
FRANK McDONOUGH, Sr., President.

MARCH 12, 1938.

HON. ED. C. JOHNSON,

United States Senate, Washington, D. C.

MY DEAR SENATOR: I have just completed the reading of the address of Senator WALSH, of Massachusetts, found in the CONGRESSIONAL RECORD of March 2, beginning near the foot of page 2682, concerning the proposed reorganization of executive departments, particularly with respect to the abolishment of the United States Civil Service Commission and the proposal to appoint a single administrator therefor.

Our commission is engaged in a hearing which is taking all of our time and so I am only able to write to you a brief letter of

commendation for the position taken by Senator WALSH. My experience upon our Colorado State Civil Service Commission confirms my belief that a commission of three persons can perform the functions of the office much better than a single individual. I am in hearty accord with all that Senator WALSH has said. He goes into the subject so thoroughly that it would be a mere duplication of my thinking to attempt to treat the subject in detail.

I am not aware that the particular title of the bill has yet come to vote, but I sincerely hope that you and your colleague will vote to retain the present system.

There is an organized propaganda emanating from Washington favorable to the idea of a single head for Civil Service and their activities have caused some of the States which have just recently adopted civil service to accept the single-headed idea. That idea seems to be in line with much of present-day thinking which assumes that greater wisdom may be found in one mind, but I am inclined to the conviction that a commission of three persons, and one of them a woman, which is precisely what Senator WALSH advocates, is the most practical plan.

I wish that I had time to further express my view but am unable to do so and desire this letter to be in your hands at the earliest possible date.

With cordial personal regards, I am,

Sincerely yours,

MIAMI BEACH, FLA., March 13, 1938.

HON. BURTON K. WHEELER,

United States Senator, Washington, D. C.

DEAR SENATOR: I am enclosing copy of an article I have submitted to the Washington Post and the New York Times, in relation to the proposed change in the set-up of the Civil Service Commission.

Like yourself, I feel deeply about this matter, and it seems several hundred thousand civil-service employees are also disturbed.

Whether the Post and Times publish the article in whole or in part, I am inclined to think it would be helpful if you could get the entire statement into the Record.

Very sincerely,

WILLIAM C. DEMING.

William C. Deming, former president of the United States Civil Service Commission, and former publisher of the Wyoming Tribune Leader at Cheyenne, issued the following statement in Miami, where he is spending the winter:

Pending in Congress is the reorganization bill which would give the President greater powers than all of his predecessors combined exercised in the executive department.

Section 2 reads:

"Whenever the President, after investigation, shall find and declare that any transfer, retransfer, regrouping, coordination, consolidation, reorganization, segregation, or abolition of the whole or any part of any agency, or the function thereof, is necessary to accomplish any of the purposes set forth in section 1 of this title, he may by Executive order:"

The bill then proceeds in much detail, with a few reservations and exceptions, to practically remake the executive branch of the Government.

My attention has been drawn to the proposal that a single civil-service commissioner shall replace the present nonpartisan or bipartisan board of three Commissioners.

From its inception more than 50 years ago, under President Arthur, both the Republican and Democratic Parties have been represented upon the Commission. Among distinguished members was Theodore Roosevelt, who, until his death, retained a keen interest in the progress of the merit system, and much attachment for the organization which administers the classified civil service.

President Wilson not only promoted George R. Wales, a Vermont Republican, who was chief examiner, to membership upon the board, but he appointed Helen Hamilton Gardner, of Virginia, the first woman member.

Upon the death of Commissioner Gardner, President Coolidge, who had made no changes in the Commission, appointed Miss Jessie Dell, a civil-service employee of ability and much experience, as Mrs. Gardner's successor. Miss Dell was a Democrat from the State of Tennessee.

President Hoover continued the Commission as it stood, including myself as president.

At the present time Mrs. McMillan, of Tennessee, who was chosen by President Franklin Roosevelt to supersede Miss Dell, is serving with credit to herself and to the Commission.

If the President's proposal prevails, in the natural course of events, men will, for the most part, occupy the high position of Civil Service Commissioner, notwithstanding the large percentage of women in the service.

Moreover, with changing political administrations, undoubtedly there would be a change in the commissionership, as in most other administrative offices.

I served on the board from March 1923 to July 1, 1930, when I resigned. The only changes made during my incumbency were in case of death or voluntary resignation.

It is not exaggeration to say that both branches of Congress up to this time have felt, and now feel, that the Civil Service Commission is a thoroughly unbiased board. They may not always

agree with its judgment, but they give it credit for being honest and conscientious in the performance of its duties.

Presidents have treated the Civil Service Commission with the greatest deference, and usually leaned backward in order to prevent any suggestion of interference.

I served under three Presidents—Harding, Coolidge, and Hoover—and never once did any one of them direct the Commission to decide a question in any given manner. Even Executive orders making appointments were comparatively few.

I recall that men like Senators King, of Utah; Sheppard, of Texas; the senior La Follette, of Wisconsin; and the elder Lodge, of Massachusetts; Representatives Hamilton Fish and La Guardia, of New York, representing almost every shade of political opinion, had business before the Civil Service Commission. There was evidence that each and all had confidence in the organization, individually and as a whole.

I doubt seriously whether any such attitude would follow if there were only one Civil Service Commissioner or administrator and that Commissioners were changed from time to time for political reasons.

The entire wholesome reaction of Congress and the public toward the Commission, if the proposed modification succeeds, doubtless would suffer. Distrust and criticisms, I fear, would follow, and that is too much to pay for a theory that one Civil Service Commissioner would be more efficient than three, especially when a President has the selection or removal of any or all in his own hands.

It was my observation that the conferences and discussions of difficult problems by three Commissioners acted as a brake against hasty action. Furthermore, that hearings of appeals and complaints by applicants, their representatives or attorneys, by three Commissioners made for confidence in the board's decision.

I recall no scandals in the United States Civil Service Commission.

Why destroy a present safety valve in an organization that has in its hands the vital interest of nearly a half million classified employees?

Someone has said, "If there were no supreme being, it would be necessary to invent one." Even faith must have an anchor.

There is a fine psychological point in that statement, and much the same state of mind obtains now toward the Civil Service Commission, because it is bipartisan in its personnel, and the employees and the public have confidence in its independence. They regard it as something above and beyond politics.

President Roosevelt has made some very valuable suggestions as to the extensions of the merit system, and the opportunity for so doing is very great.

I fear, however, that he has accepted wrong advice when he proposes to substitute a single administrator for the present board of three Commissioners.

In more than 50 years there have been comparatively few turnovers in the Civil Service Commission, which is the best evidence that the politicians have regarded it as outside the scope of their activities.

This is one place where it is wise to let well enough alone.

The Civil Service Commission is a quasi-judicial organization, and the laws and rules are susceptible, as most laws and rules are, of various interpretations. New questions are continuously arising. Unquestionably in this case the judgment of three people is better than one, no matter how gifted he or she may be.

The strongest argument, however, in favor of the status quo is that in a half century of history the Civil Service Commission has created for itself a high regard and respect on the part of the employees, the public, and both political parties.

Such a heritage should be jealously guarded against both suspicion and attack.

STATEMENT CONCERNING THE CIVIL-SERVICE LAWS OF THE STATES

There are 15 States which have civil-service laws to govern employment of State employees, namely: Arkansas, California, Colorado, Connecticut, Illinois, Kansas (no appropriation), Maryland, Massachusetts, Maine, Michigan, New Jersey, New York, Ohio, Tennessee, and Wisconsin.

Of these 15 States only 3 have a single civil-service administrator instead of a civil-service commission or board. These three are Connecticut, Maryland, and Tennessee.

Connecticut has an advisory board composed of heads of 10 of the operating departments of the State government who, of course, are available for consideration of the work of the civil-service administrator all the time and not on a quarterly basis.

Maryland has a single commissioner of employment who was retained in office during the four or five terms served by Mr. Ritchie as Governor of Maryland, but who resigned upon the election of Governor Nice.

Tennessee is one of the five States which within the past year and a half or two years adopted civil-service laws. Its law has been in effect more than 1 year, and an Arkansas newspaper recently pointed out that although the Tennessee law had been on the books for more than a year no examinations had been held and no eligible registers established, whereas in Arkansas, which has a civil-service commission of three members, competitive examinations had been held for 26 different kinds of positions and eligible registers established containing the names of more than 3,600 persons.

The States which have had civil-service commissions or boards for several years have usually designated their chief executive

officer as chief examiner or chief examiner and secretary. The States which have recently adopted a merit system under civil-service commissions or boards, such as Arkansas, Maine, and Michigan, designate their chief executive officer personnel director; but his authority and power are subordinate to the commission and are virtually the same as are vested in the chief examiner or chief examiner and secretary under the older civil-service commissions.

ARGUMENTS AGAINST THE SINGLE ADMINISTRATOR

The single-administrator plan, as proposed for the Civil Service Commission, is experimental. It is entirely contrary to the ideals which have prevailed in the past respecting the handling of governmental personnel.

In all the countries of the world where employees of the Government are selected through competition, a commission has charge of their selection. It is so in Great Britain, which is often held up as a model; and it is so in France, and other continental countries. There are hundreds of similar commissions among the cities and States in the United States.

The only nation that has ever made an experiment with a single administrator is Australia, and Australia's experience was so disastrous that after a year or two of the administrator, they went back to the commission system. To quote Dr. Lewis Meriam:

"It was the autocracy of the one-man personnel administrator that wrecked that plan when it was tried in Australia. The degree to which the one-man administrator there attempted to control the officers responsible for actual operations resulted, after parliamentary inquiry, in the substitution of a three-member board for the one-man autocrat."

There are 15 States which have civil-service laws to govern employment of State employees, namely: Arkansas, California, Colorado, Connecticut, Illinois, Kansas (no appropriation), Maryland, Massachusetts, Maine, Michigan, New Jersey, New York, Ohio, Tennessee, and Wisconsin.

The States which have had civil-service commissions or boards for several years have usually designated their chief executive officer as chief examiner or chief examiner and secretary. The States which have recently adopted a merit system under civil-service commissions or boards, such as Arkansas, Maine, and Michigan, designate their chief executive officer personnel director, but his authority and power are subordinate to the commission and are virtually the same as are vested in the chief examiner or chief examiner and secretary under the older civil-service commissions.

So far as it has been ascertained, all cities in the United States which have the competitive system have a commission, although it is quite true that in all except the larger cities these commissions as a rule do not give their full time to the work because that is not deemed necessary.

The bipartisan three-person commission to select civil servants is based on the belief that thus politics in such selections could be avoided. It has worked satisfactorily in the great majority of cases. Even should there be inclination in that direction by the majority members of a commission, there is no opportunity for them so long as the minority member is there to know what is going on. There would be many opportunities if there was such an inclination and no minority member. Therefore, a bipartisan commission assures absence of political favoritism. It could be absent under an administrator, but no one except the one man would be sure of it, and the public could only guess. If the competitive civil-service system is to retain public confidence, not only must the work of the Commission be free from political favoritism, but the public must have confidence that it is.

Civil-service commissioners, particularly those of the dominant party, have at times to resist strong political pressure. It is easier for them to resist that pressure because there is a minority member who must know what is done. Admitting that the men who would be appointed as administrator through the years would be able to resist such pressure, it would be much harder for an individual to do so than it is for three.

The political phase of the proposed reorganization seems most important, but other duties of the Commission apparently make advisable a membership of three rather than one. The present civil-service law is broad in its terms, gives the President power to make rules for carrying the law into effect and much discretion in working out details. Generally speaking, changes in the rules are proposed because of experience within the Commission, and resultant recommendations made to the President. Under the law and rules, the Commission has power to make regulations and enforce them. There is no appeal from the decisions of the Commission except to the President. Through the years the Commission has built up, as a result of its decisions, a code of interpretation of the law and rules that are governing, so far as the staff is concerned, and guiding for the Commission; that is, the Commission alone may make a new interpretation; or it may find that the former interpretation did not fit a particular case and take such action as seems wise for that individual case. For such duties a Commission of three seems better.

Rights and interests of employees and prospective employees in all departments of the Government rest in the hands of the Commission as a whole. Questions concerning such rights and interests are studied individually and then come before the Commission. These decisions involve questions of examination, apportionment, reinstatement, physical condition, veteran preference, classification, retirement, misconduct, political activity, and others.

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Let us take a classification case as an illustration. It would involve the allocation and, therefore, the salary of an employee. It is passed upon first by the Commission's Classification Division. If the employee is dissatisfied with the decision, an appeal may be had to the Commission's Board of Appeals and Review. If there is a difference of opinion between the Classification Division and the Board of Appeals and Review on any case, that case comes to the Commission for final decision.

The Board of Appeals and Review was set up for the purpose of helping the Commission determine the facts in such cases. It has no power of final decision. That rests entirely with the Commission and, in fact, the larger part of the Commission's work rests in adjudicating cases in which the interests of the employee or the prospective employee is involved. It is true that one person could consider all such cases and arrive at a decision. His decision might be as nearly right as those of the Commission. It is important, however, that not only applicants but employees should be treated impartially, and it is also important that they are satisfied that they are being so treated. A decision made by a Commission, representing various points of view, will meet with reader acceptance. The American people are still wedded to the jury system in the administration of justice, and there is much in the personnel work of the Commissioners that involves justice to an employee or an applicant.

Mr. BYRNES. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the pertinent provisions of the civil-service laws of the States of Maryland, Connecticut, Tennessee, Wisconsin, Maine, Michigan, Arkansas, California, and New Jersey.

There being no objection, the excerpts from the various laws referred to were ordered to be printed in the RECORD, as follows:

MARYLAND

The Civil Service Act of 1920 created a single civil-service administrator known as the State employment commissioner. There is no commission. The following are the pertinent sections of the statute:

"State employment commissioner"

"3. There shall be appointed by the Governor a person of ability and integrity who shall be known as the State employment commissioner, and who shall hold office for a term of 6 years and until his successor shall qualify. The term of the first commissioner appointed under the provisions of this article shall begin on October 1, 1920. Any vacancy shall be filled by the Governor for the unexpired term. The Governor may remove the commissioner for official misconduct, incompetency, or neglect of duty. The commissioner shall receive a salary of \$5,000 per year."

"Rules"

"4. It shall be the duty of the commissioner to carry out the provisions of this article, and to make, with the approval of the Governor, such rules as he deems necessary or proper to that end. Such rules may, with the approval of the Governor, be abolished, added to, changed, or amended, and all such rules shall have the force and effect of law."

"Classification of employees"

"7. Subject to the approval of the Governor, the commissioner shall establish classes and classify therein all positions in the classified service, and shall, from time to time thereafter, as may be necessary, establish additional classes and classify therein new positions created, and may combine, alter, or abolish existing classes. Each such class shall embrace all positions similar in respect to the duties and responsibilities appertaining thereto and the qualifications required for the fulfillment thereof, and shall be given a classification title indicative of the character and rank of the employment. The classification title thus prescribed shall be observed in all records and communications of the commissioner, comptroller, and treasurer. Employees shall assume the classification titles of their respective positions. Any change in the duties of a position, if material, shall operate to abolish it and create a new position which shall be classified under this section."

CONNECTICUT

The 1937 Civil Service Act of Connecticut creates a personnel department headed by a single director. There is no civil-service commission but an advisory personnel committee is established.

The following are the pertinent sections of the act:

1937 supplement to the General Statutes, State of Connecticut, title XVI, chapter 105a, pages 216-217, section 425d: "Personnel department: There is established a department to be known as the personnel department. The administrative head of said department shall be the personnel director. Said director shall be in the classified service and shall be appointed by the Governor, with the advice and consent of the senate and selected from a list of persons provided by the advisory personnel committee. He may be removed from office, upon not less than 10 days' notice in writing by the Governor, for misconduct, incompetency, or neglect of duty, and a statement of the reasons for such removal shall be filed by the Governor with the advisory personnel committee."

"Sec. 427d. Advisory personnel committee established: There shall be an advisory personnel committee consisting of 10 members, to be appointed by the Governor from the administrative heads of

departments of the State government. Said committee shall advise and assist the personnel director in the formulation of rules and regulations to be promulgated from time to time for the administration of the merit system and in the establishment and maintenance of procedure and technique relating to personnel administration."

TENNESSEE

In Tennessee the act of February 10, 1937, established a division of personnel in the department of administration. The department of administration is headed by a commissioner of administration responsible to the Governor. A State personnel director, appointed by the commissioner of administration with the approval of the Governor, is made administrative head of the division of personnel. There is no civil-service commission and no advisory board.

Pertinent sections of the law are as follows:

"Sec. 2. *Be it further enacted*, That there be created a division of personnel in the department of administration. The administrative head of the division shall be known as the State personnel director who shall be appointed by the commissioner with the approval of the Governor, and shall be a person thoroughly experienced, trained, and skilled in the methods and techniques of public personnel administration on the merit-system basis. The director may be removed for due cause by the commissioner, provided that copies of a written statement of the reasons for such removal be given to the director and to the Governor, and that such a written statement shall be made a public record.

"Sec. 3. *Be it further enacted*, That the director shall appoint all necessary employees and incur necessary expenses for the administration of this act and within the limits of the appropriation therefor by the general assembly in the budget bill.

"Sec. 4. *Be it further enacted*, That the director shall have the power and duty:

"(I) To prescribe rules and regulations for the administration and execution of this act, which rules as approved by the commissioner and Governor shall have the force and effect of law. Due notice of the contents of such rules and regulations shall be given to appointing authorities and shall be printed for public distribution.

"(II) To prescribe, amend, and enforce rules for employment tests; to formulate registers of eligibles; to certify persons qualified for employment; to administer and execute the appointments, transfers, demotions, promotions, suspensions, lay-offs, reappointments, sick and special leaves, leaves of absence, resignations, hours of service, vacations, and dismissals of employees; to devise and administer employee service ratings; to develop employee welfare and training programs.

"(III) To establish and maintain a roster of all of the officers and employees in the State service, showing for each such person the date of appointment, the title of position or positions held, and initial rate of compensation and all changes thereof, and such other data as deemed desirable and pertinent.

"(IV) To check all pay rolls or other compensation for personal services, or supply the proper data to the director of accounts for checking pay rolls or other compensation for personal services before they may be lawfully authorized for payment.

"(V) To establish, administer, and execute a classification plan for the State service.

"(VI) To recommend to the commissioner and Governor a compensation plan for all positions in the State service and to administer such compensation plan as approved by the commissioner and Governor. Such a plan shall be based, as far as practicable, on prevailing wages paid in public and private service within the State.

"(VII) To make such investigations pertaining to personnel, salary scales, and employment conditions in the State service as may be requested by the commissioner, the Governor, or by the general assembly. To require the attendance of witnesses and the production of books, papers, public records, and other documentary evidence pertinent to any such investigations."

WISCONSIN

In Wisconsin, civil service is administered by a personnel director appointed by the Governor. There is also a civil-service board of three members, whose duties are confined to issuing civil-service rules, hearing appeals, and making investigations. All administrative functions are vested in the director of personnel. The following are the pertinent sections of the State code:

"16.01. Bureau of personnel; director of personnel: (1) There is created within the executive department a bureau of personnel. The administrative head of such bureau shall be appointed by the Governor, subject to chapter 16. He shall be paid such salary as may be fixed by the Governor, within the salary ranges for the position established pursuant to section 16.105.

"(2) When a vacancy occurs in the position of director of personnel the members of the personnel board shall forthwith appoint an examining committee of three members to conduct an examination for the position in the manner usually followed and prescribed by chapter 16 for all other positions. Two of the members of the examining committee shall be active examining heads of civil-service commissions in cities or counties of a population of more than 300,000 or of a State civil-service or personnel commission. The examining committee shall certify a list of successful candidates to the members of the personnel board, who in turn shall submit the top three names to the Governor, who shall make the appointment. The Governor may remove the director of personnel with the approval of the personnel board.

"16.03. Personnel board; appointment, term, office: (1) The personnel board in the bureau of personnel shall consist of three members, who shall be appointed by the Governor by and with the advice and consent of the senate for terms of 6 years, expiring on the 1st day of July or until their successors have been appointed and qualified. The board shall elect one of its members as chairman of the board.

"16.05. Duties of personnel board: The personnel board shall:

"(1) After a public hearing prescribe and amend rules for carrying into effect the provisions of sections 16.01 to 16.30, on the recommendation of the director of personnel. All rules so prescribed shall be subject to the approval of the Governor, and they may, from time to time, subject to like approval, be added to, amended, or rescinded. However, if the Governor takes no action on a rule or amendment submitted to him within a period of 10 days from the date of its submission, then the rule or amendment shall become effective as though approved by the Governor. Notice of the contents of such rules and of any modifications thereof shall be given in due season to appointing officers affected thereby, and such rules and modifications shall also be printed for public distribution.

"(2) Keep minutes of its own proceedings and other official actions: All such records shall, subject to reasonable regulations, be open to public inspection. Examination and roster or pay-roll cards and minutes of board proceedings shall be kept and preserved. All other records, including correspondence, applications, and examination or test material may be destroyed after 6 years.

"(3) Make investigations concerning all matters touching the enforcement and effect of the provisions of sections 16.01 to 16.30, and the rules and regulations prescribed thereunder concerning the action of any examiner or subordinate of the bureau of personnel and any person in the public service, in respect to the execution of said sections.

"(4) Approve the biennial report prepared by the director and submit the same to the Governor on June 30 in each even-numbered year, including therein any suggestions it may approve for the more effectual accomplishment of the purposes of sections 16.01 to 16.30.

"(5) Hear appeals from any action taken by the director in any matter arising under sections 16.01 to 16.30, upon the application of any interested party."

MAINE

The Maine civil-service law of 1937, chapter 221 of the Public Laws of 1937, provides for a State personnel board of three members and a director of personnel. The administrative functions are vested in the director, and the board is charged with making rules and conducting investigations.

The following are the pertinent sections of the State law:

"Sec. 3. Powers and duties of the personnel board: (1) The personnel board shall have the following powers and duties:

"(a) To appoint a personnel director as provided in section 4 of this act.

"(b) Upon recommendation of the director and after a public hearing, and subject to the requirements of this act, to prescribe or amend rules and regulations relative to: (1) Eligible registers; (2) classification of positions in the classified service; (3) compensation plan; (4) examination for admission to the classified service; (5) promotion in the classified service; (6) provisional emergency, exceptional, and temporary appointments; (7) probationary period; (8) transfer; (9) reinstatement; (10) demotion; (11) suspension, lay-off, and dismissal; (12) leave of absence, resignation, hours of service, vacations, and sick leave; (13) personnel records; (14) in service training; (15) service ratings; and (16) certification of pay rolls.

"(c) To make investigations and report its findings and recommendations in cases of dismissal from the classified service as is provided in section 16.

"(d) To make investigations either at the direction of the Governor or the legislature, or upon the petition of an employee or a citizen, or of its own motion concerning the enforcement and effect of this act; to enforce through the director the observance of its provisions and the rules and regulations made thereunder.

"(e) To receive, review, and transmit to the Governor the annual report of the director. The report of the director may be supplemented by any additional comment, criticism, or suggestions for the more effectual accomplishment of the purposes of this act that the board may care to submit.

"(f) To keep full and complete minutes of its proceedings, which shall, subject to reasonable regulations, be open to public inspection.

"(2) The rules and regulations provided for in this section shall be in effect and have the force of law upon the approval of the Governor and council.

"(3) In the course of any investigation under the provisions of this act, each member of the board shall have the power to administer oaths and to subpoena and require the attendance of witnesses and the production thereby of books, papers, public records, and other documentary evidence pertinent to such investigation. In case of the refusal of any person to comply with any subpoena issued hereunder or to testify to any matter regarding which he may be lawfully interrogated, the superior court in any county on application of any one of the members of the board or of the director, when authorized by the board, may issue an order requiring such person to comply with such subpoena and to testify, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

"Sec. 4. Director of personnel: There is hereby created a director of personnel. Within 60 days after this act goes into effect the State personnel board shall appoint a director of personnel. The director shall be, at the time of his appointment, a person thoroughly familiar with the principles and experienced in the methods and techniques of public personnel administration on the merit basis. His tenure of office shall be at the pleasure of the appointing board, and he shall receive such compensation as shall be fixed by the board with approval of the Governor and council.

"Sec. 5. Powers and duties of the director: The director of personnel shall have the power and duty to administer and make effective the provisions of this act, and the rules and regulations of the personnel board as herein provided."

MICHIGAN

The 1937 Civil Service Act of Michigan, State enrolled Act No. 141, provides for a commission of three members and a personnel director in charge of the executive and administrative functions. The following are the pertinent sections of the State law:

"Sec. 5. State civil-service department. There is hereby created a State civil-service department. The administrative head of such department shall be appointed by the Governor in the case of the first appointment to the office and thereafter, whenever a vacancy exists in the office, the appointment shall be made by the commission, and shall be known as the State personnel director. The State personnel director shall be, at the time of his appointment, a person thoroughly familiar with the principles and experienced in the methods and techniques of personnel administration on the merit basis. He shall be paid such salary as may be fixed by the legislature, not to exceed \$7,500 per annum.

"The director shall hold his office during good behavior and effective performance of his duties as determined by the Governor.

"Sec. 6. Powers and duties of the commission and of the director: (1) It is the intent of this act that the executive and administrative functions of the department be vested exclusively in the director.

"(2) It shall be the duty of the commission:

"a. To prescribe and amend rules and regulations for the administration and enforcement of this act: *Provided, however*, That no rule shall be made requiring applicants for positions in the classified service to submit photographs for the purpose of identification: *Provided further*, That no rule shall be made which would subject an applicant for a position in the classified service to discrimination as to race, creed, or political affiliations. Due notice of the contents of such rules and regulations shall be given to appointing authorities and such rules and amendments shall be printed for public distribution.

"b. To adopt such classification plans as may be deemed necessary.

"c. To approve such compensation plan and rules for its administration as may be deemed necessary, and to establish hours of service, vacations, and sick leaves.

"d. To make investigations either at the direction of the Governor or the legislature, or upon the petition of an employee or a citizen, or of its own motion concerning the enforcement and effect of this act; to enforce through the director the observance of its provisions and the rules and regulations made thereunder.

"e. To receive, review, and transmit to the Governor the annual report of the director. The report of the director may be supplemented by any additional comment, criticism, or suggestions for the more effectual accomplishment of the purposes of this act that the commission may care to submit.

"f. To keep full and complete minutes of its proceedings, which shall, subject to reasonable regulations, be open to public inspection.

"(4) It shall be the duty of the director:

"a. To attend all regular and special meetings of the commission.

"b. To appoint, subject to the provisions of this act, all employees of the State civil-service department and to supervise and direct their work.

"c. To establish and maintain a roster of all of the officers and employees in the State service, showing for each such person the date appointed or employed, the title of the position or positions held, the initial rate of compensation and all changes thereof, and such other data as he deems desirable and pertinent.

"d. To administer and make effective the provisions of this act relating to the preparation and administration of classification and compensation plans; the preparation of eligible registers; the certification of persons qualified for employment; the rating of employees' services; the conduct of programs of employee training; working conditions affecting the health and safety of employees.

"e. To make annual reports on the operations of the State civil-service department, to be submitted to the commission not later than the 1st day of September of each year."

ARKANSAS

Act 15 of 1937, approved February 4, 1937.

Section 2 provides for a commission of three members appointed by the Governor.

Section 4 provides the duties of the commission, which consist primarily of making civil-service rules and hearing appeals.

Section 6 provides for a personnel director, as follows:

"It shall be his duty:

"(1) To attend the regular and special meetings of the commission, to act as its secretary, and to record its official actions.

"(2) To appoint and discharge, subject to the provisions of this act, all employees of the State personnel division, and to supervise and direct their work.

"(3) To prepare and recommend rules and regulations for the administration of this act, which shall become effective after approval by the commission as provided in this act; to administer such rules and regulations, to propose amendments thereto.

"(4) To establish and maintain in card or other suitable form a roster of officers and employees in the service of the State.

"(5) To ascertain and record the duties and responsibilities appertaining to all positions in the classified service and classify such positions in the manner hereinafter provided.

"(6) To make a study of the rates of compensation being paid for each class of positions in the classified service, and after consulting other departments, to prepare a report to the commission recommending a schedule of compensation for each class of positions with a minimum rate, a maximum rate, and such intermediate rates as may be necessary and equitable. He shall, under the rules and regulations adopted and approved as herein provided, administer the compensation plan for employees in the classified service within the limits fixed by law and subject to the appropriation of funds.

"(7) To provide for and formulate tests to determine the relative qualifications of persons who seek employment in any class of positions and as a result thereof establish employment and reemployment lists for the various classes of positions.

"(8) When a vacant position is to be filled, to certify to the appointing authority on written request the name of the three persons highest on the reemployment or employment list for the class.

"In the event more than one position is to be filled to certify to the appointing authority on written request the number of names requested and three additional names, highest in the reemployment or employment district for the class.

"If there are no such lists, he may authorize provisional or temporary appointment pending the establishment of such employment list for such class.

"(9) To establish the length of working tests, which shall be not less than 6 months and not more than 1 year, to enable the appointing authority to determine whether new officers and employees are able and willing to perform their duties satisfactorily; and provide for the method of removal or transfer of such officers and employees whose work or conduct during such period is unsatisfactory.

"(10) To provide the manner of fixing hours of work, checking attendance, establishing training courses, and handling annual, sick, and special leaves of absence, with or without pay.

"(11) To establish records of performance and a system or service ratings to be used in recommending increases and decreases in salaries within a class, in promotions, in determining the order of lay-offs and reemployment and for other personnel activities.

"(12) To keep such records as may be necessary for the proper administration of this act.

"(13) To provide a system for checking pay rolls, estimates, and accounts for payment of salaries to employees in the classified service, so as to enable the commission, upon satisfactory evidence thereof, to certify or cause to be certified that the persons whose names appear thereon have been regularly employed in the performance of the duties indicated at the compensation rates and for the periods for which compensation is claimed, or are on authorized leave, before payment may be lawfully made to such employees.

"(14) To make investigations concerning the administration and effect of this act and the rules made thereunder and report his findings and recommendations to the commission.

"(15) To make an annual report to the commission.

"(16) To perform any other lawful act required under this act or required by the commission which may be necessary to carry into effect its purposes and spirit."

CALIFORNIA

The California State Constitution provides for a civil-service board of five members appointed by the Governor, and for an executive officer who shall perform the functions vested in the board.

The following is the pertinent section of the State constitution:

"Article XXIV

"Sec. 2. (c) The board shall appoint and fix the compensation of an executive officer who shall be a member of the State civil service and not a member of the board.

"Said executive officer shall perform and discharge all of the powers, duties, purposes, functions, and jurisdiction hereunder or which hereafter by law may be vested in the board except that the adoption of rules and regulations, the creation and adjustment of classifications and grades, and dismissals, demotions, suspensions, and other punitive action for or in the State civil service shall be and remain the duty of the board, and a vote of the majority of the members of said board shall be required to make any action with respect thereto effective."

NEW JERSEY

In New Jersey there is a civil-service commission of four members and a single executive officer known as the chief examiner and secretary.

The following are the pertinent sections of the Civil Service Act of 1908, as amended by chapter 176 of the Laws of 1930:

"1. Purpose: The purpose of this act is to provide a modern personnel system for positions included in the State classified

service and for the application of correct business principles in the creation and abolition of positions, the classification of authorized positions on the basis of the duties and responsibilities of the incumbents, the development, adoption, and administration of equitable compensation schedules for each class of positions, and the selection, certification, appointment, regulation, and tenure of persons holding such positions.

"2. Meetings and duties of members of the civil-service commission: The members of the civil-service commission shall hold regular meetings at the State capitol at least once each month, except August, at a time fixed by rule, and may hold such additional meetings at the State capitol or elsewhere in the State as may be required in the proper discharge of their duties upon the call of the president or the chief examiner and secretary. Notice in writing of the time and place of any special or other meeting shall be given to each member of the commission and to the chief examiner and secretary. Three members of the commission shall constitute a quorum at any regular or special meeting.

"It shall be the duty of members of the civil-service commission as a body:

"(1) After public hearing as defined herein to adopt and amend rules and regulations for making effective the provisions of this act.

"(2) After public hearing as defined herein to approve, modify, or reject such classification and compensation plans for the State classified service, or any part thereof, together with rules for their administration, as may be presented by the chief examiner and secretary after a thorough survey of the personnel and departmental organization included in such plan or plans.

"(3) To make investigations either on petition of a citizen or of its own volition concerning any matter touching the enforcement and effect of this act, to require observance of its provisions and the rules and regulations thereunder.

"(4) To hear appeals, either sitting as a body or through one or more members designated by a majority of the commission to hear such appeals, of persons in the State classified service sought to be removed, demoted in pay or position, suspended, fined, or otherwise discriminated against contrary to the provisions of this act, to render decisions thereon, and require observance of such decisions as herein provided.

"(5) To hear and determine appeals respecting the administrative work of the department including appeals from the allocation of positions, the rejection of an applicant for admission to examination, and the refusal to certify the name of an eligible, as referred to the commission by the chief examiner and secretary.

"(6) To make such investigations as may be requested by the Governor or the legislature and to report thereon.

"3. The qualifications, appointment, compensation, and removal of the chief examiner and secretary: The chief examiner and secretary shall be in the classified service and shall not be removed except in accordance with the procedure prescribed in section 33 of this act. If so removed, he shall be entitled to a summary review of the action of the commission making such removal on application to any justice of the supreme court. In case a vacancy in the position occurs or is anticipated, the civil-service commission, or a special board of examiners designated by it, shall hold competitive tests and establish an employment list for the position of chief examiner and secretary in accordance with the testing procedure and principles prescribed in this act. Following the establishment of such a list the civil-service commission shall appoint a chief examiner and secretary in accordance with the procedure prescribed in sections 23 and 24 of this act. Any person hereinafter appointed as chief examiner and secretary shall, at the time of his appointment, be thoroughly familiar with the principles and methods of personnel administration generally recognized by those in charge of employment work for large public and private employers and skilled in personnel administration. He shall be of good repute in his business, profession, or occupation, and known to be in sympathy with the systematic application of merit and good business principles in the handling of personnel matters in connection with positions in the public service that are non-political in character. He shall hold no other public office or employment. His compensation shall be as provided in the annual appropriation law.

"4. Duties of the chief examiner and secretary: The chief examiner and secretary shall be the chief executive officer of the civil-service commission and, except as otherwise provided in this act, shall direct and supervise its administrative work. It shall be his duty:

"(1) To attend the regular and special meetings of the civil-service commission, to act as its secretary, and to record its official actions.

"(3) To establish and maintain a roster of the employees in the State classified service, showing for each such employee the title of the position held, the rate of compensation, and every change in his status, including increases and decreases in pay, changes in title, transfers, sick or annual leave with pay, and other facts which he may consider desirable and pertinent.

"(4) To ascertain and record the duties, responsibilities, and authority appertaining to all positions in the State classified service and to classify such positions in the manner hereinafter provided.

"(7) In the manner hereinafter provided, to test and pass upon the qualification of applicants for appointment to or promotion in the State classified service, and to establish employment and reemployment lists for the various classes; upon requests from appointing authorities or indication of the need for additional

employees, as evidenced by the presence of temporary employees or request for the authorization for a temporary or provisional appointment in any class, to certify the names of persons eligible for employment, promotion, or reemployment; to devise, install, and administer service-rating systems and training courses; to arrange for and pass upon transfer; to regulate annual sick and special leaves of absence, hours of work, attendance, and payments for overtime in accordance with the provisions of the rules and regulations established as aforesaid; and to see that lay-offs, demotions, suspensions, removals, retirements, and other separations are made in accordance with this act."

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, under the unanimous-consent agreement the question is on the amendment offered by the Senator from Massachusetts [Mr. WALSH].

Mr. BARKLEY. 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:

Adams	Davis	Johnson, Colo.	Pittman
Ashurst	Dieterich	King	Pope
Austin	Donahay	La Follette	Radcliffe
Bailey	Duffy	Lee	Reames
Bankhead	Ellender	Lewis	Reynolds
Barkley	Frazier	Lodge	Russell
Berry	George	Logan	Schwartz
Bilbo	Gerry	Longeman	Schwellenbach
Bone	Gibson	Lundeen	Shipstead
Borah	Gillette	McAdoo	Smathers
Bridges	Glass	McCarran	Smith
Brown, Mich.	Green	McKellar	Thomas, Okla.
Brown, N. H.	Guffey	McNary	Thomas, Utah
Bulkeley	Hale	Maloney	Townsend
Bulow	Harrison	Miller	Truman
Burke	Hatch	Milton	Tydings
Byrd	Hayden	Minton	Vandenberg
Byrnes	Herring	Murray	Van Nuys
Capper	Hill	Neely	Walsh
Caraway	Hitchcock	Norris	Wheeler
Chavez	Holt	Nye	
Clark	Hughes	O'Mahoney	
Copeland	Johnson, Calif.	Overton	

The PRESIDING OFFICER. Eighty-nine Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from Massachusetts [Mr. WALSH].

The amendment of Mr. WALSH proposes, on page 8, beginning with line 20, to strike out all down to and including line 9, on page 10, in the following words:

CIVIL SERVICE ADMINISTRATION

Sec. 201. (a) There is hereby established in the executive branch of the Government an organization to be known as the Civil Service Administration (hereinafter referred to as the "Administration"), at the head of which shall be a Civil Service Administrator (hereinafter referred to as the "Administrator"), who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of 15 years and shall receive a salary at the rate of \$10,000 per annum. The Administrator shall be selected without regard to any political affiliations, shall be a person specially qualified for the office of Administrator by reason of his executive and administrative qualifications, with particular reference to his actual experience in, or his knowledge of, accepted practices in respect to the functions vested in that office by law.

(b) The Administrator shall appoint a Deputy Civil Service Administrator, subject to the civil-service laws, and his salary shall be fixed in accordance with the Classification Act of 1923, as amended. The Deputy Civil Service Administrator shall perform such functions as the Administrator may prescribe, and shall act as Administrator in the absence of the Administrator or in the event of a vacancy in that office.

(c) The United States Civil Service Commission and the offices of Civil Service Commissioners are abolished, and all functions vested in such Commission are hereby vested in the Administration. The records, property (including office equipment), personnel, and unexpended balances of appropriations of such Commission are hereby transferred to the Administration.

(d) The Administrator is authorized to delegate to any officer or employee of the Administration any functions vested in the Administrator or the Administration by law, and to make such rules and regulations as may be necessary to carry out any of such functions.

(e) The Administrator shall cause a seal of office to be made for the Administration, of such device as the President shall approve, and judicial notice shall be taken of such seal.

Mr. BARKLEY. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. HALE. On this vote, my colleague [Mr. WHITE] has a pair with the senior Senator from Texas [Mr. SHEPPARD]. If

present, and voting, my colleague would vote "yea," and I understand the Senator from Texas, if present, would vote "nay."

Mr. NYE (after having voted in the affirmative). On this question I have a pair with the Senator from Florida [Mr. PEPPER]. I understand if he were present he would vote "nay." I, therefore, withdraw my vote.

Mr. LEWIS. The Senator from New York [Mr. WAGNER], who is absent on public business, is paired with the Senator from Kansas [Mr. MCGILL], who is absent for a similar reason. I am advised that if present and voting, the Senator from New York would vote "yea," and the Senator from Kansas would vote "nay."

The Senator from Florida [Mr. ANDREWS], the Senator from Texas [Mr. CONNALLY], the Senator from Florida [Mr. PEPPER], and the Senator from Texas [Mr. SHEPPARD] are necessarily detained on important public business.

The result was announced—yeas 38, nays 50, as follows:

YEAS—38

Austin	Copeland	Holt	O'Mahoney
Bailey	Davis	Johnson, Calif.	Shipstead
Borah	Donahay	Johnson, Colo.	Townsend
Bridges	Frazier	King	Tydings
Bulow	George	Lodge	Vandenberg
Burke	Gerry	Loneragan	Van Nuys
Byrd	Gibson	McCarran	Walsh
Capper	Gillette	McKellar	Wheeler
Caraway	Glass	McNary	
Clark	Hale	Maloney	

NAYS—50

Adams	Duffy	Lewis	Radcliffe
Ashurst	Ellender	Logan	Reames
Bankhead	Green	Lundeen	Reynolds
Barkley	Guffey	McAdoo	Russell
Berry	Harrison	Miller	Schwartz
Bilbo	Hatch	Milton	Schwellenbach
Bone	Hayden	Minton	Smathers
Brown, Mich.	Herring	Murray	Smith
Brown, N. H.	Hill	Neely	Thomas, Okla.
Bulkeley	Hitchcock	Norris	Thomas, Utah
Byrnes	Hughes	Overton	Truman
Chavez	La Follette	Pittman	
Dieterich	Lee	Pope	

NOT VOTING—3

Andrews	McGill	Pepper	Wagner
Connally	Nye	Sheppard	White

So Mr. WALSH's amendment was rejected.

The PRESIDING OFFICER. The bill is still before the Senate and open to further amendment.

INVESTIGATION OF TENNESSEE VALLEY AUTHORITY

Mr. NORRIS. Mr. President, I ask unanimous consent for the present consideration of Senate Resolution 251.

I desire to say to the Senator from South Carolina [Mr. BYRNES] that I do not want to delay the work of the Senate on the reorganization bill. If the resolution will take any time, I shall not press it.

Mr. BYRNES. Mr. President, if there is to be no debate upon the resolution, I shall have no objection to the request; but if there is to be debate, I submit to the Senator from Nebraska that we ought to go along with the pending bill.

Mr. NORRIS. I agree with the Senator, if there is to be debate.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent for the present consideration of Senate Resolution 251.

Mr. McNARY. Mr. President, in view of the joint resolution introduced today by the Senator from Utah [Mr. KING] and the Senator from New Hampshire [Mr. BRIDGES], I feel certain that there will be some discussion. I observe that those Senators are absent at the moment.

Mr. BRIDGES entered the Chamber.

Mr. NORRIS. The Senator from New Hampshire [Mr. BRIDGES] is here now.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent for the present consideration of Senate Resolution 251. Is there objection?

Mr. BRIDGES. Mr. President, the senior Senator from Utah [Mr. KING] today introduced, on behalf of himself and myself, a joint resolution along the line of the proposals pending in the House of Representatives, due to the fact

that we understand the House of Representatives is to make an investigation of the T. V. A. situation in any event, and resolutions to that effect have been submitted in the House.

Yesterday, when this matter was up, the distinguished Senator from Kentucky [Mr. BARKLEY], the floor leader of the Democratic Party, mentioned the possibility of the appointment of a joint committee to investigate the T. V. A. After making inquiries, the senior Senator from Utah and I introduced this joint resolution, which provides for a full and comprehensive investigation of the T. V. A. by a joint committee. At this time I raise the point that the Senator from Utah [Mr. KING] is not present; but if the Senate is to make an investigation, and the House also is to investigate, there will be a duplication of effort unless we provide for a joint investigation. For that reason the joint resolution was introduced; and for that reason, until I know more about the situation, I shall object to the request of the Senator from Nebraska.

Mr. NORRIS. Mr. President, I submit another unanimous-consent request.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORRIS. I ask unanimous consent that at the conclusion of the consideration of the unfinished business the Senate proceed to consider Senate Resolution 251.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that at the conclusion of the consideration of the unfinished business the Senate proceed to the consideration of Senate Resolution 251. Is there objection?

Mr. BYRNES. Mr. President, I certainly shall not object; but I ask the Senator from Nebraska whether or not the resolution calls for the expenditure of money from the contingent fund of the Senate.

Mr. NORRIS. It does.

Mr. BYRNES. If so, under the rule of the Senate the resolution must be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. NORRIS. It does not necessarily have to go there first. I concede that it will have to go there at some time.

Mr. BYRNES. If the Senator will consult the rule, I am sure he will find that the resolution must go there.

Mr. NORRIS. I think so, too, but not necessarily first.

Mr. BYRNES. It must go there before consideration.

Mr. McNARY. Mr. President, the requirement to which the Senator refers is not a rule of the Senate but is a statutory declaration; and the resolution must go to the committee, of course, before action can be had upon it.

It is my desire that as soon as the present business is finished we shall take up the calendar. I think that should be done; and, of course, in that event the resolution would come up in its regular order. I should not want to see any arrangement made at this time with regard to legislative procedure in the future. Therefore, I think we had better wait until we finish the consideration of this bill before a new order is made; and I shall object.

Mr. NORRIS. Mr. President, I submit another request for unanimous consent.

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

Mr. NORRIS. I ask unanimous consent that Senate Resolution 251 be now referred to the Committee to Audit and Control the Contingent Expenses of the Senate, with instructions to report in not more than 5 days.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that Senate Resolution 251 be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, with instructions to report in not more than 5 days. Is there objection?

Mr. McNARY. Mr. President, I have no objection if that request is coupled with the same declaration in regard to the joint resolution introduced today. Both of the resolutions cover the same subject matter; and if one is to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, both of them should be so

referred, because that is a condition precedent to the consideration of either of them by this body.

The PRESIDING OFFICER. The Chair will state that the resolution introduced today by the Senator from Utah and the Senator from New Hampshire is a joint resolution, and, as the Chair understands the rule, does not have to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. If the resolution referred to by the Senator from Nebraska should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, would or would not that committee have power to amend it in any way it might see fit?

The PRESIDING OFFICER. The Chair understands that under the rule the Committee to Audit and Control the Contingent Expenses of the Senate would have no power to amend the resolution as to its merits but only as to the amount of money which might be authorized to be expended from the contingent fund of the Senate.

Mr. BARKLEY. That is my understanding. Therefore, I propound this inquiry: If the resolution should be reported by the Committee to Audit and Control the Contingent Expenses of the Senate in its present form, except as to an authorization of expenditure, would the resolution then be subject to amendment on the floor of the Senate?

The PRESIDING OFFICER. The resolution, when reported by the Committee to Audit and Control the Contingent Expenses of the Senate, would be subject to amendment or any other motion in the Senate, just like any other resolution.

Is there objection to the unanimous-consent request of the Senator from Nebraska?

Mr. BRIDGES. Mr. President, until I have an opportunity to consult with the senior Senator from Utah [Mr. KING], I object. I assume that after conferring with him I shall not have any objection, but I desire the privilege of talking with him first.

The PRESIDING OFFICER. The Senator from New Hampshire objects.

Mr. NORRIS. Mr. President, I was simply trying to ascertain whether the Senator from New Hampshire wanted an investigation or whether he wanted a mud-slinging proposition. Having reached the conclusion that it is the latter, I have nothing further to say. I shall have to take my chances when the consideration of the pending bill shall have been concluded.

REORGANIZATION OF EXECUTIVE DEPARTMENT

The Senate resumed the consideration of the bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes.

Mr. WHEELER. Mr. President, I have just entered the Chamber, having come here directly from the White House. I have sent to my office for an amendment which I intend to offer as soon as my clerk returns with it, which will be in just a few moments. I do not know whether or not there are some other amendments to be offered.

Mr. McNARY. Mr. President, will the Senator from Montana state whether his amendment is the one which requires an affirmative vote by the Senate before an Executive order may become effective?

Mr. WHEELER. It is.

Mr. McNARY. Is there any difference between the amendment to which the Senator refers and the one which was printed a few days ago?

Mr. WHEELER. Yes. I now have the amendment here.

Mr. President, the other day I offered and called to the attention of the Senate an amendment to the pending bill, providing, among other things, that before any reorganization or abolishment of a department should go into effect, the Congress of the United States should have an opportunity by joint resolution to pass upon the matter. Objection

was raised to the amendment I suggested on the ground that if the amendment should be adopted, nothing would be accomplished, and that any reorganization proposal which the President sent here would not be adopted.

In view of that statement on the part of some Senators, I am about to send to the desk a new amendment; but before doing so I desire to read the amendment for the benefit of the Senate.

The amendment is as follows:

On page 7, line 3, strike out "effective date" and insert "approval."

On page 7, line 6, beginning with the words "and shall", strike out all down to and including line 14, and insert in lieu thereof the following: "but shall not become effective until after the enactment of a joint resolution specifically approving such Executive order. Any such joint resolution shall provide for the approval of such Executive order as a whole, without modifications, and shall contain no other provisions. If any such joint resolution providing for the approval of any such Executive order is introduced in either House, it shall at once become the special order therein, and that House shall proceed to its consideration, without reference to a committee; and, not later than 1 hour after that House meets on the tenth calendar day (Sundays excepted) after the day on which such joint resolution was introduced, a vote shall be taken in that House on the question of the passage of a joint resolution approving such Executive order. If any such joint resolution is passed by one House, it shall be sent to the other House, and that House shall immediately proceed to its consideration, without reference to a committee. Not later than 1 hour after that House meets on the tenth calendar day (Sundays excepted) after it has received such joint resolution, a vote shall be taken in that House on the question of the passage of such joint resolution."

The PRESIDING OFFICER. The amendment of the Senator from Montana will be received and printed.

Mr. WHEELER. Mr. President, I understand that since I spoke a few days ago the junior Senator from South Carolina [Mr. BYRNES] has offered an amendment to the pending bill, which has been adopted, and which, if I am correctly informed—although it is difficult for me to follow it in the bill—strikes out on page 3, line 2, the words "or the functions thereof", this taking away from the President the right to abolish functions. Am I correct as to that?

Mr. BYRNES. Mr. President, three or four of the amendments I have offered made plain the purpose of the bill, that the President should not have the power to abolish functions. Subdivision 3, on line 7, is stricken out, and the bill as it now stands provides that the President may abolish an agency whenever all the functions of such agency have been transferred to another agency. Subdivision 3 is stricken out entirely. That is the section to which the Senator directed his remarks the other day. The amendment necessitated two or three other changes, and they have been made.

Mr. WHEELER. That is my understanding.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. HATCH in the chair). Does the Senator from Montana yield to the Senator from Idaho?

Mr. WHEELER. I yield.

Mr. BORAH. Did the amendment of the Senator from South Carolina affect subdivision 4 in any respect?

Mr. BYRNES. Subdivision 4 might be affected. There is a question whether it is remedied by the language on the succeeding page. But I have an amendment, which my clerk informs me has not been offered, but which it is my intention to offer, to make that section accord with the other sections of the bill, eliminating the power to abolish functions. I have the amendment in my hand at this time. The purpose is to have the amendment offered as a new subdivision on line 12, page 3, so that it will read:

Nothing in subsection (a) shall be construed to authorize the President—

And then the amendment will follow—

to abolish any function transferred to any agency or agencies.

That completes the amendments with reference to the question of functions.

Mr. BORAH. Then the Senator leaves in the bill subdivision 4, which authorizes the President to "prescribe the name and the functions of any agency"?

Mr. BYRNES. Yes; that is left in the bill subject to the amendment to which I have referred, which makes plain that it will accomplish what the Senator has in mind. I will be glad to submit the amendment to the Senator in a few minutes.

Mr. WHEELER. Mr. President, with reference to abolishing functions, that power, as I understand, has been eliminated from the bill. I wish to call the attention of the Senate, however, to subdivision (4), which provides that the President may "prescribe the name and the functions of any agency affected by any such Executive order, and the title, powers, and duties of its executive head."

I take it that the word "prescribe" means that the President may add a new name to any of the bureaus, and that he may prescribe the functions of the new bureau which is created by the consolidation of any agency affected by the Executive order as well as the title and the powers of the new agency and also the duties of its executive head. So it would seem to me that, as a matter of fact, the President would have the legislative power to prescribe the name and the functions of the agency affected by such Executive order and the title and the powers and the duties of its executive head. In other words, if he is given the power to prescribe the duties and the powers he is given the power to legislate under that particular subsection.

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

Mr. WHEELER. I yield.

Mr. BYRNES. I know the Senator has not before him the amendment to which I have referred. I think the Senator will agree that the amendment would cure the situation of which he complains. By the language of the amendment the President would be prohibited from abolishing any function transferred to any agency or agencies. So that the President could transfer a function from agency A to agency B, and agency B would then administer the existing law.

Mr. WHEELER. I understand that.

Mr. BYRNES. But the President could not abolish any function of agency A.

Mr. WHEELER. I understand that.

Mr. BYRNES. He could change the agency which was administering existing law, but he would be prohibited from changing existing law.

Mr. WHEELER. I have to differ with the Senator there. Of course, while the President would not have the power to abolish functions, he would have the right to prescribe the name and the functions of any agency. If we give the President the power to prescribe the functions of an agency, we give him legislative power. If I know anything about the English language at all, when one is given the power to prescribe the powers and the duties and the functions of an agency, he is given the power to create certain functions in that particular agency.

Mr. BYRNES. Mr. President, I know the Senator is sincere about that, but I call his attention to two things. Beginning on line 12, page 3, there is a proviso:

Nothing in subsection (a) shall be construed to authorize the President—

Then several duties are itemized.

Mr. WHEELER. Yes.

Mr. BYRNES. If the Senator will turn to clause (6) on page 4, he will find that the President cannot "create or establish any new agency to exercise any functions which are not expressly authorized by law in force on the date of enactment of this act."

Mr. WHEELER. I understand that.

Mr. BYRNES. The amendment to which I have called the attention of the Senate will further provide that the President cannot abolish any law. He cannot, therefore, prescribe any function or give to any new agency any function which is not authorized by law; and there is a specific prohibition that he cannot abolish any function.

Mr. WHEELER. It seems to me that there is a vagueness with reference to these two provisions. In one it is stated that the President can prescribe the name, that he can

prescribe the functions. What does the Senator mean when he says that the President can prescribe functions, and what does he mean when he says that he can prescribe the powers of the new agency?

Mr. BYRNES. If the power is given by the Congress to an agency, agency A, we will call it, and in the consolidation of the organization it is transferred over to agency B, when the functions and duties are transferred the President may prescribe the functions which are provided for by existing law which shall thereafter be administered by agency B to which agency A is transferred. He cannot authorize the execution of any function not authorized by law, and he cannot abolish any function now authorized by law. He can only prescribe that agency B shall hereafter exercise the functions previously exercised by agency A.

Mr. BORAH. Mr. President, will the Senator from Montana yield?

Mr. WHEELER. I yield.

Mr. BORAH. I wish to ask a question to see if I have followed the Senator from South Carolina correctly. Subdivision (4), in which I am interested, provides that the President may "prescribe the name and the functions of any agency." My understanding is that the Senator is proposing an amendment which will provide that no functions may be prescribed by the President except those functions designated by Congress.

Mr. BYRNES. That is correct. Further, in order to make certain that he carries it out, the amendment to which I have referred provides that he cannot abolish any function, he cannot create a new function, he cannot prescribe for the administration of a function not now authorized by law.

Mr. WHEELER. I call the Senator's attention to the language used. In subdivision (4) on page 3 it is stated that the President may prescribe the name and he may prescribe the functions of any agency affected by such Executive order, and he may prescribe the title and he may prescribe the powers and he may prescribe the duties of its executive head.

The Senator has eliminated the right to abolish functions since we discussed this matter a few days ago, but in clause (6) it is provided that the President may not create or establish any new agency to exercise any functions which are not expressly authorized by law in force at the date of enactment of this act.

Mr. BYRNES rose.

Mr. WHEELER. If the Senator will pardon me just a moment—while the President may not create a new agency for the purpose of exercising any functions which are not created by law, he may, under the pending bill, if the language remains as it is, prescribe new functions in an old agency.

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

Mr. WHEELER. I yield.

Mr. BYRNES. An amendment has already been adopted which remedies that situation. That thought occurred to me, and I drew an amendment which is exactly in accordance with the Senator's views, and it is one of the committee amendments which was adopted unanimously yesterday, changing the language. Instead of providing for the creation or establishment of any new agency, it reads "to authorize any agency," whether new or old.

Mr. WHEELER. Let me have that language again.

Mr. BYRNES. If the Senator will take his pencil it will be easy for him to substitute after the designation "(6)" the words "to authorize any agency," before the words "to exercise any function." I do not want to leave any doubt, or leave it subject to the interpretation that an old agency could do it any more than the new agency.

Mr. WHEELER. I am glad to have the Senator clarify that point. However, I did not understand from the Senator's statement made a moment ago that that had been done.

Mr. President, if I catch the Senator's idea correctly, that narrows the issue down, then, to the question of whether or

not we want to let the present President of the United States or any other President have the power to transfer an agency or part of an agency from one department to another department without the Senate having opportunity by vote to pass upon that question. When I speak of the President of the United States I am not doing it in the sense of criticism at all, because I do not think that he is to be criticized by reason of the wording of the bill.

Mr. BORAH. Mr. President, I am somewhat at a loss with respect to the present situation. I had intended to make some remarks on this subject. I want to be sure that there is occasion for doing so.

Mr. BYRNES. I send the amendment to the Senator's desk.

Mr. BORAH. I shall not interrupt the Senator until I can have an opportunity to look over the amendment.

Mr. WHEELER. As I said a moment ago, if I interpret correctly what the Senator from South Carolina has said, the issue is narrowed down to the question of whether or not the Congress wants to turn over to the President the power to transfer any agency or any part of any agency, as he sees fit, without submitting the question to the Congress and giving it the opportunity to give or withhold its approval. When we do anything like that we are in effect saying to the President, "We are delegating to you our legislative functions, and we are doing it without making it necessary that the Congress of the United States shall approve your action."

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

Mr. WHEELER. I yield.

Mr. VANDENBERG. I think the Senator is too generous in his interpretations. While it is now impossible for the President directly to abolish a function, nevertheless by transferring a function to a hostile bureau he can have the net effect of abolishing a function.

Mr. WHEELER. Of course.

Mr. VANDENBERG. If the Senator will permit me, I want again to give a beautiful example of the danger. I suggested it 2 days ago in a colloquy with the Senator from Nebraska. I call the Senator's attention to the Federal Deposit Insurance Corporation, which is exercising a fundamental banking function in the United States at the present time, and it is utterly of paramount importance that it shall not be disturbed in any fashion whatsoever.

The maintenance of the Federal Deposit Insurance Corporation is essentially a matter of discretion in its management. If the management is hostile, the effectiveness of Federal bank deposit insurance disintegrates in proportion. The Federal Reserve Board is not unduly friendly to bank-deposit insurance. The head of the Board, I think, is rather definitely hostile. If Federal bank deposit insurance were transferred from its present independent, safe, stable base to the control of the Federal Reserve System, Senators will comprehend the possibility at least that the functions of Federal Reserve insurance will have been jeopardized.

That is not all. The management of the Federal Deposit Insurance Corporation holds the power of life and death over the State banks, because, while a national bank must belong to the System, a State bank belongs only by sufferance of the management of the System. Any such bank which is not admitted is obviously in jeopardy of not surviving the shock. Therefore the control of this discretion finally becomes the control of the question whether the dual banking system shall be maintained. I submit to the Senator that no such power should rest with any single executive administrator, particularly when Congress has set down the basic rules under which Federal Deposit Insurance Corporation is operating.

Mr. WHEELER. I thank the Senator. I was going to come to that matter later. I have in my hand a letter which was sent to me, and probably to all other Senators, giving an example of just what could be done if the proposed change were made. The letter is dated March 9 of this

year, and was sent to me by the American Legion. It reads in part:

The reorganization bill is now before the Senate for debate. In it there are certain agencies of the Government specifically excepted from its provisions, but apparently most anything can happen to the Veterans' Administration.

All of the difficulties pertaining to the administration of the laws affecting veterans were traceable in the beginning to the fact that responsibility was at first distributed amongst a half-dozen different departments of the Government and then under the Treasury Department. Finally the Veterans' Administration was created by law and from then on we knew definitely with whom we were dealing. Repeatedly the statement is made that this is one of the largest and most important departments of the Government. It should be kept separate.

1. If the reorganization bill should be passed and the Veterans' Administration again placed under one of the existing Cabinet officers—or if it should be split up and its work distributed around amongst various departments of the Government—we will have nothing but trouble for years to come. We have gone all through this grief and as a result we have one agency upon which and to which the Members of Congress can place their finger on all matters dealing with veterans or their dependents, and for this reason alone it should be placed amongst the class of "excepted" agencies.

I call the letter to the attention of the Senate because under the proposed change in the bill the Veterans' Bureau, or one division of the Veterans' Bureau, could be placed under some other branch of the Government. One division of the Veterans' Bureau could be placed in one branch of the Government, another division in another branch of the Government, and yet another division in some other branch of the Government. I assume, however, that the President is not going to do such a thing.

Similar action could be taken with respect to the Bureau of Public Roads. My attention has been called to the fact that already Congress has appropriated money for the Bureau of Public Roads. That Bureau is ready to let contracts in California and in my own State, and all over the West, but it has received an order not to go ahead. I am told upon very reliable authority that an order has been issued to the Bureau of Public Roads not to go ahead and let contracts for the purpose of building roads.

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

Mr. WHEELER. I yield.

Mr. BARKLEY. I am not familiar with the order to which the Senator refers, but there is nothing unusual in the President's suggestion to any of the bureaus that they let up on expenditures for a while. Of course, that has nothing to do with the reorganization bill. The Bureau of Public Roads is already in the Department of Agriculture, where I have no doubt it will remain. The order issued, as suggested by the Senator from Montana, with which I am not familiar, would not be an isolated case. The suggestion was made last fall to the Reconstruction Finance Corporation and to many other agencies to go slow in making commitments in order to keep expenditures down as much as possible. So it does not seem to me that the mere fact that the President asked the Bureau to hold up on contracts can have any bearing upon the supposition of a transfer of the Bureau of Public Roads from the Department of Agriculture to some other department of the Government.

Mr. WHEELER. I am not so contending.

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

Mr. WHEELER. I yield.

Mr. BORAH. In order to understand exactly the situation we are now in, may I ask the Senator from Montana and the Senator from South Carolina if the President desired under the authority now provided in the bill to transfer the Forest Service to the Interior Department would he have the power to do it?

Mr. WHEELER. Absolutely. He would have the power to take the Reclamation Bureau out of the Interior Department and place it in the Department of Commerce.

Mr. BORAH. He would also have the power, would he not, to abolish the Forest Service, if he so desired?

Mr. WHEELER. I do not think he would have the power to abolish it.

Mr. BYRNES. To the first suggestion I would agree. To the other I would not.

Mr. WHEELER. He would not have the power to abolish it.

Mr. BORAH. He would not have the power to abolish anything?

Mr. WHEELER. He would not have the power to abolish anything.

Mr. BYRNES. He would not have the power to abolish anything unless the functions had been transferred to another agency.

Mr. WHEELER. Yes.

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

Mr. WHEELER. I yield.

Mr. AUSTIN. At this point I should like to have a question answered in order to understand more clearly the position of the Senator from Montana. Is it his understanding of the effect of the amendment proposed by the Senator from South Carolina that if it should be adopted it would take out of subdivision (4) only functions transferred and would leave with the President the power to prescribe the functions of any agency not affected by a transfer order?

Mr. WHEELER. I should think so. I think the Senator is correct in that regard.

Mr. VANDENBERG. If the Senator will permit another question, let us see if the President cannot actually abolish the Forest Service, to which the Senator has referred. After he transfers its functions and amalgamates them with some other bureau which carries a different name and is in another department, where they may be totally subordinated, and may ultimately be disintegrated, he may abolish the Forest Service.

Mr. WHEELER. The effect, of course, would be to abolish it.

The Forest Service has been functioning for years under the Agricultural Department. The Indian Office has been functioning for years under the Interior Department. Other bureaus have been functioning under other departments of the Government. The Congress has said that it wants to continue the Forest Service in the Department of Agriculture. We have said that we want the Indian Office to remain where it is.

It has been said that the functions of a department cannot be abolished. Someone once said, however, "I do not care who enacts the law, if you will let me execute the law."

Take the case of the Reclamation Bureau, which affects everybody in the West: We know, as a matter of fact, that certain Cabinet members have been opposed to reclamation. They have openly said so, and we know they are opposed to it. Suppose the President should say, "I want to take the Reclamation Bureau and put it under the Department of Commerce," or "I want to put it in the Treasury Department," or "I want to put it under the Secretary of Agriculture," who is not sympathetic to reclamation: We in Congress would have nothing to say about it.

All I am proposing by my amendment is that when the President sends his reorganization plan to us, and when the Democratic leader introduces a joint resolution approving it, that joint resolution shall be immediately taken up in the Senate, made the special order of business, and that within 10 days' time the Senate shall vote on it, and that similar action shall be taken by the House. Such a provision entirely eliminates any argument about the impossibility of getting any reorganization because of a filibuster. It entirely eliminates any talk about how Congress will act, because under the proposed amendment the matter is made a special order of business, and must be voted upon in 10 days.

I am trying to preserve in the Congress of the United States the right to say whether or not these transfers shall be made. I cannot for the life of me understand why any Senator or Representative should want to give up the powers of the Congress, and say to the President, "You may take the Bureau of Reclamation and juggle it around, and put it in any department you choose," or "You may take the Veterans' Bureau and put it in the Interior Department," or

"You may take the Veterans' Bureau and put it in some other department," and leave the Congress helpless to say whether or not it approves what is done.

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

Mr. WHEELER. I yield.

Mr. McNARY. When the Senator read his amendment I was reminded of the amendment I discussed on Friday, offered by the Senator from Alabama [Mr. BANKHEAD]. I think the language the Senator now incorporates in his amendment is similar to that of the Bankhead amendment.

Mr. WHEELER. No.

Mr. McNARY. In the amendment offered by the Senator from Alabama he proposes that after the resolution has been introduced it shall be before the Senate for 10 days and 1 hour.

Mr. WHEELER. That is correct. My amendment is similar to the Bankhead amendment, with one exception. The Bankhead amendment provides for the circulation of a petition and obtaining the signatures of 25 percent of the Members.

Mr. McNARY. I appreciate that. I am only saying that it is similar in one particular; namely, as to the amount of time given to the Congress to debate the proposition.

Mr. WHEELER. No; I propose to allow 10 days for debate.

Mr. McNARY. The Bankhead amendment allows 10 days and 1 hour.

Mr. WHEELER. That is correct.

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

Mr. WHEELER. I yield.

Mr. BORAH. As the Senator knows, and as all western Senators know, there has been an effort in certain quarters for the past 2 or 3 years to transfer the Forest Service to the Interior Department. That is a matter in which the entire West, and forestry people everywhere, are greatly interested. As I now understand the bill, while the President could not abolish the Forest Service, or any other bureau or agency, he might transfer the activities of any such agency to the Interior Department, and thereby accomplish that which I think 90 percent of the people who are in any way associated with the Forest Service are opposed to.

Mr. WHEELER. That is correct.

Mr. BORAH. So we would have a situation in which the President might transfer the Forest Service to the Interior Department; and if we vote for this bill as it is, we are voting away our power to protect the Forest Service in case it should be transferred.

Mr. WHEELER. That is entirely correct. As I pointed out the other day, the stockmen, the cattlemen, and the sheepmen have written many letters protesting against the transfer of the Forest Service from the Department of Agriculture to any other department.

Mr. BORAH. It has been said in private conversation that there is no such intention.

Mr. WHEELER. Yes.

Mr. BORAH. But, of course, that statement is no protection whatever to those who are interested in the matter. The mere oral statement that there is no such intention is no protection against such a thing happening.

Mr. WHEELER. Not only that, but nobody is responsible for the statement which has been whispered around. If the President should transfer the Forest Service, what could we do about it? The President could say, "I never made any such statement." We do not know whether the statement was ever made by the President or not. Even if he did make such a statement, and even if he fully intended to maintain that position, certainly he has a right to change his mind. After a study of the whole situation, if pressure were brought to bear by some of the department heads, he might say, "Gentlemen, I have changed my mind about it," and then transfer the Service.

That identical situation prevails with reference to the Bureau of Reclamation.

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

Mr. WHEELER. I yield.

Mr. CLARK. In connection with the Forest Service, the Senator will recall that in a hearing before the House Committee on the Public Lands last year the Solicitor for the Interior Department stated that he had been officially designated by the Secretary of the Interior, in an order published in the Department, as the only representative of the Interior Department to appear before congressional committees. He openly stated that it was the intention to transfer the Forest Service from the Department of Agriculture to the Department of the Interior. That is a matter of public record. There never has been any denial of it from any quarter whatever. I further call the attention of the Senator from Montana to the fact that that very recommendation was contained in the Brownlow committee report.

Mr. WHEELER. I thank the Senator.

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

Mr. WHEELER. I yield.

Mr. BYRNES. The Senator agreed with the statement of the Senator from Missouri. I wish he would point out in the report any such statement.

Mr. WHEELER. I did not make the statement.

Mr. BYRNES. But the Senator agreed with the statement. It is not in the report.

Mr. WHEELER. That is only one illustration. Let me say to the Senators from the West who are interested in different bureaus in the various departments that the bureaucrats in the departments are the ones who are doing the work upon this particular bill; and if Senators want some bureaucrat in one of the departments who has never been in the State of California in his life to deal with these various matters, that will be the result if the bill is enacted into law. That is not an absurd statement, because, as a matter of fact, when the Solicitor of the Interior Department was appointed to deal with western affairs, to deal with reclamation, with the Indians, and with the conservation of oil and other great natural resources, he had never been on an Indian reservation. He had never set foot in the State of California or in the State of Montana. I doubt whether he had ever been west of Chicago. If the Senator from California [Mr. McAdoo] and other Senators from the West wish to see placed in the hands of some of these bureaucrats the right to set forth what shall be done in the future with the various departments of government which so greatly affect the economic life of our country, of course they are at liberty to support the bill.

It is said, of course, that the President will not do any of these things. From whom is he going to get his advice? As I pointed out the other day, it is a physical impossibility for him or for any other President to know all the problems of the West. We have a Secretary of the Interior from the city of Chicago. We have a Solicitor from the city of New York. We have a Commissioner of Indian Affairs who had been a propagandist for Indians but who had never been in close touch with them except through his work. We have an Assistant Commissioner of Indian Affairs who previously had never had anything to do with Indians in his life and did not know anything about them.

Those of us who have had to deal with the Indian Office know how employees in the Indian Office have been selected. We know how those who were formerly interested in social work in the city of Chicago, or in the city of New York, or elsewhere, have tried to deal with the Indian problem as though it were a problem like that of clearing up the slums in the city of Chicago or in the city of New York.

I feel very deeply about this question because of the actual experience which we in the West have had in dealing with these matters. I am not trying to prevent any consolidation of departments in the Government service. I am simply saying to the Congress that before such consolidations go into effect we should exercise the right, which the Constitution of the United States says belongs to us, to say whether or not we approve the proposed consolidations. I am seeking by my amendment to provide that when the consolidation plan comes before Congress it shall not go into

effect until such time as the Congress, by joint resolution, approves it.

Who is going to introduce such a joint resolution? Certainly any President of the United States can have introduced a joint resolution approving his action. The Democratic leader would be in duty bound to do it, and when he does it, then I provide by my amendment that 10 days and 1 hour shall be allowed within which to debate it, and after the expiration of that time, then, automatically, a vote is taken on the question. The joint resolution goes to the other House, and in 10 days after it goes to that body they must take a vote upon it.

No one can contend for a moment that my amendment seeks to destroy the right of the President of the United States to reorganize the executive departments. No one can say that the amendment seeks to obstruct the President of the United States with reference to reorganization; no one can say that it represents an effort on the part of the Congress of the United States to block and fight the President of the United States.

We are saying to him, "Go ahead; we agree with you that there ought to be consolidations, that there ought to be coordination in the departments, but the Congress of the United States wants to reserve to itself some power of determination." Members of the Congress know how the activities of the different departments affect their respective States; they know the problems of the States much better than can bureaucrats know them; and the Congress ought to be able to say whether or not a given proposal for reorganization or consolidation shall be approved by it.

Take, for example, the T. V. A. in the State of Tennessee. Under this bill the President of the United States, if he saw fit, could take a part of the powers of the T. V. A. and lodge them in the Commerce Department; he could take part of them and transfer them to the Treasury Department; he could take other functions of the T. V. A., or all the functions of the T. V. A., and put them under some bureau which might be extremely unfriendly to the view Congress had in enacting the T. V. A. legislation. Is that what the Congress of the United States wants to have occur? Is that the power the Congress wishes to grant the President? It is inconceivable to me that intelligent men in the Congress of the United States should desire to vest such power in any single individual. I say this without any reflection upon the President, because I think the present President of the United States probably knows the problems of the West as well as any President we have had in recent years; but he cannot know how the management of the Indian Office, for instance, affects the economic life of the Indians of the State of New Mexico; it is humanly impossible for him to know how the Reclamation Bureau affects the economic conditions of the people in the various irrigation States. He will have to turn such matters over to some bureaucrat.

I cannot conceive the President of the United States would object to an amendment of the kind I have proposed being made to the pending bill. I cannot conceive of his wanting to do otherwise than to have any plan which may be adopted by him submitted to the Congress, inasmuch as he would know that the Congress would have to take a vote on it within 10 days' time after its submission to either branch of the Congress.

I have referred to the Veterans' Bureau. Those in authority there can speak from experience.

They are in position to know that when functions properly belonging to them were scattered among other agencies it resulted in a break-down in the execution of acts of Congress, until all such matters were consolidated in one department. Now, they are fearful that if we pass this proposed legislation some of the functions of that agency will be transferred to some other department.

Something was said here yesterday with reference to the people of the United States being jittery about conditions. Congress has been denounced from one end of the country to the other because it has been said that we have advocated turning over the powers that belong to the Congress

to the executive branch of the Government. At this particular time when they have an example of what is taking place in Germany and in Austria where power has been concentrated in one man, is it any wonder that the uninformed person should be jittery about conditions that exist throughout the world and fearful lest the Congress of the United States give up the power which belongs to it?

Mr. DAVIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Pennsylvania?

Mr. WHEELER. I yield.

Mr. DAVIS. I should like to inquire of the Senator whether or not under this proposed legislation the President could transfer the Railway Mediation Board to the Department of Labor and make it a part of the Division of Conciliation?

Mr. WHEELER. There is no question about it at all. He could take some of the functions of the Department of Labor and transfer them to the Department of Commerce.

Mr. DAVIS. Could he abolish the United States Compensation Commission and assign the duties of that Commission to one or the other departments of the Government?

Mr. WHEELER. Certainly. He could abolish the functions of that agency by transferring them to some other department which might be antagonistic to the policy which was in the mind of the Congress.

Mr. BYRNES. Mr. President, the Senator does not mean, does he, that the President could abolish the functions of an agency?

Mr. WHEELER. He could abolish the functions of an agency so far as that agency is concerned, because he could transfer the functions of that agency to another one and thereby abolish the functions of its officers.

Mr. BYRNES. Oh, no.

Mr. WHEELER. Oh, yes.

Mr. BYRNES. I thought the Senator had agreed with me about three-quarters of an hour ago as to the specific provision against abolishing any functions.

Mr. WHEELER. I understand that, but has the Senator read what the definition of a function is?

Mr. BYRNES. I have not only read the definition according to the standard dictionaries but also according to the law dictionaries.

Mr. WHEELER. Very well. What is the function of a department? I am not arguing on general principles; I use the term "function" in the strict and narrow sense, and when the head of a department is abolished certain functions which the head of the department has been performing as an individual are abolished.

Mr. BYRNES. Oh, no. Does the Senator think if I am performing the duties of a Senator that if I am abolished my successor will not continue to exercise the duties of a Senator?

Mr. WHEELER. No; not at all. I am simply saying that the Senator's functions would be abolished.

Mr. BYRNES. Yes; but somebody else would perform them. In the case submitted to the Senator by the Senator from Pennsylvania, if someone else performed the duties, the powers, and rights and privileges would be exercised—

Mr. WHEELER. By someone else.

Mr. BYRNES. Yes; by someone else.

Mr. WHEELER. I agree with the Senator. I said I was using the term "function" in its very narrow sense as applied to a particular individual.

Mr. BYRNES. Oh, that is a different matter.

Mr. WHEELER. What I mean to say is that when functions are transferred from the Labor Department to the Commerce Department, it may have the effect of abolishing some functions of the Department because they may be put under a head who is antagonistic to the very law itself.

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

Mr. WHEELER. Yes.

Mr. BONE. I take it that a fair comparison would be designating the able Senator from New Hampshire [Mr. BRIDGES] to perform the functions of the T. V. A. Board of

Administration. Does that illustration fairly and adequately represent the Senator's point of view?

Mr. WHEELER. Certainly. What is the fight over the T. V. A. now? The Senator from Nebraska at first did not want the Senate of the United States to investigate the T. V. A., while others wanted the investigation conducted by a Senate committee. Why did not the Senator from Nebraska want the investigation to be conducted by a Senate committee originally? They would perform exactly the same functions that would be performed by the Federal Trade Commission, or vice versa. The Senate of the United States would perform the identical functions under identically the same kind of a resolution, but the Senator from Nebraska, in effect, said, "I do not want it to go before the Commerce Committee because the make-up of that committee is such that the T. V. A. probably would not get a fair deal before them." To me, that is one of the best illustrations.

Take any investigation that is proposed by the Senate of the United States. When a resolution for an investigation is offered, the result depends upon how the investigation is going to be carried on; it depends upon the personnel of the committee. So, likewise, whether or not the Department of Labor, or the Reclamation Bureau, or the Public Roads Bureau, or the Indian Office is to be administered depends to a large extent upon whether or not the control of those agencies is placed in the hands of a personnel that is friendly to the particular operation.

Mr. BONE. And one that Congress will trust.

Mr. WHEELER. Yes; one that Congress will trust, as the Senator suggests.

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

Mr. WHEELER. I yield.

Mr. DAVIS. The State Department has for a long time been very anxious to take over the Immigration Bureau and the Naturalization Bureau. Laboring people who are very much interested in immigration and naturalization, for certain reasons, do not want the State Department to take over those bureaus. Under this bill, however, the President would have the power to assign both the Immigration and Naturalization Bureaus to the State Department, which is the last place they ought to be when there is a question of labor at stake.

Mr. WHEELER. That is exactly correct. I am not going to question whether or not the power ought to be there, but certainly the President has that power under the bill.

Mr. DAVIS. That is the question I am raising.

I should like to make a further inquiry, if the Senator will permit me to do so.

Mr. WHEELER. Certainly.

Mr. DAVIS. The United States Compensation Commission has under it some 5,000,000 persons, including longshoremen, Federal employees, W. P. A., C. C. C., and civilian employees, for whom it adjudicates compensation.

Mr. WHEELER. Yes.

Mr. DAVIS. It has under its jurisdiction the seamen, the longshoremen, and all the personnel of the civil service. If it is desired to do so, the duties of that Commission may be assigned to some one man under a bureau head, and the Commission may be entirely abolished, may it not?

Mr. WHEELER. There is no question at all about it. As I pointed out when the Senator from Tennessee [Mr. McKELLAR] was out of the Chamber, part of the powers of the T. V. A. might be taken away from it and put under some Cabinet officer who was unfriendly to it.

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

Mr. WHEELER. Yes; I yield.

Mr. BONE. I think perhaps we are now reducing this matter to more simple and more understandable terms, and that we received some little assistance from the questions of the Senator from Pennsylvania, who asked whether it would be advisable to make those changes. As I understand the proposal of the Senator from Montana, it is simply that if a change like that is made, the order shall come back here, and we shall say whether or not we approve it.

Mr. WHEELER. That is correct.

Mr. BONE. Is that reducing the amendment to its lowest common denominator, its simplest terms?

Mr. WHEELER. That is correct.

Mr. BONE. In other words, the President may do anything the bill permits in the way of transferring these functions to some other department, but in the last analysis it cannot be accomplished until Congress says "yes" and puts its O. K. on it.

Mr. WHEELER. That is correct; and I have limited my proposal so that the Congress of the United States would have to vote on the question within 10 days after a joint resolution was introduced by the Democratic leader or anybody else; and after the joint resolution passed one branch of the Congress it would have to go over to the other branch, and they would again have to vote on it within 10 days' time. So, as I say, we have completely eliminated the ground for the argument which was made by the distinguished Senator from South Carolina [Mr. BYRNES] the other day, when he said that if my amendment should be adopted we should never get a reorganization at all. Furthermore, it seems to me I have eliminated the basis of all the fears that were expressed the other day on the part of Senators who are fearful that the Congress itself has not either the common honesty or the integrity or the ability to pass within a reasonable time upon orders of this kind.

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

Mr. WHEELER. I yield.

Mr. DAVIS. My reason for questioning the Senator with reference to the possible transfer of the Bureau of Immigration is because, if it should be transferred, more than likely it would go to the State Department, and then the question of the oriental exclusion laws would again come up.

Mr. WHEELER. Yes.

Mr. DAVIS. And I know there are some persons in the State Department who have been very friendly to the proposal to give a quota to Japan and to China.

Mr. WHEELER. I think that has been true for a long time.

I do not want to take a great deal of the time of the Senate in arguing this matter, because I presented it the other day; but I do wish to come back to the point I started to discuss a moment ago when I was interrupted, namely, that since there is so much criticism of the Congress of the United States for delegating its powers to the executive branch of the Government, and since there is the fear I have described on the part of some persons—which I think is unwarranted, but which nevertheless is there and cannot be changed—I think it would be a very bad thing from the psychological standpoint for the Congress to make a further delegation of power at this particular time, when a certain form of hysteria is sweeping over the United States. I think it would be a wholesome thing for the Congress to say to the country, "We are not giving up all of our power;" to say to all those who are affected—to labor, to the veterans, to the farmers who are affected by reclamation and irrigation projects, to the cattlemen and the sheepmen in my State and throughout the West, "We are going to see to it that your interests are protected to the extent that we are not going to let something happen to you which will be extremely detrimental to the economic interests of the people of the Western States." What is proposed not only affects labor, but it affects the veterans, and it affects every class of individuals in the United States. In my humble judgment we have not any right to delegate that power to any individual; and it seems to me under the Constitution of the United States we have not any right to turn over that power to the President of the United States and let him legislate upon these matters, and not retain in the Congress itself at least the full power of passing judgment on whether or not the Executive orders which may be issued are proper.

Mr. President, I sincerely hope the amendment will be adopted.

PROTECTION OF ALASKAN SALMON FISHERIES

Mr. BONE. Mr. President, a few days ago I addressed the Senate about the situation in the Bering Sea, in Bristol

Bay, and Alaska as it was affected by the operation of Japanese fishing vessels and vessels sent out by the Japanese Government for the purpose of exploration and determination of certain facts with relation to the salmon run.

The following day the press carried the story that the American Government and the Japanese Government were about to compose their differences arising out of that situation and that we were to look forward immediately to a satisfactory solution of that vexatious problem—a problem, indeed, very vexatious for the Pacific Northwest, because it so vitally affects the welfare of many persons engaged in the salmon-fishing business.

Today in the Washington Post appears a press dispatch by the Associated Press from Tokyo which says:

JAPAN'S FISHING PACT WITH UNITED STATES STRIKES SNAG

TOKYO, Tuesday, March 15.—An eleventh-hour disagreement over an undisclosed point today delayed settlement of the Alaskan fishery problem between the United States and Japan.

A reliable source said the negotiations would be reopened "on a totally new basis."

Mr. President, I was impelled to say what I said the other day to my brethren of the Senate because I felt then, as I feel now, that in the last analysis the Japanese Government probably would find some reason which seemed to it legitimate for refusing to compose the differences which existed with regard to the Alaskan fisheries on a basis which would be acceptable to American interests. I very much regret it. I can only express the hope that these differences will be ironed out.

The situation there is so critical that I am fearful that any interruption, such as is suggested by this press dispatch, may merely lead to more and deeper and graver misunderstandings.

I want the Members of the Senate to know that the Japanese Government probably has in mind some thought of demanding from this Government a treaty arrangement under which the Japanese Government will claim, by some asserted right, a portion of the salmon run originating in American rivers. I desire to suggest to my brethren here that, so far as the people of the Northwest are concerned, that would be anything but a satisfactory solution of the matter, because, in my judgment, the fishermen of the Northwest and the persons who are responsible for the salmon runs in American rivers are not going to accept placidly and peacefully a solution of the kind which was arrived at in connection with the sealing operations on the Pribilof Islands. In my judgment, that is precisely what the Japanese Government wants. I wish to say now that, in my judgment, it will be utterly unacceptable to the fishing interests of America.

PHILIPPINE INDEPENDENCE

Mr. McKELLAR. Mr. President, 3 years ago I was a member of a commission which went to the Philippine Islands to examine into conditions there relative to the freeing of the islands. A bill for that purpose had already been enacted, and why we were sent there at that time I hardly know; but we were. When we came back I made a report which was published at the time, and printed in the Record at the time, and is now in the Record, in which I very earnestly opposed the grant of freedom to the Philippines. There were many reasons for that which I shall not go into in detail at this time. I thought primarily it would be wholly inimical to the best interests of the Filipinos themselves, and hurtful to their own economic interests. Indeed, I thought it would be ruinous to their own economic interests; and if it is ever done, it will prove, in my judgment, to be utterly subversive of their best economic interests.

I so reported. I believe the Senator from Vermont [Mr. GIBSON] and I were the only members of the Commission who did so report. I do not recall positively about that, but I made a report to that effect at the time. I also thought Philippine independence would be very hurtful to American interests. We occupied a very peculiar attitude toward the Filipinos; and to turn them loose meant, as I believed, turning them loose to become the prey of any stronger power which might desire to take them over. For those reasons, principally, I opposed independence for them at that time.

Mr. President, I served in the House of Representatives many years ago with Mr. Quezon, who is a brilliant and splendid man, in my judgment, and who, of course, is devoted to the interests of the Filipino people. I do not hesitate to say that at all. I think he is one of the most gifted men I know. I have great admiration for him.

At the time to which I have referred Mr. Quezon was wholly opposed to the views I entertained. He wanted the Filipinos freed at the earliest possible moment, and in that apparently he had the majority of the Filipinos for him. Therefore, I noticed with a great deal of interest the following article in the *Evening Star* of this afternoon:

QUEZON ASKS STAY IN MOVEMENT TO FREE PHILIPPINES—AGREES WITH McNUTT THAT WORLD EVENTS BRING NEED FOR STUDY—WANTS COUNTRYMEN TO HAVE FINAL CHOICE—GOLD STOCKS RISE IN MANILA AFTER WASHINGTON AIR TALK OF COMMISSIONER

MANILA, March 15.—President Manuel Quezon today agreed with High Commissioner Paul V. McNutt that the question of Philippine independence should be reexamined in the light of recent disquieting world events.

The dapper executive, who has advocated immediate independence, concurred after listening to a broadcast from Washington, D. C., in which Mr. McNutt urged that American sovereignty should remain in the islands.

Under the Tydings-McDuffie Act, the Filipinos are guaranteed independence in 1946. Mr. McNutt asked immediate cooperation of Filipino leaders and Americans in a "realistic reexamination of their long-range interests and our own."

URGES FREE CHOICE

President Quezon agreed to this in a statement, but stipulated that the Filipinos should be left "a free choice" in the final determination.

During a trip to the United States last year he created a political furore here by advocating immediate independence for the islands, accompanied by economic guaranties.

(In his National Radio Forum speech, arranged by the Star and broadcast by the National Broadcasting Co. here last night, Mr. McNutt predicted that "if our flag comes down, the Philippines will become bloody ground and the center of war within war for a generation.")

The High Commissioner of the Philippines spoke on the eve of his departure for the islands after reporting to President Roosevelt and other administration officials on conditions in the Pacific.)

GOLD STOCKS RISE

The immediate result of Mr. McNutt's speech was a rise in gold stocks here and the expression of one businessman, former Judge Guillermo Guevara, that he was "100 percent behind McNutt's ideas."

Cabinet members were glum and uncommunicative. They agreed, however, that if the United States Government adopted the Commissioner's suggestion, the American flag would wave over the islands long after 1946.

Some assemblymen opposed the idea of deferring independence.

President Quezon said he thought Mr. McNutt's presentation of facts as they related to Philippine-American relations was unsatisfactory. He said while in the United States he made speeches on their relations in substantially the same terms.

Mr. McNutt advocated allowing the Filipinos domestic autonomy and giving them "the best trade deal we can without injuring our domestic producers."

WELFARE OF BOTH COUNTRIES

"If this study results in a policy favoring a permanent political and economic relationship with the Philippines, it shall be, I trust, because the Filipinos want it and because it is in aid of our national purposes. America will not impose her sovereignty by force upon any people. The enduring safety and welfare of both countries are to be the paramount considerations."

"It is my conviction that they are not far apart and that they can be harmonized—harmonized for the salvation of the Philippines, for the larger interests of America, and for the peace of the Pacific."

President Quezon said "no reasonable person . . . can find fault with the proposition of the Commissioner that a reexamination of the whole question should be undertaken at once."

In conclusion, Mr. President, I wish to say that I am very happy the President of the new Filipino Republic takes the position he has announced. I think it is the wisest position for him to take, having the interests of the Filipino people in mind. I believe that by all means, if they know where their true interest lies, they will never abandon the present unusually fortunate situation in which they find themselves, namely, an association which gives them the protection and the benefit of such an alliance as that now existing between them and the American Government. That is worth more to them than any alliance they could have with any other nation in the world. They have already been tremendously

benefited by it. They have been brought from a low scale amongst the nations and made a great people, and if they continue their relationship with the American Republic they will grow stronger and better, and the time will come in the future when they can maintain an independent government. That time has not yet arrived, however, and will not arrive soon, in my judgment, because if they should be made entirely independent they would simply become a prey to the ambitions of neighbors who would take them over.

Mr. President, I ask unanimous consent to have printed in the *Record* the views which I have prepared, to which I have referred, together with the views of the junior Senator from Vermont [Mr. GIBSON], who also presented an independent report.

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

[Senate Document No. 57, 74th Cong., 1st sess.]

INVESTIGATION OF CONDITIONS IN THE PHILIPPINES

Report of Senator KENNETH McKELLAR as a member of the special committee appointed June 16, 1934, to investigate conditions in the Philippines

TO THE PRESIDENT OF THE SENATE:

As a member of a special committee, appointed at the request of the President in pursuance of a resolution of the Philippine Legislature asking that a committee or subcommittee visit the Philippines and make an investigation and report to the Congress on the subject of possible "inequalities or injustices" of the Tydings-McDuffie Act, approved March 24, 1934, I beg to state that in company with Senator TYDINGS (chairman), Senator MODOO, and Senator GIBSON, I visited the islands, and, with them, made as thorough an investigation of the conditions in the islands as possible in the time at our command. Not agreeing in all respects with the other members of the committee, I desire to submit a separate report. It is proper to say that Senator CARL HAYDEN, of Arizona, was also a member of the committee, but he visited the Philippines last summer, and has already made a report of his findings.

VISIT OF THE COMMITTEE

Our committee left Los Angeles on November 14, 1934. We stopped at Honolulu, and stayed in Hawaii 4 or 5 days. Then we went to Yokohama, where we landed on November 22. We drove to Tokyo, and, after spending 2 days there, took a train, going through what is known as industrial Japan, sometimes called the heart of Japan, and rejoined our ship at Kobe. From there we went to Shanghai, stopping over a day and night; then to Hong Kong, where we spent a day and night.

We landed at Manila on December 9. We spent some 3 weeks in the Philippines. We visited the four largest islands in person, taking the evidence of all aggrieved persons who desired to be heard, making inquiries from all possible sources, receiving memorials from various citizens, corporations, public and quasi-public bodies, conferring daily with leaders, talking informally with all classes of people, Filipinos, Americans, and any others who wished to be heard. I think we obtained a very good picture of the economic, social, financial, and political condition of the islands.

Specifically, we visited in person the islands of Luzon, Panay, Negros, and Mindanao.

During our stay we had the most efficient and cordial aid of the present Governor General of the islands, Gov. Frank Murphy, and of his entire and most efficient staff. It is due Governor Murphy to state here that he is making a splendid Governor of the islands. He has become a great student of Filipino affairs, is popular with all classes of people, is able, alert, courageous; and so far as I could see and learn, no one is better posted concerning the islands and their problems than is he.

We also had the active aid and advice of Gen. Frank Parker, commander of our armed forces in the islands. He is a very energetic, well-informed, and capable officer. Admirals Upham and Allen also gave us most courteous aid, and were most helpful in furnishing us information and advice.

The president of the Philippine Senate, Manuel L. Quezon—well known in the United States, where he served long and faithfully in Washington as Delegate from the islands—is a fine man, able, gifted, eloquent, and with the most remarkably delightful personality. He gave us every aid and help in his power. Messrs. Osmeña, Roxas, Alunan, Paredes, and many other able Filipino leaders, as well as judges of the supreme court—among whom were Judge Thomas A. Street, an American, and Chief Justice Avancena, a pure Filipino—were most helpful and courteous. They gave us much information.

We also talked several times with General Aguinaldo, the Filipino leader prior to and during the Spanish-American War. Although General Aguinaldo is no longer a young man, he is still powerful and helpful. We had the benefit of his views. We also conferred with leaders in business, in banking, in professional life, in agriculture, in education, in newspaper work, and in every walk of life.

Practically all those whom we consulted wanted Philippine independence; but all, or practically all, expressed the greatest fears in the event of independence on three important subjects:

One was the fear of economic collapse if the Filipinos should not secure a trade agreement under which they could indefinitely sell their products free of duty in America after their independence was granted.

A second fear was of outside aggression. In other words, if given independence without an army or a navy or an air corps, and admittedly being unable financially to build up a military defense strong enough for their protection, they greatly fear the islands would be overrun and taken over by a stronger military and naval power.

A third fear is that the islands could not stand the export tax levied under the Tydings Act for the payment of their unpaid bonds which the United States Government had substantially and morally guaranteed.

HISTORY AND PRESENT CONDITIONS OF THE PHILIPPINES

The Filipino people are Malays. How long they have inhabited the islands is not definitely known, but some of them were there probably many hundreds of years ago. In 1570 Legaspi, acting for Spain, took over the islands, and for about 329 years after that time the islands were under the absolute control of Spain. When they were taken over there were about 500,000 people in the islands. Incidentally, the islands themselves are something more than 7,000 in number. Spain ruled the Filipinos until 1898—as I stated before, a period of 329 years—and when the Spanish rule ceased there were about 6,700,000 people in the islands.

Spain gave them little except the Christian religion. She did give most of them that. There is the only Christian nation in the Far East. According to the census of 1918, there were about 9,500,000 Christians in the islands. The remainder were either Moslems or pagans. At the present time the Christians compose about 91 percent of the population, the Moslems about 4 percent, and the pagans about 5 percent.

Prior to the Spanish rule the Portuguese, the English, the Chinese, the Japanese, and the Dutch had severally attempted to obtain control of the islands; but, with the exception of the Chinese, their stay left little impression. The Chinese have always traded in the islands, and are still among their leading merchants and traders, though they are now being rapidly supplanted by the Japanese. Apparently, Spanish control was never beneficial to the Filipinos. During that occupation they gained little in moral fiber, in education, or in wealth. They were constantly revolting against Spanish rule, and had been engaged in a revolution led by General Aguinaldo shortly before Dewey sank the Spanish fleet in Manila Bay, May 1, 1898. Just prior to Admiral Dewey's celebrated victory, however, the Spanish Government had made a treaty with General Aguinaldo by which peace was restored, and the Spanish Government paid to General Aguinaldo the sum of \$400,000 to compensate the Filipinos for certain losses and to restore good feeling.

It is proper to say at this point that the members of the committee, during their recent visit, were entertained by General Aguinaldo in his home at Cavite. The general is about 65 years of age, looks about 45, and is a quiet, modest man. He has a lovely family and home, and was most cordial and hospitable to us. He is tremendously interested in immediate Philippine independence. He does not want to wait at all, and is willing to take independence on the chance of being able to protect the islands, both economically and from being overrun by other powers. General Aguinaldo frankly stated, however, that he realized the danger from both sources. The day we were at his home 5,000 of his old soldiers were present, dressed in uniform, and they marched in front of the house for our benefit. It was said that they came from all parts of the islands voluntarily, and at their own expense, to take part in the parade. It is also fair to state that General Aguinaldo made a good impression on the committee.

Returning to the Filipinos and their questions generally, the great body of them are Malay, speaking some 60 dialects. Attempts have been made to divide the Filipinos into tribes. I do not believe this can be done. They all look much the same, whether Tagalog, Moro, or Igorrote. So far as my unpracticed eye could discern, they all looked alike, being much the same in build, in color, in habits, and in customs. They are for the most part a quiet, gentle, hard-working, and worthy people. I believe they are probably the most enlightened of all the Malays, certainly the most so of all those I saw, and I visited several Malay countries. Since American occupation, nearly 37 years ago, they have evidently made real progress in wealth, in standards of living, in education, in population, in the development of their natural resources, and in their ambitions and ideals of life. Certainly this is true of the better classes of their population. Under American direction and control, and especially since the Jones Act passed in 1916, giving them a virtual autonomy of government with an American Governor, they have done well in the conduct of their Government. It is true that this in a measure was due to the leadership and guidance of the Governor General and the stabilizing influence of the able mixed supreme court.

The great body of the Filipinos—the farmers, the laborers, and the ordinary run of the people—apparently take little interest in government. On the other hand, they have some very able and constructive leaders who compare favorably with the leaders of other nations. They have some excellent and substantial businessmen, though most of their business is done by Chinese, Japanese,

English, Americans, or meztizos. They have able and ingenious lawyers, some remarkably bright and active newspaper men, skillful doctors, and members of other professions. Under the leadership and inspiration of America they have acquired an excellent school system, fairly good schoolhouses, good teachers, some colleges, and quite a number of learned and literary men, some of these very able and gifted. Under the impulse of American precept and example they are making considerable headway in education. Their standards of living are much higher than those of any other eastern people. I visited, personally, many public schools, and know that they are doing very well in education. The teachers were usually Filipino women, with Filipino men superintendents, and English was taught. In more than a dozen schools the children sang songs like America and Philippines, My Philippines, to the tune of Maryland, My Maryland.

In agriculture, however, the Filipinos are proceeding along lines of centuries ago. They plow with carabao. They do not even use horses and mules in their fields, much less agricultural machinery. They dig and grub, often knee-deep in water, planting rice grain by grain. After it has matured they reap it stalk by stalk, and then, in many cases, thresh it out with their feet. Rice is their principal crop.

For the most part the people live in villages composed of the most rickety kind of bamboo houses, with no sanitation, and necessarily very damp during the heavy rains of the rainy season. The people pay little attention to rain, however, and when their clothes get wet they let them dry on their bodies. They live principally on rice and fruits. Sugarcane is grown principally by the large planters or by the native farmers in the old way and turned over to the large planters or mills on a share basis. Coconut groves are everywhere. As the Filipinos are overwhelmingly farming people, it is seen that this portion of them, living and digging as they do, cannot be much concerned in governmental affairs. Twenty-nine percent of the people are engaged in domestic or personal service. These figures are taken from a recent book by former Senator Hawes. Thus, quite three-fourths of the people are so situated that it is impossible for them to take much part in government, and, so far as I could tell, they are unfitted to do so. Former Senator Hawes, on page 69 of his book, says that 11 percent of the people are engaged in professional occupations. While I think this figure is high, this class constitutes the ruling class, and I should say its members are fitted for self-government, other things being conducive thereto. The remainder of the people are little concerned in public affairs of any kind.

In connection with agriculture, it should be said that the Filipinos export 60 percent of all they raise, and 86 percent of this 60 percent goes to America free of duty. It is seen, therefore, how absolutely dependent these people are on the tax-free markets in America. They sell in our markets about twice as much as they buy from us, their sales being largely of sugar, copra, tobacco, and hemp.

The islands are very rich in natural resources, and at this time the common people—and, indeed, all of the people—seem to be unusually prosperous. In my judgment, they will be as long as they have free American markets in which to sell their sugar, copra, tobacco, and hemp.

The lands are most productive. Their sugarcane compares favorably with the sugarcane of Hawaii, Java, or any other sugarcane-raising country. Their coconuts are as good as or better than the coconuts of other countries. Their hemp is world-famous. They have 45 sugar factories, or "centrals," as they are called in the islands. On the island of Negros there is almost an aristocracy of wealth, due to the large number of sugarcane factories and rich cane plantations. These growers and manufacturers pay good wages, keep up their lands and properties in fine style, and apparently their tenants and sharecroppers are a happy and prosperous people. The leaders of the island of Negros, such as Mr. Alunan, well known in Washington, are powerful and influential men. In a somewhat less degree the same thing is true of the sugar plants and factories and coconut groves of Luzon and Panay.

On account of a typhoon we did not see Cebu; but our information is that this island, like Negros, is one of the most prosperous islands in the group. We went by Mindanao, and its coconut groves are truly wonderful. We did not see Basilan; but we were told that the rubber plantations on this island, which is just south of Mindanao, have been very successful.

In Luzon gold is being mined most successfully in large quantities, \$11,000,000 worth having been mined in 1934. It is said that the next year's output is estimated at \$17,500,000. The gold mines are literally booming.

The forests of the Philippines contain enormous quantities of the finest timber, it being estimated that on Government lands alone there are now more than 8,900,000,000 feet of splendid timber.

The surrounding waters are full of the finest fish, although, strange to say, the Filipinos import fish. All of these waters, however, are thickly dotted with Japanese fishing vessels.

Within a radius of 2,000 miles of Manila there live 650,000,000 people; within a radius of 2,500 miles there live 910,000,000 people; and within a radius of 3,000 miles there live more than a billion people—indeed, more than half the population of the world. What a center of trade and commerce these islands could be made!

WHAT AMERICA HAS DONE FOR THE ISLANDS

After taking over the islands in our treaty with Spain, we paid Spain the sum of \$20,000,000 for them.

The pacification of the islands several years after Dewey's fleet sank the Spanish fleet cost 4,165 good American lives.

The occupation and pacification of the islands from May 1, 1898, to June 30, 1902, cost, in money, \$190,000,000.

Since pacification, the expenditures of the United States Army and Navy in the Philippines are estimated at \$614,000,000.

The total cost to the United States, including the departments of the Government which have made expenditures in the islands, from the date of occupation to June 30, 1934, is approximately \$835,000,000.

In addition to this, the balance of trade has always or practically always been against us and in favor of the islands, and in recent years this balance of trade has cost American consumers about \$30,000,000 per year.

The Tydings Act wiped out all these implied obligations. We have never taxed the Filipinos a single cent, except the recent excise tax on copra and oil, and under the law taxing them these taxes go to the Philippine government. We have never made a cent out of the islands; and yet, under the Tydings Act, we turn over to the Filipinos every dollar of our property in the islands except a naval station, and will ultimately, of course, turn that back also. We have been generous to the Filipinos beyond comprehension; and yet we are asked to enter a trade agreement which will continue after their national independence, and under which the American people will continue to tax themselves for the purpose of keeping the Filipino people prosperous and successful indefinitely.

It may not be accurate to say that these are the richest islands in all the world, or the most fortunately situated; but certainly the statement is within the bounds of truth that there are no richer or more valuable islands on the face of the globe, and none better situated so far as trade and commerce are concerned. Americans who have not been to the islands cannot visualize their possibilities. Filipinos who have not studied their economic or political problems—and some seven-eighths of them have not studied these questions—cannot overrate the mistake they are likely to make by overturning the present political and economic set-up.

It is important, therefore, for both Filipinos and Americans to weigh most carefully these problems. The Filipinos are at the parting of the ways. The action now taken will either cause them to continue to be a progressive, prosperous, happy, and contented people, or it may cause them to revert to their unhappy state before America took them over and instituted among their people the most altruistic and unselfish course ever adopted toward a subject people at any time in the world's history.

It should here be said that from the beginning of our occupation of the islands our leaders have continually promised the Filipinos a greater and greater degree of independence, and eventually national independence. The American people generally have felt that as soon as the Filipinos showed themselves capable of self-government they would be given independence. The Congress, in the Jones Act, gave them the largest measure of self-government. At the present time more than 98 percent of the employees of the Philippine government are Filipinos. The American Government now retains sovereignty, a Governor General, a Vice Governor, an insular auditor, and a slight majority of the members of the supreme court. These act as stabilizers and as instructors and helpers. The Filipinos, however, are not satisfied with present conditions, and want America to get out of the islands entirely and give them immediate, complete, and national independence.

In 1933 Senator Hawes secured the passage of what was known as the Hawes-Cutting Act, giving the Filipinos an independent government.

THE HAWES ACT

This act (Public, No. 311, 72d Cong.) became a law on January 17, 1933. It was entitled "An act to enable the people of the Philippine Islands to adopt a constitution and form a government for the Philippine Islands, to provide for the independence of the same, and for other purposes."

The act provided for the election, by or before January 17, 1934, of delegates to a convention to draft a constitution for the government of the Commonwealth of the Philippine Islands. This constitution was required to be republican in form, and to contain a bill of rights, as well as certain provisions governing relations with the United States pending the complete withdrawal of the sovereignty of the United States over the islands, which was to occur 10 years after the inauguration of the new Philippine government. Meanwhile, provision was to be made for absolute religious toleration; property of the United States, and property used for religious, charitable, or educational purposes was to be exempt from taxation; a limit was to be placed upon the indebtedness of the islands; existing obligations were to be assumed by the new government; English was to be taught in the public schools; certain important acts were not to become law until approved by the President; foreign affairs were to be under the direct supervision and control of the United States, which was permitted "to maintain military and other reservations and armed forces" in the islands, and to call upon the military forces of the new government when required; the decisions of the island courts were to be subject to review by the Supreme Court of the United States; the United States was to be allowed to intervene to maintain constitutional government, protect life, property, individual liberty, etc.; and citizens and corporations of the United States were to have equal rights in the islands with Philippine citizens and corporations.

After the approval of the new constitution in the Philippine Islands it was to be submitted to the President of the United States, who was to determine whether or not it complied with the requirements of the act. If he decided this question in the affirmative, an election was to be held by the Filipinos in which they were "to vote directly for or against the proposed constitution." In case of a favorable vote, duly certified to the President, he was to issue a proclamation announcing this fact; and upon the issuance of this proclamation the new Philippine government was to come into existence. Thereupon all the property and rights of the United States in the Philippines (except certain military and other reservations) were to become the property of the new government.

After the inauguration of the new government, trade relations between the two countries were to be "as now provided by law, subject to the following exceptions":

Annual quotas were provided for the importation into the United States, free of duty, of certain important Philippine products, the excess above the quotas to pay the same rates of duty as like articles imported into the United States from foreign countries. These quotas were as follows:

Refined sugars, 50,000 long tons.
Unrefined sugars, 800,000 long tons.
Coconut oil, 200,000 long tons.
Manila and similar yarn, twine, cord, cordage, rope, and cable, 3,000,000 pounds.

Provision was made for allocation among Philippine producers in case the importations into the United States exceeded the quotas.

The importation of the above products was to be free to the amount of the quotas. All other products—and this is most important—were to continue to enjoy free and unrestricted entry into our markets.

An export tax for the benefit of the Philippines was provided for on articles coming into the United States free of duty, this export tax beginning during the sixth year after inauguration of the new government at 5 percent of the United States tariff rates on such articles coming from foreign countries, and increasing by graduations to 25 percent in the ninth year after inauguration of the new government; this export tax to be placed in a sinking fund for the purpose of paying, with other available moneys, the bonded indebtedness of the Philippines and their political subdivisions.

Pending complete withdrawal of the United States—

(1) Amendments to the Philippine constitution were to be submitted to the President for approval, and he was to have authority to suspend the operation of any act of the new government which was likely to result in failure to fulfill its contracts, or to pay interest or principal of the bonded indebtedness of the islands, or to impair their currency, or to violate international obligations of the United States.

(2) The chief executive of the new government was to make annual reports of its operations to the President and Congress of the United States, and other reports upon request.

(3) The President was to appoint a high commissioner to the Philippines, who was to be the representative of the President in the islands, have access to their records, be furnished information requested by him, and make annual reports to the President and Congress, and other reports upon direction of the President.

(4) The new government was to designate a resident commissioner to the United States, who was to have a seat in the House of Representatives, with right to debate, but without right of voting.

(5) Cases from the Philippines were to be subject to review by the Supreme Court of the United States as formerly.

(6) An annual quota of 50 persons was provided for immigrants from the Philippines to the United States, and for immigration purposes they were to be considered a foreign country.

(7) There was to be no obligation on the part of the United States to meet interest or principal of the bonds of the Philippine government or its political subdivisions issued after the taking effect of the act and during continuance of United States sovereignty, but they were not to be exempt from taxation by the United States.

On the Fourth of July following the expiration of the 10-year period from the inauguration of the new government the United States was to withdraw completely from the islands (except as to land or property redesignated by the President as military or other reservations), and to recognize the independence of the Philippine Islands as a separate and self-governing nation, provided the new constitution made provision for the equitable settlement of questions of property rights between the two countries and their citizens, for the assumption by the new government of the debts incurred by the islands during the sovereignty of the United States, and for the discharge by the new government of obligations assumed by the United States under the treaty of peace with Spain which ceded the islands to the United States.

Section 11, a very important one, requested the President of the United States at the earliest practicable date, to enter into negotiations with foreign powers with a view to the conclusion of a treaty for the perpetual neutralization of the Philippine Islands if and when their independence should have been achieved.

After the complete independence of the Philippines, their products imported into the United States were to pay the same duties as those paid by the products of other foreign countries, provision being made for a conference between the two countries for the purpose of formulating recommendations as to future trade relations between the two countries.

The Philippine Legislature met and rejected the Hawes Act, and national independence seems for the time to have been given up.

THE TYDINGS ACT

This act (Public, No. 127, 73d Cong.) was approved on March 24, 1934. It was entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes."

The act followed in all substantial respects the provisions of the Hawes Act, being for the most part word for word the same, with certain transpositions which do not affect the substance of the act.

Instead of not later than January 17, 1934, the time within which delegates to the constitutional convention might be elected was fixed at not later than October 1, 1934.

Another difference was that while section 10 of the Hawes Act provided for the retention after independence of "such land or property reserved under section 5 as may be redesignated by the President of the United States not later than 2 years after the date of such proclamation," viz, the proclamation of withdrawal, section 10 of the Tydings Act provided for the retention after independence of "such naval reservations and fueling stations as are reserved under section 5," and provided for negotiations between the two governments after independence for the settlement of questions relating thereto.

REASONS GIVEN FOR REJECTION OF THE HAWES ACT

The reasons given by the Philippine Legislature for rejecting the Hawes Act are thus stated in the Annual Report of the Chief of the Bureau of Insular Affairs for the fiscal year ending June 30, 1934:

"The Philippine Independence Act (Public, No. 311, 72d Cong.), known as the Hawes-Cutting Act, enacted January 17, 1933, was rejected by a concurrent resolution of the Philippine Legislature on October 17, 1933, which declined to accept the act because 'in the opinion of the legislature the law does not satisfy the national aspirations nor does it safeguard the welfare of the Filipino people or the stability of the social, economic, and political institutions of their country'; and because of specific objections to provisions of the act relative to immigration, military, and other reservations, powers of the high commissioner, and trade relations between the islands and the United States. The act lapsed on January 17, 1934, 1 year after its enactment by Congress.

"The Philippine Legislature, in the concurrent resolution rejecting the Hawes-Cutting Act, also named a legislative committee to come to the United States and 'express to the Government and people of the United States the objections to the said law and the reasons therefor, and petition the President and the Congress of the United States for changes therein or the enactment of such new legislation as will fully satisfy the aspirations of the Filipino people to become at the earliest practicable date a free and independent nation, under conditions and circumstances that will not imperil the political, social, and economic stability of their country.' This committee arrived in the United States in November 1933, and for the next several months directed its efforts toward securing the enactment of further independence legislation along lines that would be more acceptable to the Filipino people."

The report also says regarding the Tydings Act:

"The Philippine Independence Act (Public, No. 127), enacted by the Seventy-third Congress, and commonly known as the Tydings-McDuffie Act, was approved by the President on March 24, 1934. Under the provisions of section 17 the act became effective upon its acceptance by the Philippine Legislature on May 1, 1934. The Philippine people are now carrying out the further steps provided in the act, the initial one being the election of delegates to a constitutional convention. This election was held on July 10. At the time of writing this report, the convention, which assembled on July 30, 1934, is engaged in drafting the constitution for the government of the Commonwealth of the Philippine Islands.

"One of the provisions of the independence act that became immediately effective upon its acceptance was that contained in section 8 relating to immigration of Filipinos to the United States which places them on the status of aliens as regards entry into the United States, and allots to the Philippine Islands a quota of 50 for each fiscal year."

NO "INEQUALITIES" OR "INJUSTICES" IN THE INDEPENDENCE ACTS

The two independence acts have been summarized in detail because of their great importance in this connection. In large part the language of the acts themselves has been used in the summarization.

No fair-minded person reading this summarization, or the acts themselves, and considering them in the light of the history, geography, and economic condition of the islands, can come to the conclusion that there are any substantial "inequalities" or "injustices" in them.

It must be remembered that at the time of the passage of each of these acts, and for a number of years theretofore, there had been a growing demand in the United States, largely because of the beet-sugar interests in Western States, that this country should withdraw from the islands, refrain from assuming any responsibility for their future protection or welfare, and require all Philippine importations into the United States to pay exactly the same rates of duty as the products of any other country. Many in this country believed that we had made a great mistake in ever assuming sov-

erignty over the islands. The difficulty of defending them in case of war with a maritime nation and the ever-increasing competition of Philippine products with those of continental United States were urged, among other things, as imperative reasons for taking at their word the Filipino leaders who demanded independence, summarily withdrawing from the islands, and, in fact—though it was not so stated in words—abandoning them to their fate in a world where other nations were likely, for their own benefit, to take advantage of the helpless condition of the islands.

Instead of yielding to these demands and consulting only the welfare of the United States, this country has accepted many heavy responsibilities during the time which is to elapse before complete independence. It has given the products of the islands free access to the markets of the United States, the richest in the world, save for a few products as to which quotas are established. It has sought in every way possible to act for the real welfare of the islands instead of taking the easy course of immediate and complete withdrawal.

So far, therefore, from charging the United States with seeking to inflict upon the Philippines "inequalities" or "injustices" in the legislation granting independence, the Filipino leaders should be, and I believe many of them are, sincerely grateful for the unexampled liberality of this country in dealing with their nation. If there be some minor matters requiring further adjustment between the two countries, the United States unquestionably will lend an attentive ear to their presentation, and will be glad to do what equity and justice require; but it is my conviction, after careful study of both the acts and the facts and circumstances concerning independence, that it is wholly unfair and inaccurate to allege that any substantial "inequalities" or "injustices" are contained in the Tydings Act which ought to be cured by amendment if the Filipinos insist on national independence.

The Tydings Act was not only agreed to by the Filipinos before its passage but on the floors of both the House and the Senate their Resident Commissioners privately urged its passage. The "injustices and inequalities" are all against the United States and not against the Philippines.

We find upon investigation that the Filipino leaders are still not satisfied with the act. They desire to have stricken from it the export-tax provision, by which tax it is proposed that the Philippines shall pay, before final independence, the remaining \$51,500,000 of Philippine bonds on which the United States is morally obligated by way of security. In my judgment, to do this would be totally and wholly unfair to the United States, and would end by our making a gift of that sum to the Philippines.

Next, the Filipino leaders want the economic provision changed or added to so that the Philippines may continue to have a free market in America for their sugar, copra, hemp, and other products after final independence. In my judgment, to do this would be without precedent in all history, would be unfair and unjust to the beet-sugar producers of the United States, and would be unfair to Cuba, Hawaii, and Puerto Rico. It is true that these leaders say if the islands had to pay our tariff taxes on sugar even in part it would bring about the economic annihilation of the islands. I am sure they are correct in this contention; but the answer to it is that they cannot have their cake and eat it, too.

Upon our return we came through the island of Java, which is perhaps the largest sugar-raising district in the world. Its production in recent years ran up as high as 3,000,000 tons per year. Holland, which owns the island, has had to fix a quota production, and this year that production is limited to 500,000 tons, because Java can find no adequate market for her sugar.

Because of high standards of living and high labor costs, the Philippine Islands cannot compete with Java in raising sugar or in raising coconuts. Hence, it is almost certain that without free American markets the Filipinos must quite raising sugar and coconuts, revert to rice raising only, and necessarily to lower standards of living.

As I look at the situation about the Philippines, what will it profit the Filipinos to obtain national independence if, at the same time, they make uncertain their economic welfare and possibly bring about their ruin? High standards of living, and bumper crops sold in a free market at high prices, bringing prosperity and happiness to all their people, are far better than a weak fling at national independence, or even a local dictatorship. Especially is this true when the Filipinos are now enjoying such an excellent local self-government—the first they have ever enjoyed—and an independence and freedom, I venture to say, which is not enjoyed to a greater extent by any people on the face of the globe. When the free market of the Philippines are gone, when their balances of trade are no longer favorable, attendant want and poverty will come, and their so-called national independence will fade out as a dream which failed to come true.

Again I say, they are independent now—more independent than perhaps half the peoples of the world.

AMERICA'S OCCUPATION OF THE PHILIPPINES

Since we bought the islands over 36 years ago, no country in the history of time has ever been governed more altruistically or more generously than America has governed the Philippines. We have never sought to profit by them in the slightest degree. We have governed them with an eye single to their advancement and their betterment physically, morally, financially, governmentally, and in every other possible respect. We have disregarded the enormous cost to ourselves in performing what Americans believe was a trust. We desired to set an example of a great Government's

treatment of a dependency. Our course has always been determined by what was to the best interests of the Filipino people. In my judgment, Americans still feel that way. After the most careful examination of the facts and the most careful thought as to their conditions, I am convinced that this great experiment which we have been making for over 36 years, and which has already done such wonderful things for the Filipino people, will all be destroyed and pass away as "a tale that is told" should the Philippines insist upon the bargain that has already been made, giving them national independence at this time.

Such are the facts. In view of them, what will happen if the Tydings Act goes into force unamended?—and I see no possible grounds on which it could be amended as the Filipinos desire to have it amended. As I have shown, we have already been the most generous Nation toward them in all the history of time.

CONSEQUENCES OF INDEPENDENCE

If the Tydings Act goes into effect, I sum up what will happen:

The United States will withdraw from the Philippines, bag and baggage, and leave the Filipinos to defend themselves or to be taken over by some stronger power. We cannot, without running great risks, keep a naval station there for the protection of the islands. One of these risks is war with some foreign country. Another is having the Filipinos themselves contend that inasmuch as they have allowed us to have a naval station on the islands, it is our duty to defend the islands for all time.

If the Filipinos are given national independence there will be no need or justification for the retention of a naval station when our country has no interests there to protect.

All Americans and American interests in the islands will be left to shift for themselves under a new Philippine government, or under whatever foreign government may take over the islands.

America will give up, before the task is done, one of the greatest and most altruistic and most successful experiments ever made in the government of a dependent people.

America will leave in the lurch a people she promised to protect.

She will permit her wards, the Filipino people, to commit economic suicide.

She knows, and the Filipino leaders know, that the granting of so-called national independence by our Government will mean simply a change from benevolent and successful government by our country to an arbitrary and oppressive rule by some other powerful nation.

The attitude of Japan toward the Philippines cannot be accurately stated; but the bald fact is that 15,000 or more Japanese are in Davao now, and they virtually control that Province. Japanese merchants and fishermen and agents are all over the islands and are constantly increasing in power and influence. Should Japan not take over the islands, the withdrawal of the United States means that they will be easy victims of the rapaciousness of any other nation that may want them, as, confessedly, the Filipinos are not able to organize, maintain, and support an army or a navy or an effective air corps.

I voted for Mr. Bryan in 1900 on his platform of anti-imperialism. I thought our purchase of the Philippines in 1898 was a mistake. Had I been in the Senate when the treaty came up for ratification I no doubt should have voted against the treaty. I have always supported Philippine autonomy to the last degree possible. I supported the Jones Act in 1916. That act has been a success. When the Hawes Act and the Tydings Act were before the Senate, with little study or consideration of the problems involved, I voted for both, believing the statements made on the floor that the Philippines were ready for independence. From this it can be seen what my views were when I went out to visit the Philippines last fall. My visit to the islands has conclusively convinced me that national independence is not now best for the Philippine Islands.

While the Filipinos have done well in managing their affairs under American guidance, they cannot at this time successfully govern themselves as a wholly independent nation. They have no semblance of a navy now, and because of their financial situation they are not now, and will not be for many years, able to build a navy. Even if they had one, they could not build it large enough to protect themselves. It is true that they have a Philippine constabulary; but this is necessary for purely domestic purposes, and could not be organized into an army sufficient to protect them. They have no air corps, and, of course, are not able to build one. In the present condition of international affairs, in my judgment, immediately after becoming independent the Philippines will be taken over by some other nation.

But there is another reason, even more compelling, why the islands should not have national independence at this time. It is the economic reason. The new government, to be a success, must have the funds necessary to run it. At the present time the Filipino people are absolutely dependent for their success and prosperity on the free markets in America for their sugar, copra, and cordage; and these free markets they cannot hold, or even expect to hold, with complete national independence.

In this situation a new independent national government could not live, and the Filipinos would soon be either in revolution or under the dominion and control of some other nation, and perhaps both.

While these are the two main reasons against independence at this time, there are others. The first of these is the lack of sufficient education and experience on the part of the masses of

the people to enable them to govern themselves. They never have governed themselves. Probably 60 percent, perhaps more, of the people about 10 years of age cannot read or write, even with all the encouragement in educational matters they have received from the United States, and all the progress that has been made by them.

The Filipinos confessedly are not ready for a democratic or republican form of government. In their draft of the new constitution, which was shown to me, they specifically admit this by providing for a dictatorship. Of course, the new constitution would not provide for a dictatorship if their leaders did not know, as every well-informed person must know, that a dictatorship would be necessary. Indeed, from my observation and information, it is the only practicable form of government they could have at this time even if outside aggressors let them alone.

Since writing the above, I have been informed that Senator Quezon, after learning of my report, has had that provision of the constitution as drafted and passed, stricken out.

To give the Filipinos complete national independence now would be to cause the complete loss of all they have gained during the 36 years of American occupation; and I believe no one familiar with the situation will deny that they have gained much.

POSSIBLE ALTERNATIVES

It was claimed by some of their leaders that the Filipinos can accept the Tydings Act and obviate the economic difficulties in this way: The United States having fixed a quota of 950,000 tons of sugar for the Philippines under the Costigan Act, it is urged that that provision of the act supersedes the Tydings Act pro tanto; that the provision of the Costigan Act referred to probably will remain in full force after complete independence, and that under that provision the 950,000 tons of sugar will continue to come in free under the new national government.

Certainly there was no such intention on the part of Congress in the passage of the Costigan Act. I do not believe the Costigan Act will have that effect. No suggestion of such a purpose was made at the time of its passage. If it should have that effect, however, it is certain that the Congress will change it when the Filipinos become nationally independent. To take any other course would be unfair to our own other sugar-producing territories, unfair to the beet-sugar sections of the United States, and exceedingly unfair to Cuba. Incidentally, I may mention the fact that under the Costigan Act, Cuba's quota is fixed at 1,950,000 tons, but those sugars do not come in free. Cuba pays the tariff taxes provided by law, and, of course, the Philippines also will pay the tariff tax when they are similarly situated.

It was also claimed that the export provision of the Tydings Act must necessarily be repealed. Certainly it is not an "injustice" or an "inequality." On the contrary, that provision is absolutely necessary in the event of the national independence of the islands. Not to have it would not only be unfair and unjust to the bondholders who took the bonds on the faith of the United States standing behind them, but to repeal it would be just to make a gift of some \$51,500,000 to the Filipinos. The United States will have to stop playing Santa Claus some time.

TYDINGS ACT ACCEPTED

The Filipinos, however, have accepted the Tydings Act as it is. Congress gave them the privilege of accepting it, and that matter is ended. In my opinion, the United States is bound by the Tydings Act and its acceptance. So are the Philippines bound. Under that act the last vestige of right we have in the Philippines is the right to retain a naval station, which we may or may not use.

I recommend that by an independent joint resolution the President be authorized to convey any such right to a naval station to the Philippines immediately upon their becoming nationally independent, if they persist in taking that step. We should either get out of the Philippines entirely or we should stay there with full power to protect and defend the Filipinos and the American residents in the islands. We should let the Filipinos know now that if they obtain national independence it is not our duty and we do not propose to protect them with our Army, our Navy, or our Air Corps, and that if they have a national government of their own we are not going to treat them differently economically than the way we treat Cuba and other independent nations.

IF INDEPENDENT THE PHILIPPINES MUST ACCEPT THE RESPONSIBILITIES OF INDEPENDENCE

We must not directly or indirectly lead the Filipinos to believe that after giving them complete national independence we are going expressly or impliedly to agree to defend them with our Army, our Navy, or our Air Corps; nor must we for a moment let them believe that in order to sustain their national independence and to keep their people prosperous we are going to give them free markets in America.

I am informed that a majority of the committee is in favor of entering into a trade agreement with the Philippines now providing that Philippine sugar to the extent of 950,000 tons shall be allowed to come into the United States for the transition period of 10 years and thereafter until the agreement may be abrogated. Most emphatically, I cannot recommend such an agreement. As already stated, such an agreement would be unfair to our beet-sugar interests, to Hawaii, to Puerto Rico, and to Cuba, whose position is like that of the Philippines. Cuba pays these tariff duties now, and when the Philippines become nationally independent they will have to do likewise.

Again, to make such an agreement so long in advance would be a gross injustice to the American people generally. As a matter of law, it is doubtful whether such an agreement can be made before complete national independence of the Philippines; but, for the present, the legal point may be dismissed. The merits of the case forbid our making such an agreement. If the Filipinos, after all we have done for them, want to take a chance on paddling their own canoe by becoming nationally independent, that is their responsibility, not ours; and it is our duty to look out after our own interests. We certainly have been generous to them in the past, and we have never exploited them to the extent of one penny. We should now tell them, if they want to leave us, that we wish them well and that we shall be glad to trade with them and deal with them as we do with other free and independent nations.

SUGGESTED AMENDMENTS TO THE TYDINGS ACT

My opinion is that in seeking independence now the Filipinos are making a monumental mistake. If I were advising them, I should tell them to come before the Congress and ask for amendments to the Tydings Act (a) leaving sovereignty in control of the United States; (b) leaving foreign relations, army, navy, and air affairs entirely to the United States; (c) leaving tariff and immigration entirely to the United States; (d) providing for a supreme court divided in membership as now; (e) putting restrictions on the new government's grants of public property and franchises and its issues of bonds. This would give their new government an impregnable position and fix a guaranty of both its political and economic stability. Then I should advise them to leave the present constitution, with certain amendments, to make it accord fully with the Tydings Act.

It may be objected that this plan would not give the new government much to do. Quite the contrary is true. In the first place, it would give the Filipinos a president who would be a native—and probably the first president would be Mr. Quezon. As president he would perform all of the duties that the Governor General now performs, except as to the powers above reserved. These reserved powers would be performed by the High Commissioner representing the President of the United States and the Government of the United States.

In the next place, the plan outlined would furnish a defense of the islands that no native government could possibly give. It would settle, in the interest of the Filipinos, the economic questions heretofore referred to which are so vital to their prosperity and even to their life.

VIEWS OF ELPIDIO QUIRINO

Still it may be contended that reservation to the United States of the powers mentioned would not leave much for the Philippine government to do. Such a claim is untenable. I have recently read *Economic Problems of the Philippines*, published in 1934 by the Philippine Economic Association, with a preface by Elpidio Quirino, its president. This is a most interesting work from the Philippine point of view. In this work the following are stated as some of the functions over which a new Philippine government would have control and jurisdiction:

- Survey and subdivision of public lands.
- Colonization of public lands.
- Education, including vocational education.
- Rural problems.
- Forests and forest resources.
- Mines and minerals.
- Manufacturing and industries.
- Fisheries.
- Labor and population.
- Domestic trade.
- Transportation and communications.
- Banks and credit facilities.
- Public finance.
- Post offices and post roads.
- Taxes.
- Animal resources.
- Monetary system.
- Public expenditures.

In all these matters, and many others, the new government would be supreme, independent, and wholly self-governing. The State of New York is not any more independent, or free. The new president would have his hands full in handling these and related problems. As showing how important and beneficial such a division of powers would be to the Philippines, I quote the following from *Economic Problems of the Philippines*:

"Foreign trade constitutes the basic foundation of the Philippine economic system. The decline of foreign trade would inevitably cause the collapse of, or create a serious disturbance in our present economic structure.

"The greatest development came after 1909. In that year the free trade between the United States and Philippines was established. The United States Payne-Aldrich Tariff Act of 1909 provided that all articles grown, produced, and manufactured in the United States were to be admitted free of duty into the Philippine Islands without any restrictions. Free entry was also to be given to Philippine products in the United States market with certain restrictions, most of which were removed later by the Underwood tariff of 1913.

"The total foreign trade of the islands increased immediately from \$124,000,000 in 1908 to \$181,000,000 in 1910, the year after the

free trade was established, this increase continuing steadily during the succeeding years.

"In 1912, the end of the second decade of American rule, Philippine foreign trade had reached the value of \$467,587,387, or an increase of 254 percent over what it was at the beginning of that decade. Exports increased from \$69,848,674 in 1909 to \$270,388,964 in 1918, while imports for the same years rose from \$62,168,838 to \$197,198,423. The share of the United States in the total trade of the islands increased from 32 percent in 1909 to 63 percent in 1918. In 1909, 21 percent of the total imports of the islands was supplied by the United States, while 10 years later this amount had increased to 60 percent. The United States took 42 percent of the total exports of the islands in 1909 and 66 percent in 1918.

"In 1933, the United States took 86 percent of the total exports of the islands, the rest being distributed in small quantities among European and far eastern countries.

"Thus Philippine exports are now dependent almost entirely upon the United States market. The United States takes 99.9 percent of the islands' export of sugar, 66 percent of copra, 46 percent of tobacco, and almost all of the exports of coconut oil, and embroideries. Because of the concentration of the islands' development on lines of production intended to supply the American market, the production of articles for local consumption and for export to other countries has been largely neglected.

"Influence of free trade: It is, therefore, seen that the present free trade with the United States has been the great stimulating force in the development of Philippine commerce during the last 25 years. This special arrangement has caused the trade of the islands to flow mainly in the direction of the United States market. More than 80 percent of our total exports now go to the United States, and it is estimated that 88 percent of our exports to the United States is dependent upon the free trade. In other words, about 70 percent of our total exports at present exists only because of our free-trade relations with the United States.

"The Far East is the world's greatest potential market today, and every commercial nation is desirous of gaining a strong and permanent foothold in this market. America is in the far eastern trade to stay. Its trade in the Far East has attained considerable proportions, representing in value at present about \$1,000,000,000 a year. In 1930, it reached \$2,407,553,000. This trade represents nearly one-fourth of the total foreign trade of the United States. In 1932 it was exactly 23.18 percent. American trade with the Far East far exceeds that with South America and the former evidently holds more attraction and a brighter promise as a field for trade expansion. The United States has built up a big mercantile marine for service in the Pacific trade, and thus the factor of distance is not a serious hindrance to the continuation of Philippine-American commercial relations.

"The value of the Philippine market in the United States is now well known to American commercial interests. The Philippines is today the ninth best customer of the United States. It is among the principal outlets for American textiles. In 1932, the United States sold in the Philippine market \$9,880,718 worth of cotton textiles, representing about one-fourth of the total cotton-goods exports of the United States for that year. American manufacturers of iron and steel, automobiles, radio, farm implements and machinery, and various lines of hardware, wheat flour, mineral oils, paper, and other articles and products of the United States also have a good market in the Philippines. Certainly, the United States would not so willingly relinquish her hold of this valuable market.

"During the 10-year period from 1885 to 1894, the value of the total Philippine-American trade was \$122,415,204, of which \$113,628,388 was the value of our exports to the United States and \$8,786,816 was the value of our imports from that country.

"It is interesting to note in this connection that even in those early years preceding the period of American administration, our exports to the United States far exceeded our imports from her. For the 10-year period mentioned, we exported to the United States goods 14 times more in value than what we imported from her. This has, therefore, been the general condition of our trade balance with America throughout the past, with or without the free trade. Our principal exports to the United States then were sugar, hemp, leathers, tobacco, and indigo, while the most important articles imported from the United States were mineral oils, coal, canned goods, wheat flour, and iron and steel manufactures.

"In return for whatever tariff concessions or favors the United States will grant to our exports, the Philippines could also extend to selected American products entering our market such amount of protection or preferential treatment as may be found necessary to place the trade between the two nations on a reciprocal basis.

"It is therefore imperative that changes be made in the act. Fortunately the administration in Washington is disposed to give a fair hearing and full consideration of such necessary changes. President Roosevelt himself, in a special message to Congress, which led to the approval of the Tydings-McDuffie Act, stated that as regards the economic provisions of the law any imperfections and inequalities that exist 'can be corrected after a proper hearing and in fairness to both peoples.'

"The following changes should be secured:

"1. Complete elimination of subsection (e), section 6, providing for the imposition of an export tax during the last 5 years of the Commonwealth.

"2. Amendment of subsections (a) and (e), section 6, by increasing the 800,000-ton limit of sugar to 926,000 long tons, as was

recommended by the President of the United States to Congress, and raising the limitation of cordage from 3,000,000 to 5,000,000 pounds.

"3. Amendment of subdivisions (5), (9), and (10) of subsection (a), section 2, so as to give full autonomy in tariff and fiscal matters to the Philippine Commonwealth government so that the proper steps may be taken during the transition period to remedy existing inequalities in our foreign trade and to prepare for the gradual adoption of a permanent tariff and fiscal policy for the future independent government.

"4. Amendment of section 13 by fixing the time for the conference between representatives of the United States and the Philippines to formulate policies for future commercial relations between the two countries to at least 2 years instead of 1 year before the advent of complete independence. This will give more ample time to readjust our trade relations with the United States.

"As has been pointed out, our export trade has been the main support of our material prosperity. Unless timely measures are adopted to insure the continuance of at least a substantial portion of our present trade with the United States and to develop more extensively our other markets in Europe and the Far East, there is going to be a radical decline in the levels of income of the population and a corresponding drop in the general standard of living.

"2. We should secure changes and amendments of the economic provisions of the Tydings-McDuffie law to (a) eliminate the export tax, (b) increase the sugar limitation to 926,000 long tons and the cordage limitation to 5,000,000 pounds, (c) give full autonomy in tariff and fiscal matters to the commonwealth government, and (d) set the time for the United States-Philippine trade conference to 2 years prior to the advent of complete independence."

From these statements it is seen that there is no dispute about the economic situation in the Philippines. In asking for full, complete, and absolute national independence now, they themselves admit that it will ruin them; and they simply are hoping, like Mr. Micawber, that "something will turn up" to save their national and economic life.

VIEWS OF MANUEL QUEZON

I also quote from the Honorable Manuel Quezon (after the passage of the Hawes bill) as follows:

"In all sincerity, I must confess I am deeply apprehensive over the effects that the immediate termination of free trade with America will have upon our economic and social life. Especially do I feel thus because of the present world depression. The barring from the American market of the products of industries which were created and stimulated under the shelter of a protective American tariff cannot but affect our commerce. And consequently there will be lowering of wages and reduction in the income of the government, which is already being curtailed by the present depression. In a word, I am of the firm belief that with a sudden and abrupt termination of free trade with America, there will be created here a situation of extreme difficulty for the people and the government of the Philippines. And it is not just to impose on us this hardship."

Again, Mr. Quezon says:

"And right here I want to say that I am more interested in securing the enactment of legislation beneficial to our country, that would definitely settle the Philippine question in line with our national aspiration, even though it did not grant immediate, complete, and absolute independence, than in all the speeches and prospects about immediate independence, however brilliant and sincere, if, after all, nothing will come out from it."

I now quote from Senator Osmeña:

"A grant of independence will not require radical changes in the structure. Unless other forms of government were attempted, all that would be needed would be the election of a new executive."

COMPARISON WITH NEW YORK

There are about 14,000,000 people in the State of New York, substantially the same number as are in the Philippines. Probably 95 percent of the people over 10 years of age in New York can read and write. Practically all of them take the greatest possible interest in politics and government. There are probably no richer, no better educated, no more intelligent, no more capable people on the face of the earth than the citizens of New York. They are as free and independent as any people who have ever existed, yet they do not control their foreign affairs, nor do they have their own army, their own navy, or their own air corps for their protection. They do not fix their tariffs or their immigration laws, though the greatest part of all immigrants and goods come into our country through the ports of New York. If we are going to make an independent nation out of the 14,000,000 people in the Philippines, probably 60 percent of whom over 10 years of age cannot read or write, why should we not by the same token make an independent and separate nation of New York with her 14,000,000 people? We should, of course, make the Philippines a self-governing and an independent people; but why should we give them powers and responsibilities greater than those enjoyed by the people of New York? I cannot see any justification in reason or experience for such a course, after having given the matter most careful thought, study, and my best examination.

VIEWS OF FORMER SENATOR HAWES

Former Senator Harry B. Hawes has written a book on the Philippines. He is a most earnest advocate of complete national independence of the islands; and yet he has this to say:

"But I wish to set down that I favor, and to the best of my abilities I will further, the independence of the Philippines on terms and conditions which will cause the least disarrangement in the economic relations between the United States and the islands" (p. 311).

This is good sense. We all know that at the present time complete national independence will not only cause a rupture of the economic relations now existing between the two countries, but it will probably cause a complete cessation and break-down of those relations. Why should we take a course so fraught with danger to the islands? They now have law, order, and justice, all meted out by themselves. They have a material well-being which they never had before in all their history. They have a greater independence and security than they could ever possibly hope to have either under a dictatorship, as provided in their constitution, or under the control of a foreign nation.

CONCLUSIONS AND RECOMMENDATIONS

I conclude and recommend as follows:

1. That inasmuch as the Tydings Act has passed, proposing complete national independence, and has been accepted by the Philippine Legislature, as provided in the act, no other course is open to us than to complete the transaction, providing the conditions specified in the act are fully met.

2. Filipino leaders were in Washington when the act was passed. They urged its passage as meeting their approval. It was one of the most generous acts of one people toward another ever recorded in history. I find in the act no injustices or inequalities toward the Filipinos.

3. The act, in directing the President to convey to the Philippine government all property of the United States, expressly says "except such naval reservations and fueling stations as are reserved under section 5." If the Filipinos insist upon full compliance with the Tydings Act, I recommend that no naval or fueling stations be retained, as such retention would likely involve us in further claims of protection, or other international complications. My opinion is that the United States must either stay in the Philippines with full sovereignty, or get out entirely.

4. An examination of the proposed constitution (a copy of which was shown me) clearly demonstrates that it is not in accord with the Tydings Act. I call attention to the following proposals in the constitution which are at war with the act, or are so far out of harmony with it as to fail to follow its requirements:

(a) There is a provision in the Tydings Act that English shall be taught in the public schools. In one section of the constitution it is provided that English shall be taught only in the primary schools. In another section the constitution gives the legislature the right to choose one of the native dialects or languages. This provision shows a plain intention to disregard the requirements of the Tydings Act regarding the English language.

(b) The Tydings Act further provides that the property rights of citizens or corporations of the United States shall be acknowledged, respected, and safeguarded. The constitution provides that the legislature shall have the right to sequester large estates and divide them among Filipino citizens.

(c) The Tydings Act requires that the constitution shall provide for a government "republican in form." This expression has a distinct meaning, viz: That the new government shall be a republic patterned after the Government of the United States. The new constitution so provides. Since writing the above I understand this provision has been stricken out. The truth is that the Filipinos are not ready for a republic and they know they can give themselves no kind of government other than a dictatorship; nor do I believe any other kind of government is intended, or will be had.

5. The Filipinos desire a trade agreement by which they can sell their products in America free of tariff duty. They cannot have such an agreement until the 10 years have expired, because they are in no position to make a contract; but, without regard to the legal situation, the United States should not bind itself 10 years in advance of national independence as to what kind of trade agreement it will make with the Philippines. Such an agreement would not be fair to the sugar growers in continental United States; it would not be fair to the sugar growers in Hawaii or Puerto Rico; nor would it even be fair to the sugar growers in Cuba, whose position is similar to that of the Philippines. It would be unthinkable to make such an agreement 10 years before it is to go into effect. The Filipinos now have an excellent sugar quota, just as our own people have, and they are entitled to no better treatment than our own people.

6. I desire to warn our Filipino friends that they are making a great mistake in asking for complete national independence after a period of 10 years. I suggest to them that they petition the Congress to amend the Tydings Act by reserving to the United States sovereignty control of foreign affairs, army, navy, and air matters, tariff and immigration, leaving the power of review of the Supreme Court as it is now, and leaving to the United States the final determination as to issuing bonds and creating debts. They can well afford, and so can we, to leave the presidency as provided for under the new constitution, and to leave with the Philippine Government control over all other matters.

In view of the present condition of political and economic world affairs, this is the most inopportune time imaginable for the Filipinos to have granted to them complete national independence.

CONCLUSION

In closing, I desire to say that I have never been treated more hospitably, more courteously, or more kindly than I was by the Filipino people on the occasion of my recent visit to the islands. The Filipinos are naturally a kind and hospitable people. Their leaders are my friends, and some of them have long been so. I feel the greatest interest in them, in their country, and in their aspirations. I went to the islands earnestly desiring to help them in those aspirations to be a separate, free, and independent nation. After seeing the situation, however, after studying their problems, after talking to their leaders and their people, I am convinced that it is to their best interest at this time to become a completely self-governing local political entity, like one of our own States, but that it is wholly unwise and probably will be ruinous to them to separate themselves as an independent nation. Under the Tydings Act, of course, the matter has gone so far that it is now in their power to have national independence at the end of 10 years; but to persist in their present proposal, in my judgment, will result in bringing them nothing but economic disaster and ruin, and almost beyond a doubt political disaster as well. This course I cannot recommend.

The conclusions I have stated are those to which I am conclusively persuaded by the logic of the facts as I found them. I have discussed this subject solely from the standpoint of the Filipinos and what is best for them. I have scarcely referred to what is best for the United States. My best judgment is, however, that for the Philippines to separate from the United States, and become an independent national entity, would be hurtful to both peoples.

The attitude of the Filipinos in this matter is proof of the old saying that "almost anyone can stand adversity, but few can stand prosperity." Our Filipino friends have everything to make them free, independent, prosperous, and happy. Still, they are not satisfied. Apparently they are unable to stand the prosperity which is now theirs in so large and generous a measure, and which has been received at our hands.

KENNETH MCKELLAR.

[Senate Document No. 57, part 2, 74th Cong., 1st Sess.]

INVESTIGATION OF CONDITIONS IN THE PHILIPPINES

Report of Senator ERNEST W. GIBSON as a member of the special committee appointed June 16, 1934, to investigate conditions in the Philippines

TO THE PRESIDENT OF THE SENATE:

The Special Committee to Conduct Hearings and Investigations in the Philippine Islands was appointed by the President of the Senate upon the suggestion of the President of the United States, contained in his communication of June 16, 1934. The committee arrived in Manila, December 9, 1934, having taken advantage of brief stops while en route to study economic conditions in Hawaii, Japan, and China.

The committee, during the course of its Philippine investigation, visited several of the more important islands, conducted hearings, talked with officials, received hundreds of memorials, interviewed peoples of all classes, and conferred at length with responsible members of the Philippine Legislature and the constitutional convention. Other outstanding leaders of the Filipino people were also consulted. The committee had the assistance of our able and efficient Governor General and his staff, as also that of the commanding general of the Department of the Philippines and of the commander of the Asiatic Fleet. The newspapers, trade organizations, civic groups, and those splendid American pioneers who have been powerful factors in building up the Philippines were also most cooperative and helpful.

The chairman of the committee addressed the people through the constitutional convention, setting forth the political and economic problems of independence as viewed by the members of the committee and warning them of the dangers they must face and the problems they must solve upon assuming an independent status.

The author of this report traveled several hundred miles through the island of Luzon, visiting many provinces and barrios, where he conferred with officials, came into contact with the common people, and observed economic conditions as they affect the great mass of the Filipino people, in order that he might form an opinion concerning the effect of independence, under the terms of the Tydings-McDuffie Act, upon the economic life of the Filipinos themselves.

It may not be amiss to call attention, briefly, to some outstanding facts concerning the Philippines.

The archipelago extends a thousand miles north and south, off the coast of Asia. The most northerly island is less than 100 miles from Japan (Formosa) and the most southern but a few miles from British Borneo and the Dutch East Indies. The geographical situation places the islands between great powers contending for the trade of the Orient and athwart the lanes of trade which supply the needs of more than half the peoples of the world. There are over 7,000 islands in the Philippine group, more than 6,000 of which have an area of less than a square mile each. Over a thousand of them are large enough to cultivate and to sustain human life. The largest of the islands is Luzon with an area of 40,814 square miles. Mindanao comes second with an area of 36,906 square miles. The total area of the archipelago is 114,400 square miles, larger than 15 countries of Europe and of 10 countries

in the Americas. The coast line is twice as long as that of continental United States. The population is over 13,000,000, having nearly doubled since the American occupation. The population density is only 111 to the square mile as against 433.3 for Japan proper and 290 for the populous provinces of China. It is estimated that the Philippines could support a population of 60,000,000.

The Filipino people are of Malayan stock; other peoples found in the islands are principally Chinese, American, and Japanese, the latter being scattered throughout the islands and also grouped in a settlement at Davao which maintains direct commercial relations with Japan.

There are several major languages in use, with some 60 or 70 modifying dialects, each spoken by a fraction of the population. Spain failed to establish a common language, which is so essential to national unity, and the United States has not been altogether successful in its efforts to do so, although the advance of the English language has been greater than that of Spanish during 300 years of the rule of Spain.

RESOURCES OF THE PHILIPPINE ISLANDS

The Philippine Islands is one of the richest dependencies in the world—a land of opportunity. It is one of the few sections that have been relatively free from the effects of the depression. The country is rich in natural resources. The Philippine forest reserve is enormous. It is estimated that at the present time it can produce 486,000,000 board feet of timber of commercial importance, and, in addition, second growth offers an inestimable future supply. The Government owns 97.5 percent of the total forest area, and the annual net income from timber royalties is about \$400,000. The industry produces large quantities of lumber of local consumption as well as for export. In 1933 over 172,000,000 board feet of lumber were manufactured and more than 460,000,000 board feet of logs were cut.

The Philippine Islands is also rich in minerals, containing deposits of gold, silver, copper, lead, zinc, iron, manganese, chromium, coal, salt, sulphur, and building and monumental stone.

Gold has been found in all sections. It is estimated that the value of gold produced in 1934, by methods not wholly up to date or efficient, was more than \$12,000,000, and it is estimated further that the 1935 production will be \$18,000,000. Prediction is made by experts that the Philippines will soon become one of the great gold-producing areas of the world. The capital invested in the mines is largely of American and foreign origin.

Copper is found in rich pockets running from 10 to 20 percent and in some cases as high as 40 percent.

There are several important deposits of iron. The Calambayunan and Larap deposits consist of almost pure massive or granular hematite with traces of magnetite and carries an average of 60 percent iron. The Surigao deposit runs about 52 percent iron and is estimated to contain 500,000,000 metric tons of ore.

The most extensive deposits of war material in the world in the form of chromium are found in the Philippine Islands, some of which carry approximately 40 percent of chromium oxide. Since the world's supply is limited, the great importance of the deposit cannot be overestimated. Millions of tons of high-grade, low-cost chrome ore are available. Coal is mined in a substantial quantity, as is asphalt, asbestos, gypsum, and sulphur.

The value of the 1,500 fish-meat edibles obtained off the coast of the islands is enormous; local consumption is valued at about \$50,000,000 annually. Fishing in insular waters is largely in control of the Japanese; of the 104 commercial fishing boats registered, 62 are of Japanese ownership. The value of Philippine farm products is more than \$142,000,000 annually.

The islands are rich in everything that is naturally coveted by grasping nations, and the location of the Philippines places them in the center of the political and economic struggle of some of the great imperialistic countries of the world.

POLITICAL BACKGROUND

The people of the Philippine Islands have been under the control of many countries. They have been, in turn, subject to the Asiatic control of Hindu-Malayan empires, to control by China and Japan, to European control by Portugal and Spain, and to American control. Spain gained ascendancy in 1565 and exercised administrative control for years through Mexico, then known as "New Spain." Spain continued in power until 1898, although Portugal, the Netherlands, and England made attempts to overthrow her. Each of the nations ruling the Philippines has stamped its influence on customs, business, law, religion, language, and the life of the country. The Filipinos have been a dependent people for more than 500 years.

American control began upon the occupation of Manila August 14, 1898. Philippine Archipelago was ceded to us by Spain under the Treaty of Paris and the United States paid \$20,000,000 for the transfer of sovereignty, for lands, and to remove claims by the Government of Spain.

The Supreme Court, in considering the situation created by the treaty, said in 183 U. S. at 176, 180:

"By the third article of the treaty Spain ceded to the United States 'the archipelago known as the Philippine Islands.' * * * The Philippines thereby ceased, in the language of the treaty, 'to be Spanish.' Ceasing to be Spanish, they ceased to be foreign country. They came under the complete and absolute sovereignty and dominion of the United States, and so became territory of the United States over which civil government could be established. * * * The Philippines were not simply occupied but acquired, and having been granted and delivered to the United

States by their former master, were no longer under the sovereignty of any foreign nation. * * * Spain granted the islands to the United States, and the grantee in accepting them took nothing less than the whole grant."

The situation of the Government with respect to the acquisition of territory added since the Republic was organized was set forth by the Supreme Court in the Nineteenth Howard (U. S. 393, 448):

"It (Louisiana Territory) was acquired by the General Government, as the representative and trustee of the people of the United States, and it must therefore be held in that character for their common and equal benefit; for it was the people of the several States, acting through their agent and representative, the Federal Government, who in fact acquired the territory in question, and the Government holds it for their common use until it shall be associated with the other States as a member of the Union."

This decision makes it clear that, generally speaking, sovereignty rests with the United States Government as agent for the people. Chief Executives, however, have indicated that our control over the Philippines would be only temporary and that we would eventually establish a stable government and then withdraw. Congress, in the act of October 1916, declared this to be the purpose of the United States. The right of Congress to alienate the sovereignty of the United States over land and peoples to which it has become attached is, to the author of this report, extremely doubtful. It is a question which must eventually be determined by the highest court of the land.

THE WORK OF OUR COUNTRY

The United States established a stable government and proceeded to develop the islands by building roads, schoolhouses, and hospitals; establishing a system of public education; teaching sanitation, educating nurses, physicians, and surgeons; and instructing in the art of practical agriculture. We reformed the judicial system; we provided towns with modern sewer systems and with pure-water systems. We encouraged business and raised the standard of living in the islands over 200 percent above that of peoples of neighboring countries. Under our protection they were left undisturbed during the World War.

In short, we did everything to make the government of the Philippines the helpful servant of its people. We built on the splendid foundations of the American Republic. The history of the world does not reveal another such example of unselfish work and sacrifice in behalf of a dependent people. In contrast with the world's colonial powers, we have never commercialized our rule nor encouraged private concerns to control and direct the business of the people. We have given to individual initiative the same opportunity that obtains on our mainland, and to the people we have offered as great a measure of freedom as we enjoy at home.

The Filipino people have insistently demanded the fulfillment of our promise of independence and have sent commissions to the United States to secure action. Congress, to carry out that promise, passed what is known as the Hawes-Cutting bill. This met with opposition from a powerful political group of Filipinos and was eventually rejected by the Philippine Legislature. Another mission came, and as a result of conferences the so-called Tydings-McDuffie Act was passed. The act was signed by the President, approved by the Philippine Legislature, and is now the law that fixes our future relations.

The Independence Act provides, among other things, for the adoption of a constitution to be approved by vote of the Philippine people (which is the only plebiscite given them); this constitution has been duly certified by the President. It also provides for trade relations during the period of the Commonwealth government, and eventually for complete severance of control by the United States.

Such a severance means that the Philippines must support its own army, navy, diplomatic and consular services, finance its own government, and find markets for products grown and for goods manufactured, because the free-trade markets with the United States, which the islands have enjoyed for 25 years, will be closed except upon payment of the same duties now paid by other countries. In securing these markets the Filipinos must compete with other oriental countries where the scale of living is much lower and the prices paid for labor only a fraction of that now paid in the Philippines.

TRADE

Our trade with the Philippines is an important factor to be considered in a survey and estimate of the situation, and in determining our future relations. The story of its growth is a remarkable one. In 1900 our share in the combined export and import trade was 11 percent; in 1933, 78 percent; in 1901 the United States supplied 12 percent of Philippine imports; in 1930 to 1932, 64 percent. In 1901 we absorbed 18 percent of the total exports of the islands; 82 percent in 1930 to 1932; and 89 percent during the first 6 months of 1934.

The Philippines ranked ninth in importance as a market for our goods in 1933, taking more than Belgium, Mexico, Argentina, Spain, Brazil, Australia, or Cuba; more than our combined exports to Norway, Sweden, Denmark, and Switzerland; more than to Brazil and Colombia combined, or Switzerland, Colombia, Honduras, Haiti, Guatemala, Costa Rica, El Salvador, and Nicaragua. Of animal and vegetable products, which are composed largely of manufactured farm products, we sold more than to Cuba or the combined sales to Japan and Italy or to Sweden and Denmark, or to Norway, Switzerland, Spain, New Zealand, and the Union of South Africa combined.

The Philippines were 60 percent more important as a market for American textiles than Cuba; 30 percent more important than Belgium; and more important than Argentina, Colombia, and Mexico combined.

As a consuming market for American goods the Philippines occupied the following ranks in 1933: Thirteenth for wood and paper products and for new metallic minerals; twelfth for machinery and vehicles (surpassing Italy, Germany, Australia, and China, and equalling Switzerland and Soviet Russia combined); eighth for metals and manufactures except machinery and vehicles (exceeding the trade of Brazil, and equalling that of Italy and Sweden combined); fifth for chemicals and related products (exceeded only by Canada, the United Kingdom, France, Germany, and Japan); second for wheat flour, canned fish, and cotton fabrics by the pound; first for milk and cream, both condensed and evaporated; for cotton cloth, colored, bleached and unbleached; for galvanized iron and steel sheets; for ready-mixed paints.

The Philippines take 32 percent of our exports of colored cotton cloths, 52 percent of our bleached cotton cloth, 23 percent of our cotton fabrics by the pound, and 57 percent of our evaporated milk and cream.

In 1933, of the imports into the islands the United States supplied 63 percent of the cotton goods, 74 percent of the iron and steel, nearly three-fourths of the wheat flour, half of the meat and dairy products, 80 percent of the automobiles, 88 percent of the mineral oils, and 69 percent of paper and its allied manufactures. Only eight countries purchased more of our products than the Philippine Islands and no country purchased more of Philippine products than the United States.

All of the industries interested, especially producers of dairy products and the producers of cotton throughout the South and the manufacturers of cotton goods throughout the North, must be directly interested in the solution of the present-day Philippine problem.

And that is not all. The Philippine market must be considered in connection with other markets of the Pacific area; China and India are in a period of industrialization. While this will tend to supply some of their needs, yet industrialization has always raised buying power and increased demand. These countries will increase their demands for cotton, wheat, and foodstuffs. The United States should be in a position to claim its share in their markets.

The Philippine Islands hold the key to our Pacific trade. The Far East is the world's greatest potential market today. America should be in the far-eastern trade to stay, for its trade has attained considerable proportion, representing in value, at present, upward of \$1,000,000,000 a year. This is nearly one-quarter of the total foreign trade of the United States, and exceeds that of South America.

When we consider, however, the entire exports of the United States, we find that the Philippines take only about 3 percent of our entire exports, while the United States takes over 80 percent of exports from the islands. So, it follows that we can get along without their market, but the Philippines cannot get along without ours.

THE TYDINGS-McDUFFIE ACT

The Tydings-McDuffie Act, with which we must specifically deal, provides for changes in the trade relations that will materially affect the volume of imports from and exports to the islands. Quota restrictions and export taxes are to be applied during specific periods under the commonwealth government. Full independence is provided for in 10 years, and means a complete break of the economic and political bonds which have united us. The Philippine Islands will then assume the status of a foreign country, and will be treated exactly as any other foreign country, unless some new arrangement by way of a trade agreement is entered into.

Prior to the establishment of the Commonwealth government no change in trade relations is made by the Independence Act. The Jones-Costigan Act fixing the sugar quota does, however, work some change, and so does the imposition of an excise tax on the first processing of oils, equivalent to 3 cents per pound on oil pressed from Philippine copra. This gives Philippine copra a 2-cent preference as compared with the 5-cent rate on coconut oil originating in other countries.

In the period of the Commonwealth government two changes appear. During the first 5 years of that government, duty-free quotas are imposed upon the amounts of sugar, coconut oil, and cordage which may be imported into the United States. For sugar the limit is 50,000 long tons of refined sugar and 800,000 long tons of unrefined. The duty-free quota for coconut oil is 200,000 long tons, and for cordage 3,000,000 pounds. Shipments in excess of the quotas will pay full duty after the inauguration of the Commonwealth government. These are the only restrictions aside from the export taxes during the sixth and successive years of that government. Except for these restrictions, free trade will continue to prevail.

During the second 5 years of the Commonwealth government provision is made for a new type of restriction in the form of a progressive export tax to be collected by the Philippines on all shipments to the United States of insular products, provided such products cannot enter the United States free of duty when imported from other countries. Shipments of sugar, coconut oil, and cordage, under the quotas already mentioned, are included in this provision. These export taxes are fixed at 5 percent of the United

States tariff rates for the sixth year of the Commonwealth government and increase 5 percent each year until they reach 25 percent in the tenth year. The principal commodities affected are sugar, coconut oil, desiccated coconut, cordage, cigars, embroideries, hats, and buttons.

The object of this tax is to afford the Filipino people an opportunity to adjust themselves to the new conditions they must face after independence, and to provide for the payment of the bonds of the Philippine government and its subdivisions; bonds, which, though not guaranteed by this Government, yet were sold by us and therefore bear our implied approval.

After independence becomes a fact then all Philippine goods must bear the full rate of duty. The act provides, however, that before the time fixed for independence a conference shall be held for the purpose of making recommendations as to future trade relations.

FILIPINO OBJECTIONS

Filipino leaders have never fully assented to the economic provisions of the Tydings-McDuffie Act. They take the position that they acquiesced only because of a reliance on statements made by the President that if imperfections and inequalities exist they could be adjusted through a conference. They believe, and rightly, that the provisions of the act jeopardize the success of any independent government they may set up and will result in a collapse of their social and economic structure. They object to the quotas, to the export-tax provisions, and claim that the period within which economic adjustments are to take place is too short. They object to a discontinuance of the free-trade relations after independence is achieved and ask for full trade and tariff autonomy during the Commonwealth period.

In the words of Manuel L. Quezon, president of the Philippine Senate, a most able leader, and who more than any other man controls the situation:

"In order that the government of the Commonwealth might be safe and assured of success, it is necessary that all economic provisions be amended."

He called for elimination of the provisions of the Tydings-McDuffie Act imposing the export tax for higher quotas, and for a permanent agreement as to trade relations with the United States, which, of course, means continuance of free trade with the islands. He apparently accepts the theory that the closing of American markets strikes a deathblow to the economic life of the Philippines.

The specific amendment to the Tydings-McDuffie Act to accomplish the Filipino demands may be enumerated as follows:

- (1) Elimination of subsection (e) of section 6, providing for export taxes;
- (2) Amendment of subsections (a) and (c) of section 6 raising the sugar and cordage quotas;
- (3) Amendment of section 2 (a), 5, 9, and 10 so as to give full autonomy in tariff and fiscal matters to the Philippine Commonwealth government.
- (4) Amendment to section 13 changing the time for the conference to formulate for future commercial relations to 2 years before complete independence. These amendments cover practically all of the trade provisions of the Independence Act.

In other words, the claim is made that each and every trade provision of the Tydings-McDuffie Act is unjust and unfair both severally and in anticipated collective effect. All of these objections are based on the fear of a prospective collapse of their social and economic structure following a closing of American markets and a return of the great mass of Filipinos to oriental standards of living. To these objections may be added, the Tydings-McDuffie Act does not give the full measure of independence expected, and that no final plebiscite is given the Filipino people in which to voice their direct and free approval of independence itself.

POLITICAL QUESTIONS INVOLVED IN INDEPENDENCE

Thus far we have dealt with economic provisions and objections naturally arising thereunder. In addition there are certain political questions which must be considered. These are well stated in a recent study and are suggested here for the consideration of the Congress:

- (1) Can an independent Philippine government maintain internal peace? Would internal political strife create international complications?
- (2) What will be the responsibility of the United States, if any, in preserving Philippine neutrality?
- (3) After independence, will the islands be forced into closer political and economic connections with any other country, and would such a situation become a disturbing factor to the peace of the Pacific?
- (4) Will the infiltration of other races prove a serious political problem?

In connection with these political questions it is well to consider the rapidly changing conditions in the Pacific. The following matters deserve special attention. The rise of an ambitious power to commanding influence guided toward its assumed destiny by able statesmen; the so-called "Asiatic Monroe Doctrine"; the fight for trade; the infiltration of Japanese into the Philippines; the placing of Japanese merchants in all parts of the islands—picked men with special knowledge of the vernacular and customs of the people; the establishment of the Japanese colony of 15,000 at Davao; the fact that Japanese corporations have acquired control of land by various methods and title to thousands of acres of land, either

in fee simple or by leasehold rights—apart from sublease rights acquired from Filipinos; and that Japan by subsidizing college professors, is pursuing the old policy of our public utilities, and is carrying on a propaganda program with the object of ingratiating herself into the good will of the Filipino people. Japan, in fact, is moving in as we are moving out.

Some Filipinos claim that the Philippines would be safer under independence in dealing with Japan than under American sovereignty. This is an untenable proposition.

In considering the whole situation in the Orient, it may be well to bear in mind the interest of Great Britain, and what may be done to protect her position. England, in the event of our final withdrawal, will not suffer any other nation to block her lanes of trade or endanger her free passage to Australia and to her many bases in the East. England does not willingly surrender a right she has won, or give up a foot of territory under the British flag. As a measure of protection her budget for military purposes is being materially increased. The situation created by our withdrawal may bring Japan and Great Britain face to face in the Philippines with a common problem. English diplomacy is not wholly altruistic as to objectives. A solution may force a secret treaty to delimitate spheres of influence and control the trade of the Philippines. The only safe way to judge the future is by the past; we cannot forget the secret treaty which was uncovered in the negotiations leading up to the Treaty of Versailles.

The effect of Japanese influence on our trade is already becoming apparent. The figures show some losses in our exports to the Philippines, particularly of cotton goods. In this commodity the Japanese supplied 52 percent of the quantity of Philippine imports during the first 10 months of 1934, as contrasted with 23.5 percent in 1933. During the same period, imports of cotton cloth from the United States fell from 67 percent to about 41 percent.

OTHER QUESTIONS RAISED BY THE TYDINGS-McDUFFIE ACT

There are imperfections in the Tydings-McDuffie Act that directly affect our people. The justice of the act lies in the fact that it carries out any promise of independence that may bind us. The injustice lies in the fact that its provisions will cause us to lose a position of influence in the East and render it difficult to carry out any consistent far eastern policy.

It will gain for us the reputation of deserting a problem before its solution.

It will help to turn back our race movement for the first time in its history.

It will make America, once the hope of Christendom, the leader in the retreat of the white man.

It will put us in a position of leaving a people we have promised to help at the mercy of grasping imperialistic nations, unless and until a neutralization treaty can be negotiated—an idle dream.

It may operate to lose for us one of our best markets.

Under the terms of the act we are required, in effect, not only to give up the islands but to give them a bonus coupled with their independence. We are required to make a tremendous financial sacrifice in the form of reservations, lands, hospitals, and other property involving many millions of dollars. It is true, however, that we will also be relieved of our annual expenditures in the islands.

There are certain fiscal problems brought to the Filipino by the Independence Act. The costs of government will be increased because of the necessity of performing services performed heretofore by the United States. Government income will be curtailed. Taxation must increase. Will the Filipino accept the additional burden? Will it be possible for the government to maintain present standards of service? If not, what will be the result in the present state of world relationship?

In dealing with the economic situation we can change the quotas, the export taxes, and the 10-year time limitation. We can amend the law so as to permit the negotiation of a trade agreement during the Commonwealth period; or negotiate a trade agreement effective after full independence is achieved; or, Congress can reduce duties, from whatever country imported, on certain articles which are of special interest to the Philippines. It must be borne in mind, however, that no trade agreement can become operative during the Commonwealth period without further legislation, and that trade agreements, under existing law, can be entered into only with foreign countries. In any trade agreement we must meet the situations created by 30 recent treaties containing the most-favored-nation clause, and by the Cuban trade agreement.

It may be observed that so far as the political situation is concerned we have enacted the independence law. It is my opinion it should not have received the sanction of the Congress in its present form. I voted for it and now tender my regrets for having done so. But it has been approved by the Philippine Legislature and constitutes an obligation which we cannot ignore. The economic provisions of the Tydings-McDuffie Act can be changed and the imperfections in inequalities adjusted. Even the political set-up can be changed, but this must be done upon the initiative of the Philippine people. We Americans are bound by what we have done. All of the Filipino leaders know the dangers that confront them, but, with the present political control, few will back a proposal for a change in the political part of the act. The situation affords an acid test of Filipino statesmanship of the present day.

Our course has been correct. The Filipino people have been warned of the direct effect of the Independence Act in clear and unmistakable language by the chairman of the committee in his address before the Philippine Constitutional Convention. This

has already been set forth in the CONGRESSIONAL RECORD of February 12, 1935.

I have only the good of the Filipino people at heart. I cannot divest myself of the firm conviction that the Filipinos would be far better off if they had some form of independence under American sovereignty, but it is up to them to say whether or not they wish to go along with us. The decision is theirs to make.

Theodore Roosevelt once said:

"The time will come when it will be wise to take their own judgment as to whether they wish to continue their association with America or not. There is, however, one consideration upon which we should insist. Either we should retain complete control of the islands or absolve ourselves from all responsibility for them. Any half and half course would be both foolish and disastrous. We are governing and have been governing the islands in the interest of the Filipinos themselves. If, after due time, the Filipinos themselves decide that they do not wish to be thus governed, then I trust we will leave; but when we do leave, it must be distinctly understood that we retain no protectorate over the islands and give them no guarantee of neutrality or otherwise; that, in short, we are absolutely quit with responsibility for them, of every kind and description."

President Coolidge in his letter to Governor General Wood of the Philippine Islands well stated some of the necessary requisites for self-government by saying:

"The ability of a people to govern themselves is not easily attained. History is filled with failures of popular government; it cannot be learned from books; it is not a matter of eloquent phrases. Liberty, freedom, independence are not mere words the repetition of which brings fulfillment. They demand long, arduous, self-sacrificing preparation. Education, knowledge, experience, sound public opinion, intelligent participation by the great body of the people, high ideals—these things are essential. The degree in which they are possessed determines the capability of a people to govern themselves."

Expressing about the same thought, President Wilson, in appraising our relations with the Philippine people, said:

"But we cannot give them self-government. Self-government is not a thing that can be 'given' to any people, because it is a form of character and not a form of constitution. No people can be 'given' the self-control of maturity. Only a long apprenticeship of obedience can secure them the precious possession, a thing no more to be bought than given. They cannot be presented with the character of a community, but it may confidently be hoped that they will become a community under the wholesome and salutary influences of just laws and a sympathetic administration; that they will after a while understand and master themselves, if in the meantime they are understood and served in good conscience by those set over them in authority."

It has seemed to me sufficient in the performance of my duty as a member of the special mission to set forth facts concerning the Philippine situation, and state what can be done, for the information and guidance of the Congress, and not attempt to make a recommendation as to what should be done.

It may be well for the Filipinos to consider the dominion form of government with complete independence as to internal affairs under the Commonwealth government with their own selected chief executive.

They may also consider statehood in a modified form that would give them complete freedom and independence, admitting the Philippines to the Union with two Senators, and a limited number of Representatives.

This last plan may involve an amendment to the Constitution. If our 35 years of control and example has not been in vain they are prepared for such a State; if prepared for independence, as we concede by the enactment of the Tydings-McDuffie Act they are, then they are prepared to be an integral part of the Union, surely better prepared than the Dutch East Indies to be an integral part of the Kingdom of the Netherlands.

Another plan worthy of consideration is for the Filipino people to go forward with the Commonwealth government and within the 10-year adjustment period, if they find changes in the political set-up are needed, to apply for a change and cooperate with us in making out the problem of the mutual well-being of both peoples. Another solution worthy of serious consideration is for the Filipinos to proceed indefinitely under a Commonwealth government set-up.

But these are only possible solutions, and suggested for what they may be worth.

However, if any recommendation is required in this report then I suggest that the Filipino people, before the end of the Commonwealth period, request a revision of the political as well as the economic features of the Tydings-McDuffie Act, and that America be requested to retain its sovereignty. Small states must rely for their security on a strong nation or enter into intrigues with other small nations, intrigues which endanger the peace of the world. It is increasingly difficult for them to sustain their civil governments against increasing costs.

There could well be a balance of trade by the use of the tariff power, both by this country and by the Philippines, and by nationalizing the shipping between the two markets. If the two people strike an agreement to share American sovereignty, and put off to a remote future the separation arranged for under the Tydings-McDuffie Act, it would, in my opinion, inure to the benefit of both nations. If the Tydings-McDuffie Act is carried out the small Philippine state will be a disturbing factor in the Far East.

In my opinion, it is vital for the Philippines and its resources that our liberal sovereignty should remain, and in this is our own security, for if we abandon them we may become involved in their struggle to survive, and in the struggle that will be precipitated in the Far East.

It is essential, too, it seems to me that the free institutions set up by America in the Philippine Islands should be continued because the final influence of those institutions would be the general redemption of all Malaysia. This powerful buffet is very important in the future. It will develop slowly, still it will develop surely.

In other words, we should have a state policy in the Far East based on our own democracy, and pursued independently of any other state policy even with the friendliest nations. This is the only safe ground for America in that quarter of the world.

In the event that no political change is made then a trade agreement may be advantageous, both to the United States and to the Philippine Islands, but the road leading to such an agreement is not free from pitfalls.

As previously stated, we have given Cuba exclusive and preferential concessions shared by no other foreign country. Our trade relations with the Philippines are excluded from the Cuba trade agreement of 1934. But it may be argued that the assumption of independent status by the islands would bring the provisions of any trade agreement we may make into conflict with our Cuban agreement. It may be said, too, that any trade agreement, especially with respect to sugar and coconut products, would be unfair to the other sugar and coconut-producing sections of the world. Then, too, the "most-favored-nation clause" in our 30 commercial treaties provides that the products from a foreign country will receive in the ports of the United States the same treatment as given to the most-favored nation.

These difficulties indicate that there must be a full, minute, and complete study made of the whole trade situation, and we should see to it that such a commission is set up immediately to provide the necessary information if we proceed in our relations with the Philippine Islands on the basis of trade agreement alone.

This report should not be construed as a criticism of the Filipino people or their leaders. They have struggled legitimately to actually realize that which is inherent in every human being, a desire for a greater measure of liberty and freedom and the right to govern themselves.

In addition to the well-being of my own country my aim is the well-being of the Filipino people, that they may go forward through the years of the future to a safe and secure position among the nations of the world.

They are a gentle, home-loving, hard-working people who are entitled to protection against the grasping imperialistic nations in the midst of which fate has placed them. America should see her duty clear not to desert them in an hour of danger. I am thinking of the Moros of the south, of the Bontocs and the Igorots of the north, of the man in the rice field, of the farmer and the laborer, and all those who toil long hours for a meager existence. And I join, for them, in a fervent prayer to God that He may save the Philippine Commonwealth and deliver these people from the fate of falling to the level of the living conditions of the Orient.

ERNEST W. GIBSON

REORGANIZATION OF EXECUTIVE DEPARTMENTS

The Senate resumed the consideration of the bill (S. 3331) to provide for reorganizing agencies of the Government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare, and for other purposes.

Mr. BORAH obtained the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Colo.	Pittman
Ashurst	Dieterich	King	Pope
Austin	Donahey	La Follette	Radcliffe
Bailey	Duffy	Lee	Reames
Bankhead	Ellender	Lewis	Reynolds
Barkley	Frazier	Lodge	Russell
Berry	George	Logan	Schwartz
Bilbo	Gerry	Loneragan	Schwellenbach
Bone	Gibson	Lundeen	Shipstead
Borah	Gillette	McAdoo	Smathers
Bridges	Glass	McCarran	Smith
Brown, Mich.	Green	McKellar	Thomas, Okla.
Brown, N. H.	Guffey	McNary	Thomas, Utah
Bulkeley	Hale	Maloney	Townsend
Bulow	Harrison	Miller	Truman
Burke	Hatch	Milton	Tydings
Byrd	Hayden	Minton	Vandenberg
Byrnes	Herring	Murray	Van Nuys
Capper	Hill	Neely	Walsh
Caraway	Hitchcock	Norris	Wheeler
Chavez	Holt	Nye	
Clark	Hughes	O'Mahoney	
Copeland	Johnson, Calif.	Overton	

The PRESIDING OFFICER. Eighty-nine Senators having answered to their names, a quorum is present.

Mr. BORAH. Mr. President, I desire to address myself to one feature of the pending bill which in a sense may be a rather narrow issue, but it is a very important one. It may well be used as an illustration of a principle going much further than the particular matter which I am to discuss.

There has been a movement in influential quarters for the last several years to transfer the Forest Service to the Interior Department. We have had ample warning that in all probability that will be done. The report which was made by the Brownlow committee recommended the transfer. The President sent the report to Congress with his tacit approval. In addition to that, influential members in the administration have urged the transfer.

The people of the West, and the people generally who are particularly concerned about the Forest Service, are very much opposed to the transfer. The opposition does not go, as has been stated in some quarters, to the personality of Mr. Ickes, the Secretary of the Interior. That certainly does not affect my attitude toward the proposal. That would not be my objection at all. But those who have been in the Service, and those who have been connected with the Service, feel that there has been worked out a long line of rules and regulations and understandings which a transfer would practically annul or abolish. They would have to build them over again. It has been a very difficult and intricate accomplishment, a matter worked out largely by experience, by trial and test, and trial again.

Mr. President, if the pending bill should be enacted as it is now written, including the amendments which have been offered by the able Senator in charge of the bill, the President would have the power to transfer the Forest Service to the Department of the Interior. I have no reason to assume, in view of what has happened, and the views which have been expressed, that that will not be done.

On the other hand, I would have reason to assume that it will be done. If I should vote for the bill as it is now, therefore, I would be in a measure voting for the transfer, or if not voting for the transfer, I would be placing myself in the position, after having full knowledge of the wishes of those concerned with it, where I could not have any voice with reference to the transfer. I would separate myself from the power to serve the constituents whom I in part undertake to serve, and with the full knowledge that I was voting it away under circumstances in which that would be likely to be done which they did not desire to have done.

Mr. President, aside from the question of whether we have the power to authorize such a thing or not, whether this is not a delegation of power clearly and distinctly, I feel that I ought to consider it as a practical proposition, because I agree with the view that it ought to remain under the Department of Agriculture. The bill as it now is, including the amendments of the Senator in charge of the bill, reads:

The President shall have power to transfer or retransfer the whole or any part of any agency, or the functions thereof, to the jurisdiction and control of any other agency.

There has been some discussion as to what limitation has been placed upon the President with reference to the question of prescribing the functions, which I accept as stated by the Senator in charge of the bill. But it leaves the power completely in the hands of the President to transfer this Bureau to the Department of the Interior. I presume there can be no question about that. And it seems to me that there can be little question, in view of what has been said and the recommendations made, that that is what will occur—that the Bureau will be transferred to the Department of the Interior.

I do not feel that that ought to be done without the order coming back to Congress for its approval. In many respects there is no service of the Government of greater moment than that which the Forest Service is performing, and for us to authorize the transfer of that bureau without having any

voice whatever in saying as to whether it is wise to do or not, seems to me to be surrendering a primary function devolving upon the Congress.

Mr. President, I am speaking with a great desire to see changes made in the organization of the Government. I take it that most everyone must entertain that view. But, as stated by the able Senator from Washington [Mr. SCHWELLENBACH] a few days ago, it is presumed that the executive department will perform effectively and wisely its duty as the executive department, and I accept that view. But it is also presumed and ought to be presumed that the legislative department will wisely and faithfully perform its duty in regard to this matter. Therefore, when the President makes his recommendation for transfer it is not to be presumed that if it comes to the Congress, the Congress will not act, and act wisely, in regard to it. Certainly I at least do not want to go on record as saying that the Congress is no longer capable of exercising sound judgment with reference to a matter of such importance as this.

Mr. President, in the matter of the reorganization of the Government there is wide room, and necessarily so, for the cooperation of both branches of the Government. There is the duty which the Executive ought to perform, and there are the duties which the administrative departments ought to perform. Their judgments must be had in regard to the matter.

When it comes to the question of policy, as to whether or not a bureau should be transferred, whether it is wise to do so or whether it is in the interest of the country to do so, the legislative department of the Government ought to be consulted. The question of policy should remain in and be exercised by the Congress.

The only theory upon which it can be said that it ought not to be consulted is the theory that it is not capable of performing its duty in a proper way. I feel that it is a matter of policy and a very important one, and I myself do not desire to surrender it wholly to the executive department.

In other words, there is a part of the service to be performed by the executive, there is a part of the service to be performed by the legislative, and there is no reason, to my mind, why that part which belongs to the legislative department should be surrendered completely into the hands of the executive department.

In any event, should this bill be passed as it is now written, and if the transfer is made, and my constituents should say to me, "How did this happen?" I would have to say that with my eyes open and fully informed I deprived myself of the power to serve in the capacity to which they elected me.

That sentiment is spreading pretty rapidly in this country, Mr. President. There will be much discussion about the period in which we are living, after the immediate cause of our disturbance is past, and I will venture to say that one of the anomalous things which will be difficult to explain will be how the Congress of the United States persisted in voting away the obligations which were imposed upon it by the Constitution of the United States and the obligations which the constituencies expected it to perform when its Members were elected.

Under Mr. Hoover's administration—and I give this by way of illustration—when the proposal was made that he be given power to increase or decrease tariff rates 50 percent, it was claimed to be a mere direction of administrative power. It seemed to some of us at the time that it was a clear delegation of legislative power, and it was opposed upon that ground. But it was argued that it was for a limited time, that certain things ought to be done, and that the Executive was better equipped to do them than was the Congress.

I believe that was the first time in my service in Congress when I ever heard it earnestly argued that the Congress of the United States was not fit to perform the duties imposed upon it by the Constitution. But the power was granted, and it remained in the Executive, and continued to be lodged there, and is there yet.

When the present administration came into office legislation was sought to extend the power not only to the control of domestic tariff duties but to the making of tariff agreements between the nations. That power at the time was also limited for 2 years, I believe, but it has since been extended, and in my opinion, under the present thought prevailing in the country, it will continue to be extended.

Senators, there is at the present time pending the question of whether or not we shall have a treaty with Great Britain. Let us pass by for the moment whether it is wise or unwise to rearrange these tariff duties, and let us pass by for the time whether or not the policy which is being pursued by our able Secretary of State is wise or unwise. I do not wish at this time to discuss that. I have no criticism to offer. But the portion of the country in which I live is deeply concerned over the question of changing these tariff rates. Our people may be wise or unwise in their contention. They certainly have a right to be heard, under the rules and regulations and principles embodied in our Constitution. My mail is filled from day to day with letters from businessmen, mining men, and others who will be affected, asking me to see when it reaches the Congress of the United States that their interests are protected.

Mr. President, I have no power to protect their interests. It has been delegated away. It has been surrendered to another department of the Government. It was surrendered by the body which had imposed upon it under the Constitution the very obligation which it is now unable to fulfill. If there was anything that the framers of the Constitution well understood in regard to the question of revenue, it was that it should be held to originate in the House of Representatives, the body closest to the people; and they never dreamed for a moment that it would be placed beyond the control of the legislative body of the country.

Nobody will ever know, until that treaty is signed, sealed, and delivered, what its terms are. Not a citizen of the United States affected will know by what terms he is to be bound until he is bound. Notwithstanding any previous discussions, which I understand, of course, when it comes to framing the treaty, writing the duties, and providing the details, no one will know the details until the treaty is signed, sealed, and delivered. That situation is not true with reference to any other nation which is signing these treaties. It is not true of Canada. It is not true of Great Britain. We are the only nation whose people or whose constituents are to be bound without any knowledge whatever as to what the details of the treaties are.

I cite the trade agreements as an illustration, Mr. President. The responsibility is upon us. The President of the United States is not exercising any powers in usurpation, unless we call the law which we passed usurpation. The President is not assuming to exercise powers which we do not give him. He is exercising the powers which a Congress seems willing to surrender to him. I say that the responsibility is upon us in this body to determine whether or not we are willing to undertake to perform the duties which have been imposed upon us by the Constitution under which we live. And so it will be in this case.

Again, the people of the West are greatly concerned. Again they are asking that their Representatives in Congress and their Senators protect their interests; and unless the amendment of the Senator from Montana, or some amendment upon the same principle, is accepted, we shall be placing ourselves in a position where we cannot serve the people who send us here.

At the present time I speak of "an Executive" and not "the Executive," because we are transferring power here and establishing a principle which will apply to any Executive, although the power is expressly limited in time under the terms of the bill.

This matter was before the Senate when Mr. Hoover was President. This same principle was discussed, and I said at the time:

I think the tendency of such a measure as this is to relieve Congress from its duty—and it has a very serious and solemn duty

in regard to this matter—and undertake, as it were, to "pass the buck" to the President of the United States. * * *

In the first place, I doubt whether we have that power. It seems to me the delegation of legislative power. In the second place, I think the Congress has a responsibility about this matter, and I do not favor the passage of any measure which will relieve Congress of its great responsibility.

I shall not ask the indulgence of the Senate to read any further, but I call attention to the fact that by one step after another, one move after another, year by year, we are shearing ourselves of the responsibility which belongs to us, said to be the greatest deliberative body in the world. I have never joined in such a step. I desire to be agreeable, but I cannot be agreeable to the extent of surrendering the obligations of the Congress.

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

Mr. BORAH. I yield.

Mr. BARKLEY. The bill, as it is before the Senate, gives the President until July 1, 1940, to bring about reorganizations, regroupings, transfers, and so forth, not only among the different departments, by transferring one bureau from one department to another, if he should do so, but also to group these one-hundred-and-thirty-odd independent agencies which are in existence, not in any department. The bill does not require the President to do all that in one order. He may do it in many orders. He may treat each independent agency in a separate order and transfer it to some department. If he did that, there would be one-hundred-and-thirty-odd separate orders, transferring these agencies to some department, in addition to all the orders he might issue separately transferring bureaus from one department to another. How long would it take Congress to act upon those separate Executive orders transferring bureaus and agencies from where they are to where they probably ought to be?

Mr. BORAH. Mr. President, it is altogether probable that a great many of the Executive orders would be acted upon almost pro forma. It may be that some of them would require time. But let me say to the Senator that if a matter requires time, it is because of its importance.

It is because men sent to this body have convictions in regard to the question, and wish to present them. I have known of very few bills which did not receive great benefit from long consideration; and the bill now before us is the finest illustration I know of. If this bill had been passed as it was proposed, the only decent thing Congress could have done would have been to resign and go home, and turn their salaries back to their constituents.

Mr. BARKLEY. I do not know what the Senator means by the bill "as it was proposed." If the Senator means the bill as drawn by the late Senator Robinson, and as he introduced it originally, I would not agree with him. If he is referring to a tentative draft of a bill drawn by the President's committee, which draft was drawn merely to see how it would look, and which was never officially considered by the committee and never introduced, of course that is a matter of opinion. But I do not think the Senator's castigation of the bill would apply to the bill introduced by the late Senator Robinson.

Mr. BORAH. Of course, I had in mind what is called the tentative bill, which was drawn merely to look at.

Mr. BARKLEY. Yes.

Mr. BORAH. It is evident that those who drew it never took a look at it.

Mr. BARKLEY. It was looked at, but never introduced. It ought to be said, in fairness to the President's committee, that they never expected that bill to be introduced. They did not expect it to be used, except as the basis of discussion of the report which they made. They stated frankly before the committee that it was never their expectation that the tentative bill would be passed by the Congress.

Mr. BORAH. I can contribute my commendation to the committee in all sincerity. I think they have done excellent work. But let me call attention to one provision in the bill as it comes to us, which says that the President may prescribe the functions of any agency affected by the Executive order. Mr. President, that provision was a clear, broad,

comprehensive delegation of legislative power. It would have given the President of the United States absolute legislative power to prescribe the functions, duties, and obligations of all these vast departments. That, of itself, in my opinion was a very serious objection to the bill as it came to us.

Mr. BARKLEY. I can understand that if the President were to accomplish this reorganization in one comprehensive, complete order transferring everything, or doing whatever he did in one order, it would be easy for Congress, under the proposal before us, to pass upon the question promptly. And yet the undesirability of accomplishing reorganization in an omnibus order would be illustrated by the fact that there might be an objection to some part of it which would cause Senators to vote against it as a whole, whereas they might vote for most of it if sent to Congress separately. But while much of it might be pro forma, if sent to Congress separately, as the President has the power to do, over a period of 2½ years, if Congress saw fit to debate every one of the Executive orders to the extent to which it could be debated, the whole session of Congress would be consumed in passing upon orders of reorganization, without the consideration of any other duties which might be incumbent upon the Congress.

Mr. BORAH. Mr. President, a democracy is a peculiar institution. It does move slowly, and it necessarily moves with great deliberation. It cannot do things after the fashion of Hitler. It cannot move quickly, as Mussolini does or did. He is moving with greater reflection and deliberation now. A democracy moves slowly in order to present the views of the masses whom we represent. I would infinitely rather take some time and obtain the judgment of those whom we represent than to move with the celerity which we are witnessing in other parts of the world.

Let me say further to the Senator from Kentucky that, as he knows, and as everyone knows, democracy is now under challenge throughout the world. Unless we are willing to defend the methods of democracy, unless we who are enjoying it are willing to take its drawbacks as well as its advantages, unless we are to be patient with our system and make it work, it will finally transpire that the greatest enemies of democracy will be those who are themselves constantly denouncing democracy while living under it.

Mr. BARKLEY. I appreciate fully the fact that democracy is challenged throughout the world, and I in my very small way am willing to make my contribution to meet that challenge wherever it raises its head and especially to meet that challenge in America. But one of the things which it seems to me will preserve democracy is for democracy to be efficient, responsive, and ready to serve the people.

I do not think there is any question of democracy or autocracy involved in simply authorizing the President to transfer a bureau from one department to another. That is only a detail of administration which does not involve particularly the question of whether we are in favor of democratic government or autocratic government.

Mr. BORAH. These things, Mr. President, which seem small items in the beginning, are all moving, it must be confessed, in one direction, and that is toward the centralization of power. As I said a moment ago, I do not want to be placed with those who are constantly saying that the President of the United States is usurping power. I say the responsibility is here with you and with me. If we do not surrender the power, the President of the United States will never for a moment assume to usurp it.

Mr. BARKLEY. Granting all that, Congress has set up more than 130 of these agencies which are not now anywhere except floating around outside the confines of any department. Congress could have allocated them to some department at the time it set them up, but it did not do so. They have been set up by Congress without allocation; they are loose and disjointed. If the Congress had exercised its power at the time it created them to put them in the proper departments, would that have been any more auto-

cratic than now to say that the President may shift them from one department to another as an executive function?

Mr. BORAH. I have about as much faith in Congress with reference to the question as affecting the departments as I have in the Executive in view of the fact that I think Hoover suggested 40 different commissions, bureaus, and agencies, and I think the present President of the United States has suggested some 60. The sentiment in favor of bureaucratic government is not confined to the Congress of the United States. It would take us most of our time if we were called on from year to year to abolish those agencies which we have set up at the suggestion of the executive department.

Mr. BARKLEY. I have no lack of faith in the Congress, and I would have been perfectly willing for the Congress to have allocated and fixed the situs of all these agencies when they were created, but that was not done. Congress could have done so, just as it did in the case of the Housing Authority. We had a contest on the floor as to whether the Housing Authority, created by the bill passed at the last session and finally enacted during the present session, should be an independent bureau or should be put in a department, and on a roll call by a very close vote we decided to put it in the Interior Department instead of leaving it as another addition to the number of independent floating agencies. Congress, in my judgment, was wise in doing that. It might have done it with respect to all the agencies that have been created, but it did not see fit to do so. Now we have this confusion and chaos on our hands. Admitting its ability and its patriotism and its desire to do the job and that it could do it well, I do not believe now, in view of the complexities of our Government and the multiplicity of problems with which Congress must deal, that Congress has now the time or the physical power to go back and retrace all its steps and do what it might have done from the beginning but did not do.

Mr. BORAH. The Senator is making a strong argument against the unworthiness of the legislative department of the Government of the United States.

Mr. BARKLEY. No; the Senator cannot interpret my remarks in that sense, because they imply no reflection upon the worthiness of Congress or its ability to do the work. All I am pointing out is that the Congress did not do it at the time it set up the agencies.

Mr. BORAH. The Senator might as well say that Congress granted power to the President for 2 years but he did not do a single thing; he never made a move.

Mr. BARKLEY. He made a few moves; he did not make as many as might have been made, but he moved.

Mr. BORAH. Not in regard to this matter.

Mr. BARKLEY. He was certainly not stationary during the 2 years and a half.

Mr. BORAH. He did not move with regard to this matter.

Mr. BONE. Mr. President—

Mr. BORAH. I will yield to the Senator in a few moments.

Mr. BONE. Very well.

Mr. BORAH. When the Senator was out I called attention to the fact that the entire West, not only the West but the people generally who are interested in the Forest Service, are fearful that it may be transferred to the Interior Department.

Mr. BARKLEY. I was in at the time the Senator mentioned that, and if all the Senator's fears are as groundless as that one, then, I think the whole basis for his argument falls to the ground.

Mr. BORAH. Why should the Senator say that?

Mr. BARKLEY. Because I have no idea that the Forest Service will be transferred from the Agricultural Department to the Interior Department or anywhere else.

Mr. BORAH. But if it should be transferred, what position would I be in?

Mr. BARKLEY. There are many "ifs" in the world; the world is full of them. I suppose if the Japanese Government should deliberately sink a battleship of the United

States Navy in Asiatic waters that we would probably do what we did when the battleship *Maine* was sunk in the waters of Cuba, but we are hoping that those "ifs" and those conditions will not materialize.

Mr. BORAH. I am not proposing to transfer to Japan authority to do anything.

Mr. BARKLEY. The Senator does not have to do that; they are assuming a good deal of authority.

Mr. BORAH. I do not want to be placed in the position of supporting a measure under which the President of the United States would be able to do that which my constituency does not wish to have done; and the President of the United States has indicated his sympathy with the movement.

Mr. BARKLEY. Which movement?

Mr. BORAH. To transfer the Forest Service.

Mr. BARKLEY. On the contrary, the President has indicated not only his lack of sympathy with but his opposition to it. I have not heard of the President indicating that he was going to transfer the Forest Service from the Department of Agriculture to the Department of the Interior.

Mr. BORAH. Has the Senator heard that he is opposed to it?

Mr. BARKLEY. I am not at liberty to reveal as to that.

Mr. BORAH. That is where I am left.

Mr. BARKLEY. But I would be willing to bet my head against the hole in a doughnut that it is not transferred.

Mr. BORAH. The comparison is not fair. [Laughter.]

Mr. BARKLEY. Of course, I may not be offering much odds against the hole in the doughnut but that is the most valuable thing I have.

Mr. BORAH. But, seriously, the Senator is asking for a vote on a proposal to transfer to the President the power to do that which the people whom I represent very much desire not to have done.

Mr. BARKLEY. I appreciate all that and I—

Mr. BORAH. If I am called upon to vote for this bill—

Mr. BARKLEY. As I hope the Senator will.

Mr. BORAH. In the interest of reorganization, and I vote away the power of this body, of which I am a humble Member, to have any say about it at all, I do not see how I could protect myself with any degree of self-respect by saying to those whom I represent that the Senator from Kentucky was willing—I will not mention the wager which he mentioned—to say he believed that it would not be done.

Mr. BARKLEY. I hope the Senator will not minimize the odds that I am offering.

Mr. BORAH. I understand that.

Mr. BARKLEY. The same situation, of course, pertains with reference to other bureaus. I have been called upon, for instance, by the Smithsonian Institution, which enjoys the respect of us all and which we all wish to preserve, to offer an amendment to exempt it from the possibility of being transferred or allocated to some department. The Bureau of Biological Survey, in the Department of Agriculture, is also anxious about the situation. It is easy to work up a sort of fear on the part of some bureau of a department that they are going to be transferred. If we undertake to exempt one bureau of a department from the power of the President to transfer it, although the chances are a hundred to one that it will not be transferred, then we have the question of whether we are going to say by law that any special bureau that happens to be our pet shall not be even considered as possible of transfer though the President has no intention of touching it.

Mr. BORAH. I am not asking for any special exemption; I think that would be unwise. I am asking that the Congress of the United States have a say in regard to such matters. Now I offer my apology to the Senator from Washington and gladly yield to him.

Mr. BONE. The Senator has almost covered the ground which I wanted to cover by a question suggesting the possibility, if not the probability, of the Bureau of Forestry being transferred to the Department of the Interior. It may be

it might not occur, but I am not going to repel the thought that possibly it might, because I know in discussing some of the problems of the Pacific Northwest involved in a proposed park there was a suggestion that practices involving the performance of the functions of some of the departments ought to be drastically modified; and, as the Senator from Idaho points out, if that were done by Presidential fiat, with no chance to change it here, the people of our State would wonder why we did not exercise some judgment in having something to say about the changing of those functions. I take it that what is now proposed is that each of these suggested changes will come down here individually, so that we can say "yes" or "no" and be responsible for the particular change. I think there is much merit in the suggestion. I take it that the people of my State are no different in their ordinary reactions from the people of any other State, and they have asked me repeatedly why a certain item is contained in one of the reciprocal-trade agreements? Well, of course, the answer is obvious. It is there because power was given the State Department to formulate the set-up of the agreement, and it came down here, as the Senator indicates, "signed, sealed, and delivered," so there is not anything much that can be done about it.

Mr. BORAH. I have addressed my attention particularly to the Forest Service because I wanted an illustration; but the principle applies generally to the bill, and I think the Congress of the United States ought to have power to exercise its judgment with reference to the transfer of these important divisions.

Mr. GLASS. Mr. President, the Congress of the United States does not exercise the power which the Constitution imposes. The Senator was discussing the trade treaties. The Constitution of the United States says that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur."

Mr. BORAH. We have undertaken to delegate that power away.

Mr. GLASS. We have delegated it away. We have not only undertaken to do it, but we have delegated it away. The Senator will remember that Patrick Henry came within 17 votes of defeating Virginia's ratification of the Constitution of the United States because it did not provide that the House of Representatives, the body nearest to the people, should participate in the approval or rejection of treaties with foreign governments. I wonder what he would think if he were alive today and found that the Senate has distinctly repudiated its constitutional powers, and turned them over to a minor officer of the Government to do with as he pleases, and we do not know anything about what is contemplated until it has been done.

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

Mr. BORAH. I yield to the Senator from Kentucky.

Mr. BARKLEY. The same thing has been going on ever since 1792. It is not a new thing. Beginning even then, Congress authorized the President, acting as its agent, not to write revenue laws, not to make treaties in the real sense of the word, but, as an agent of Congress in the regulation of commerce, to enter into agreements with other nations to facilitate trade. Time and time again, from that time until now, Congress has authorized the President, not for revenue purposes, not for the real treaty-making purposes contemplated in that section of the Constitution, but as an agency of Congress, to regulate commerce with foreign countries, to do the very thing the President of the United States is now doing.

Mr. GLASS. To say that the Congress formerly did that does not justify the Congress in doing it today. I say to the Senator from Idaho that I am a little amazed that he should complain that people will think we have no ability. We have confessed over and over again that we have not ability to do things which the Constitution charges us with doing.

Mr. BARKLEY. There is a good deal of difference between ability and availability.

Mr. BORAH. The position which the Senator from Kentucky takes, that these former delegations of power are similar to the present delegation of power, is not borne out by the facts. The Congress at different times has delegated to some person in the executive departments the power to do administrative things; to do things which would finally receive the approval of Congress, or which Congress gave them authority to do under certain specific rules and regulations; but no such power as this was ever granted prior to this time.

Mr. BARKLEY. Of course the power granted under this act is different from former powers granted only in its extent. The principle is the same. Frequently this sort of thing has been done in tariff bills which were passed by Congress, and it has sometimes been required that the action be brought back for the ratification of the Senate. More frequently, though, the President has been authorized, as the agent of Congress in the regulation of commerce, to enter into trade agreements without ever bringing them back to Congress. The Senator will not deny that statement.

Mr. BORAH. Yes; I do deny it. I most emphatically deny it, if the Senator is using the words "trade agreements" in the sense in which they are used in the act we are now discussing. What we did upon different occasions was to designate what our agent, the President, could do.

For instance, under the Dingley law, I think it was, we authorized the President, upon ascertaining a certain state of facts, to declare that state of facts, and upon his declaring the state of facts, the law we had enacted went into operation, which is a wholly different thing.

Mr. BARKLEY. But the Senator will not deny that on former occasions Congress has authorized the President to go much further than that. Congress has authorized the President, when in his judgment it was to the interest of American trade, to enter into agreements with other countries with respect to that trade without the requirement that those agreements be brought back to the Senate for ratification.

Mr. BYRNES. Mr. President, I think the Senator from Kentucky [Mr. BARKLEY] is correct in stating that this is not a new proposal on the part of Congress.

On February 14, 1903, the Congress enacted into law the provision for the establishment of the Department of Commerce and Labor; and the Congress then authorized the President to—

Transfer at any time the whole or any part of any office, bureau, division, or other branch of the public service engaged in statistical or scientific work, from the Department of State, the Department of the Treasury, the Department of War, the Department of Justice, the Post Office Department, the Department of the Navy, or the Department of the Interior, to the Department of Commerce and Labor.

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

Mr. BYRNES. No; not until I finish my statement.

As a result of that authority, and pursuant to it, the President transferred various scientific bureaus, taking them from this department and that department, without ever sending his orders of transfer back to Congress, because the Congress had not provided that they should be sent back.

As late as the administration of President Coolidge he utilized the authority of the statute of 1903, creating the Department of Commerce and Labor, to make two of the changes contemplated in the Brown committee's plan.

In 1925 President Coolidge transferred the Patent Office and the Bureau of Mines from the Interior Department to the Department of Commerce. The order of transfer was never sent back to the Congress. There was no provision that it should be done. It was never contemplated that it should be done.

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

Mr. BYRNES. When I finish this statement I will yield.

During the administration of President Wilson we enacted the Overman Act. It is true that we were at war at the time. Nevertheless, we gave to the President the power to coordinate or consolidate bureaus. Under that act, Presi-

dent Wilson issued 24 Executive orders. Many of those orders affected the War Department, the War Trade Board, the War Industries Board, and so forth, and transferred bureaus from one department to another without ever sending the orders back to the Congress.

In addition to that, an investigation which has been made shows that there have been 1,314 grants of legislative authority to the President and to the executive departments and independent agencies. One hundred and twenty-seven legislative powers have been granted to the Secretary of Agriculture alone. In every Congress it has been done. There never has been a provision that the orders should be sent back to the Congress.

The Senator from Idaho [Mr. BORAH] is afraid that by reason of the delegation of power, one service of the Government in which he is particularly interested may be transferred.

Mr. WHEELER. Mr. President, before the Senator goes to that branch of the discussion, will he yield to me?

Mr. BYRNES. Yes; I yield.

Mr. WHEELER. Let me call the Senator's attention to the first instance to which he referred. In that case the Congress of the United States delegated specific powers, mentioning the specific bureaus which should be transferred.

Mr. BYRNES. Oh, no!

Mr. WHEELER. Oh, yes!

Mr. BYRNES. I must object that that is not the fact.

Mr. WHEELER. If the Senator read the act correctly, that is what happened. Statistical bureaus and others were mentioned.

Mr. BYRNES. Statistical or scientific bureaus.

Mr. WHEELER. All right. The President was permitted to transfer statistical or scientific bureaus; but in that case the Congress of the United States laid down specifically a certain definite thing that should be done.

Mr. BYRNES. That is true.

Mr. WHEELER. In this instance it is proposed to turn loose all of the bureaus in every department, to be transferred at will.

Mr. BYRNES. Mr. President, I shall proceed to argue that question with the Senator.

The statement has been made that fear is entertained as to the Forest Service because of the report of the Brownlow committee. There is no justification for that fear. What the Brownlow committee reported was that there should be a department of conservation. Even that committee proposed nothing more than that the department of conservation should be authorized to administer the public lands, parks, territories, and reservations, and enforce the conservation laws with regard to public lands and mineral and water resources except as otherwise assigned.

After the committee considered this bill, and in view of the fact that those who were particularly interested in forestry believed that the establishment of a department of conservation might hereafter be construed by the President as an intimation that in the opinion of the Congress the Forest Service should be transferred from the Department of Agriculture to the Department of the Interior—I did not then believe, and do not now believe, that there would have been any justification for the fear—because that fear was entertained, I offered an amendment in the committee, and there was stricken from the bill the provision to which the officials of the Department of Agriculture objected, and the provision to which the officials of the Forest Service objected.

When that was done, the Secretary of Agriculture issued a statement which was placed in the RECORD by the Senator from Idaho [Mr. POPE]. In that statement, the Secretary of Agriculture said:

The governmental reorganization bill as it stands in S. 3331, as reported, is, in my opinion, a long step forward toward making democracy an efficient agency for the general welfare. I hope that all those who have been especially concerned about agriculture and conservation in governmental reorganization will give it their wholehearted and vigorous support.

Under the bill as reported to the Senate there is no implication requiring or inducing any further consideration of the trans-

fer of any agricultural functions from the Department of Agriculture to any other department. In the term "agricultural" I would include among others the functions of the Forest Service, the Bureau of Biological Survey, and the Soil Conservation Service.

Subsequently the Senator from Idaho made a statement similar to that made by the Senator from Kentucky today.

Mr. President, I know that those who are opposed to reorganization can appeal to one Senator who is interested in forestry and say, "This may give to the President the power to transfer the Forest Service in which you are interested," or say to another Senator who is interested in an entirely different subject that he may transfer the Reclamation Service, or that he may transfer the office of the Comptroller of the Currency, appealing to each Senator's particular hobby.

What is the fact? The power to transfer the Forest Service was in the President of the United States, the present President of the United States, from March 3, 1933, for 18 months. Was the Forest Service transferred? No. Then why conjure up today the fear that the man who had the power to transfer for 18 months but did not transfer would now proceed to do something which the Secretary of Agriculture, certainly interested in the Forest Service, says he had no fear will be done?

I ask if that is a reason for support of this particular amendment. Let us look at the amendment.

The amendment provides, in substance, that after an order is signed by the President it shall be sent back to the Congress, and in Congress a vote must be had upon the joint resolution; and if either House fails to adopt the joint resolution, the order shall be null and void. Provision is made for a vote on a day certain, and that provision is made by statute.

We hear much about the Constitution of the United States. The Constitution provides that each House may determine the rules of its proceedings. Acting under that authority, the Senate and the House of Representatives, respectively, may make their own rules. No provision in the statute can take away the constitutional power of either House to amend its rules.

The Senator from Montana wants to provide in an amendment that if an order is returned to the Congress on the tenth day at the eleventh hour or the thirteenth hour there shall be a vote, which is in direct contravention of the Constitution, which the Senator worships as much as does any man in all the Nation.

Suppose we enacted into law a statute providing that the House must vote on a given day on a joint resolution specifically approving an Executive order in its entirety, and the House of Representatives the next day, through its Committee on Rules, adopted a rule providing that any joint resolution having to do with an Executive order should be considered just as all other joint resolutions are considered, should be subject to amendment or be voted upon in 60 days or in 90 days. Will anyone say that a mere statute could deprive the House of the right to exercise its constitutional authority? Could any act of the Congress prevent the Senate from adopting its own rules, a right given it by the Constitution?

Adopt this amendment and next week, I say, the Senate can provide that a reorganization order coming from the President shall be considered just as any other joint resolution is considered in this body, and no man will question the accuracy of the statement that it would be pursuant to the Constitution and that any statute to the contrary would be in violation of the Constitution.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from South Carolina yield to the Senator from Kentucky?

Mr. BYRNES. I yield.

Mr. BARKLEY. It would not even be necessary for the Senate to adopt a different rule from that set out in the joint resolution, because, in my judgment, to the extent to which the joint resolution contravened the rules of the Sen-

ate already made by it under the constitutional authority conferred upon it, it would be in violation of those rules, and the Senate might continue to proceed under the rules already adopted, which put all joint resolutions, all bills, and all measures of that sort, in the same category with respect to their consideration.

Mr. BYRNES. Mr. President, I am in accord with the view of the Senator. I was arguing the question in its most favorable aspect, because I thought it would be argued that the action of the Senate on the resolution was equivalent to an amendment of its rules at that time.

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

Mr. BYRNES. I yield.

Mr. WHEELER. The answer is perfectly simple, it seems to me. Each House is voting to amend its rules. Each House is adopting its rule, saying, "This is the rule we are adopting, and this is what we are going to abide by."

Mr. BYRNES. I just stated that I knew that argument would be made, and I have in advance stated that nothing could stop the Senate of the United States from the next day adopting a different rule, even if the Senator from Montana were right in the position he takes. Under the Constitution the Senate has the right to make its own rules, and the Senator from Montana will not contend that that cannot be done.

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

Mr. BYRNES. I yield.

Mr. BARKLEY. The House of Representatives adopts a new set of rules at the beginning of each Congress. It is not bound, in the consideration of business, by the rules which have previously been in force.

Mr. BYRNES. Of course not. I proceed now to a consideration of the amendment. What does it provide? It provides that the Congress, pursuant to the Constitution, shall pass a joint resolution in the two Houses. The Constitution provides that a joint resolution shall be presented to the President of the United States for approval. Whenever it is presented to the President of the United States for his approval and is approved by him, it becomes an act of Congress, and Congress is through with the measure. Congress has used its discretion, and passed upon the wisdom of the law.

The bill provides that the order shall become effective 60 days after issuance. The Wheeler amendment provides, however, that when an order comes to the Congress, if a joint resolution shall be introduced, but if one House of the Congress shall not approve it, then the act of the Congress is repealed by the action of one of the two Houses of the Congress.

We must either give to the President the power or withhold the power. Whenever the President approves the joint resolution there is nothing left except the question as to the execution of an act of Congress, in the form of the pending reorganization bill, which becomes an act upon the approval of the President of the United States.

Whenever it is sent back there can be but one possible argument made, that by this method of legislating in violation of the Constitution we pass a bill pursuant to the provisions of the Constitution in House and in Senate, send it to the President, and the President may send it back, and it must again pass the Senate and again must pass the House and go to the President the second time for his signature in order to become law.

Some Member of the Senate could offer an amendment to the amendment of the Senator from Montana providing that if the joint resolution should be adopted and should be sent to the President the joint resolution should not be effective until it was sent back to the Congress and remained there for 60 days, during which time the Congress could again act upon it. But that is not the Constitution of the United States. The Constitution of the United States provided that when a measure is passed upon by the House and Senate and is approved by the President it is an act of Congress.

We may delay the date of the execution of the act of Congress, or the administration of it, for 30 days or 60 days or 90 days, but we cannot send it back to the Congress for them a second time to say, "We want to consider whether this is wise or not," or to amend it, or to change it, because if we do, then we have not done anything the first time we acted except to extend an invitation to the President of the United States to submit a recommendation for consideration by the Congress, and under the Constitution the President has the power today to make recommendations to the Congress of the United States without any invitation being extended to him with limitations placed upon it by the Congress, such as this amendment proposes.

Mr. MALONEY. Mr. President, will the Senator from South Carolina yield?

Mr. BYRNES. I yield.

Mr. MALONEY. Is the Senator contending that the adoption of the so-called Wheeler amendment would in itself be a violation of the Constitution?

Mr. BYRNES. Yes; because it would give to one House of the Congress the power to repeal something which is law if the standards are in accordance with the law, and if there is a proper delegation of power. It is an act of Congress when the President signs it, and there is nothing left but the question of the date when it shall become effective, when it shall be carried into execution, and it cannot be sent back to the Congress for a determination by the Congress as to the wisdom of the law which it passed the first time.

Mr. MALONEY. The Senator maintains that the House and the Senate have no right, by the adoption of the amendment, to amend their own rules?

Mr. BYRNES. Neither House can affect the right of the other to amend its own rules, because the Constitution provides that either House may make its own rules. I knew the Senator from Montana would argue that, by the action in adopting the amendment, to that extent the Houses would amend the rules, but I say it is not possible to take away from the Senate the right the next day to adopt a rule entirely contradictory of the first rule.

Mr. MALONEY. That is perhaps true, but I do not see how the Senator can insist that the amendment in itself would be a violation of the Constitution.

Mr. BYRNES. I must say that I have already stated my opinion on that point and have passed on to the other question, the delegation of power. If there is a delegation of power, then the power has been delegated, and the Executive has nothing to do but perform the Executive act, or to determine certain facts, as was done in the Hampton case, which was referred to by the Senator from Idaho, in the tariff case, and in other cases.

All that the Executive can do is to find facts, apply them to the law which is set forth in the act, and when he does that the Executive is through.

Mr. MALONEY. Does the Senator insist that we cannot delegate powers with reservations?

Mr. BYRNES. We cannot delegate power of this kind, which becomes law upon finding of fact, and then withhold it. If we do withhold it, I contend that then we are doing nothing but extending an invitation to file a recommendation. If it is not law, then it is only an invitation to file a recommendation, at which time we will determine whether or not it shall become law.

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

Mr. BYRNES. I yield.

Mr. BARKLEY. If I understand the Senator's idea correctly, it is that the President could now send us a recommendation for reorganizing all the departments and allocating every independent bureau, and ask Congress to approve it, which would repeal and modify existing law upon that subject.

Mr. BYRNES. That is correct.

Mr. BARKLEY. If this amendment were adopted, we would by statute authorize the President to do what he already can do, but we would reserve the right to approve it or disapprove it when he sends it to Congress.

Mr. BYRNES. That is really what I believe it amounts to. If it were constitutional, then the effect would be only to invite the President to submit a recommendation with respect to regrouping agencies, at which time the Congress would exercise its discretion as to whether or not it would approve it, except that the amendment, as I understood it, provides that Congress must approve the action specifically and without making any change in it. Then that point brings to issue the question of violation of the constitutional provision requiring that each House shall determine its own rules.

Mr. WALSH. Mr. President, as I understand the Senator's position, it is that the Congress can delegate to the Executive a large portion of its powers, subject to the limitations and restrictions defined and set forth by the Congress, but it cannot constitutionally permit a review by the Congress of the action of the Executive. Is that the Senator's position?

Mr. BYRNES. Substantially.

Mr. WALSH. I do not pose as a constitutional lawyer, but I think we are moving at a rapid rate in a dangerous direction if we can delegate powers without any power of review.

Mr. BYRNES. The standards must be such as are held to be sufficient. I refer to an act which was passed in June 1932. It was amended March 3, 1933. Later it was amended March 20, 1933.

I wish to refer to the case of *Isbrandtsen-Moller Co. v. United States* (14 F. Sup. 407). The Shipping Board had been abolished and the functions of the Shipping Board were transferred to the Department of Commerce. That action was in question before the court. The court, passing upon the standards, said:

The result was to abolish a Board whose existence was dependent upon the will of Congress and to delegate to the Department of Commerce the same powers and duties the Board had possessed. This seems in accord with correct standards as to delegation of authority to act within proper limits prescribed by the Congress.

The court quoted a number of famous cases. They held in the *Swayne & Hoyt* case that the standards set forth seemed to be sufficient. These standards were used by the late Senator Robinson, of Arkansas, in drafting the bill originally. They were used in almost the identical language here used in the effort to bring the bill within these decisions.

Mr. President, I wish to make a further statement with reference to the so-called Wheeler amendment. In discussing this matter I have been endeavoring to be frank. If the Senator is correct, and the amendment is not unconstitutional, then it amounts to nothing but an invitation to the President to do something which he not only has the right to do, but which the Constitution says he shall do by way of submitting to the Congress "such measures as he shall judge necessary and expedient." The Constitution uses the word "measures" which he feels should be enacted into law.

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

Mr. BYRNES. I yield.

Mr. BARKLEY. Let us assume that the President did not provide for a reorganization by a single order comprehending all the departments, and all the independent bureaus, but should reorganize piecemeal, as is contemplated, during the 2½ years; how long would it take, even under this statutory cloture, which it amounts to, for the Senate and the House to vote upon the separate orders reorganizing the Government departments?

Mr. BYRNES. Mr. President, I repeat that if the contention of the Senator from Montana be correct, and the action he proposes is constitutional, it amounts to nothing but an invitation to the President to send a message to the Congress; and, so far as I am concerned, I say that then we may just as well strike this section out of the bill, because there would be nothing left but an invitation to the President to do something which he now has a right to do. We

may as well be frank and honest about it. It would be asking him to send a recommendation, but to do so under all the limitations we have put on him, whereas today he can do it without any limitations, without complying with any of the standards that have been set.

I repeat that if I were opposed to the bill, I would do just what those who are opposed to it are doing. If I wanted to influence a Member of the Senate from the West I would say, "Under this bill the President of the United States may take the Reclamation Bureau and put it in another department." If I wanted to influence a southern Senator I would create a ghost hovering over the Soil Conservation Service. So far as I am concerned, I have never been excited about such statements.

I am not speaking particularly about the Reclamation Service because I know nothing about it, but I believe we can take one bureau away from Constitution Avenue and put it over on Pennsylvania Avenue, and I do not believe the Nation would suffer as a consequence. I cannot become excited over the fate of the American people if we were to take one bureau, abolish a few jobs in it by reason of efficiency resulting from such transfer, and combine it with another bureau.

Why this fear now? In 1932 I could vote, and others who are now Members of the Senate could vote, to confer this power upon a Republican President. No one believed that it would be abused. No one thought that great harm would be done. Great harm was not done. On March 3, 1933, we passed a bill to give this power to the President. It contained the exact language of the pending bill before it was amended, before we removed the provisions about which Senators have complained. That bill did not even exempt any of the independent agencies. That bill was passed to give the power to whom? To the same man who would exercise them now. President Roosevelt had that power for 18 months. Did he abuse it? No man will say so.

When Senators say, "Of course, the Congress would have no power to review," we must be fair. The very purpose of the provision that the President's action shall not become effective for 60 days is that the Congress may have an opportunity to review it.

If any President undertook to do something which amounted to an abuse of discretion, if a President regrouped, transferred, or consolidated powers which the Congress did not want to have transferred or consolidated, during those 60 days the Congress could enact a joint resolution disapproving that action, and preventing it from going into effect.

Senators say, and properly so, "That would mean that the President could veto it, and the Congress would have to pass it by two-thirds vote." Yes. If the President ever did anything under this proposed grant of power that would amount to an abuse of discretion, not two-thirds but three-fourths of both Houses of Congress would exercise their right to veto it, and it would never go into effect. If he does not do anything of that kind, but merely in the interest of economy and efficiency regroups some bureaus, the Congress ought to be in favor of it, because he will be doing something that the Congress for more than 50 years has found it impossible to do for itself.

Mr. ADAMS. Mr. President, earlier in the day I voted against the amendment of the Senator from Massachusetts [Mr. WALSH] rather contrary to my own inclinations. I did so because I wished to follow the wishes of the administration upon a matter concerning which they had seen fit to set out the details in the bill. It was a reorganization, the details of which were set forth in the bill. I was entirely willing to subordinate my own judgment upon this matter to that of the committee, and to that apparently of the Executive, and instead of placing the power in three men, place it in one.

The further delegation of power now under consideration lacks those specifications. The inquiry I make is, Why not have the orders of the President returned to Congress for approval? If Congress approves the reorganization sugges-

tions, whether it be en masse or whether it be piecemeal, no one can complain. Congress will have approved, and the plan will have become effective. If the orders are returned and Congress disapproves, then the changes should not be made. In other words, the entire power which is involved in reorganization is legislative power. We are delegating to the President the power to make a reorganization for certain purposes and under certain conditions.

We specify the standards to be applied. We do not delegate any legislative authority. We cannot delegate legislative authority. We delegate the authority to do certain things in fulfillment of our legislative powers. We say to the President, "You may reorganize departments. You may change bureaus from one department to the other."

The Congress created the departments. The Congress specified their functions. The Congress specifies the salaries; and now objection is made because the Congress, which created the departments, asks that the agent of Congress—and that is what the President is in carrying out a reorganization plan—shall make a report to the Congress, and before the reorganization plan becomes effective Congress shall act upon it.

I do not think the Senator from South Carolina, who has given the utmost consideration to this subject, argues the matter with entire soundness. That is merely my own judgment. It is my opinion that Congress may delegate authority and provide that the authority so delegated may not be exercised except upon some condition. Those of us who sit upon the Appropriations Committee know that thousands of times we appropriate money to become available only if some other act is done. We may say that a certain agency of the Government shall be given authority to do a certain thing upon a condition, and the authority may not be exercised until the condition is fulfilled.

The question discussed in the opinion of Mr. Mitchell, the former Attorney General, is quite different. In that case the delegation was complete, and the Congress by its act was seeking in effect to repeal the delegation; but the Attorney General very properly said, "You cannot repeal a complete delegation except by a complete act of Congress."

In my judgment we have the power to say to the President, "You may, if you will, transfer the Geological Survey to the Department of Agriculture," specifying the standards, and then to say, "You shall report to the Congress the transfer, and it shall not be effective unless one or both Houses of Congress concur." In other words, the delegation of authority is that "You may do certain things." The delegation is to make the recommendation. The condition is that the transfer shall not be effective until a certain act has happened.

The Wheeler amendment provides that reorganization plans "shall not become effective until after the enactment of a joint resolution specifically approving such Executive order. In my judgment Congress has a perfect right to say that an Executive order in reference to an administrative matter shall not become effective unless approved by Congress; and it may well be that by enacting such a statute we are merely extending an invitation to the Executive to make recommendations to us. It may be so defined. If that is what the Congress wishes to do, the Congress has the right and the power to do it.

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

Mr. ADAMS. Certainly.

Mr. WHEELER. Under the bill as it is today, the President is directed to notify us. Why should he notify us at all if he makes the reorganization and it is complete without being passed upon by the Congress? Why should he send us any notice? Under the pending bill, all the President has to do is to notify us that he has done it, a certain thing, and we cannot do anything about it. Why go through the process of having the President notify us that he has done a thing of this kind?

Mr. ADAMS. Mr. President, my own theory is based merely upon the one premise that regardless of what preceding Congresses may have done, regardless of practices,

this Congress has the right to legislate as it pleases. It has the right to make certain delegations, to make those delegations conditional, and to provide that reorganizations shall not become effective until the conditions are complied with. We may make a delegation, saying to the President, "Your Executive order shall not be valid unless it receives the unanimous approval of the Republican Members of the United States Senate." We may specify any condition which we see fit to specify, whether it be sound or unsound. It is for the Congress to attach any condition it sees fit upon the delegations which the Congress makes.

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

Mr. ADAMS. Certainly.

Mr. SCHWELLENBACH. Does the Senator think the 75th Congress has the power to bind the 76th Congress as to the method of voting and the time of voting upon a joint resolution?

Mr. ADAMS. Of course not.

Mr. SCHWELLENBACH. Is not that the proposal of the Wheeler amendment?

Mr. ADAMS. I will say to the Senator from Washington that I am interested only in the first sentence of the Wheeler amendment. The first sentence is the qualification which is to be put in. The first sentence of the Wheeler amendment provides:

But shall not be effective until after the enactment of a joint resolution specifically approving such Executive order.

Personally I should stop at that point. I should not be concerned with the question whether or not we can affect the rules and regulations. If the conditional clauses are not valid, as is contended, they may be dismissed.

Mr. SCHWELLENBACH. The Senator from Colorado does not contend, does he, that the second provision, fixing the time for voting, has any validity whatsoever?

Mr. WHEELER. Let me say to the Senator that I think we can convince even the Senator from Washington that it has validity, because the Congress of the United States has done that very thing, even today. My attention was called to the fact that when the Senator from Nebraska asked for unanimous consent to have a resolution taken up which carried a provision with reference to the contingent fund, it was said that could not be done, because the law required the bill to go to the Committee to Audit and Control the Contingent Expenses of the Senate. The situation before us is exactly the same. If the provision in the amendment is unconstitutional, then the other provision referred to is unconstitutional.

Mr. ADAMS. I have examined the amendment of the Senator from Montana only very hastily. I copied the first proviso of it. I think, however, that if the Congress wishes to say that the President's recommendation shall not be valid unless the House votes by a certain time, or shall not be valid unless the Senate votes by a certain time, unless that condition is complied with the Executive order will not be effective. I shall not argue the question as to the right of Congress to change the rules of another body. I am merely contending that the Congress has the right to attach conditions with respect to the effective date of its own legislation.

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

Mr. ADAMS. I yield.

Mr. BYRNES. With reference to the request for unanimous consent earlier today by the Senator from Nebraska, the request was that the Senate, by reason of its constitutional right to make its own rules governing the payment of money out of its own contingent fund, should consider a resolution without complying with the statute requiring that the resolution be submitted to the Committee to Audit and Control the Contingent Expenses of the Senate. The proposition was to give to a rule of the Senate, or an action of the Senate, a position superior to that of a statute.

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

Mr. ADAMS. I yield.

Mr. CLARK. The fact remains that the necessity for reference to the Committee to Audit and Control the Contingent Expenses of the Senate is regulated not by a Senate rule

but by statute. The same situation exists with regard to certain printing statutes. In certain cases the rules of the House have been superseded by statute.

Mr. ADAMS. Mr. President, reiterating what I have said, my view is that the Congress should specify the conditions in the legislation. Surely some phraseology can be devised to make the conditions effective.

Mr. SCHWELLENBACH. With respect to the analogy to which the Senator from Montana and the Senator from Missouri have referred, to carry their argument to its logical conclusion, it would mean that we would not have a right to repeal the statute. Certainly so long as the statute is on the books it remains in effect; but the provision of the Wheeler amendment is tantamount to saying to the next Congress, "You must vote in a certain way, and your rules must be thus and so."

Mr. ADAMS. The Senator has no doubt, has he, as to the right of Congress to fix the conditions which must be complied with before legislation shall go into effect?

Mr. SCHWELLENBACH. No; I have no doubt as to the portion of the amendment to which the Senator from Colorado has referred, but I certainly have the most serious question as to the other part.

Mr. ADAMS. I have no concern with the other matter.

Mr. BYRNES. The Senator makes no distinction between a bill or joint resolution—which becomes an act of Congress upon approval by the President—which places a condition upon the date of its effectiveness, requiring that the action taken come back to the Congress for further exercise of discretion by the Congress before the act shall become effective, and an act of Congress which does not require the exercise of further discretion by the Congress as to the wisdom of its first action.

Mr. ADAMS. Going back to an earlier argument of the Senator from South Carolina, two things are involved. Of course, the Congress may not nakedly delegate legislative authority. The Congress may only delegate authority to be exercised providing it lays down standards so that in effect the agent to whom the power is delegated is acting for Congress and as Congress directs, under certain prescribed conditions. We say to the President, "In order to promote efficiency and to attain certain other standards which we have laid down you may issue an Executive order for certain reorganizations or consolidations." That is the part of the statute in which we delegate the authority. Then we add to that, "provided that you, in the exercise of the delegated power, shall make a return to Congress of your Executive order, and the power which we have delegated to you is conditioned and shall not become effective until one or both Houses of Congress shall have approved it."

It may be, as is suggested, that we are saying to the President in the initial statute that it is our opinion that he ought to reorganize the departments and then, by asking him to send his order back to us, we are reserving the power to pass upon the matter again. It is within our powers, however, if we see fit to do it; and it seems to me that for us to vest in the President naked unlimited powers to reorganize and then be told that we have not the right or that it is not wise for the bodies which create the functions and which create the officials to exercise the final voice upon that matter, is something we ought not to concede, as was said on the floor earlier in the day by the Senator from Idaho [Mr. BORAH].

Mr. WALSH. Mr. President, will the Senator give me some information?

Mr. ADAMS. If I have it.

Mr. WALSH. Is it not a fact that some years ago some such authority as that which is being delegated to the Executive in this bill was delegated by the Congress to President Hoover?

Mr. BYRNES. Mr. President, I can answer that question. That was done on June 30, 1932.

Mr. WALSH. Very well. Is it not also a fact that under that law President Hoover issued an Executive order, seeking to consolidate the Land Office with the Department of Agriculture, and that the matter was submitted to Congress,

and that one branch of the Congress refused to approve his action? If the language requiring that submission to Congress was similar to the language which is used in the amendment of the Senator from Montana [Mr. WHEELER], under the contention now made, the action of Congress was null and void and unconstitutional, and the Executive order of President Hoover is now in operation.

I should like to inquire from the Senator if there was any difference between the language of the authority granted to President Hoover and the language contained in this amendment.

Mr. ADAMS. If I may say so to the Senator, I have purposely sought to avoid any consideration of prior statutes or anything going before, and have based my contention upon the powers of Congress today.

Mr. WALSH. But that act confirms what the Senator has been repeatedly saying in this discussion, namely, that there are conditions which Congress may impose which have to be respected.

Mr. ADAMS. I will say to the Senator from Massachusetts that it all goes back to the fact that the creation of all these departments rests upon Congress. The Constitution of the United States created the offices of President, Vice President, and Justices of the Supreme Court. Every other officer of the United States and the functions of every officer other than those depend upon acts of Congress. We create them; we specify their functions, their duties, their salaries; and they are absolutely subject to the control of Congress. If the offices are consolidated, it is an exercise of legislative power. They cannot be consolidated in any other way. If they are consolidated by an act of the President, by an Executive order, it is because the Congress has delegated to the President, upon certain conditions, authority to make the consolidation. The Wheeler amendment merely suggests that we add a very proper and very appropriate further condition that when we grant general authority to make consolidations, and do not know of what they may consist, we ask the President to send the orders of consolidation back here, and we provide that they shall not become effective unless the two Houses of Congress shall approve them.

That really covers what I wanted to say. In addition, I desire to repeat what the Senator from Idaho [Mr. BORAH] said today. I have sat on the Appropriations Committee and on other committees; and it seems that of all the Federal agencies, of all the Federal departments, the Congress is the only one that does not grasp for more power. Every other agency of the Government is grasping for power; but, somehow, the Congress is continually seeking to rid itself of power. As was pointed out this afternoon by the Senator from Idaho, we have already sought to rid ourselves of parts of the taxing power and of the treaty-making power. Now it is sought to rid ourselves of the power to specify the agencies which shall conduct the very things we have provided for, and shall administer the statutes we have passed.

I come back to ask the one question: Why should not Congress be consulted? Why should not Congress pass upon these reorganizations, which are necessarily congressional in their essence?

Mr. BARKLEY. Mr. President, it had been hoped by the author of the pending amendment and the other Senators that we might vote upon the amendment this afternoon, but it is evident that we cannot do so. I have consulted him and other Members and the minority leader; and, as a result, I desire to propose a unanimous-consent agreement that not later than 2 o'clock tomorrow the Senate shall proceed to vote on the pending amendment, and any amendments offered to it.

Mr. JOHNSON of California. Mr. President, I am compelled to object.

Mr. BARKLEY. May I inquire of the Senator from California whether he would agree to fix any hour for voting?

Mr. JOHNSON of California. No; I am not interested in the hour. I am interested simply in permitting a general debate. I know full well that if we fix 1 o'clock or 1:30 or 2

or 2:30 as the hour for voting, some Senator will take up the major part of the time. So far as I am concerned, I think we shall get through just as quickly by not having a time limit as by having a time limit.

Mr. BARKLEY. I appreciate the Senator's suggestion. I have canvassed the situation, and have found only one or two other short speeches to be made. I thought I was liberal in proposing an hour as late as 2 o'clock; but I have not any dogmatic desire to fix an hour. I therefore withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

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 REPORTS OF COMMITTEES

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers for promotion in the Navy.

Mr. KING, from the Committee on Finance, reported favorably the nomination of Margaret M. McQuilkin, of Salt Lake City, Utah, to be collector of customs for customs collection district No. 48, with headquarters at Salt Lake City, Utah. (Reappointment.)

Mr. HUGHES, from the Committee on the Judiciary, reported favorably the nomination of Arthur G. Jaeger, of New York, to be United States marshal for the eastern district of New York, vice Robert G. Lindsay, now serving under a court appointment.

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state in their order the nominations on the calendar, with the exception of the one passed over.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Thurman W. Arnold, of Connecticut, to be Assistant Attorney General.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

THE JUDICIARY

The legislative clerk read the nomination of Harry C. Blanton to be United States attorney for the eastern district of Missouri.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk read the nomination of James A. Crabtree to be surgeon in the United States Public Health Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That concludes the calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. 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 7 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, March 16, 1938, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 15 (legislative day of January 5), 1938

ASSISTANT ATTORNEY GENERAL

Thurman W. Arnold to be an Assistant Attorney General.

UNITED STATES ATTORNEY

Harry C. Blanton to be United States attorney, eastern district of Missouri.

PUBLIC HEALTH SERVICE

James A. Crabtree to be a surgeon.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 15, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy, holy, holy, Lord God Almighty, the giver of all that makes life blessed, we thank Thee that Thy goodness abides through every change. How wonderful is the habitation of the soul! Thou hast made us a little lower than the angels; Thou hast crowned us with glory and honor; we praise Thee for this immortal inheritance. We pray Thee that we may not be conformed to this world, but may we be transformed by the renewing of our minds that we may prove what is that good and acceptable and perfect will of God. Heavenly Father, let the day be one of good tidings, and may joy and brotherhood have a place in all our hearts. Forgive us if we have been amiss in our gratitude toward our privileges and opportunities. Work in us sincere repentance and incline our wills to keep Thy law and lead us to see the vanity in a selfish life. Through Jesus Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a statement I made yesterday before the Committee for Reciprocity Information on the proposed trade agreement with Great Britain.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RIGNEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a statement I made before the Committee for Reciprocity Information.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TRADE AGREEMENT WITH THE UNITED KINGDOM

Mr. PIERCE. 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 Oregon?

There was no objection.

Mr. PIERCE. Mr. Speaker, the Committee for Reciprocity Information is holding hearings preliminary to negotiation of a trade agreement with the United Kingdom. This involves the question of possible duty reductions by the United States on wool manufactures and semimanufactures. Since the United Kingdom is not an important original supplier of raw wool, there is no proposal to reduce the duties on that product, but the effect of proposed reductions on woolen and worsted products will be immediately and disastrously felt by western producers of the raw wool. We of the Northwest are therefore greatly concerned over this proposed amendment, and western Members, including myself, have been appearing before the committee making common cause with the eastern manufacturers of woolen and worsted fabrics. We feel that any concession on the manufactured product will immediately react on the price of raw wool, and any reduction in wool prices will be reflected in reduction of sheep and lamb valuations, reacting in turn on the prices of other meat animals. A further effect of lowering the duty on manufactured goods is likely to be unemployment for many thousands of those now working in the woolen mills, which will be injuriously affected if they are forced into competition with labor in the United Kingdom, which is paid 20 to 25 cents, in comparison with 55- and 60-cent labor in the United States. I therefore desire to set before my colleagues some of the facts in regard to the important sheep industry of Oregon.

Before localizing my remarks I should state for the benefit of those who have not given the matter attention that the duties on woolen manufactures and semimanufactures con-

tain two separate elements. First, a specific duty which is intended to compensate for the duty on raw wool; and, second, an ad valorem duty of 50 percent or more, which is intended for protection to the domestic wool-manufacturing industry. As I understand it, any proposed reduction in the duty on wool manufactures for the benefit of the United Kingdom would be concerned with that part of the duty which represents protection to the manufacturers of wool. We produce the raw material but we must have a firm home market for that raw material or the value immediately goes out of it, and the whole sheep industry will suffer a blow which it can ill afford to face at this time.

VALUE OF THE TARIFF BARRIER

Many years ago a tariff barrier was erected against imports of foreign wool, and behind this barrier there has grown up a vast sheep industry. In the 11 Western States this industry has been carried on with varying degrees of success and failure for the half century in which I have been intimately associated and connected with it. Had it not been for the barrier that gave advantage to the American-grown wool over the foreign wool, there would have been no prosperous sheep industry in our range country. In this range country good wages have been paid. Sheep raising, in a certain sense, is a specialized business, and it requires extreme care and intelligent, hard work to be a successful sheepman. No question but what sheep can be raised cheaper in New Zealand and South America than they can be raised in the United States. It is the tariff barrier that enables the American sheepman to get more for his wool than he would if raw wool could be imported freely.

IMPORTANCE OF THE SHEEP INDUSTRY

In the Pacific Northwest the sheep industry yields approximately 11 percent of the total agricultural income, including wheat and lumber industries, upon which the Northwest is largely dependent, as it produces a considerable part of all of the wheat grown in the United States and has the greatest stands of timber. In 1935, 10,666 Oregon farms reported sheep. Farmers throughout the western part of the State have small bands, but in the grazing section of eastern Oregon there are many great sheep ranches with large holdings, often running into thousands of animals owned by an individual operator.

The magnitude of the whole industry in our country is shown by the latest figures of the Department of Agriculture, which estimated for 1937, pulled wool to the amount of 433,359,000 pounds. The Bureau of the Census reported a consumption for 1937 of 517,977,000 pounds. In order to present a full picture and to explain somewhat our immediate concern over the situation, I quote herewith from a statement recently made by the Pacific Wool Growers in a brief in opposition to any reduction in tariff rates on woolen goods:

From 1922 to 1930 the annual average importation from all countries of woven piece goods composed wholly or in chief value of wool amounted to 9,748,000 pounds, according to the National Association of Woolen Manufacturers. Based on the fact that every 100,000 pounds of wool piece goods results in our domestic mills using 330,000 grease pounds less domestic wool, this figure shows that these importations displaced American-grown wool in the domestic market to an extent of 32,168,400 pounds of grease wool. In 1936, 4,500,000 pounds of woolen piece goods were imported, which displaced wool grown by American producers to an extent of 14,850,000 pounds of grease wool. In 1937, based on the figures for the first 10 months, the importations of foreign piece goods for the full year should approximate 6,000,000 pounds—which would take the American wool growers' market to an extent of approximately 19,965,000 pounds of grease wool. The importation of woolen and worsted piece goods in 1937 was practically double what it was in 1935 and over 40 percent greater than it was in 1936.

It does not appear that a reduction in tariff rates on wool items is necessary in order for Great Britain to sell substantial quantities of woollens in this country. British exports of woolen and worsted fabrics to the United States were 24 percent greater during the period January to October 1937 than during the first 10 months of 1936. During this same period British exports of those fabrics to other countries increased only 5.3 percent over 1936. Importations of wool blankets in 1936 showed an increase of more than 300 percent over 1935 and during 1937 showed a further increase of over 40 percent as compared with 1936.

From this it appears evident to us that the present duties on manufactures of wool are not proving adequate to protect the American manufacturer, and this, in turn, means that to this degree American wool producers are losing their market for domestic wool.

NATURE OF THE SHEEP INDUSTRY

The sheep business is peculiarly hazardous, and being subject to weather conditions, disease, and rapid rise and fall of prices, it has wrecked many fortunes. I know of no business that lends itself less to mechanization, for the machine has not been, and cannot be, made that will feed sheep or care for the baby lambs. It takes now, has always taken, and will always take, a large proportion of intelligent hand labor. Within the shelter of the tariff barrier this industry has grown up in the 11 Western States, and the price of wool forms a very important part of their income. There is very little salvage in the old ewe. After a short breeding season of perhaps 4 years on an average, very little can be realized either directly or indirectly from the old ewe. The greater part of the income is from the lambs and the wool, and both are threatened by this proposed agreement.

SHEEPMEN DEPEND ON HOME MARKET

Behind the barrier which has made this business, and which certainly involves many millions of dollars, it has been absolutely necessary to protect the manufacture of woolen and worsted goods. If the manufacturer of woolen goods is not well cared for behind the barrier and tariffs are not made high enough to keep out the foreign importations, then it is entirely useless to keep out the raw product, for the simple reason that the sheepmen of the United States cannot sell their wool in the world's markets where prices are lower than in this country and will probably ever be so. If the Reciprocity Committee should recommend that the tariff be lowered on woolen and worsted goods, remember the effect of that decision will be to lower the tariff on raw wools. The basic duty today is 34 cents per pound of clean content. It will, in effect, be lowered in just the proportion that the tariff is lowered on manufactured woolens or worsted. They are Siamese twins. Our sheepmen are entirely dependent on a protected home market for the sale of their wool. Catastrophe to the woolen manufacturers of the United States will ruin the sheep industry of the 11 Western range States.

MAINTAIN AMERICAN STANDARDS OF LIVING

It is true that workers in the woolen and worsted mills of the United States are paid higher wages and live on a better scale than workers in factories in other countries. It is true that the men who raise the raw wool also have a higher standard of living. The sheep herder in his lonely mountain camp eats better food than is provided in foreign countries, he draws higher wages, and often in his tent at night, coming through the ether he picks up, through his radio, the world's news to break the loneliness of his nightly vigil. But why should he not? For more than a century America has been built on the assurance of that higher plane of living. Should we think now of surrendering it, just because we desire to increase foreign trade? Who, I ask in all seriousness, wants to lower the standard of American living? For whose benefit would it be done? Would it be for a few importers? Is it to be done that we may sell a few more typewriters or automobiles in foreign lands? True, we want world peace; we want world friends; we want to have world trade increase; but not at the expense of our own industries and our own households.

The time has come when we should look after our own. We cannot reform or make over this mad war-crazy world. As we need foreign articles, let us be able to buy them with our own products of which we have a surplus. Let us continue our efforts to control the production of our farms and factories, so that surpluses may not wreck the home market for the products of farm or factory. Yes; if we have to do so, let us learn to live within our boundaries and care for our own. The Reciprocal Tariff Act gives those who make the decisions economic and political power beyond trade matters and makes them practically the arbiters of our foreign relations.

Oh, I am well aware of the fact that the foreigner must sell to us if we buy from him, and we do want to sell to him in quantity our surplus apples, wheat, cotton, and tobacco. The time has come, however, when we must look facts

squarely in the face, and refuse to break down the barrier if it is going to result in a lower standard of living, if it is going to wreck financially a portion of our people. So we of the West who are pleading for the sheepman, unite with the wool and worsted manufacturers of the United States in asking for a continued protection behind the tariff barriers under which we have learned to live.

FINANCIAL CONSIDERATIONS

Sheepmen have incurred debts and obligations that can be paid only by keeping the barriers well up. During the last 6 months the feeders of lambs have suffered serious losses, which show up now in the price of range sheep. Buying power seems to have gone out from our people. It is probably safe to say, though I have no accurate figures, that the prime ewe of the 11 western range States is not worth more today than \$6.50, and it is also probably safe to say that the mortgage on that ewe has an average of about \$5. In other words, a 20-percent fall in the price of wool and lambs would jeopardize 75 percent of the sheep loans in the United States.

The Tariff Committee, as one arm of this Government, must consider the fact that the United States Government, through the Production Credit Associations, has lent sheepmen millions upon millions of dollars supplied by the Intermediate Credit Banks, and that this money would be in jeopardy if there is a fall of 20 percent in the value of wool and lambs. Such a reduction in value will wipe out the equities of thousands of sheepmen who have struggled for a lifetime to build up business.

We should not forget, either, that only last Saturday, March 12, the Department of Agriculture released a statement that the Commodity Credit Corporation was prepared to advance \$50,000,000 to stabilize the wool-production industry of this country. The loans will be reasonably secured, but an amount of money may be loaned on each pound of wool which will, in effect, stabilize prices. I am quite well aware that the Secretary of Agriculture has stated that it is not a price-fixing measure, but nevertheless the sheepmen or the cooperative borrowing money on wool, with no recourse, will consider that the amount lent will be the minimum price of his wool. The negotiators should not jeopardize this Government money by tariff favors to other nations.

I remind you again of the fact that any reduction of the tariff on woolen and worsted manufactured goods affects the price of the raw material. I do not think anyone today seriously considers that the manufacture of woolen or worsted goods is a closely controlled monopoly. Substitutes, like rayon, silk, cotton, would quickly spell the doom of any organization which undertook to monopolize the business. I believe it is safe to say that it is highly competitive.

AGRICULTURE UNDER RECIPROCAL-TRADE AGREEMENTS

I am now serving my third term in the Congress, representing the Second District of Oregon, that being two-thirds of the area of the State, or all that part of the State lying east of the crest of the Cascade Mountains—the grass region of the State. When the bill creating the right to make reciprocal-trade agreements was proposed in the Congress, I studied very carefully the probable effect of the proposed agreements, particularly upon the producers of the country I represent. When the bill was under consideration in the lower House, I spoke in behalf of the pending legislation, and because its idealism appealed to me I supported it. I watched with more than ordinary interest the progress of the trade agreements. In the Seventy-fifth Congress, it was proposed to renew, for a period of 3 years, the right of the Department of State to continue to make further reciprocal-trade agreements. As a result of my study and observation, I had become convinced that the trade agreements would continue to operate detrimentally to American agricultural interests. I arrived at that conclusion with much reluctance, and only after a study of the effect of the treaties already made. I was confirmed in my belief that the American market belongs to the American farmer as well as to the American industrialist. No doubt the 130,000,000 inhabitants of

the United States constitute the greatest possible market in all the world for agricultural commodities. I have become thoroughly convinced that the great pressure for trade agreements on the part of the foreign countries will continue to be for the lowering of the tariff barriers on agricultural products from those foreign lands. What the foreigner wants from the United States is an open market for his agricultural products as well as for manufactured articles.

I deeply regret that this extraordinary method of the revision of the tariffs by way of the roundabout road of trade agreements has, in many instances, resulted so disastrously to American agricultural interests. There is simply no answer to be made to the statement that those representing the United States in these trade agreements have not at all times properly safeguarded American agriculture. The tariff on cattle from Canada was lowered and cattle came across the border, and they filled the places that would have been filled from American cattle yards, had it not been for that increased importation. The livestock men of the Northwest feel that they were traded off in the interests of the automobile manufacturers and other industrialists of the Northeast.

I do not think there has been any conscious disposition to favor one industry at the expense of another, or any conscious sectional bias, but pressure from industrial groups is strong and industrial sections are better represented here, numerically, than is the more sparsely settled West. I ask for full consideration of the requirements of western agriculture.

It cannot be repeated too often that the prosperity of this country rests upon the prosperity of agriculture. Constituting one-third of the Nation, buying freely when they have the money, absorbing industrial goods when the opportunity is afforded, American farmers must be allowed to receive in money, or its equivalent, not only the cost of production but a reasonable profit added thereto, if prosperity is again returned to this Nation. We have not again sunk to the business level of March 1933, neither is the present depression over. Imports of agricultural commodities already prevent the attainment of any parity price structure in the United States. A further deepening of the depression can be avoided and a further impetus given to recovery by giving the farmer more nearly parity prices for his products.

A FAIR-TRADE PROGRAM

I am fully aware of the evils which will result from a policy of isolation, and that we ought not to cut ourselves off from the world's business. This is perfect in theory and sounds well, but we are living in a world involved in horror which neither you nor I nor this Nation can materially change. Suppose we break down our tariff walls and we say, "Bring in your Japanese manufactured goods"; and we say to Czechoslovakia, "Bring in your shoes, no tariff walls here any more than in the Panama Zone"; we say to the wheat farmer of the Argentine, "Bring in your wheat and corn." What will be the result? Our price levels will fall. No question about that. The American farmer cannot produce wheat as cheaply as they produce it in the Argentine; neither can we produce wool nor raise cattle as cheaply. Neither can New England, with all her skill, manufacture as cheaply as they do in Japan, where labor receives but a few cents a day. Any lowering of the tariff walls puts us into immediate competition with their cheap labor.

It is my hope that this fact-finding committee will, in the future, find such facts as will cause those who really make the trade agreements to lower tariffs only on such commodities as are not produced here in quantity, or produced at such high cost as to retard reasonable consumption, or those produced under monopolistic conditions which allow the American manufacturer to fix an arbitrarily high price. And, then, it has been my hope that those who make the trade agreements will demand in return for privileges real benefits for all classes of American producers, including our farmers. If we are going to have these trade agreements, let us be good "horse traders" and demand also a full value and full reciprocity when we lower the barrier.

ARTHUR E. MORGAN

Mr. JENKINS of Ohio. 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 Ohio?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I take this time to state to the House of Representatives that the people of the State of Ohio are very much interested in the investigation of the T. V. A. They are militant in their insistence that this investigation be made by Congress and not by any commission. They maintain that one operating department of the Government should not be called upon to investigate another occupying a similar status. The Congress is elected by the people and is responsible to the people. It should be responsive to the people.

Dr. Arthur E. Morgan, the chief executive officer of the T. V. A., is a distinguished Ohioan. He was selected by the President of the United States to be Chairman of this great T. V. A. experiment because of his demonstrated ability as an engineer capable of handling gigantic projects. The people of Ohio demand that before the President takes any steps that will in any way reflect upon Dr. Morgan he should know the facts. They also insist that a fair and impartial hearing could not be had before any one man who had all of the powers of a prosecuting attorney and jury and a court with the power to fix sentence.

Following the great flood of 1913, which brought death and destruction into the Miami Valley, one of the most fertile valleys in the whole world, the people of that section sought to defend themselves against all future floods of that kind. They sought the services of Dr. Morgan. He so impressed himself upon the people of that section that they chose him to be president of a highly respected college known as Antioch College, at Yellow Springs, Ohio. This college is located practically in the Miami Valley.

Dr. Morgan entered upon this engineering work in the Miami Valley with the result that the great Miami conservancy district has now been operating for about 20 years. It has given complete satisfaction, far beyond the expectation of its best friends. This great work called for engineering genius of the highest order. Dr. Morgan supplied that call. This great work also called for executive capacity of the highest order. Dr. Morgan supplied that call. This great work also entailed the expenditure of millions of dollars. Dr. Morgan set up the organization that spent this money, and it was spent without a breath of scandal or a suspicion of dishonesty.

So strong is the feeling in favor of Dr. Morgan in that section that the Dayton, Ohio, Chamber of Commerce, which is a large city located in the Miami Valley, and suffered terrible loss of life and damage in the 1913 flood, have adopted resolutions in which they praise the high character and the great engineering capacity of Dr. Morgan. This chamber of commerce bases its resolutions of praise and confidence upon an editorial published in the Dayton (Ohio) Herald of March 9, 1938. Without printing this editorial in detail or reciting these resolutions in detail, I will say that the editorial is especially well written, and the substance of it follows its caption very clearly. Its caption is as follows: "But These Things We Do Know." After reciting the facts of his work in the Miami Valley, this editor says:

The people of this community know that Arthur Morgan is an honest, capable, and intelligent executive. They know that he is an able engineer. They know that he is a stickler for truth, integrity, and fair dealing. They also know that he is a first-rate Christian gentleman whose word is as gilt-edged as his bond.

I have steadfastly maintained for some time that the T. V. A. should be investigated. My suspicions have been justified by recent events. From the beginning I have insisted that these T. V. A. matters should be investigated by an impartial committee of Congress. I am sure that the almost unanimous sentiment of the American people is that this in-

vestigation should be made by Congress. I do not know Dr. Arthur Morgan personally, although I have seen him. I know nothing of my own knowledge of the fine qualities which his neighbors seek to ascribe to him; but as a fellow Ohioan, I owe him the duty of seeing to it that he gets a fair trial. As a Congressman who participated in the legislation setting up the T. V. A., I have a profound interest in the subject. As one who loves justice, I maintain that this matter should be investigated impartially and completely, so that justice might be done and that the American people be advised fully of what has been done. [Applause.]

TENNESSEE VALLEY AUTHORITY

Mr. ALLEN of Illinois. 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. ALLEN of Illinois. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein some figures on the T. V. A.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ALLEN of Illinois. Mr. Speaker, we are all pleased to see that because of constant pressure by Members of Congress, the press, and the people generally throughout the country, Congressman MAVERICK and the President have finally decided to investigate the Tennessee Valley Authority. Facts concerning the T. V. A. have been wrongfully kept from Members of Congress, from the press, and from the people generally. Many of us believe that when the investigation is completed we will find that agency the most corrupt, the most inefficient, of any department in the history of our Government. I have received consent to have included in my remarks some figures that I have compiled relative to the huge pay roll of white-collared workers and their salaries. The table and the pay roll is most astonishing. I think the taxpayers are entitled to be enlightened as to where their money is going—not for the purpose, as given on the floor of the House, but to hordes of political appointments. In the main these thousands of pay-rollers do very little work for their large salaries. It demonstrates a complete spoils system.

ENGINEERING STATISTICAL TABLES

Table showing number, distribution by professional classification, and salaries of engineers employed by the Tennessee Valley Authority for fiscal year 1937

[Compiled from the Tennessee Valley Authority annual report]

	Employees	Salaries
Sanitary engineers.....	9	\$27,400
Chemical engineers.....	28	82,000
Chemical engineering aides.....	1	1,800
Electrical engineers.....	129	412,800
Highway engineers.....	36	93,600
Hydraulic engineers.....	88	272,950
Civil engineers.....	94	311,700
Agricultural engineers.....	7	20,900
Architectural engineers.....	3	8,900
Structural engineers.....	115	333,300
Mechanical engineers.....	56	170,600
Chief engineers.....	3	20,900
Construction engineers.....	25	131,850
Cost engineers.....	28	79,600
Material engineers.....	25	80,700
Design engineers.....	4	23,600
Erosion engineers.....	15	37,000
Fuel engineer.....	1	4,600
Field engineers.....	20	68,600
Industrial engineer.....	1	3,300
Mapping engineers.....	8	20,300
Mining engineers.....	4	12,300
Office engineers.....	20	69,400
Power and plumbing engineers.....	3	11,800
Project planning engineers.....	5	39,250
Rate, specification and valuation.....	10	32,200
Engineers.....	7	25,800
Engineering aides.....	313	596,200
Draftsmen.....	257	500,700
Ceramic engineer.....	1	6,000
Total.....	1,316	3,498,250

STATISTICAL SUMMARY

Table showing occupational break-down and group salaries of 3,134 of the white-collar and professional employees of Tennessee Valley Authority for the fiscal year ending June 30, 1937

Group title	Employees	Salaries
Group I. Educational, training, library, etc.....	106	\$232,385
Group II. Health, safety, sanitary section.....	91	239,810
Group III. Accountants, accounting clerks.....	174	383,360
Group IV. Abstractors, appraisers, land buyers.....	75	211,920
Group V. Chemists, chemical engineers, etc.....	78	192,400
Group VI. Electrical engineers and foremen.....	129	412,800
Group VII. Highway and bridge engineers.....	36	93,600
Group VIII. Hydraulic engineers.....	88	272,950
Group IX. Legal staff.....	36	153,300
Group X. Civil engineers.....	94	311,700
Group XI. Property, purchasing, store, supply.....	137	295,010
Group XII. Research division.....	81	70,720
Group XIII. Draftsmen.....	257	500,700
Group XIV. Administrative.....	51	177,400
Group XV. Agriculture and forestry.....	63	232,200
Group XVI. Architects and architectural engineers.....	18	61,000
Group XVII. Structural engineers.....	115	333,300
Group XVIII. Personnel and placement employees.....	64	168,340
Group XIX. Construction and material engineers, etc.....	187	583,930
Group XX. Comptroller, coordinator, pay roll.....	23	68,920
Group XXI. Mechanical engineers.....	56	170,600
Group XXII. Clerks, clerk-stenographers, etc.....	487	830,340
Group XXIII. Miscellaneous engineers, engineering aides.....	444	1,052,250
Group XXIV. Field superintendents and miscellaneous white-collar workers.....	219	628,410
Group XXV. Switchboard operators.....	43	84,800
Group XXVI. Reservoir and dredge employees.....	20	53,460
Group XXVII. Transportation and navigation (annual basis only).....	15	44,320
Total (28 groups).....	3,134	7,659,925

Mr. VOORHIS. 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. Mr. Speaker, there never has been an enterprise undertaken by any government in all the history of the world in an attempt to break the grip of any great monopoly on the people that has not been attacked roundly by the defenders of that monopoly. No true friend of the Tennessee Valley Authority objects to an impartial and thorough investigation of that agency, but I am positive if people will look back into the history of enterprises of this kind they will find to be true that attacks such as are being made now on the Tennessee Valley Authority have been made in the past, and that we need have no fear. The public power enterprise in the Province of Ontario was attacked in exactly the same manner. Five hundred thousand dollars was spent by that Province in the investigation of the matter, and that enterprise was found to be as clean as a hound's tooth. I have every confidence the same thing will happen in this case.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, in reply to the gentleman from California [Mr. VOORHIS], I may say I do not understand why all the more liberal and more radical Members of Congress who supported the T. V. A. are always apologizing for it. Why have they not from the beginning and why do they not now come out and demand an investigation and see that no guilty man escapes. They should have taken the lead in demanding this investigation and not have it forced upon them or attempted to block it. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by printing a statement made yesterday before the Committee for Reciprocity Information in regard to the proposed British trade agreement.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WIGGLESWORTH. Mr. Speaker, I also ask unanimous consent to extend my own remarks in the RECORD on the treaty recently concluded with the Government of Czechoslovakia, and to include therein a short article recently published in this connection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter received this morning with reference to the economic condition of the dairy farmers in the United States.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a statement by the Director of the National Youth Administration of Kansas.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein the text of a short bill introduced by me.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein a letter written by Robert L. Owen to the President of the United States, expressing his views regarding the cause and the remedy of the present depression.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

EXTENSION OF REMARKS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address by Charles F. Darlington, Jr., Assistant Chief of the Division of Trade Agreements of the Department of State, delivered at Amsterdam, N. Y., on March 11 on the subject of Labor, Foreign Trade, and Trade Agreements Program.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

NAVAL AUTHORIZATION BILL

Mr. VINSON of Georgia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9218) to establish the composition of the United States Navy, to authorize the construction of certain vessels, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 9218, with Mr. O'CONNOR of New York in the chair.

The Clerk read the title of the bill.

Mr. VINSON of Georgia. Mr. Chairman, I yield 15 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Chairman, during my three terms as a Member of this body I have attempted at all times to proceed along the lines of propriety in connection with any utterances which I might make in the well of this House. Only infrequently have I spoken in this body. I trust that never have I worn out my welcome speaking upon any pending resolution or measure which might be before the membership of the House of Representatives of the Congress of the United States. I come today only because of a deep feeling which I have personally upon the implications which

are found in the pending legislation. I may say at the very outset that I oppose this bill with a real reluctance and a certain sense of personal hesitancy in connection with the measure which is now before us. I say this, first, because I have, during the years which I have served here, failed on no occasion up until today to favor appropriations for either the military or the naval forces of the United States Government. Secondly, I say this because I have the highest personal admiration for the integrity and the sincerity of the able chairman of the House Committee on Naval Affairs, Mr. VINSON of Georgia; but putting aside my real reluctance on account of my past record in voting for naval appropriations and putting aside also my personal feeling of regret at not now being able to follow the chairman and the members of his committee, I feel that in the few minutes which I have I should speak as far as I can, with all of the depth of sincerity which I really feel, upon the subject which is now before us. [Applause.] I hesitated long hours before I asked the permission of the chairman of the committee to allow me a small amount of time in connection with the consideration of this bill. I have given this matter very careful consideration and conclusions were arrived at only after study.

May I now direct your attention to the reasons I feel very strongly today relative to any opposition in connection with the authorization for the naval program now before us?

It has been said recently in the press, and in fact, during this debate, that those who oppose the expenditure of huge additional sums for battleships and who favor a more adequate increase of our fighting forces in the air are amateur strategists. Of course, I realized this assertion would be hurled at anyone who would come here to speak from that angle on the pending bill.

May I call the attention of the members of the Committee to what happened some 20 or more years ago in connection with the way warfare was waged in that struggle which we too well know about in its implications to mankind? Even in the World War we heard the rumblings of the beginning of a new type of warfare in connection with the prosecution of armed conflict. We know even back in those days, and some of you were closer to it than others, of the fear which was engendered into the hearts and minds of those citizens who resided in the city of London from the standpoint of possible air raids. That was, I repeat, some 20 years ago, when the efficiency of aircraft was in its infancy in connection with armed struggle between nations.

Now, let us come up to the present and let us see what happened in London only a few hours ago. We do not find this initial fear of aircraft which yesterday existed and the attack which the bombers might make upon that city, but we find the entire British Kingdom aroused and frightened and taking prompt steps to combat any possible air attack which may come in connection with any present or future conflict.

This morning's Washington Post, in a screaming eight-column front-page headline of black-faced type, states:

Britain asks 1,000,000 men to volunteer in air defense.

This is not the sort of headline which we would have read about 20 or more years ago in connection with British preparation for war.

May I also read from the Associated Press dispatch upon which the headline is predicated. I find these words spoken by Sir Samuel Hoare:

The more disturbed is continental Europe, the more urgent it is for us to make every possible preparation against a most dangerous form of modern warfare.

I repeat, "a most dangerous form of modern warfare" is the language used by the gentleman I have quoted.

Then last evening in the Star we find this six-column front-page headline:

Britain acts to guard against air raids.

And, because of the importance of certain sentiments, I must read you a part of that dispatch:

Sir Samuel Hoare, the Home Secretary, tonight called for 1,000,000 air-raid precaution workers as a part of Britain's answer to the threat of military pan-Germanism in Central Europe.

Understand that, Members of this House; and this in a country which has always prided itself upon its naval forces.

The call was the first step in a new national effort to prevent—

And get these words—

any knock-out blow to Britain from the air. Sir Samuel, broadcasting to the nation, swiftly backed Prime Minister Chamberlain's announcement in Commons of a review of British rearmament plan in the light of Germany's absorption of Austria.

Then, let us get the exact quotation from the Home Secretary. He says:

I do not believe in a knock-out blow if a proud and courageous people like ourselves is prepared to meet it.

Then the story goes on, and without objection, I should like to include the following paragraphs from that dispatch in my remarks:

EVERY PRECAUTION URGENT

Declaring that what has happened in Central Europe should add a sharp point to his call, Sir Samuel said:

"I'll say nothing to suggest we are on the brink of war. . . . I'll only say that the more disturbed is continental Europe, the more urgent it is for us to make every possible preparation against a most dangerous form of modern warfare."

"If the enemy knows we are prepared, he will also know that ruthless air attacks only strengthen our resistance and he will think many times before he launches them."

He declared Britain must prove to the world its system of voluntary effort is the best.

APPEALS TO MEN OVER 30

"Free men can give better discipline, if they make up their minds, than anything produced by authority," Sir Samuel said.

He addressed the appeal largely to "men over 30," declaring the Government considered younger Britons "would want to take part in active defense" of the nation.

Under Britain's elaborate air-raid precautions, the volunteer workers would be wardens who would be trained in instructing the public on protection for attacks.

They also would take part in street patrols, man ambulances, do rescue and repair work, and fight fire in time of an emergency.

Here we read of the need for a million volunteers, mostly men under the age of 30, to fight the possible air raids upon Great Britain, particularly the metropolis of London, in connection with future wars. And again today we read a dispatch from Madrid which states:

ITALIAN AIRPLANES RAVISH OLD SPAIN—LOYALISTS DESCRIBE HAVOC IN LAND ONCE PART OF ROMAN EMPIRE

MADRID, March 15.—Ancient Spain is being devastated, a Government communique said today, by a twentieth century Italian army.

Italian troops and German and Italian planes took part in the insurgent capture yesterday of Alcupiz, in eastern Spain, 45 miles from the Mediterranean, the Government declared.

PLANES SPREAD DEATH

While the troops struck directly against the city, the Government related, the planes spread death and confusion over a dozen coastal towns.

Almost hourly the planes swung along the main Barcelona-to-Valencia highway, now the most dangerous 250-mile stretch for Government convoys.

SHORTEST ROUTE TO SEA

Reus Tortosa suffered particularly heavy damages from the aerial raiders, who today directed their efforts to protecting the infantry advance from Alcaniz, designed to cut Government Spain in two and isolate Catalonia from the remainder of Government territory.

Yes, we are charged, those of us who appear here against battleship folly, with being amateur strategists when we come into this Well and speak about the continued waste of public funds in the authorization for expenditure of items like \$230,000,000 or \$240,000,000 for the construction of three new battleships, when another appropriation, passed recently in this House, for three new battleships has not yet been put into effect. "Amateur strategists," of course, is the charge hurled against all who speak against the continued expenditure of public funds upon floating palaces, which are in reality floating targets in the war of tomorrow. I say, with all the sincerity which I possess as I appear before the members of this Committee, that certainly there are great changes in the methods by which modern warfare is prosecuted. Gentlemen will remember reading as I remember reading history, that in the days of the French and Indian wars, when Braddock and forces of British troops, brilliantly attired, marched in phalanx and mass formation against the French frontiersmen and Indian fighters.

George Washington himself had complained bitterly again and again to Braddock that that sort of formation as he led his troops into wilderness battle would meet with certain defeat, but Braddock, proud of English troops, with their formations of the battles of yesterday, continued to prosecute such a war, and he prosecuted, not to victory but to defeat. From behind trees the frontiersmen mowed down the British.

When Braddock called for aid, did he bring up another general from the British Army to continue the fight by such a method as they had been fighting on the broad plains of Europe? He did not. He called for the consultation and aid of George Washington, who had told him of his bad method of prosecuting the war in that instance. I simply bring it to your attention to let you know once again that which you are acquainted with, and that is the fact that today we must realize that there are changes taking place in the prosecution of war, and we cannot continue as an American Nation to sponsor such appropriations for a large Navy which is outmoded in connection with any possible warfare which America would engage in tomorrow.

The bill authorizes three more battleships and there is today no building of the three already voted. We find that the bill limits aircraft for defense, and we find also that the bill seems to give unlimited discretion to the President in connection with our prosecution of further foreign affairs. I wish I might not feel today as I do in this matter, but I am certain that behind the sincerity of the actual language of the bill itself there is written into the measure by innuendo and by reading between the lines that which just as surely as I stand here today starts America on a drift toward war.

Now, in conclusion, I feel, as you feel, America must not be today just a war-evading nation, but America must be a peace-preserving and a peace-promoting nation. There should be written into legislation at this time that which would give the American Republic the power to go into conference and try, through naval disarmament policies, to bring about peace instead of war. I realize that nothing that I have said here today, or anything that other opponents have said here, will ultimately change the result. But I would not be true to my trust, and I know I shall have certain opposition because of what I have said, if I did not bring more than my vote into effect on this bill. I would be derelict in my duty if I did not bring my voice into play against this measure. Let me quote:

VICTORY

I call no fight a losing fight
If, fighting, I have gained some straight new strength;
If, fighting, I turned ever toward the light,
All unallied with forces of the night;
If, beaten, quivering, I could say at length:
"I did no deed that needs to be unnamed;
I fought—and lost—and I am unashamed."

—Miriam Teichner.

I have spoken of no personalities in connection with this matter, of no bad faith which might be fostered, but I have spoken only because of my deep feeling on the subject now before us, realizing, as I stated before, that we who fight this bill should fight it upon an honest plane. After the result is tallied and we know that authorization is given, we can then feel that we have nothing to regret. [Applause.]

Mr. MAAS. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Chairman, it is not in a spirit of elation that I rise to discuss this measure. It is not in a spirit of elation, I assume, that the members of this Committee greet its appearance on the floor, for our consideration. Would that measures of this kind should be forever unnecessary. This is a grim, grim world. We in America are not the masters of world events. True, in recent years a very, very large section of our people have hoped and indeed believed that we could persuade the world to our way of thinking.

We have made many an effort in that direction, and the country must now be told that we have failed. It does not lie in my mouth, nor do I think it lies in the mouth of any Member of the American Congress, to denounce unduly the

character of another people, to denounce unduly the motives of other governments; but it is incumbent upon us to analyze those motives and to come to a clear understanding of just where the world is going. As clearly as I can I have reached such an understanding. It is not, of course, all-comprehensive, and I am fallible, as is every other human being; but I cannot avoid the conclusion that force today is ruling the world, whether we like it or not. Would that it were otherwise! We as a Nation have never supported that philosophy. [Applause.] However, I think no sensible man will deny that such is the case. Recent events are staring us straight in the face. It is incumbent upon us to shape our course in such fashion as to make this generation of Americans and future generations in this beloved country safe. [Applause.] Safe; safe against this force. [Applause.]

Our thoughts naturally go back to the Treaty of Versailles and the World War. I cannot agree with some of my colleagues on both sides of this Chamber that America did a wrong thing in participating in the World War. I think she did a fine thing. She helped to win a military victory. We won the war, but at Versailles we lost the peace. [Applause.] That was the pity! When I say "we" I mean the Allied and Associated Powers. That was the pity! For that treaty contained provisions utterly impossible of fulfillment. The provisions and conditions imposed upon the conquered sowed the seed, in my humble judgment, for what is going on today. We took no part in the imposition of those conditions either in the seizure of territory, the lining out of new boundaries, the treatment of racial minorities, or the imposition of reparations. We elected, I think wisely, to stay out of it all. We bear no responsibility for what has occurred as the result of the distress in which millions of people in Europe found themselves. Free institutions have been overturned in nation after nation, and multitudes in their desperation have given their allegiance to what we call dictators. Undoubtedly desperation was in the first instance responsible for the perishing of free or parliamentary government and the substitution thereof of dictators. Dictatorial governments are on the march seeking new fields to exploit. It is not merely a political philosophy that urges them on, it is not merely racial; perhaps we would not be far wrong if we made up our minds that way down deep underneath it we find the pressure of populations driven to distress and seeking outlets.

I think it can be said that the Japanese aggressions in China are due fundamentally to the pressure of population in the Japanese islands, an industrial population seeking an outlet. We may not like the methods, but it is not the first time in the history of the world that such things have happened; and if middle Europe is to be united under one government, dictatorial in character, not hesitating to use force in seeking outlets, expansions for its people, we shall see another example of what is now going on in China, except on a much, much larger scale; and we shall not be the master of that event. We have elected, wisely I think, to stay out of it all; but eventually expansion of peoples, led by dictators believing in the exercise of force in the achievement of their aims, will reach the Western Hemisphere. Just as sure as we are sitting here in this Chamber, eventually the Western Hemisphere will be reached and influenced if this terrible march of force goes on; and when it reaches the Western Hemisphere, it reaches us. [Applause.]

I look upon this bill as representing a realization of that grim, grim fact, as an indication that we are learning that we must be masters of our own destiny; and, after all, the destiny of this country is a most precious thing.

People in perfect good faith suggest that this measure, for example, should contain provisions limiting the operation of the American Fleet. Attempts have been made to draw lines across oceans, up and down coasts. I make no attempt to judge of the effect of such limitations were trouble to break out in Asia or Europe, because I cannot visualize such limitations, the American people being as they are today and as I know they will be tomorrow; but when it comes to making any line of demarcation dividing the

Western Hemisphere into sections into one of which we may go in defense of ourselves and into the other of which we may not go, I dissent. [Applause.]

No two wars ever start from exactly the same seed, nor do hostilities commence in exactly the same manner. I cannot agree with that school which teaches that the best way to defend the destiny of America and the only proper way is to line the seacoast with guns and dare an invader to approach. The history of nations shows upon innumerable occasions that the defense of a people may have to be carried on 1,000 miles from their home [applause] or 5,000 miles from their home. Our children and our grandchildren may live to see the day in which in its own defense America may, off the coast of Brazil, fight the first naval battle of a war brought against her by an aggressor. [Applause.]

That would be just as truly an act and battle of defense as if it were fought in the Narrows of New York Harbor. Unless I misjudge things, I cannot escape the conclusion that our Navy must be strong enough to protect this hemisphere. No one else is going to protect it for us. We do not ask anybody to do it for us. The gentleman from California [Mr. Scott] made that very clear yesterday. He thinks we should make friends in order that someone in the future will help us defend the Western Hemisphere. I would agree to that if the implications did not go much further and the making of friends, as he phrases it and as he and I both mean it, did not drag us out of the Western Hemisphere into events and places in which we do not belong. But, having taken this course—and we have taken it as a national policy—we alone must defend this hemisphere. We must do it effectively. In order to do that we have got to have a strong navy; in fact, a stronger navy than we have now and stronger even than the Navy already authorized.

The day I am painting may never come. People may say that no European or Asiatic country will attempt to gain a lodgment in South America. I wonder. Those regions are today, with certain exceptions, the greatest in area of what we might call the semideveloped regions. They may tempt people to the exercise of force in order to gain expansion. No; the day may not come when a European or Asiatic power seeks a lodgment in this hemisphere, but who in 1913, or even on July 1, 1914, would have ventured to guess that within 4 years thereafter 2,000,000 American soldiers would be in France?

[Here the gavel fell.]

Mr. MAAS. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. WADSWORTH. Mr. Chairman, we cannot be sure about the future. You cannot always measure it by the past. The race is in a state of flux. There are elements guiding it, pushing it, or forcing it along. They have come to the surface with a greater degree of power than we have ever known in our day. Perhaps we have never read of it except in the days of Napoleon or in the days of Alexander. It may be halted next year; it may be halted 5 years from now or it may not be halted for two or three generations. But so long as this bitter thing goes on, I insist that America must be able to defend herself. [Applause.] The cost of defense, if adequate and successful, is infinitely less than the cost of failure and defeat. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I yield 30 minutes to the gentleman from Nebraska [Mr. LUCKEY].

Mr. LUCKEY of Nebraska. Mr. Chairman, I want to express my appreciation to the chairman of the Committee on Naval Affairs for the courteous and fair way he has conducted the hearings and also for the fair way in which he has allocated the time to those who are opposing this measure.

Mr. Chairman, this bill, H. R. 9218, is far more than a simple authorization to increase the present authorized strength of our Navy by 20 percent. This bill, if passed, marks a definite and deliberate step—not toward peace but toward war. It will mark a definite and deliberate plunge into the battle for leadership in the greatest armament building race in world history. It will mark out a 5-year naval

building program of not \$1,000,000,000 but \$5,000,000,000. I do not mistrust the peaceful intentions of our great President, nor do I challenge the truth of his expressed desire for continued peace. But I do seriously challenge the reasoning of those Presidential advisers who have sponsored this measure as being either necessary or advantageous. Coming at this time, when Europe and Asia are in a state of turmoil and readjustment, this measure is fraught with implications of tremendous and far-reaching importance. It opens the way for American involvement in foreign struggles which are purely Asiatic or purely European. This is the most momentous question before Congress because in it we decide whether we will remain on the broad pathways of peace or follow the tortuous passages that can lead only to war.

WE NEED ADEQUATE NATIONAL DEFENSE

Before entering into my discussion of this bill I wish to clearly state my position toward national defense. I am not a pacifist and never have been one, unless a pacifist is one who is opposed to unnecessary and unjust wars. I am opposed to unnecessary and unjust wars—wars that are not wars of actual national defense. This country is worth defending against any foreign foe with our lives, our property, our capital, and our national resources, and we should be prepared to carry out that defense. Until human intelligence and enlightened self-interest devise plans and machinery for adjusting international differences we must have armies and navies to defend our homes. We have to deal with realities. Adequate national defense is a necessity.

According to the sponsors of this bill this measure is designed purely for national defense. Just what do we mean by an adequate national defense? I subscribe to the national-defense aims set forth by Gen. Johnson Hagood in his recent book, *We Can Defend America*. I quote:

- First, the world's best navy—in our own waters.
- Second, the world's best air corps—in our own air.
- Third, the world's best army—on our own land.

My colleagues of the House of Representatives, there is no Member of this body who will go further than I will to bring about an achievement of those aims. This big-navy bill that we now have before us can by no stretch of the imagination come within the scope of providing the best navy in our own waters.

The advocates of this big-navy bill have based their case upon fundamental arguments, every one of which can readily be disproven by existent facts and by the testimony of the very experts who have appeared in support of this bill. The arguments that have been advanced in behalf of this unprecedented naval building program are essentially as follows: First, that these authorizations are necessary to carry on a further strengthening of our Navy; second, that an attack upon this country and its territorial possessions is both imminent and possible; third, that this big navy is necessary because of existing world conditions that endanger our national security; fourth, that this big navy is necessary to carry out our foreign policy; fifth, that this big navy is designed purely for defense and cannot in any way be considered as being an offensive building program; sixth, that this big-navy building program will provide relief through the creation of jobs for our unemployed. Now, let me analyze these six points in the light of the evidence brought forth in the numerous and voluminous writings of technical naval and military experts in recent years. It is impossible for the general public or an individual Member of this body to keep pace with current writings on these subjects, and only those who have closely followed the armaments situation, world affairs, and naval treaties in the last few years can even more than scratch the surface of the material available.

NAVAL BUILDING—A WORK-RELIEF FALLACY

Of all the arguments that have been advanced in behalf of this bill, the one that it will provide jobs for our unemployed is the easiest to answer. For that reason, I want to dispose of it first. With considerably more than 10,000,000 of our people unemployed and with more than one-third of

our population ill-fed, ill-housed, and ill-clothed, creation of jobs is important. However, the expenditure of billions of dollars on naval building will not make any appreciable dent in our unemployment. It can only sap the strength of our Treasury and divert from human relief the funds necessary to provide jobs. On pages 150 and 151 of the hearings, Admiral Leahy testified that very little of the proposed building could even be started in the next 24 months. Therefore, this new program would create few, if any, additional jobs in the next 24 months.

President Roosevelt decided sometime ago to abandon the heavy works program because it was too expensive and did not furnish enough employment. For that reason the P. W. A. was closed down. As we debate this here in Washington, the C. C. C. camps throughout the country are being reduced in numbers for reasons of economy. Ship construction has one of the highest materials costs and lowest labor costs in the heavy building industry. You cannot find a naval construction expert in the whole country who would recommend this building program as a work-relief proposition.

WHY SET A SECOND GOAL WHEN WE HAVE NOT REACHED THE FIRST ONE YET?

Why this sudden demand for a bigger navy? Is it true, as the advocates of this bill maintain, that these new authorizations are necessary to strengthen our naval forces? The utter ridiculousness of such a belief is apparent to anyone who will examine the present strength of our Navy in comparison with the strength that is already authorized and which could be built up without the passage of this bill. If we already had all the naval strength allowed under present laws, or if we even had plans for the building of a navy up to the standards set by existing laws, there might be some merit in asking for an additional increase. Actually we now have neither in existence or planned a navy anywhere near the strength or size of present authorizations. Yet we are asked to set a still higher goal than the one which the Navy Department has not seen fit to even seek. We are playing the part of the small boy who has eaten his fill and has still before him far more than he could either eat or would be good for him, but he insists on refilling his plate just because the opportunity for so much food may not occur again in a long time. Our eyes are often bigger than our stomachs, and it might be well for this country to eat what it now has before it before ordering more.

In 1921 we called the Washington Conference to limit naval armaments and at that time we established treaty limits beyond which navies should not be developed. In the years following we made no effort to build up to the strength provided in that treaty. In 1934 we passed the Vinson-Trammell Act authorizing a definite strength for our Navy. Since the passage of that act our Navy Department has not seen fit to even ask for the ships that would give us a Navy equal to the strength authorized by law. Right now, under the terms of the Vinson-Trammell Act of 1934, we could have a Navy composed of the following tonnage in under-age ships:

	Tons
Capital ships.....	525,000
Aircraft carriers.....	135,000
Cruisers.....	343,770
Destroyers.....	190,000
Submarines.....	68,298
Total.....	1,262,068

As of February 16, 1938, we had an actual under-age tonnage of 862,160 tons, or 399,908 tons less than we have authorized under present laws. On that date we had commissioned, but not yet completed, 18 ships with a tonnage of 63,035 tons. That still left us 336,873 tons short of the authorizations of the Vinson-Trammell Act of 1934. That additional tonnage could be built right now, as could any tonnage that would replace ships becoming over-age, and could be done without any new authorizations. Yet we are asked to authorize an even greater amount.

Under the terms of the London Treaty of 1936 ships become over-age and can be replaced when they reach the following ages:

Capital ships, 26 years.
Aircraft carriers, 20 years.
Cruisers, 16 to 20 years, depending upon date laid down.
Light surface vessels, 16 years.
Submarines, 13 years.

It is worth while at this point to remember that there is no limit upon modernizing ships as they become over-age. A battleship, for example, can be modernized at an approximate cost of \$10,000,000 and can be retained in inactive status pending a national emergency without being considered in the limitations placed upon naval strength by the London treaty. Ten battleships have been modernized already.

The Vinson-Trammell Act of 1934 authorized a \$4,000,000,000 building program. The Navy Department has not seen either the need or the desirability to keep its building program up to the specifications established in this act. Year after year the Navy Department experts have appeared before our Appropriations Committee to submit their estimates and needs. In none of those years did they claim that a Navy of the full strength authorized was a necessity. As recently as December of last year and the first weeks of January of this year the Navy Department officials appeared before our Appropriations Committee to present their needs for the coming year. The same men appeared on behalf of the Navy Department in support of those appropriations as have appeared before the Naval Affairs Committee in support of this proposed increase. Less than 21 days separated their testimony on the two bills. As late as January 7 they foresaw no need for the proposed building program, yet the President's message of January 28 urged the additions and the admirals reappeared to demand its enactment as a matter of urgent necessity.

To get a complete picture of the next 5 years' building program let us see just how much building could be carried on with and without this additional authorization. Our naval experts have testified that they cannot keep up to present authorizations with the facilities now at hand, but we might as well see what actual program lies ahead of us.

BATTLESHIPS

We have under construction two battleships at a cost of \$150,000,000. Under existing authorizations we could, in the next 5 years, build nine more at a cost of \$675,000,000. This bill authorizes the construction of another three battleships at a cost of \$225,000,000. We have appropriated part of the funds for the two under construction, but will need to make some additional appropriations for those two ships before they are completed. Admiral DuBose, Chief of Construction, testified that present shipbuilding facilities would not permit the building of all these ships unless considerable sums were spent on improving and building up naval yards. The nine ships that we could build in the next 5 years, plus the three authorized under this bill, would cost \$900,000,000. Modernization of the nine present ships that would become over-age would add another \$90,000,000. Appropriations to complete those now under construction and to improve the naval shipbuilding yards would swell the 5-year total to far more than a billion dollars. That includes only battleships.

DESTROYERS

Right now we have 35 under-age destroyers and we are building 49 new ones. Under existing authorizations we could have 126 such vessels. We could have 42 more destroyers without any additional authorizations, and if none of the present under-age destroyers became over-age during the next 5 years. The Navy Department has no plans under way for the building of our full destroyer strength as now authorized, yet they ask us for an authorization to increase the total by 23. A destroyer costs about \$7,500,000 to build at current prices. If no appropriations were asked to complete the 49 under construction at the present time, we could under the proposed program build \$486,000,000 worth of new de-

stroyers in the coming 5 years. If we were to modernize any of those destroyers now under age, and if we allow for any appropriations to complete those now being built, we would have a 5-year destroyer program of more than half a billion dollars.

AIRCRAFT CARRIERS

We now have three aircraft carriers and have three more which are being completed. Under existing law we can have only six such craft. Under the proposed increase we could build two additional aircraft carriers at a cost of about \$60,000,000. We do not know how much more we will have to appropriate to complete those now under construction, so we can just leave the aircraft-carrier item at \$60,000,000.

CRUISERS

At the present time we have 17 heavy cruisers that are under age, and we have one that is appropriated for and under construction. Due to limitations on the construction of such types of naval craft, no new heavy cruisers can be built or are sought under the pending bill. We have 10 light cruisers, and we are building nine more at this time. Under the 1934 act we could have 19 such vessels. That limit will be reached when those now under construction are completed if none of those now under age become over age before that time. At least seven of these now under construction will require some additional appropriations before they reach full fighting strength. The bill before us authorizes nine more cruisers. Each of these cost, at current prices, \$20,000,000 or thereabouts. That would make a 5-year total of \$180,000,000 for this type of craft, exclusive of replacements of existing vessels and completion of those already laid down. Conservatively, we can place the cost for 5 years at \$200,000,000.

SUBMARINES

We now have 22 under-age submarines although we could have, under the 1934 act, forty-seven. We have nine under construction now, and the Navy Department has neither asked for or considered building submarines up to the full extent authorized. Right now, without any new authorizations, we could build 25 submarines. The pending bill provides for an increase of 9 submarines, making a 5-year total, exclusive of replacements, of 34 submarines. Each submarine at current prices costs \$5,500,000; total for the thirty-four would be \$187,000,000. Taking into consideration appropriations for the completion of those now under construction, plus replacements, the 5-year program for submarines would amount to over \$200,000,000.

The five classifications of ships which I have given by no means constitute a navy. I have not made any reference to auxiliaries, mine sweepers, mine layers, torpedo boats, light surface craft of all kinds, airplanes, and other essentials of a well-rounded and well-balanced navy. Time does not allow a detailed examination of the costs and present condition of our Navy in those categories. What I have shown is that if we pass this bill we will be authorizing a 5-year building program in capital ships, aircraft carriers, cruisers, destroyers, and submarines of more than \$2,000,000,000; and that if the Navy is to be well rounded in other craft and in air equipment the cost will run as high as \$4,000,000,000.

WHAT CAUSED THIS NEW DEMAND?

This sudden demand for a bigger Navy by the very naval experts who 3 weeks before the President's message saw no need for such a building program leaves one to wonder about the reasons for the change of views. Much ado was made about the reported building of superbattleships by the Japanese. Was it these rumors that caused this sudden change of policy by our naval experts? That is a ridiculous assumption upon the face, because it is disproved by all the known facts. Our Chief of Naval Operations, Admiral Leahy, testified before the committee that the only information the Navy Department had in regard to the superbattleships Japan is supposed to be building were taken from newspaper stories appearing in the European press. Our intelligence service and liaison officers had been able to find out nothing about such building. The admiral further stated that the

newspaper report came from the Italian press. Here is what is remarkable about the whole thing. The article referred to appeared in Mussolini's personal newspaper, *Il Popolo*, in December before the naval experts appeared before the Appropriations Committee on the 1939 Navy Department appropriation bill. They had the newspaper story at that time, yet they took no alarm over it and made no request for either superbattleships or for a navy of full authorized strength. Now the thing is used for a war scare.

In regard to this change of policy, part of Admiral Leahy's testimony is worthy of repetition. I want to quote a brief passage from the hearings, as follows:

Mr. MAAS. If this increase is so urgent as it would appear from your testimony that it is, why was the program delayed? Why was it not brought in with the regular appropriation act? Why is it being brought in now?

Admiral LEAHY. I am not accurately informed in regard to that. Presumably information received after the preparation of the Navy's budget for 1939, which was prepared several months ago, indicated to the President the necessity for an increase in the authorized Navy. Presumably he did not have that information at the time the 1939 Budget was prepared.

From the admiral's testimony there are two, and only two, possible implications. The first is that this demand for an increased navy comes not from the naval officers and is not based upon their beliefs, but that it comes from the President and the foreign policy making branch of Government, the Department of State. I do not wish to consider such an implication at this time but will revert to it later when discussing foreign policy under the proposed bill. The second implication in the admiral's statement is that changed world conditions in the last month or two have made imminent a possible attack upon this country by some foreign foe and thus have made necessary the increase in our Navy. If this is true, what change has come about in world affairs that makes attack seem imminent? What nation is preparing to spring upon us? What nation or nations could possibly attack us across the thousands of miles of ocean barrier that separates us? Those questions must necessarily be answered if we are to have any clear conception of what naval strength we may need to defend our country and its territorial possessions. That is particularly true in view of the often repeated statement that this is a navy for defense only. Will the attack come from Asia or Europe, or where will it come from?

THE NIGHTMARE OF INVASION

Japan is the only naval power in the Orient and she is now engaged in a desperate struggle against China. In addition to that fact, she has at her very doorstep a traditional and powerful enemy—Soviet Russia—whose interests and natural spheres of interest coincide with those of Japan. Russia and Japan are rivals not only for trade but also for territory, and Russia has made no effort to mask her antagonism toward Japan. The present Sino-Japanese war has taken a terrific toll on the resources of the Japanese and the war is not over. No responsible student of far eastern affairs can imagine Japan turning her eyes away from her natural spheres of interest in the Far East to carry on an attack against the richest and most powerful nation in the world lying more than 6,000 miles across the waters. No one familiar with the far eastern situation would consider Japan as likely to attack the United States and thus leave her forces divided against a Russian attack on her back. Not even the most foolhardy nation would attack a far more powerful nation upon her own ground unless there was a considerable prospect of success.

The nightmare of foreign invasion is based largely upon too much eating of propagandist doctrines as they emanate from the pens and mouths of our economic imperialists, shipbuilders, munitions makers, quack patriots, jingoists, and professional newspaper sales experts. A war against this country could not be won by one air raid or a series of air raids, or by one naval attack or a series of naval attacks upon our harbors. It would take an actual occupation of our country by an enemy force to bring about a victory over us. Every nation on earth realizes this and none of them would carry on puni-

tive raids against our cities, our sea coasts, and our territorial possessions unless they planned to actually occupy the territory attacked and make it a base of war operations. Our fleet could engage another fleet on the high seas and be entirely destroyed, but we would not be defeated because we have the material resources and the capital to build our fleets anew. A city or several cities could be attacked from the air, but we would still be far from being defeated. To actually defeat us they would have to come over here and defeat us right where we are strongest—on our home ground—and where they are the weakest because they are thousands of miles away from their sources of supplies, both human and material.

THE DANGER OF JAPANESE ATTACK

Our naval officials regard the Japanese as our potential enemies and for that reason concentrate our sea forces in the Pacific. Let us survey our insular and other possessions in the Pacific. Nearest to Japan we have the Aleutian Islands and Alaska. The approach to the Aleutians and Alaska from Japan is guarded 80 percent of the time by dense fogs which make military operations nearly impossible. In addition we have military and air bases from which to operate our defense forces. If those bases are not strong enough at the present time they can be strengthened, and that strengthening is not considered in the present bill.

In the far Pacific we have the island of Guam. It is a tiny island of less than 206 square miles without resources to support a naval or military base. It is located right in the middle of the Japanese mandated islands and could readily be attacked by planes operating from the Japanese controlled islands. Guam is located 5,063 miles from San Francisco and more than 4,000 miles from our nearest naval base at Pearl Harbor in the Hawaiian Islands. From a defense standpoint we would have no possibility of defending Guam even if we had twice the Navy we would have under the present bill. However, from the defense standpoint Guam offers little in the way of a rich prize to any power who might be casting about with covetous eyes for more island possessions. Certainly Guam would never be made the cause of a war between Japan and this country. The game would not be worth the cost. Scattered around over the broad expanses of the Pacific we have a number of tiny islands which have been claimed through the efforts of the Navy Department in past years. In fact, two such tiny islands we have just claimed and are now engaged in a friendly dispute with Great Britain over them. These tiny islands are practically worthless from either an economic or defense standpoint. For example, Wake and Midway Islands are nothing more than small coral reefs capable of supporting no kind of a military garrison and having no possibilities of development as naval bases. Japan has a host of similar islands that she cannot use, and she would hardly declare a war on us to get a few more.

The next point of possible attack is the Hawaiian group. The principal island of that group is Oahu, and upon that island we have our greatest naval base—Pearl Harbor, and our strongest Army post—Schofield Barracks. The island of Oahu, both because of the strong defense bases we have erected, and because of the natural terrain, is impregnable. To attack the Hawaiian Islands Japan would have to cross 3,300 miles of ocean from its nearest naval base. Naval experts have repeatedly stated that a fleet loses 40 percent of its efficiency by the time it travels 3,000 miles from its base. To attack Hawaii the Japanese Fleet, which is far smaller than our own, would have to meet our fleet and air forces operating from land bases. Even after defeating our fleet, if that were possible, they would have to land troops on a heavily fortified island manned by a large garrison. As long as we continue to keep Pearl Harbor as our greatest naval base, and as long as we continue to keep Schofield Barracks as our greatest Army post, Hawaii is safe.

The scaremongers have talked about Japan attacking the Panama Canal Zone. Here are the difficulties that lie ahead of such an attack. The Canal Zone is fortified and has an air base as a part of its protecting force. If additional fortifications are needed and if the air base at Coco Solo is

weak, it should be strengthened, but that is not a matter coming under the naval bill we are discussing. It is 8,000 miles from Japan to the Panama Canal. Our great naval base at Pearl Harbor lies directly between the two points. A Japanese fleet leaving its home base would have an effective strength of only 60 percent when it reached Hawaii and our fleet there, and if the Japanese fleet could evade our Navy at sea it would have an effective strength of less than 30 percent when it reached the Panama Canal Zone. In this weakened condition it would have to face our defense forces located in the Canal Zone plus our naval strength from the mainland which would be sent down to protect the Canal Zone.

THE 5-5-3 RATIO FOR DEFENSE OR OFFENSE

Before leaving the Pacific it is worth while to look into the matter of relative naval strength between Japan and the United States. Our present naval strength exceeds that of Japan on an 11 to 7 ratio. In addition, we have our naval base at Pearl Harbor to base a fleet almost halfway to Japan. Admiral Leahy testified that our own Navy could not travel across 6,000 miles of ocean and attack Japan with any reasonable assurance of success. How then could a far smaller Japanese Navy cross the same ocean and attack us?

Lately we have heard a great deal about the 5-5-3 naval ratio established at the Washington conference. We are told that we need to have a bigger Navy now because Japan has exceeded the 5-5-3 ratio. When the Washington conference was called in 1921 the actual ratio between Japanese, American, and British Navies was about 5-5-3. At that time we had the Philippines which we were bound to protect and defend. The 5-5-3 ratio was one figured out by naval experts as about the ratio that would keep one naval power from being able to attack another naval power. To protect the far-off Philippines we had to have a ratio of 5 to 3 with Japan. Our admirals seem to have overlooked that point when they now tell us that we need to have a 5 to 3 ratio with Japan to keep her from attacking us, while the same ratio makes it impossible for us to attack Japan. The same ocean lies between us no matter which one does the attacking.

THE DANGER OF ATTACK FROM EUROPE

If the attack that our big-navy advocates fear is to come from Europe, the Navy Department is strangely remiss in its duties when it keeps almost our entire fleet in Pacific and Asiatic waters. Possibly they do not fear a European attack; and if one looks over the European situation, he will see good reason for such a state of mind. In the first place, the only European powers that have a navy worth considering are Great Britain, France, Italy, and Germany. Germany, Italy, and France all have navies far inferior to our own. All three have enemies near at home against whom they must continually be on guard. None of them would consider sending a fleet against this country. If all three chose to join together in an attack upon us, they would still lack both sufficient naval strength and sufficient merchant tonnage to carry on operations. Great Britain is the only naval power with a sufficiently strong navy to attack us, and even then we would have a superiority when operating from our own shore bases. Everyone realizes that there is no danger of attack from Great Britain, and everyone knows that we are on the best of terms. However, the scare-mongers continue to have a fear; so we must, I suppose, regard Great Britain as a potential enemy. She has a colonial empire scattered all over the globe which she must protect. To protect her colonial empire she has to divide her naval strength to keep part of it in the Mediterranean, part of it in Asiatic waters, and part of it in the Atlantic Ocean and North Sea. To attack this country, Britain would have to mass her fleets, thus leaving without naval protection her world-wide colonial empire, and would have to project her fleet and armies into the Atlantic, while leaving her own coast and territory unprotected from possible foes in Europe.

THE DIFFICULTIES OF FOREIGN INVASION

Those who have not studied the voluminous writings and reports on naval operations and the landing of expeditionary

forces can scarcely realize the utter impossibility of carrying out an invasion across thousands of miles of ocean barrier against a well-armed, rich, and powerful nation having coastal fortifications and a navy of great strength.

Scaremongers have cited the Japanese invasion of China as an example of what a militarist power could accomplish in the way of an invasion against this country. They have cited the example of the Japanese Navy bombarding Chinese cities and of the Japanese Navy landing troops and supplies in war-torn China. Actually, there is a great distinction between a Japanese invasion of China and a Japanese invasion of either our country or any of our territorial possessions. Admittedly, any nation having a coastal frontier is weak unless it has a navy and unless it has well-equipped coastal fortifications. But you must remember that you cannot put a battleship on the land to protect yourself from an attacking party that comes by land.

China had neither fortifications nor navy to prevent the landing of troops from the water. In addition, Japan did not have to rely upon landing troops from ships to carry on her campaign against China. As a matter of fact, the Japanese invasion of China was a land invasion operating from a previously established and well-developed land base in the puppet Japanese state of Manchukuo. The Japanese Navy has been used in Chinese rivers only because the land armies had already gained control of those rivers or because the rivers had no fortifications that made impossible the use of warships. Japan, on starting her invasion of China, had at her command ports with ample dockage, railroads, and other essentials required to land large numbers of troops and huge quantities of supplies. In addition, Japan had a friendly welcome awaiting her troops and supplies at those ports. Any nation attempting to invade our country would have none of those assets. On the contrary, she would have to meet our Navy and air forces before her ships could get close to our ports; then she would have to meet and overcome the attack carried on from our coast-defense stations and from our military forces. All these defense forces would have to be met before they could land a single man.

There is only one example in modern history of an attempt to land troops on a hostile shore. That is the ill-fated Gallipoli campaign of the World War. The British, in order to secure control of the Dardanelles, decided to send an expeditionary force of 30,000 men. Trouble arose immediately over the service of supplies. Each transport had to be made self-sufficient for the voyage. A base somewhere near the proposed landing place had to be selected. The British at first decided to use the port of Alexandria as a base, because it had all the equipment and facilities necessary to handle such an expeditionary army. The port of Alexandria was found to be too far from the zone of military operations, and so they decided to use Mudros Bay, in the Lemnos Islands. Mudros Bay was big enough to accommodate the fleet but lacked dockage and other facilities. However, it did have the advantage of being only 55 miles from where the British wanted to land their troops. Great Britain had absolute control over the seas, and no opposition was made to the establishment of the advance base in Mudros Bay. Finally, when all was ready, they started the invasion by crossing the 55 miles of ocean. The rest is history. Shore defense sunk three proud battleships and wreaked havoc with the invading forces. After terrible sacrifice of life had been made a landing was established. The military campaign started and was prosecuted for some time. Difficulties in keeping the troops supplied and the hardships of operating at so great a distance from the home base caused the abandonment of the Gallipoli campaign.

The bogey of invasion can well be quieted in the breasts of those who are so greatly alarmed over the possibility, if they will only study the wartime records of our own American Expeditionary Forces. We entered the World War as the ally of the powers controlling the seas. To transport our troops and supplies we had available the combined tonnage of our allies plus the tonnage we were able to provide for ourselves. We seized all the German ships in

our ports when the war broke out, we leased and borrowed ships from neutral nations, we diverted our merchant tonnage from its ordinary tasks to be used for military transport, and we built new ships. No German fleet roamed the seas to intercept our transports, and we had all our allies' war vessels plus those of our own to convoy our transports and protect them against submarine attack. When they arrived in Europe they entered French and British ports, where there was every possible facility awaiting to help unload them. There were no coastal fortifications to be overcome. The British and French welcomed our troops and supplies with open arms. In spite of all those things, the best we could do in December 1917, 8 months after we entered the war, was to send across 49,515 men. By April of 1918 we had increased our record to 118,642 men in 1 month. In July of 1918, after more than a year in the war, we reached our peak and were able to send 306,500 troops across the Atlantic in the 1 month. Even then we were fortunate in that we sent almost wholly an infantry army. We used our allies' cannons and airplanes, and most of our heavy equipment we borrowed from them.

In the month of July 1918, when we sent 306,500 men to France, we used 403,000 tons of shipping to carry them. In the same month we used 1,350,000 tons of shipping to carry supplies. The War Department in 1919 published a report by Leonard P. Ayres titled "The War With Germany: A Statistical Summary," which gives all these figures. Even the Ayres report fails to show properly the impossibility of any country being able to send an army across either the Atlantic or Pacific of sufficient strength to defeat us because it does not show how far we missed being able to supply our own troops in France, due to a shortage of merchant ships. General Dawes, in charge of the service of supplies during the World War, and later Vice President of the United States, testified before a Senate committee in 1919 in regard to the difficulties we had in keeping our troops supplied. I want to quote a brief passage of his testimony as it appears in the Army hearings, United States Senate, 1919, pages 1707-1708. I quote:

Owing to the lack of shipping facilities from the United States, it was possible for the American Expeditionary Forces to secure, during the first 7 months of its existence, less than 500,000 ship-tons of material from the United States. * * * It was necessary, during that same time, for us to secure from France, which was largely stripped of supplies, and from Europe over 2,000,000 tons of supplies. During the 19 months, I think it is, from June 1917, when we first landed, to December 31, 1918, it was possible to ship from the United States to our Army only about 7,600,000 ship-tons of supplies, whereas the Army secured for itself, under emergency over there, 10,000,000 tons of material and supplies during the same period.

That was the testimony of the man who actually had charge of our wartime shipments and is not the fanciful dreaming of a swivel-chair tactician.

Upon the basis of our wartime experience it has been figured that it would take 3,600,000 tons of shipping to carry an army of 300,000 men across the ocean with sufficient supplies to allow them to operate. The average merchant vessel has a displacement of about 6,200 tons. At that rate it would take 580 transport ships to carry 300,000 men across the ocean with the supplies necessary to put them in the field. In addition, the invader would have to provide an armed convoy for those merchant vessels big enough to defeat our fleet, guard from submarine attack, and protect the merchantmen from attack from the air. Those transports would be unarmored and would be easy prey for our air forces. After all those difficulties had been overcome the invaders, with their vast armada, would have to overcome our coastal defense, our air fleets working from nearby land bases, and our military machine which would be ready to prevent the landing. The invaders would find a population not ready to hold out welcoming arms, but ready to fight to the last ditch to keep them from landing on our shores.

The efficiency of an invading force decreases every mile as it leaves its home base, while the efficiency of a defend-

ing force is proportionately increased as it works closer to its own base. The invading army which the scaremongers envision would meet our defense forces at the time when we were the strongest and they were at their weakest. For those of you who have any real interest in the efficiency of coastal defenses I wish to quote a brief passage from the work of the British naval expert, Hector Bywater. It is found on pages 249 and 294-295 of his book, *Sea Power in the Pacific*. I quote:

Guns mounted on shore are on an unsinkable and steady platform, where they can be provided with unlimited protection and accurate range-finding devices. Guns mounted on board ship are on a sinkable, unsteady platform, their protection is necessarily limited, and methods of range finding afloat cannot be brought to the same degree of perfection as on shore. The shore gun of equal power has therefore a great advantage over the gun mounted on shipboard, an advantage which is increased if the former be mounted on disappearing carriages, as are the sea-coast guns of the United States. * * *

Guns mounted ashore in emplacements protected by massive armor and concrete are almost impossible to put out of action, and * * * their fire can be directed with extraordinary precision even at the longest ranges. An equal degree of accuracy can never be attained when firing from a ship. During the Great War coastal bombardments were reduced to a fine art in the Dover patrol, yet, according to Admiral Bacon, the mathematical chance of hitting a lock gate at Zeebrugge—a larger target than would be offered by a gun mounted ashore—assuming absolutely accurate aiming, was once every 67 rounds. But since aiming from a ship at sea can never be quite accurate, the chances of making even this limited number of hits from a moving platform are substantially less than the mathematical calculation would suggest. At the same time the formidable nature of fire from heavy-caliber guns mounted ashore was repeatedly demonstrated in the operations off the Belgian coast. On one occasion the monitor *Lord Clive* was heavily shelled by the German batteries at ranges between 18,000 and 22,000 yards, the salvos falling with uncanny precision and several direct hits being made. It was found subsequently that the German 12-inch and 15-inch guns could make very straight shooting up to 32,000 yards. The new American 16-inch 50-caliber gun at full elevation would have a range of 45,000 yards, and a single hit from its 2,100-pound shell, descending at a very steep angle, might prove fatal to the largest battleship. A limited number of these weapons, so mounted as to command the line of approach * * * would probably suffice to keep the strongest fleet at a respectful distance. * * *

A NAVY NOT FOR DEFENSE BUT FOR OFFENSE

As long as we maintain a Navy at the present strength there is no nation on earth that can invade our country. If we would build up our Navy to the full strength already authorized, but which has never been attempted, we could rest doubly sure in the knowledge that foreign invaders could obtain no foothold. If we strengthen our coastal fortifications and complete the modernization of our Army which we now have begun, we can rest secure in the knowledge that we can protect ourselves. Improved coastal fortifications and a modernized army will give us national defense, but they will not improve our strength for operations all over the face of the globe. This bill that we have before us is designed for only one thing—for America to accept the role of international policeman. It far transcends the role of America as protector of the Western Hemisphere. We already have authorizations to increase our Navy to a point far beyond any strength ever planned by our Navy Department, yet we want to increase even that far-distant goal.

The advocates of this big Navy constantly maintain that it is intended only for national defense. Defense of what? Is our conception of national defense one of policing the world, of enforcing collective security by sending our ships and our boys to far-off wars in order that the world may be made safe for those who have already seized all the territory upon the globe for their national enrichment? Are we to project ourselves into the struggles of Europe in which we have, and can have, no material interest? Are we to attempt a seizure of the European balance of power at a cost of hundreds of billions of dollars and the loss of thousands of lives? Are we planning to dictate the forms of government for the peoples of Europe and Asia after we have established the principle of independence and the establishment of the right of self-determination? Those are the very questions that we are deciding here today.

The testimony of naval experts ever since the World War shows conclusively that the Navy demanded by this bill is

not one of national defense but one of offense. That naval testimony shows that this bill is designed to give us not a Navy to protect ourselves from attack but one enabling us to carry on naval and military operations in Europe and Asia. It is designed to give us a Navy sufficient in strength to allow us to play the role of the international policeman.

This big Navy bill goes far beyond the limits of the so-called treaty Navy. It goes far beyond the 5-5-3 ratio established at the Washington Conference. Admiral Leahy, testifying before the Naval Affairs Committee, stated:

The so-called treaty Navy established by the Treaties of Washington, 1922, and London, 1930, and authorized by the Vinson-Trammell Act, was at that time considered to be sufficient in strength to provide adequate defense against attack by any single naval power, and not sufficient in strength to carry an attack to their shores. The Navies of Great Britain, the United States, and Japan were by these treaties fixed at a strength of 5-5-3.

Now remember, at the time of the Washington and London Treaties we were obliged to defend and protect the Philippines from any foreign invasion. Since then we have granted the Philippines the freedom they so ardently sought, and by that act we have reduced our defense line 4,800 miles. Our actual defense needs are far different today than they were in either 1922 or 1930. It is a peculiar fact that our naval experts today talk about the 5-3 ratio with Japan as being one which would allow another nation to defend itself but which would make it impossible for one nation to carry on operations against the other in her home waters. Those statements do not bear out the testimony in previous years of a great many of our naval experts. Through the years since the Washington Treaty was signed our naval experts have repeatedly testified that a 5-3 ratio with Japan would give us a fleet sufficient in strength to meet Japan in oriental waters upon an equal basis but which would leave Japan on a 1½-5 ratio if she sought to attack us at home. Today we are being asked to go far beyond even the 5-3 ratio.

Admiral Hillary P. Jones, chairman of the executive committee, General Board, United States Navy, America's technical expert at the Geneva Conference, testified before the subcommittee of the Committee on Appropriations of the United States Senate, Sixty-ninth Congress, second session, 1927, pages 125 to 126, that with a 5-3 ratio Japan's strength in any attempted attack on the United States would actually be 1½-5. I quote:

Admiral JONES. I personally think that the arrangement made in the Washington Conference with Japan in regard to our bases, and so forth, in the western Pacific, the 5-3 ratio with Japan virtually amounts to a 5-5 ratio, so far as we are concerned.

Senator HALE. How do you mean?

Admiral JONES. In any campaign in those waters, with their bases close by, and our inability to have bases west of the Hawaiian Islands, that would bring the strength of Japan practically to a parity with us.

Senator HALE. If we had a navy five-thirds of the strength of Japan's Navy, and it were used in Japanese waters, the two navies would be substantially on a par?

Admiral JONES. Practically a par.

Senator HALE. And instead of being 5-3 it would be 5-2 or 5-1½.

Admiral JONES. Something less; that is my personal feeling about it.

In 1929 Secretary of the Navy Wilbur, testifying before the subcommittee of the House Committee on Appropriations (Hearings, p. 51), pointed out that the 5-3 ratio made us equivalent in Japanese waters to the Japanese fleet. He said:

In other words, taking our battleships, for instance, as a whole or in our home waters, and they are superior to the Japanese battleships, not only from the ratio of 5-3 but more than that, because of their distance from base. On the other hand, it is believed that with our lack of bases our battleship fleet in Japanese waters would be about equivalent to the Japanese fleet because of their proximity and our distance from base. It was on that theory, as I understand it, that Japan yielded us superior tonnage; we have yielded on the question of the establishment of bases in the Philippines. I state that because sometimes that obvious qualification or reservation is not noted or recognized.

Appearing before the Committee on Foreign Relations of the United States Senate, Seventy-first Congress, second session, on treaty limitations of armaments, Admiral Bristol

testified that a 5-3 ratio with Japan made it possible for an American fleet to operate in far eastern waters. On pages 115-116 of those hearings you will find his statement as follows:

If any difficulties should arise between Japan and the United States that might result in war or even threatening war, the United States would necessarily have to carry the campaign into the waters of Japan. * * * I think with the ratio of 5-3 and with the fleet that the General Board has recommended that we would have an equal fleet with Japan in a campaign.

Before the same Senate committee Admiral N. M. Taylor stated as follows:

In case of war in order to protect our interests in the Far East, it would mean the establishment of a strong naval force in that area. That means the transportation of the fleet with all its supplies across 7,000 miles of ocean * * *; it means the transportation of a very large and very cumbersome force across the Pacific. With the 5-3 ratio it was possible.

Now remember that all those statements were made when we were obliged to defend the Philippines and when our naval policy was based upon a campaign of defense of those islands.

The big Navy bill that we now have before us authorizes the construction of a fleet far greater than the 5-3 ratio with Japan, which our naval experts have so consistently maintained would give us equal strength in Japanese waters with the fleet of Japan, and which would give us a 5-1½ superiority should the Japanese fleet attempt to engage us in our own waters. This big Navy proposed in this bill can, by no stretch of the imagination, be considered as a defense Navy only.

WHAT FOREIGN POLICY DEMANDS THIS SUPERNAVY

Our President, our Secretary of State, and some of our naval officials have stated that no agreement, alliance, or plan of united action between this country and Great Britain has been agreed upon. That is undoubtedly a complete and exact statement of the case. Yet when the President submitted the big Navy request to Congress the press of Great Britain hailed it with unbounded rejoicing. Dispatches from London read as follows:

LONDON, January 28.—Britain was quick tonight to catch the significance of President Roosevelt's call for the vast expansion of the United States Navy. * * * It was almost as if Britain had won a war victory. For Britain calmly assumes that every new American battleship, every cruiser, destroyer, and airplane helps to safeguard the security, not only of the United States but of Britain and all peacefully intentioned nations.

Other London papers envisaged the day when the American fleet would be strong enough to police the Asiatic waters leaving Britain's fleet to be concentrated in the Atlantic and Mediterranean.

The great British naval base at Singapore has now been completed and formally opened. Less than 5 days ago high British authorities announced that the facilities of the Singapore base had been offered to the United States Fleet. Our Navy thus secures a parallel action base right in Japan's backyard. The Singapore base will accommodate the largest fighting craft afloat. Britain and the United States acting together in the Far East, using Singapore as a naval base, can dominate the Orient. By building this supernavy and by accepting the British offer of Singapore we not only cast ourselves in the role of the policeman, but we grab for the gun and the club that goes with the role.

OUR NAVAL POLICY

Section 9 of this bill defines what is supposed to be our naval policy. If this section had been deliberately designed to leave us as free a hand as can be imagined no better wording could have been found. This section declares that our naval policy shall be:

First. To maintain a Navy sufficient in strength to guarantee our national security, not for aggression, but to guard the continental United States by affording naval protection to the coast line, in both oceans at one and the same time.

Second. To protect the Panama Canal, Alaska, Hawaii, and our insular possessions.

Third. To protect our commerce and citizens abroad.

Fourth. To insure our national integrity.

Fifth. To support our national policies.

This bill states that we are to maintain a Navy sufficient to protect both our coast lines at one and the same time. Admiral Leahy and others testifying before the Naval Affairs Committee repeatedly stated that the Navy Department did not propose in this measure the creation of a two-fleet Navy. They repeatedly stated that the Navy Department had no plans for dividing the fleet now stationed in the Pacific. The inference is that we can depend on Great Britain to defend the Atlantic while we clean up in the Pacific.

This section of the bill specifically provides that we shall maintain a Navy sufficient in strength to protect not only Alaska, Hawaii, and the Panama Canal Zone, but all of our insular possessions. That establishes a defense line as far west as the tiny island of Guam. Guam lies in the midst of the Japanese Pacific islands, 4,000 miles west of our naval base at Pearl Harbor. A worthless island from an economic and strategic standpoint is not worth using as a defense line. Guam cannot provision or supply a fleet and the only harbor is valueless for a battle fleet engaged in war operations. The protection of all our island possessions includes our coral reefs that the Navy Department has been able to pick up either by its own efforts or through the services of the Department of Commerce. If we are to establish a defense line, let us establish one that we can defend, one that keeps us within the Western Hemisphere, and one that keeps us out of the Far East, where we have no interests to merit such an intervention. By establishing a western defense line from Alaska and the Aleutian Islands to the Hawaiian Islands and then east to the Panama Canal Zone, we can establish a line that will give us far more national security and which will remove us from the controversies of the Far East.

This naval policy section of the bill states that our Navy is to protect our commerce and citizens abroad. That can mean everything of it can mean exactly nothing. If our policy is to use our Navy in evacuating nationals from war zones and to protect our commercial interests from piratical or other outlaw attacks, then it is a fine policy. If our Navy is to be used to protect our nationals who insist on staying in war zones, and if it is to be used in protecting our commerce by convoying it through zones of belligerent operations, then the policy can be nothing more than one which will draw us into other peoples' wars.

This naval policy section states that our Navy is to insure our national integrity. No one questions that part of the bill. Our national integrity has not been challenged since the War of 1812, when the British landed troops on our shores and engaged us in a military campaign.

The crowning glory of the policy section is the statement that our Navy is designed to "support our national policies." As a statement of national defense aims that is the crowning achievement of this bill. We follow what is known as a day-by-day foreign policy. We do not have a long-range foreign policy. Our policy shifts and changes, not only from administration to administration, but often during the incumbency of one administration. Under this section of the bill our Navy is to be used to carry out the plan of parallel action with the British that so many fear, join in an action for collective security, make the world safe for democracy and vested interests, or to do anything under the sun that this or any other later administration may decide is our national policy on any given day.

Of course the bill states that this is not a Navy for aggressive purposes. If you will but turn through the pages of history from the days of the Pharaohs in Egypt to the present time you will not find one single war that was an aggressive war. No country in history has ever waged a war that they claimed was a war of aggression. Germany during the World War fought a defensive war according to her officials and popular beliefs. France, England, and the Allies all fought a defensive war. Recently when Mussolini invaded Ethiopia he stoutly maintained that it was not a war of aggression. Even now the Emperor of Japan, according to his story, is not engaged in an aggressive war on China. Every nation justifies its every war upon the grounds that it is a war of national defense.

As we debate this bill Europe is in a state of upheaval. A new chapter in the ever-recurrent European struggle for supremacy and for the balance of power is being written. There are those who will tell you that the present European shifting in the balance of power makes necessary this naval expansion bill. If their views are correct just what in that upheaval makes it the particular business of the United States? Why should we be asked to go over there and straighten out their family quarrels? Why should we project ourselves in the European struggle for power when all those nations already owe us great sums of money we loaned to them the last time we went over there to make the world safe for democracy?

It was Thomas Jefferson, the founder of the great Democratic Party, who in 1792 said:

We surely cannot deny to any nation that right whereon our own Government is founded—that everyone may govern itself according to whatever form it pleases and change these forms at its own will.

I am opposed to this bill because: First, it is unnecessary from the standpoint of actual national defense. Second, it places this country in the leadership of the world armament race. Third, it intensifies international rivalries instead of encouraging good will among nations. Fourth, it propels us into Asiatic and European power policies in which we have and can have no real interest. Fifth, it weakens our national defense by extending our defense line rather than contracting our defense line to the Western Hemisphere.

[Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. KNIFFIN].

Mr. KNIFFIN. Mr. Chairman, I have asked for this time so I may discuss but two phases of the pending measure.

I have spent some time at sea making submerged runs in submarines and riding on destroyers, light cruisers, heavy cruisers, and superdreadnaughts, and I have flown in naval aircraft. I regret I am unable to follow some of my good friends in the belief the battleship no longer has a vital place in a well-planned fleet. I believe it has.

Since coming to this House I have supported every measure for national defense by land, sea, and air. I favor air defense, and I would go further than is provided in this bill. I would build two or three rigid lighter-than-air ships, because I do not believe we have yet ascertained the military value of ships of that character.

Moreover, I do not believe a bomber can yet conquer a capital ship. I believe in a direct conflict between navies, when heavy and light cruisers are plunging into the sea and destroyers are rolling over, when the oil of submarines is rising to the surface as the result of the use of depth bombs, when swift carriers are running to cover, and when the air is filled with airplanes and fragments of airplanes tumbling from the skies like snowflakes, the almost invincible superdreadnaughts will continue to angrily belch forth their thunderous and deadly fire, inflicting terrifying punishment upon the enemy. This is my view, because the sturdy dreadnaughts are built and equipped to do the greatest damage and to put up the most stubborn resistance.

I believe, too, that as long as we have navies and a use for navies, due regard should be had for a proper ratio of those fighting fortresses. They are all-weather instruments. They can go anywhere at any time, cutting their noses through heavy, rolling seas to hold a position when other ships must stay at their bases on account of weather conditions.

The other phase of the bill I desire to discuss is to be found in section 9, the so-called policy section. We have listened to the profoundly interesting and elucidating remarks of the gentleman from New York [Mr. WADSWORTH]. Early in his remarks I thought he was finding fault with an amendment which I shall offer, but later when he emphasized again and again the fact our interests are in the Western Hemisphere, I thought perhaps he was speaking in favor of the principle at least of the amendment I shall offer.

I dislike to find myself somewhat in disharmony with my able and estimable chairman, of whom I am so very fond,

on the question of policy. And I hesitate to present my views as against his superior knowledge because he is the best-informed man in this country on naval subjects. His policy section does not go far enough, however. Moreover, I am opposed to some of the language in it because there is intense confusion in the minds of our people as to why we are to authorize this additional naval strength, especially as we are not an empire and do not want to be one.

Until a short time ago few Americans realized we maintained a fleet of more than 40 fighting ships in Chinese waters. Since this realization has been driven home by the succession of dangerous incidents in China involving our ships and soldiers there has been an increasing demand by the people of the United States that we get out of there.

What do we intend to defend? What trade treaties are we risking war to maintain? To what extent will we share policing of the world? To these questions the American people demand an answer because aggression is on the march throughout the Eastern Hemisphere. When other countries see us arm heavily they will act on the risk and increase their armaments.

The first essential of peace in international affairs is the clarity of the Nation's policy. The policy of the Monroe Doctrine has not been violated because the world has known for more than 100 years that we meant it. It was definite, too.

Somehow we have become more or less committed to a dangerous aggressive policy. This has taken place quietly during the past 40 years without the knowledge or approval of the American people. I am not charging President Roosevelt or Secretary Hull with having brought about this condition because it was inherited by them.

The only way for us to keep out of another war is to keep our ships out of it. All of this talk that we must send our Navy 10,000 miles from home to fight a defensive war is palpably absurd. The only reason we ever send men overseas is to defend somebody's investment.

In order to invade our shores another nation would have to land at least a million men here all at one time, together with supplies and other things. No navy on earth could carry fuel enough to cross an ocean, do material injury to us, and return home. Of course, no air squadron in the world could carry fuel and bombs enough to cross the ocean, attack us, and return home. Moreover, if nobody is going to come over here to attack us, why on earth should we sail across the seas to kill others just to protect somebody's investments? Anybody who sends money to Europe or Asia as an investment should assume the risk. The theory that the United States should follow its nationals into dangerous places when by so doing the peace and safety of our country are endangered is unsound and indefensible. It is abominable.

Judging from the way things have been drifting, the task of keeping America out of the next big war rests with the masses unless the Congress will rise to the responsibility which the Constitution enjoins upon it and make rules for the government and regulation of the Navy.

Everybody concedes the right of a person to keep a good watchdog to guard his home, but nobody concedes the right of that person to send his dog far away from home to intimidate or bite someone.

We should build up our national defense on the basis of our frontier and not somebody else's. Why not be for America first? The testimony before the committee indicates we are in greater danger of war at this time than at any time since the last one. After studying the results of the last conflict we ought to be practical about this matter. The results of our contribution to the last war are now self-evident. If we are closer to war than we were 25 years ago, it is because a condition has been permitted to develop slowly, contrary to the wishes of the American people.

Our defensive forces are scattered all over. Nowhere are we properly protected. Our forces in Asia are there defending interests that belong largely to Europeans.

I shall offer an amendment when this bill is read. The amendment I shall offer will provide a bulwark of defense

for the United States. All of the testimony shows that even with this large increase in naval strength we could not win a war in Asia or Europe, so why meddle any longer? We should look after our own frontier and make it impenetrable. My amendment will do that very thing, and, too, it will amount to a guaranty that the United States will not become involved. The will of the great majority of our people should not be longer ignored. A strong navy and no more foreign entanglements is what our people want.

We should be the first nation in the world to practice what we preach, because we are best situated to do so. We can and must set a new example to the world—one that is honorable and just and one that indicates clearly we will look after our own peace and our own business and will not fight any more unless some nation looking for trouble seeks to penetrate our frontier, in which event we will be prepared to blow them out of water.

We will tell the world where our frontier is and just what we intend to do about it—maintain it inviolate against any foreign foe. We will tell them, as President Monroe did, but we will write it into the law of the land so officials and unofficials not chosen by the people cannot misstate their will. The people of this country will no longer stand for unofficial ambassadors slinking about creating fear and perhaps attempting to tie us up with foreign war plans.

We are not interested in defending any empire. Despite this fact, we are at the present time participating in the defense of empire interests. The adoption of my amendment will result in a speedy return trip of our so-called Asiatic Fleet, which less than one-half of 1 percent of our people knew anything about until the *Panay* was sunk.

The presence of our forces in Asiatic waters stands as a constant menace to our peace and is strictly contrary to our traditional policy, the policy upon which we have reared this great Nation.

The adoption of my amendment will be proof to the world that we have no thought of attacking any nation. Moreover, it will have a wholesome effect upon the attitude of the people toward the Navy, as they, who pay for the Navy and its maintenance, are strongly opposed to its further misuse. We have come to a place where they really want to know for what it is to be used, and they are in dead earnest. [Applause.]

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. KNIFFIN. I yield to the gentleman from California.

Mr. SCOTT. Would the gentleman advise the United States to give up what is commonly referred to as the open-door policy in China?

Mr. KNIFFIN. I would advise the United States to give up the open-door policy in China when the maintenance of the open-door policy in China jeopardizes the peace and safety of 130,000,000 of us here in America. [Applause.]

Mr. WITHROW. Mr. Chairman, will the gentleman yield?

Mr. KNIFFIN. I am pleased to yield to the gentleman from Wisconsin.

Mr. WITHROW. What does the gentleman believe this Nation would do if Japan, for instance, should station four gunboats in the harbor of San Francisco, ostensibly for the purpose of protecting Japanese interests in the United States? How would the people of this Nation feel, and what would we do if such a situation should arise?

Mr. KNIFFIN. We would use our naval forces, take shotguns, or any other available means necessary to eliminate such a condition.

Mr. WITHROW. Is it not fair and reasonable to assume that other nations feel the same way when we station our gunboats in their waters?

Mr. KNIFFIN. There can be no question about it. If we insist upon our policy of the Monroe Doctrine in the Western Hemisphere, why deny the right of a similar policy to those in the Eastern Hemisphere? [Applause.]

[Here the gavel fell.]

Mr. MAAS. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I congratulate those who can make up their mind readily in this matter. The few

words I shall speak, I hope, will express the views of some of us who are still doubtful. I pray that I may keep an open mind for at least a day or two longer, but after the most persuasive speech of the gentleman from New York [Mr. WADSWORTH] perhaps we ought no longer hesitate to support the bill. However, I wonder if many of us are yet fully convinced? I sometimes fear the influence that the gentleman from New York [Mr. WADSWORTH] has upon me, I admire him so much, and I recognize his great ability. But he did not particularly discuss the measure now before us. He made strong declarations with reference to the Monroe Doctrine, and many of you who applauded his statement must keep in mind that because of the Monroe Doctrine it might become necessary to build this supernavy.

With dictatorships over much of South America and with the sympathy and open hearts, many of those nations seem to have for the doctrine of dictatorships, I sometimes wonder if they wish us to interfere.

However, if we are building a navy for South American countries, that is one thing. If, as the chairman of this committee says, we are building a navy for the continental United States only, or as the gentleman from Texas [Mr. MAVERICK] says, to protect merely this country over which he placed his hand on the map, that is quite another thing. But we of the doubters want to know the necessity for this huge expense at this particular time.

We wish to be extremely careful that we are not bluffed, as the gentleman from New York [Mr. COLE] stated, and our attention diverted from our very, very serious domestic difficulties. It is an old method of governments thus to divert attention when critical conditions exist at home. Our attention was indeed diverted in October by the "quarantine" speech. It came as a bombshell to the people of this country. The President also said, on August 15, 1936:

No matter what neutrality legislation is passed, it will all depend upon the President and Secretary of State as to whether we shall go to war, if war should come abroad.

So these are the two individuals that we must consult in order to know our real national policy.

The President practically said that a certain nation ought to be quarantined. Great Britain said, "Good; you go to it and we will back you up, but you make the first move." That was 5 months ago and nothing more happened. I suppose he may have said, "Consider yourself quarantined." One boy said to another, "I will smash your jaw if you say that agin." The other replied, "Well, consider it said agin"—"Well, consider your jaw busted." [Laughter.]

If only a war of words is to be indulged in we want to know it. On July 16, 1937, Secretary Hull stated the foreign policy of this Government, and it was placed in the RECORD yesterday by Mr. VINSON. He advocates this and that—anybody can advocate—"We believe this, and we believe that." That is easy. "We stand for this," or "realizing the necessity," and the like, but not a word in the Secretary's statement that even hints cooperation by force.

In one case he says, "We uphold the sanctity of treaties," but in all the rest "he simply advocates" or "he merely believes"; he desires to increase foreign trade, and it is foolish of any of us not to believe that if we trade with foreign peoples, with the encouragement of our Government, our flag is not supposed to follow and to protect our own citizens and property. However, it remained for the committee itself to outline the policy, and here we have it in this bill: "It is declared to be the fundamental naval policy of the United States to maintain a navy in sufficient strength," to do what? "Guarantee our national security," and then it goes on to state: "To protect the Panama Canal, Alaska, Hawaii, and our insular possessions." It does not say anything about South America here, but it also states "to protect our commerce and citizens abroad." It now becomes apparent why they want this great navy.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

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Mr. VINSON of Georgia. When you use the words "national policy," that includes the Monroe Doctrine.

Mr. GIFFORD. Probably. The gentleman from Colorado [Mr. MARTIN] on yesterday said that the Republican Party got us into a lot of troubles, but he did not mention which party got us into the World War and caused us to accept the Monroe Doctrine. Perhaps James Monroe was not a Democrat. I await your repudiation.

So we are really to protect our commerce and our citizens abroad. This sounds strange at the moment, in view of recent pronouncements relative to getting out of China. Are we really now to assure our national integrity? But the gentleman from Texas [Mr. MAVERICK] states that these are only meaningless words and that the bill might just as well have read, "I believe in the virtue of womanhood." It means a lot to me when it says, "to assure our national integrity," after all these declarations of policy by Secretary Hull. A large navy does not imply that we advocate and then do nothing about it.

How about the freedom of the high seas and the sanctity of treaties? If we simply advocate these principles, the large navy will not be needed. But this bill says, "We will protect our commerce and citizens abroad, preserve our national integrity, and support our national policies."

Plainly this navy is not for mere national defense only, as our people are being led to believe. Let us at once clarify the real purpose and decide whether these suggested national policies ought to be translated into forcible action on our part.

Certainly if more "quarantine" declarations are to be made, we need to be prepared to follow up such threats or become a joke to other nations.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. MOTT. It is true, is it not, that all rights of American citizens abroad are rights existing by virtue of treaties with those nations?

Mr. GIFFORD. There are certain rights which are probably not brought about by particular treaties. I believe freedom of the high seas would seem to be in that category. I am unable to pursue that.

Mr. MOTT. I asked the gentleman a question as to whether or not that is true.

Mr. GIFFORD. For the moment I am unable to continue that question. I should imagine that there are many rights of nations that are generally recognized, which are not particularly recited perhaps under a treaty with a particular nation, but I ask the gentleman not to divert my attention because I have just a moment more. Mr. Chairman, I am at one moment quite persuaded that I should not vote for this bill, and I am at another more quite persuaded that I ought to vote for it, and there are many of us in that situation. Our foreign policy is certainly not clear. Also, is there immediate necessity? After continually criticizing the spending of billions and portraying the danger of the vast public debt, how can I vote for these billions for building what may be an unnecessary armament and committing ourselves to its maintenance afterward? Shall we do this, under existing circumstances? If it is really needed for our safety, then I desire to vote for it even if we have to borrow more money. Other nations have indeed gone insane. "Whom the gods would destroy they first make mad." But, as they destroy themselves, are they then a menace to us? Is Japan at the present moment a menace, with her hands full in China and her finances exhausted? In conquering Ethiopia Italy's finances are exhausted. Conquered Manchukuo and Ethiopia are still, and will be for years, not a source of revenue but a great expense to the aggressors. Is it possible to believe at the moment that there is the slightest reason for this great expenditure simply for our defense? We must be convinced before voting for this bill, which certainly carries at least the threat of forcing our policies on other nations.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. KNUTSON. Is it possible that the administration wishes to take the minds of our people off the fact that there are 15,000,000 men out of work.

Mr. GIFFORD. I fear it is painfully evident that it is alike necessary and imperative for this administration to take the minds of our people off our present unhappy domestic difficulties for which it is so wholly responsible.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MAAS. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, we are in the midst of a war scare, of war hysteria, of war psychology, that has been spread throughout the length and breadth of our land. It emanates from many sources both from within and without our country, including the highest sources within the administration—the White House and the State Department—to such an extent that the peace-loving American people are inclined to look under the bed at night to see if a Jap or an Italian or a German is hiding there, ready to pounce out on a defenseless American.

I listened to the remarks of my colleague from New York [Mr. WADSWORTH]. He made an able speech. I agree with much that he had to say about national defense. I am in accord with his remarks about upholding the Monroe Doctrine, but when he says that troops are on the march in European or Asiatic nations I see no reason to believe or to fear that they are on the march to New York or Los Angeles, Buenos Aires, or Rio de Janeiro. Quite the contrary. I believe, as far as the Monroe Doctrine is concerned, we have a stronger and more powerful Navy today than at any time in the last 50 years of our country's history with which to uphold and enforce the Monroe Doctrine. The very nations that might possibly invade Latin America are now engaged in their own vicinity, Germany in Austria and Czechoslovakia, Italy in Abyssinia and in Spain, Japan in northern China and maybe next in Siberia. There is not the possibility or an iota of chance of any of those nations attempting by force to invade any country in Latin America, particularly when our Navy is 50 percent larger than Japan's and 100 percent larger than Italy's or Germany's, and when Germany has entered into a compact not to build a navy larger than one-third that of Great Britain.

There was a time prior to the World War when the German Navy was as large, if not larger, than our own. Then Germany might have invaded Latin America but not today or for many years to come. The time may come 50 years from now when we will have to arm further to uphold and enforce the Monroe Doctrine, but not under the present conditions or circumstances. The reason these arguments are advanced is to further promote a war hysteria, and create and spread a war scare as justification for a super-navy not for defense but for aggression to police and quarantine the world.

Yesterday the gentleman from Massachusetts [Mr. TINKHAM] stated what Mr. Winston Churchill had to say about an excellent arrangement that had been entered into between the United States and Great Britain. I propose to quote to you from some other English leaders who made similar statements, so that there may be no misunderstanding about the facts that seem to be disputed. Lord Plymouth told the House of Lords, February 12, 1938:

The British Government has been in constant consultation with the Government of the United States in connection with events in the Far East. Action has been taken independently, but it has almost invariably been along parallel lines.

Again, Mr. Eden said practically the same thing in the Parliament about 2 months ago. He was then the British

Secretary of State for Foreign Affairs. He said on December 21, 1937, in addressing Parliament:

We are constantly and daily in close consultation with the Government of the United States. Over and over again we have taken either parallel or similar action, and that in itself is an indication of the closeness of such collaboration.

It is just a matter of quibbling between parallel action and concerted action. Parallel action may be very close and have exactly the same objectives as concerted action. The administration, through Secretary Hull, denies any concerted action, but does not deny parallel action; and I submit the whole thing is a quibble over words. When we enter into parallel action with Great Britain for the same objective and go along exactly the same lines it is the same thing. It is nothing but concerted action with the British Empire to accomplish the same purposes and results.

Why this fear? Why this war scare? Why this bill? This super-Navy bill translates into legislative actuality the President's Chicago speech in which he advocated concerted action to police and quarantine the world, in which he used these words, "concerted action," instead of "mere isolation and neutrality."

Why? Neutrality has been the traditional foreign policy of our country for 150 years. The declaration of neutrality toward all belligerents proclaimed by President Washington in April 1793 has become our accepted foreign policy and has been adhered to by every President since that time. Now President Roosevelt declares he wants to repudiate neutrality and have unneutrality which means a change in our traditional policy of noninterference to a policy of interference with foreign nations. What does he mean by "mere isolation." We do not stand for isolation, we are ready to enter into peace conferences, into limitation of naval armament conferences; all we propose to do is to isolate America from foreign disputes and wars. [Applause.]

In the very limited time at my disposal I urge upon the Congress, regardless of partisanship, to carry out the will of the American people and call a limitation of naval armaments conference. I am convinced that this is the will of the American people because I made a radio speech recently urging such a conference and received 7,000 favorable replies and but 23 opposed—practically unanimous. It is not a party matter. We are now launched on a mad race to build huge naval armaments. All history tells us that from the days of Greece, Rome, and Carthage, right down to the days of Great Britain and Germany in 1914 that rivalry and competition in naval armaments create hatred and hostility and eventuate in war. It always has, and always will. We are now launched on a great and costly naval construction program in competition with Japan and in competition with Great Britain to build huge superbattleships at a cost of \$70,000,000 apiece. It is the road to war. There is one way to stop it, one simple and constructive way within the power of the Members of the House without regard to partisanship. In 1921 when we had a Republican President who refused to call a conference to stop naval competition, just the way President Roosevelt refuses to call it now, the people back home put pressure on the Members of Congress to have a conference called to limit naval armaments. We were then launched on a gigantic naval armament race leading to war.

The conference was called on the demand of the people and the Congress. Mr. Hughes presided, and immediately the big-navy nations agreed to a 5-5-3 ratio, and all talk of war disappeared. Peace and good will replaced jingoism and rivalry and war. For 15 years that treaty was in effect, and we saved \$250,000,000 annually; we saved \$4,000,000,000 of the taxpayers' money, and we had peace instead of war. We are now faced with identically the same problem. It is again within the power of Members of Congress to insist upon the calling of such a conference.

[Here the gavel fell.]

Mr. MAAS. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York.

Mr. FISH. Japan, through its highest authorities, says she is ready and willing to enter into a limitation of naval armament conference. The highest British authorities say the same thing. Japan even says that she is ready to give up battleships and airplane carriers.

I submit in answer to anybody who may follow me—and I understand they will—that Japan lived up to the terms of the Treaty of Washington on the 5-5-3 basis; so did Great Britain. Every American admiral admits that the other nations have lived up to the treaty requirements. I say, in the name of peace in this country and in the world, show me one reason, one legitimate reason, why the United States of America should not enter into this peace conference to limit naval armaments, and do it now, and why we should not take the lead in calling it.

What do they say? What does the chairman of the committee say? "Oh," he says, "the time is not opportune." Maybe some time after we shall have spent these billions of dollars for destructive purposes we will enter into a conference. When do you send for a doctor? You send for a doctor when you are sick. When do you enter into a limitation-of-naval-armaments conference? Only when you are in the midst of naval rivalry and competition.

I insist that this House have an opportunity to vote up or down the one simple proposition that the President of the United States be requested to call a limitation of naval armaments conference in Washington; that there be no politics in it, that we vote this request and put an end to this mad folly of spending billions of dollars that we do not need to spend for national defense at the present time, but which we sadly need to right conditions in our own country in the midst of a serious depression.

Who will pay this bill? No one has discussed that. Who will pay for these additional billions of dollars? The rich taxpayers have been squeezed dry; you can get no more money out of those within incomes over \$50,000. The people who will pay for this huge naval program, not for defense but for aggression that leads to war, are those with incomes between \$2,500 and \$50,000. Some of them who are in favor of this bill should know if this legislation goes through that they have got to pay the price in increased taxes. [Applause].

[Here the gavel fell.]

Mr. VINSON of Georgia. Mr. Chairman, I yield 30 minutes to the gentleman from Tennessee [Mr. McREYNOLDS].

Mr. McREYNOLDS. Mr. Chairman, the President has been accused in suggesting that Congress take the action embodied in this bill, of fostering aggressive rather than defensive action. The utter falsehood of this accusation is proved by the President's utterances which are of public record.

President Roosevelt made this statement as to his foreign policy in his inaugural address on March 4, 1933:

In the field of world policy I would dedicate this Nation to the policy of the good neighbor—the neighbor who resolutely respects himself and, because he does so, respects the rights of others—the neighbor who respects his obligations and respects the sanctity of his agreements in and with a world of neighbors.

The President said on another occasion:

Peace like charity begins at home.

In his famous Chautauqua address of August 14, 1936, he said:

We shun political commitments which might entangle us in foreign wars.

We are not isolationists except insofar as we seek to isolate ourselves completely from wars. * * * I hate war. * * * We can and will defend ourselves and defend our neighborhood.

Of course, our neighborhood under any reasonable means of construction is not in the extreme Far East or on the other side of the Atlantic Ocean. You know this refers to South and Central America in the protection of the Monroe Doctrine.

Many citations could be made from the President's utterances of this kind. Notwithstanding these various speeches of the President on the subject of peace, and his efforts to restore peace throughout the world and avoid entangling alliances with foreign nations, many have seized upon the word "quarantine" used in the President's speech of October 5, 1937, at Chicago, lifted it from its context and choose to define it as "collective action," when in fact it has a thoroughly humanitarian meaning which does not imply hostility. I congratulate those who have advanced this idea on their power of imagination.

Let us see what the President did say at Chicago:

It seems to be unfortunately true—

He said—

that the epidemic of world lawlessness is spreading.

When an epidemic of physical disease starts to spread the community approves and joins in a quarantine of the patients in order to protect the health of the community against the spread of the disease.

It is my determination to pursue a policy of peace and to adopt every practicable measure to avoid involvement in war. It ought to be inconceivable that in this modern era, and in the face of experience, any nation could be so foolish and ruthless as to run the risk of plunging the whole world into war by invading and violating in contravention of solemn treaties the territory of other nations that have done them no real harm and which are too weak to protect themselves adequately. Yet the peace of the world and the welfare and security of every nation is today being threatened by that very thing.

War is a contagion, whether it be declared or undeclared. It can engulf states and peoples remote from the original scene of hostilities. We are determined to keep out of war, yet we cannot insure ourselves against the disastrous effects of war and the dangers of involvement. We are adopting such measures as will minimize our risk of involvement, but we cannot have complete protection in a world of disorder in which confidence and security have broken down.

If civilization is to survive, the principles of the Prince of Peace must be restored. Shattered trust between nations must be revived.

America hates war. America hopes for peace. Therefore America actively engages in the search for peace.

If you will take into consideration what the President has said on various occasions, as quoted, and further, that part of the President's speech that I have read, in which the word "quarantine" was used, it appears to me that there is no ground whatever upon which any reasonable person can base an opinion that the President seeks to involve this Nation in aggressive warfare. To my mind this is an imaginary suspicion on the part of many who personally dislike our President, and also indicates an inclination on their part to use the future welfare of our people as an oratorical handle with which to stoop to a partisan political attack upon the occupant of the White House.

Mr. Healy, who testified before the Naval Affairs Committee against this bill, made use of this expression:

They (the people) approve of the quarantine idea, if it is used in the proper sense—namely, that the United States keep away from areas that are infected with dangerous war diseases.

What grounds has anyone to say that it was not used in the proper sense in view of the overwhelming evidence I have furnished you?

But I am not through with this case yet. I propose to take you over to the State Department, which Department has charge of our foreign policies, and see what Secretary Hull has said and done.

At the very basis I draw your attention to the challenge to international anarchy made by Secretary Hull in his declaration of July 16, 1937, to which 61 governments in all parts of the world replied. At a time when disintegration was proceeding with precipitation in the international sphere and moral fundamentals were coming more and more to be lost from sight in a welter of irresponsible opportunism and lawlessness, it was appropriate that the American Secretary of State should ring the welkin. It was appropriate that from this source should come a program which would lead toward restored world order, provide an alternative adequate and complete to war and set forth the

minimum standards of behavior between nations which would assure order and peace.

What precisely did Secretary Hull advocate? This is important because here rather than in irresponsible fulminations which occasionally arise is the true foundation of American policy. First, he advocated national and international self-restraint as well as the revitalization of international law, and, in his opinion, these aims could best be achieved by abstention from the use of force and from interference in the internal affairs of other nations, and by the adjustment of problems of international relations through peaceful negotiation and agreement. Secondly, he favored steps toward the promotion of economic security and stability all over the world. Thirdly, while recognizing the necessity for maintaining armed forces sufficient to assure national security, he upheld the principle of proportional armament, or, in other words, that armaments might be limited and reduced by international agreement according to the actions of the other governments directly concerned. In his conclusion, Secretary Hull made it plain that this country was prepared to cooperate by peaceful and practical means in the implementation of these principles.

I believe that I can state, without fear of correction, that Secretary Hull was motivated in defining a system of conduct between nations by the profound conviction that where there is international insecurity, which breeds militarism and gangsterism, democracy does not thrive. As Secretary Hull explained in a speech made in New York on September 19 last:

We must make our contribution toward the realization of the conditions upon which peace everywhere can be maintained or ultimately we shall have to sustain and protect ourselves amidst an outside world ridden by war and force * * *. Is it not evident that if the rule of law gives way to international anarchy the security of this country would become seriously jeopardized?

Sixty-one governments responded to the Secretary of State's initiative, many with constructive commentaries, indicating at least a substantial agreement throughout the world upon the fundamentals of international life. Certainly there was no hint of power policies here.

The first of Secretary Hull's points stressed that this country constantly and consistently advocates maintenance of peace. President Roosevelt in an address on Pan American Day in 1937 said:

A durable peace, one that will resist the onslaught of untoward or temporary circumstance * * * demands a policy based on positive international cooperation, on mutual confidence, and on united effort in the solution of problems of common concern.

The President and the Secretary of State have given a practical demonstration of what they mean in the good-neighbor relations which they have sponsored between this country and the countries of Latin America and between the countries of Latin America themselves.

Two other principles set out by Secretary Hull had to do with international self-restraint and the revitalizing of international law. In short, it is unmistakably the belief of the present administration that the conduct which makes for good neighborly relations between individuals in a community makes for good neighborly relations between states in the international community.

As Secretary Hull explained in an address on September 1, 1937:

Reduced to elemental terms, international problems bear a striking analogy to the private relationships of a group of human beings. There are the same instances of altruism and selfishness of complacency and jealousy, of good nature, and backbiting that we find in any normal community we are familiar with. And the individual we most admire is the one who, while not yielding his rights or allowing himself to be imposed upon or standing in judgment on his neighbor, yet goes out of his way to understand the other man's problems, to give him a helping hand, and to try to prevent quarrels from breaking out that might split the neighborhood. When translated into international affairs, the picture is not too far different, and the guiding principle of good neighborliness is the most effective contribution a man or a nation can make to the well-being of the community.

Do these sound like the words of men who are planning an aggression in the Far East, who are preparing in a

devious manner known only to a few to launch this country into collective action against another country?

But this was not all. Secretary Hull's declaration continued to outline the specific methods of revitalizing the international order.

A first point laid stress on the necessity for nations to abstain from the use of force in pursuit of policy—in conformity with the principles at the basis of the Pact for the Renunciation of War as an instrument of national policy and of the inter-American declarations and treaties negotiated by Secretary Hull. A second point emphasizes non-interference in the internal affairs of other nations. A third point advocates the peaceful adjustment of international problems, which implies the respect by all nations of the rights of others and the modification of provisions of treaties, when need therefor arises, by orderly processes carried out in a spirit of mutual helpfulness and accommodation.

Surely this is an odd pronouncement for a Secretary of State to make who is contemplating power policies.

With the limitation and reduction of armaments, a further point of Secretary Hull's declaration, I have already dealt. Suffice to stress that the emphasis laid on this fundamental of American policy does not indicate that an increase of American armaments means that we are about to strike out at any nation, but rather that when the nations of the world are wearied of uneconomic rearmament, the consequence of political bickering and economic back biting, this Nation wishes to be in a position where it can negotiate on an equal footing with the other great powers and can throw the full weight of its influence into the scales on the side of arms limitation and reduction.

These points from the Secretary of State's declaration are the underlying principles of American foreign policy.

But Secretary Hull goes further, and gives a clear indication of the extent to which the American people and their Government will be willing to go to give them effect. The United States, it is made crystal clear, is resolved not to enter into entangling alliances or entangling commitments. No; the gentlemen who have drafted the minority report from the Committee on Naval Affairs do not find any succor there for their insinuation that this Government is in arrangement with the British Government to complement the American and British Fleets in Asiatic waters. No; the United States is willing to cooperate with all nations, but not with any one state to the exclusion of others. It is a collaboration based on homogeneity of conduct not on aggressive designs.

Secretary Hull, in the address of September 1, 1937, made it strikingly plain that this country is resolved to avoid being again entangled in hostilities. There could be no more positive answer to the gentlemen who read dark and devious designs into American policy than this.

As further evidence, let me point out to you press release given out by Secretary Hull on August 23, 1937, in which he made the following statement:

From the beginning of the present controversy in the Far East, we have been urging upon both the Chinese and the Japanese Governments the importance of refraining from hostilities and of maintaining peace. We have been participating constantly in consultation with interested governments directed toward peaceful adjustment. This Government does not believe in political alliances or entanglements, nor does it believe in extreme isolation. It does believe in international cooperation for the purpose of seeking through pacific methods the achievement of those objectives set forth in the statement of July 16. In the light of our well-defined attitude and policies, and within the range thereof, this Government is giving most solicitous attention to every phase of the far eastern situation, toward safeguarding the lives and welfare of our people and making effective the policies—especially the policy of peace—in which this country believes and to which it is committed.

Not long since there was a resolution introduced in the House calling for certain information, and the third question put by the resolution was:

For what war in 1942 or 1943 are we preparing, since this naval program cannot be completed until that time?

Secretary Hull's answer was:

I can only point out that as long as other powerful nations of the world continue to arm, this Nation must continue to prepare to defend itself, not, of course, with any specific future war in mind but in order that it may be ready to meet any exigency which might unfortunately arise.

The fourth question put by that resolution was:

What understandings or agreements have been made with France and Great Britain, or either of them, relative to future wars?

And his answer to the same was:

I refer you to my letter of February 8, 1938, to Senator PITTMAN, in which I said that there did not exist and was not contemplated any alliance, agreement, or understanding with Great Britain relative to war or the possibility of war. I may add that no such alliance, agreement, or understanding exists or is contemplated with any other foreign country.

The Secretary's reply to the fifth question put by the resolution, which was:

Does the President of the United States intend to pursue the historic policy of the United States as laid down by Washington or does he expect to depart from it as was done in 1917?

Secretary Hull said:

This Government is continuing to pursue the historic policy of the United States.

Extracts from George Washington's Farewell Address have been read into this Record. In his Farewell Address George Washington said:

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it?

Like President Roosevelt, Washington was a firm believer and an active worker in the search for peace. But he had no illusions. He knew that the search for peace must be backed up by the respect due us. In his fifth annual address, delivered at Philadelphia on December 3, 1793, he said:

There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war.

Combining these two thoughts in his Farewell Address, Washington said in 1796:

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it.

Thus in 1796 Washington spoke. The bill that we are now considering is but the fulfillment of Washington's long-sighted warning.

To come back to the present, the Secretary of State has been criticized for his statement that our foreign policy would be along parallel lines with like-minded nations. This was correct at the time spoken in connection with a letter that was addressed to Japan by the United States, as were similar communications addressed to Tokyo by France and England.

It was in reference to this matter that the Secretary used the word parallel lines, but he certainly is not following along in parallel lines with Chamberlain's idea of conversations with Germany and Italy and France in reference to a four-power treaty. The Secretary is certainly not undertaking to have conversations with Japan relative to her own possessions in the Far East and to the ultimate extent of recognizing Japan's conquest in China, nor is he following along with Great Britain if it be correct that she is holding conversations with Japan relative to her own possessions in the Far East, and to the end that she will recognize Japan in her conquest in China, nor in the controversy that now exists between the United States and Great Britain relative to the possessions—the two islands—namely, Canton and Enderbury, situated in the Pacific Ocean.

In 1936, at the naval conference, Japan refused to participate; and there was entered into an agreement between the United States, Great Britain, and France limiting the

size of any vessel, not to exceed 35,000 tons, but placing no limitation on the number any one of the signatories could build. That agreement still stands, and all these countries had information that Japan was exceeding this limitation to which they—Japan—were not a party. Inquiries were made and Japan refused to give the information, although she is in agreement with Germany and Italy, and they, of course, are advised as to the character and number of vessels she is building. If Japan wanted parity and was willing to cut down on the size of her vessels, she was offered that opportunity in the conference of 1936, in which she refused to participate.

Now, some of these gentlemen are now advocating that a disarmament conference be called by the United States at once. It is useless to do so under present conditions. Of course, if before you call it, you will agree to all the terms that the Japanese Government would desire to inflict, then it might be a success in case the other nations would agree to the same thing. But this is not a conference if it be merely called together to sign an agreement which Japan had dictated and the terms she would dictate would be such that none of the great powers could afford to agree.

It is a fundamental policy of our country to limit and reduce its armaments in joint action by international agreement. There is no need to cite at great length our record in this regard. It is well known to us all that it was the American Government which took the initiative for the Washington Conference of 1921–22 which gave the original impetus to naval limitation and reduction; that it was the American Government which sought to carry this work further in 1927; that an American delegation took an outstanding part at the London Naval Conference of 1930 and, again, of 1936; and that throughout the General Disarmament Conference, which is now in adjournment, American representatives contributed to the full extent of the possibilities to the promotion of general agreement for the limitation and reduction of arms.

No one can, and no one does, question the abiding interest of the American people and its Government in the removal of the burden of armaments. In this country virtually no voice is raised to refute the sound contentions that the economic load placed upon the peoples of the world by excessive preparation for war should be removed; that competition in armaments is a factor contributing to unrest in a troubled world; that the standard of life everywhere would be raised by the diversions of moneys spent on armaments to productive and social ends.

Accordingly, although it would like to see a very different and very neighborly world, the American people and its Government is, I am confident, sufficiently realistic in its appreciation of the situation as it actually is to wish to bolster its own security pending a reversal of policy by the principal armed powers which will offer some hope that further effort at disarmament will not be illusory.

It must be clear that armaments are no more than the thermometer which records the political and economic health of the world at a given moment. Limitation and reduction of armaments occur as a consequence of an improvement of the political and economic health. Rearmament takes place when political and economic health are lacking. In other words, in order that arms may be limited by international agreement, there must be a condition of appeasement between the nations, based upon mutual trust and confidence and concrete achievement in the political and economic spheres.

Cause, in other words, must not be confused with effect. One of the conspicuous reasons for the lack of success in recent arms-limitation undertakings was the fact that at the time the nations were striving to limit and reduce their armaments they were not adjusting their political differences and solving their economic problems. So long as nations refused to compromise their political disagreements and sought to stifle trade, insecurity was bound to prevail and result in military preparation. On the day when the nations begin to compose their differences and free their

trade from excessive impediments, internal and international conditions will begin to improve, tension will become less, security will become greater, and the demand for nonproductive military preparation will disappear.

Then will be the time to resume the talk of disarmament and disarmament conferences. Then will be the moment for another move forward. Then, in proportion to the appeasement in the political and economic spheres, will limitation and reduction of armaments take place.

In the meantime, this country, in common with every other country which ardently desires peace and the rule of law and order in the world, must, while standing firm and secure behind its own defenses, contribute where it can to appeasement through economic improvement and political good sense.

This has been the objective of American foreign policy as conducted by President Roosevelt and Secretary Hull. It is not the President and the Secretary of State who fill the air with talk, talk, talk of power politics in the Far East and the use of military forces in aggression. They leave this doubtful pleasure to those opposed to his policies while they focus their full time and all their effort on the more constructive task of promoting peace.

The fact that three American cruisers, on their way back from a courtesy visit to Australia, put in, in a routine way, at Singapore; the fact that we have now, as we have had for many years past, some ships in Asiatic waters; the fact that Americans, principally missionaries and medical men with some businessmen, who have been established in China for many years past, have not abandoned their means of existence and scuttled home fast enough, seems to have given some people room for criticism. The fact of it is that not only the United States but all of the other great nations of the world, including Japan, have had gunboats in China as protection against mobs for a hundred years or more, and at the time the *Panay* was sunk she was at that time removing some of our officials to the safety zone, and the fact that one or two of the oil boats happened to be along also taking citizens to a safety zone, in my opinion, is not worthy of criticism. We appropriated during the special session of Congress \$500,000 to evacuate our citizens out of China, and this we have done in every way possible. Other nations have done no more or as much along this line to avoid trouble as the United States.

Any person, and especially a Member of the House, has the right to oppose this bill if they think we will be going into debt in building too many vessels, but I am sorry to see that they are undertaking to place it on the basis of an imaginary foreign policy. This position by Members of the House reading into the foreign policy of this Government something that does not exist leaves the impression on foreign nations that we are preparing for war and aggression and makes it much more difficult for this country to be able to aid in the restoration of peace and for the prevention of us being drawn into this conflict.

No one hates war more than I do; no one would go further to preserve peace. Never again do I want to see the flower of American manhood despoiled upon the battlefields of Europe or in America. Never again do I want to see or hear the sad cries of motherhood over the loss of her son, and if I thought or even suspected that the increase in our Navy, as provided in this bill, would even lend encouragement for war or aggression, I would oppose it with all the power that is within me. But in these troublesome times when nations are falling overnight in Europe and such conditions existing that might spread into flames, and seeing what is going on in Japan and China, I feel that the safest way to preserve our country and preserve our peace is to have a sufficient Navy to cause them to treat us with proper respect from that standpoint. For these reasons I am supporting this bill. We should have a sufficient navy to protect both sides of our country, and in doing so to preserve the Monroe Doctrine, in seeing that no foreign power acquires territory in the Central or South American countries.

The Gallup poll carried in the press last Sunday demonstrates the overwhelming public support of the President for this bill. As Representatives of the people we can do no less than to express their wish in voting for this measure.

Ethiopia, China, and now Austria stand as abject testimony of the folly of failing to be adequately prepared for any contingency. Who of you here suspected 5 years ago that the maps of Europe, Africa, and Asia would be changed as they are today? Who assumes to know what changes might conceivably be wrought upon the map of the Western Hemisphere 5 years hence?

Who among you here now will say that the blood of our ancestors spilled at Valley Forge, at Kings Mountain, at Bunker Hill, was not let that we might enjoy the fulfillment of the ideals of those who now sleep, some in unmarked graves? Who of you will stoop to partisan politics in sabotaging a measure that is designed to assure for those who will follow the continued enjoyment of life, liberty, and the pursuit of happiness assured in 1776?

Who have imposed upon our Navy the grave responsibility that there shall be no war upon our own soil? We have imposed upon our Department of State the grave responsibility that our citizens shall not engage in wars on foreign soil. The passage of this bill will do much to assure both. I close with this challenge:

Who of you dares to obstruct these broad objectives? [Applause.]

Mr. MAAS. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Chairman, it seems to me the issue before us is whether we are going to have a Navy for defense or a Navy for aggression.

I do not presume there are any Members of this House who do not want this country to be adequately protected against any probable or likely invasion and, still, Mr. Chairman, I am sure the great masses of the American people oppose the construction of a navy if that navy is intended for aggressive purposes.

We are told by the Navy experts and by the members of the Committee on Naval Affairs that the purpose of this bill is to build our Navy up to treaty strength or the 5-5-3 ratio. I believe it is admitted that if we build the Navy that is authorized under this bill we will have a navy that approximates the 5-5-3 ratio, and I submit to the chairman of the Committee on Naval Affairs that the 5-3 ratio as between the United States and Japan is a navy large enough to carry a war over to Asiatic waters. I submit that the 5-3 ratio with Japan would give us a navy large enough to meet Japan in Japanese waters on an equal basis, and this was the purpose of the 5-3 ratio. It was not thought by those who attended that conference that we had to have a 5-3 ratio as against Japan in order to defend us from any invasion or attack, but the 5-3 ratio was agreed upon because it was determined at that time that if we had five ships to their three of every category, we would have a fair chance of beating them or a fair chance of carrying on warfare in Japanese waters in the Far East. May I ask the gentleman from Georgia if he cares to state whether or not this is his understanding of the matter?

Mr. VINSON of Georgia. Of course, the gentleman is entirely wrong. The theory of the 5-5-3 is that it so balances the Navy that the United States could not launch an attack against Japan, nor could Japan launch an attack against the United States, and that England could not carry on warfare against the United States with any success, nor could we carry on a naval engagement against England with any success. In other words, the navies were so balanced as to lessen the likelihood of war.

Mr. BOILEAU. I agree with the gentleman that the 5-3 ratio was arranged so that the United States could not attack Japan with any assurance of success. In other words, it was the ratio agreed upon as a proper basis upon which to construct navies, so that both navies would have only a fair chance of success. I submit to the gentleman from Georgia that our naval experts are of the opinion that

with a 5-3 ratio we can successfully carry on a war in Asiatic waters.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield very briefly, because my time is limited.

Mr. VINSON of Georgia. Does not the gentleman know that Admiral Leahy states that to carry on successfully a campaign against Japan would require at least three times more than this bill calls for plus the Navy we have today?

Mr. BOILEAU. That is what I wanted to have brought out, so we could have a clear understanding of the situation.

I have no bone to pick with Admiral Leahy. I think he is a fine gentleman. As a matter of fact, he was appointed to the Naval Academy from my congressional district. We do not agree upon this Navy proposition; but in December of this year, when Admiral Leahy was before the Naval Appropriations Subcommittee, he did not say we needed any larger navy than was already authorized, but in February of this year he states that we need a larger navy.

Now, the gentleman from Georgia has talked about these admirals, and I want to quote what some of these admirals said a few years ago about this 5-3 ratio. It is important, is it not, to find out what they actually thought about the 5-3 ratio when considering these treaties?

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. Not now. I want to give the gentleman the advantage of the testimony of some of the admirals.

Admiral Hough, in 1930, in testifying before the Senate Committee on Naval Affairs, was asked this question by the chairman of the committee:

And should we become involved—as, of course, we hope we never will—in a war with Japan, what, in your estimation, would give us a parity if operations were carried on in the east—what ratio?

Admiral Hough replied:

I believe the 5-5-3 ratio would give us a fair chance.

This means in the Far East. Before this he had been in command of the Yangtze patrol, and at that time was a member of the General Board of the Navy.

Then, at the same time, in 1930, Admiral Pringle testified before the Senate Committee on Naval Affairs, and here is what Admiral Pringle then said:

I estimate that with the 5-5-3 ratio we would have a chance of conducting a successful campaign, but that the minute the ratio begins to be altered in favor of the Japanese our chances are reduced thereby and become less than what you could possibly call an even chance.

Then the chairman said:

That is in view of the fact that operations would probably be carried on in distant waters.

Admiral Pringle said:

Yes; in view of the fact, as I view it, the trouble between us would necessitate our projecting our operations across the Pacific Ocean.

This is the statement of Admiral Pringle, who at that time was president of the War College.

Then Admiral Bristol in 1930 at the same time testified before the Senate Naval Affairs Committee and was asked by the chairman:

For operations in the Orient, what would you say our ratio with Japan should be in order to give us equal strength?

Admiral Bristol replied:

I believe if we continue the provisions of the Washington Treaty, especially the one in regard to fortifications and naval bases, that 5-3 is a fair ratio between us.

And that is for war in the Orient, and Admiral Bristol at that time was chairman of the executive committee of the General Board of the Navy.

Admiral Jones testified to a 5-3 ratio, and I submit this evidence to show that the gentleman from Georgia [Mr. VINSON] in asking us for a 5-3 navy is not himself properly informed as to what the 5-3 navy was intended for. I do not submit my own opinion, but the opinion of these admirals.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. No; I am sorry. The chairman asked this question of Admiral Cole:

What ratio do you think we should have with Japan in order to insure us a fair chance if operations were carried on in case of hostilities with that country in the Far East?

Admiral COLE. 5-3 in all categories.

Admiral William C. Cole was then in command of the scouting fleet of the United States Fleet and had been Chief of Staff of the United States Fleet.

Then we have the testimony of Admiral Jones in 1928, when he testified before the Senate Naval Appropriations Subcommittee. Admiral Hillary P. Jones was then chairman of the executive committee of the General Board of the United States Navy, America's expert at the Geneva Conference. In 1928 he testified that with the 5-3 ratio Japan's strength in any attempted attack on the United States would actually be $1\frac{1}{2}$ to 5, showing that the 5-3 ratio was not considered necessary for the purpose of defense, because actually their strength would be down to $1\frac{1}{2}$ to 5.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MAAS. Mr. Chairman, I yield the gentleman 2 minutes more.

Mr. BOILEAU. Then Admiral Jones said:

I personally think that the arrangement made in the Washington Conference with Japan in regard to our bases, etc., in the western Pacific, the 5-3 ratio with Japan virtually amounts to a 5-5 ratio so far as we are concerned.

Then Senator HALE asked:

How do you mean?

Admiral JONES. In any campaign in those waters, with their bases close by and our inability to have bases west of the Hawaiian Islands, that would bring the strength of Japan practically to a parity with us.

Senator HALE. If we had a navy five-thirds of the strength of Japan's navy, and it were used in Japanese waters, the two navies would be substantially on a par?

Admiral JONES. Practically a par.

Senator HALE. And if they were used in our own home waters, of course, that would reverse the situation?

Admiral JONES. That would reverse it.

Senator HALE. And instead of being 5-3 it would be a 5-2 or 5-1 $\frac{1}{2}$?

Admiral JONES. Something less. That is my personal feeling about it.

Then we have the testimony of Admiral Taylor given in 1930 before the Senate Foreign Relations Committee in which he said:

In case of war, in order to protect our interests in the Far East, it would mean the establishment of a strong naval force in that area. That means the transportation of the fleet with all its supplies across 7,000 miles of ocean. * * * It means the transportation of a very large and very cumbersome force across the Pacific. With the 5-3 ratio, it was possible.

We have the testimony also of Captain Taussig in 1930 before the Senate Foreign Relations Committee. He said:

I wish to say this from experience in dealing with this far-eastern question—that the 5-3 ratio combined with an agreement to limit the fortifications in the Far East gave us only a sporting chance for victory.

A sporting chance for victory in the Far East! Admiral Bristol again in 1930, before the Senate Foreign Relations Committee, made this statement in reply to a question propounded by Senator Walsh, of Montana:

Senator WALSH. Another thing you told us, Admiral, namely, that if we unfortunately got into a war with Japan, we would want to seek her waters in order to end the strife.

Admiral BRISTOL. Yes.

Mr. Chairman, I submit that all the testimony shows that the 5-3 ratio was intended to give us a navy strong enough to wage a foreign war in oriental and Japanese waters, with reasonable hope for success, and not merely a navy strong enough to defend us against an attack.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. VINSON of Georgia. Mr. Chairman, I yield 15 minutes to the gentleman from Connecticut [Mr. KOPPLEMANN].

Mr. KOPPLEMANN. Mr. Chairman, there is one serious point of view which I am afraid has not been given the consideration it deserves.

This Government has gone into debt during the last several years for the only reason which can possibly justify that action. In 1933 we began spending Government funds to wage a war against the depression. The Government has continued appropriating funds not only to continue its fight against the results of the depression but equally as important, to bring about the forces of rehabilitation and recovery without which we cannot hope for a continuance of the democratic institutions of this Republic.

Along with our efforts at recovery we have made wise efforts toward reform. In many instances the full benefits of these reform measures will not be felt by the Nation and the people at large for some years to come but steadily and persistently we have been building the foundations for a better social and economic order. The prime consideration and the ultimate goal of the work we have been doing is for the preservation of democracy in the United States. To bring greater happiness and contentment to our people and to keep peace within our own borders, to that end any expenditure is justified and any burden of responsibility in the way of taxation can be rightly claimed from the people.

Moreover, we have done this without extending the tax base. Whoever is criticizing because he has to pay more taxes falls in the category of those people who were able to evade just responsibility through loopholes in taxation laws. These loopholes we have been plugging up. Hence, there are certain individuals who are paying higher taxes than they paid in the past.

Some months ago I received a letter from the Budget Bureau in response to an inquiry of mine which indicated that more than 60 cents of every tax dollar paid into the United States Treasury went to pay for past wars and for the preparation for future wars. We have a habit of preparing for and waging wars and charging it up to future generations. Today we are paying for pensions to the heirs of veterans of the Indian wars. We are paying pensions and hospitalization to the veterans of the Civil War and their dependents, and likewise to the veterans of the Spanish-American War and their dependents. Our grandchildren will be paying for the World War, and God alone knows how far into the future generations will be paying for the Navy we are building in preparation for a war which should never be permitted to occur.

If we were to prepare for war on the plea of national defense or otherwise and pay for it as we go along, the taxpayers of the United States would stop, look, and listen before they would give their consent. If, for instance, a gentleman who submits an income-tax return today calling for say \$5,000 for the year 1937 and because of this big-Navy program was told he will have to pay say an additional \$500 or whatever the sum may be, not next year or a generation from now, but today, there would be a hue and cry from one end of the country to the other. Men and women who have fallen for this defense baloney and say yes we do need a navy to police the world would instead be crying aloud against the imposition of any further taxes and ask why do we need this big Navy, why cannot we mind our own business and attend to our own affairs instead?

But of the 120,000,000 people in the United States, only some 3,000,000 pay income taxes. Something like 4 percent of the American population pays an income tax.

Financially burdened as we are because of internal problems, we cannot go on planning and appropriating for huge navies which are not needed to protect us internally unless we obtain new sources of revenue. We dare not tax the rich any more, hence we must take it out on the poor. Not only will we have to increase the rate of taxation, we will have to broaden the base of taxation. School teachers, factory workers, farm hands, millions of heads of families now exempt because they have dependent wives, children, and parents whom they must support on inadequate incomes—they would be compelled to pay an income tax

because the United States is rearming. Stenographers, typists, mechanics, clerks—they, too, would be called upon to pay an income tax.

That means that we will be nullifying the chief work in which we are engaged, and that is to create additional purchasing power. We have said all along, and rightly so, that prosperity cannot return to this country until purchasing power is increased. So far the poor man is called upon to pay only the so-called hidden taxes. We have been fighting for wage and hour legislation for the purpose of improving the economic condition of our workers so that they in turn could have a purchasing power and in turn be able to buy more of the things that industry and agriculture produce. We have been fighting for lower utility rates so that the working people could derive greater benefit out of our natural resources. We have put through measures to make for better standards of living and in doing all this, as I said before, it has not been necessary to spread the base of taxation. We have passed a social-security law, a railroad-pension law to provide security for workers when they are no longer able to work and to take care of them during those periods when they are temporarily thrown out of employment. True, we have called upon workers to make their contribution to the social-security fund but this contribution is no more than a premium toward insurance, and a cheap premium for guaranteed insurance at that.

But, should we spread the base of taxation and soak the poor, as we will be forced to do if we continue to appropriate for an increased navy, there is going to be a serious and violent reaction against this administration. People who have been misled by propaganda into believing that we need a big navy are going to forget about that. All they are going to remember is that they have to pay new taxes which were imposed by this administration on the masses of the people and they never had to pay such taxes before. No issue in the world affects a man so much as his pocket-book. You can depend upon it that the Republicans will take full advantage of the situation and use this issue for all that it is worth. Not the issue of defense or aggressive warfare, but the issue that the poor people of the country have to pay taxes.

It is not so much the threat of a mere political overturn that bothers me and should bother those of you who have supported the New Deal program. It is the threat of the overturn of the first broad, liberal, social and economic advance that this Nation has made since the Civil War. Not since the Civil War and slavery has there been a social issue which aroused people to take sides because human ideals were at stake. Following the Civil War we entered an era of industrial and agricultural expansion. Issues were concerned with that expansion. It was only after the dreary years following the World War that Americans awoke to the realization that there was something fundamentally wrong in our social structure and that those social wrongs were having their rotting effect upon our economic structure.

We have not sufficiently implemented the gains the country has made under the New Deal to take the chance at this stage of the game of a fundamental change in policy and administration.

I am convinced that by and large the people of the United States approve of the New Deal.

But the point I make is that the New Deal is facing its most critical period. The glamour of adventure and novelty has worn off. The New Deal is now being taken for granted by the people at large, but, because it is still in its infancy, the enemies of the New Deal think they are in a position to undermine it. They can undermine it only by undermining the confidence of the masses of the people for whom the New Deal was designed. And nothing could undermine that confidence so much as the wicked criticism persistently hammered by its enemies that this New Deal which was to lift up the working classes is in reality pressing them down under a load of taxation and consequent lower standard of living.

If it were taxation which we could defend, that would be one thing; but how can we defend taxes to pay for building

a Navy to be sent out to police the world or to fight battles which are none of our concern. And I say this fully aware of the tragedy which has been visited upon democracy in Europe. Today we cannot hope to save democracy for the world. Today we can save it for the United States and here is where our job lies.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. KOPPLEMANN. Mr. Chairman, I am very happy to yield to the distinguished gentleman from Minnesota, recognizing in him one man who sat in this Congress in 1917, the World War Congress, and with courage voted "nay," on the question of entering the World War. [Applause.] I wish there were more such men in Congress.

Mr. KNUTSON. Does the gentleman believe there is any ground for apprehension over the possibility of war with an oriental power in view of the fact that they have their hands full in the Orient at the present time and are fighting with depleted treasuries?

Mr. KOPPLEMANN. I am very glad the gentleman asked that question. Last evening I was reading the reports of the Naval Committee hearings, pages 56 and 57—if I am wrong the gentleman from Georgia [Mr. Vinson] will correct me—reading the testimony of Admiral Leahy. He said in effect to the committee that we would require a 100-percent better navy than Japan's to be able to attack Japan. The gentleman from Maine [Mr. Brewster] asked him if that were not true in the reverse, and he answered that it was. This 100-percent better navy than the other fellow's is accounted for for attack purposes, because a navy loses 40 percent of its potential power between the time it leaves its own shores and reaches its destination.

We have, next to Great Britain, the largest Navy in the world. It is ridiculous, of course, even to contemplate an attack from Great Britain; so, according to the testimony we are well able with our present Navy to defend ourselves, for Japan would require a 100-percent better navy than ours before she could attack us, and if we wanted to attack Japan we would have to have a 100-percent better navy than hers. Bear in mind that Japan does not have the transports necessary to bring an army over here. Bear in mind that during the World War it took us 14 months after the declaration of war to transport our Army to France. Bear in mind also that the French ports were open to us. What would have happened, how long would it have taken, if the French ports had not been open to us?

It seems to me that these facts should be constantly borne in mind by those gentlemen who preach, as I heard preached here this afternoon, the doctrine of fear, the same language that was used in 1914, 1915, 1916, and 1917. I remember those days very distinctly, and I hear those speeches over again today in this Congress. For instance, in 1932, up in the State of Maine, in good old New England, a shipbuilder had published a conversation of a Chinese gentleman by the name of Chen who claimed that Japan, in 1932, was getting ready to attack the United States. The shipbuilder got that interview published in some Maine papers owned by a Mr. Gannett—not Frank; Guy Gannett—and then wrote a letter thanking Mr. Gannett for publishing it. He then immediately sent those newspapers to Washington, to the Representatives in Congress from Maine. Included was Senator HALE, who was quoted a few moments ago in an argument. Must I elaborate more? The same sort of thing is going on today. A gentleman on this floor today raised a bogeyman, and in jittery language told us about an invasion of South America.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield for a question on a little different line?

Mr. KOPPLEMANN. I yield.

Mr. TREADWAY. I would like the gentleman's idea and definition of the language used in this bill, "national defense." I have received a good many letters asking my definition of that expression, but I have not as yet had a very satisfactory one. Would the gentleman be kind enough to give me his idea of this language?

Mr. KOPPLEMANN. I have been seeking the same information myself, but up to the present moment have not received a satisfactory answer. Very little time in this important debate has been allowed me. Let me continue with other thoughts about this big-navy bill.

In addition to all that, it is well recognized that large rearmament programs have serious economic effects. Last June, speaking before the International Labor Conference, Edward F. McGrady, then Assistant Secretary of Labor, said:

The very existence of our civilization is threatened by the huge scale on which armaments are now being built up. Even if these terrible weapons of destruction are never used, their cost is increasing at a rate which is making their burden intolerable.

This statement was made by Mr. McGrady before the United States had entered upon its much more increased program involving the regular naval authorization bill of \$553,000,000, which was passed by the House a few weeks ago and which is now pending in the Senate, and this additional Navy bill calling for an expenditure of upward of a billion dollars.

It is well to bear in mind that in 1934 the world spent almost \$5,000,000,000 on armaments; in 1935, \$5,400,000,000; and in 1936, well over \$6,000,000,000. The figures for 1937 were very much in excess of the 1936 amount.

The worst effect will result from the fact that labor is being taken from productive enterprise to engage in the construction of destruction. Speaking at the same conference, Mr. McGrady said:

We do know that no nation can afford the luxury of the present scale of armaments, and that all are being forced to meet this expenditure by increased taxation and heavy borrowing. This means that not only are we thus prevented from raising our standards of living but, if the armament race continues, even our present inadequate levels of living cannot be maintained. In the long run, the greater part of the cost of armaments must be borne by those engaged in productive labor, who receive less than they could and should receive for their toil. I predict that the working men and women of the world will not forever be content to stand by while civilized living is being sacrificed on the altar of armaments. No longer will they be willing to force the means of their own enslavement and their own destruction.

The United States faces the critical situation which is confronting European countries. As in Germany and Italy, we are reaching the stage where rearmament is likely to dominate the whole economic life of our Nation. And the tragedy of the whole thing, whether this equipment of destruction is used or not, is that we will have come no nearer to solving our real problems and the real problems of the world, but instead we will have increased the risk of failing to find the necessary solution.

A year ago, before this extraordinarily large increase in our armament program, as exemplified in this bill, was dreamed of, the National City Bank of New York in its monthly bulletin stated that armament expenditures not only do not add anything to the material well-being of a country but inevitably depress the standard of living of its population. That statement was based upon an analysis of our experience during the World War. It has been proven so conclusively that it needs no repeating now that the activity and industry produced by the World War was anything but real prosperity. It was instead the most reckless and disastrous expenditure of capital, labor, and credit ever known in the history of the world. It cost all nations nearly 20 years of normal development, to say nothing of the debts still remaining to be paid.

The situation today is scarcely different from the situation which prevailed during the World War. The only difference is that our armies are not in the field. Otherwise the costs of the Great War are being repeated and the deadly influences of those costs are being felt in the business life of all countries.

It is a self-evident truth—

Said the National City Bank in its analysis of the effects of the rise in armament expenditures—

that the disorganization of industry and trade, the violent fluctuations of prices and wages, and the resulting calamity of widespread unemployment have been, together, the principal cause of the

great depression that has encircled the world and that has been more costly than the war itself. These vast expenditures upon war preparations must have a similar influence as far as they go. The revenues raised by taxation and expended upon armament might as well be thrown into the sea, so far as any lasting benefit to the mass of the world population may result.

The expansion of rearmament programs the world over is the cause of much concern and discussion. At the International Labor Conference held in Geneva last year, the director of the conference, Harold Butler, spoke of the manufacture of armament as a form of public expenditure, which could be financed out of taxation or by borrowing or by monetary inflation. He agreed that like any public-works program, it might provide thousands of workers with employment, but he pointed out the vital difference between armament and public works, in that armament mortgaged the future of a nation without making any addition to the national assets, whereas public-works projects may be eventually expected to yield a return. "In any event," Mr. Butler pointed out, "armaments must at any time represent some deduction from the national well-being," and he concluded, "When pushed to extravagant heights they infallibly involve an increasing sacrifice of the standard of living to the standard of arms."

President Roosevelt himself has said that the employment given by armament work is false employment, that it builds no permanent structures and creates no consumers' goods for the maintenance of a lasting prosperity.

We know—

Said the President—

that nations guilty of these follies inevitably face the day either when their weapons of destruction must be used against their neighbors, or when an unsound economy like a house of cards will fall apart.

Ladies and gentlemen of the House, before you vote on this measure bear in mind that war preparedness can only be bought by the sacrifice of civilized living. And the sacrifice of civilized living in the case of the American people is in effect a renunciation of the ideals which the New Deal has been striving to fulfill. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York [Mrs. O'Day].

Mrs. O'DAY. Mr. Chairman, during the discussion of this bill yesterday the gentleman from Texas [Mr. MAVERICK] said that it seemed to him we were focusing our vision on foreign powers alone and were paying no attention to conditions here at home. It is to call attention to some conditions here at home today that I am taking the floor.

We are being asked to appropriate one and a half, two, three—we do not know how many—billions for an expansion of our naval program. The men who will be called upon to man the ships built for this increased Navy will be drawn from the youth of today, will be drawn from the same young people who came down last week to Washington to ask of us Members of Congress help in facing the difficulties they have to face today. These young people are the children of men who went across the seas to fight, of men who survived the horrors of the World War. They were born and reared during the years of depression, during the aftermath of a war which brought misery, poverty, malnutrition, and illness in its train. There are about 20,000,000 of these young people today and about one-fifth of them, it is estimated, are out of employment. Many of them are on relief. There is no place in industry for them. There is scant chance of any training in vocational or technical lines, for our educational fund has been cut and the C. C. C. camps are being reduced in number.

What are these young people to do? Millions have been cut from the appropriations of the National Youth Administration, yet we are here asking for hundreds of millions with which to build battleships, the value of which is debatable, for they begin to be obsolescent even before they are finished.

I am raising my voice today in behalf of the American youth. It faces frustration now, and tomorrow it will face annihilation if this building program goes through.

None of us are so simple as to believe that if we have "a navy second to none" that it will remain peacefully and quietly defending our shores if nations on the other side of the world are engaged in destroying one another. Does the Navy forget and does Congress forget that the strength of a nation in war lies in the strength and the morale of its citizens, in its manpower, and not in the strength and number of its ships?

Mr. Chairman, we have millions of people on relief. In 1932 the Congress appropriated \$3,300,000,000 for relief because of the acute need then existing. What happened? The sum of \$277,705,000 was taken from that relief and handed over to the Navy.

[Here the gavel fell.]

Mr. MAAS. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, no party or country has a monopoly on jingoism and superpatriots.

History has a way of repeating itself, and we are now going through the same hysteria that we did 21 years ago. Then we were catapulted into the World War in order to make the world safe for democracy. Realizing that that old chestnut cannot be used again the advocates of a supernavy now want to make this country safe for the American people.

For 30 minutes I listened to the able chairman of the Committee on Naval Affairs speak in favor of the big-navy bill. The gentleman from Georgia [Mr. VINSON] is perhaps the best-posted man on naval affairs in the House. I had expected him to enlighten us as to the comparative naval strength of the great powers and the need for this further enormous expenditure which cannot become effective before 1947 unless building facilities are increased. This he could and should have done because he has all the facts at his fingers' tips. No one has ever accused Mr. VINSON of being unable to present forcefully and logically all facts pertaining to a meritorious measure. However, I was disappointed in the chairman's presentation. He dealt in generalities, waved the flag, and pulled the eagle's tail feathers. It was more on the order of an Independence Day oration. His talk was reminiscent of the days of the Sixty-fifth Congress, when we were asked to engage in a war that was to end all wars and to make the brotherhood of man an accomplished fact. At times Mr. VINSON rose to such heights of eloquence as to stir the emotions, but he left it to our imagination to visualize the need for a supernavy.

At this point I desire to insert a statement showing the relative naval strength of the big powers.

Country	Battleships	Cruisers	Destroyers	Aircraft	Submarines
United States.....	15	29	195	5	84
Great Britain.....	15	55	159	5	52
Japan.....	9	35	115	4	62
France.....	7	19	69	1	75
Italy.....	4	22	118	0	84
Germany.....	3	6	32	0	35
Russia.....	3	5	26	0	114

From the above it will be seen that the democracies have 37 battleships as against 16 for the autocracies; 103 cruisers to 63; 423 destroyers to 265; 11 aircraft carriers to 4; 211 submarines to 182; or an advantage all along the line. Russia is not included in the comparative figures.

Now let us see what our authorized program for the future calls for: Two battleships are now in course of construction and 11 more are authorized to be built within the next 5 years at a cost of approximately one thousand million dollars. The authorization calls for the expenditure of \$4,000,000,000 all told.

That is at the rate of \$4 for every minute since the dawn of the Christian era. That is what we are going to spend in the next 5 years on our Navy and in this bill they are asking for \$1,000,000,000 more.

Forty-nine destroyers are now under construction, 8 more already appropriated for, with 34 more authorized.

We are building 16 submarines, 6 more appropriated for, with authorization for an additional 11.

When this program is completed America will be stronger on the sea than any other power and, with the exception of Great Britain, we will probably be stronger than any two powers.

The majority report states that the United States has the longest coast line of any naval power, 3,860 miles against 1,860 miles for Great Britain, and seeks to point out the danger to this coast line if the President's ambitious naval building program is not adopted.

They ignore the fact that Great Britain must maintain a lifeline running from the British Isles to India and Australia, besides South Africa.

The chairman failed to state that practically every harbor of any importance on either coast is heavily fortified and able to withstand any attack. In his remarks the chairman failed to mention that we have the strongest air force of any country in the world and they are as good as the best, if not superior.

The excuse for building the Panama Canal was that it would make immediately available our fleet on either coast. In the event of war our western outpost would be Hawaii, 2,091 miles southwest of San Francisco. Hawaii is 3,394 miles southeast of Japan. Military experts are in general agreement that in the case of war in the Orient we could not possibly hope to hold on to the Philippine Islands, which will become free and independent in 1945, so we do not need to worry about their defense. Neither do we need to concern ourselves with Samoa and Guam, because we would retake them at our leisure.

There is no country in the world, aside from Britain and Russia, that is so situated financially as to suggest a threat to America.

If newspaper reports are to be relied upon, Japan, after 9 months of undeclared war with defenseless China, is already sitting on an empty treasury box gasping for breath. Small wonder that the able chairman of the Naval Affairs Committee did not go into details as to the necessity for these additional armaments, and it will be recalled that he consistently refused to yield for questions from those who sought enlightenment.

Section 9 of this bill declares that it should be our naval policy to maintain a navy in sufficient strength, not only to guard continental United States, Alaska, Hawaii, and the Panama Canal but also our insular possessions. I maintain that the program already laid down is ample for the security of continental United States, Alaska, Hawaii, and the Panama Canal, but I also maintain that the American people are not willing to spend a thousand million dollars for the protection of the Philippines, Samoa, Guam, and that is what this measure proposes to do.

I am for a navy that will give us all necessary protection, but I refuse to become hysterical over imaginary dangers that only exist in the minds of munitions makers and others who would benefit in a pecuniary way from these enormous expenditures that the President proposes.

At this point I desire to incorporate some opinions expressed in the minority report by Representatives CHURCH, COLE, BREWSTER, and SHANNON, all members of the committee, who have made a careful study of this most important question, as these views are in substantial accord with those that I entertain upon the subject.

Why should Congress authorize three more \$75,000,000 battleships when the Navy is not ready to build three battleships that are already authorized?

In the next 5 years there is authorization to build nine battleships as large and as powerful as the naval experts deem necessary to defend America—besides the two now building.

Whenever this authorization is inadequate for the construction deemed necessary by the Navy Department the Congress may properly and wisely consider an increase in the authorization.

THE PROGRAM NOBODY KNOWS

Under the Vinson-Trammell Act of 1934 a \$4,000,000,000 program of naval building was authorized. At no time has the Navy Department found it advisable to keep their construction program up to that authorization. Today it lags far behind.

REPLACEMENT

"Replacement" is a misnomer since no old ship need be scrapped. Ten battleships have been modernized into first-class fighting

weapons. New battleships need bear no relation to their predecessors, and their predecessors are not now scrapped.

FORTY DESTROYERS BEHIND

In 1934 there were only four destroyers in the United States Fleet that were not over age. Today there are only 35 under-age destroyers, although under existing law there are now authorized 126 destroyers. We are building 49. Eight are now proposed. And 34 destroyers for which authority now exists are not even proposed to be started this coming year. Yet we are now asked to authorize 23 more. Why?

SEVENTEEN SUBMARINES BEHIND

Today we have 22 submarines under age with 16 building. The pending appropriation bill contemplates starting six more this next year. Eleven additional submarines could be started this next year under existing authorization. The Department does not even propose to start these 11 submarines this next year. Yet Congress is asked to authorize nine more submarines. Why?

DIPLOMATIC, NOT NAVAL, PROGRAM

Everything indicates that this billion-dollar increase in the present \$4,000,000,000 program is not a naval program but a diplomatic program. The Navy developed its program for this coming year and presented it to the Committee on Appropriations. The committee and the House have adopted that program substantially as submitted. It carries \$552,000,000—the largest sum since the war—and of that amount \$143,000,000 is for new construction on the 72 ships now building or the ships to be commenced this coming year.

PRESENT \$4,000,000,000 PROGRAM

Under the Vinson-Trammell Act in 5 years there have been added to the Navy or are now being built 141 ships which, it is estimated, will cost the sum of \$1,443,643,280. The 72 ships now building will require \$586,107,367 to complete.

In addition there are already authorized additional ships which will certainly cost more than \$2,000,000,000 more. The 11 new battleships alone, already authorized, will cost in excess of \$1,000,000,000 at the present rate of increased cost.

These ships may be as large and as powerful and as heavily armed and armored as the naval authorities may deem advisable.

These ships may be commenced as promptly as the naval experts have indicated it would be possible to prepare the necessary shipbuilding facilities in public or private yards.

THE AMERICAN NAVY IS SUPREME IN THE WESTERN HEMISPHERE

The evidence before our committee indicated that no navy afloat today can challenge the American Navy in American waters. Most Americans do not desire the American Navy to challenge any other navy in Asiatic or European waters. Everyone concerned vigorously disavows any such intent.

TWO-TO-ONE RATIO TO ATTACK

A 2-to-1 superiority in naval power would be necessary, according to Admiral Leahy, for the United States to send an overseas expedition to Asia or Europe with any reasonable prospect of success.

Any other nation likewise would require nearly the same superiority of 2 to 1 to cross the seas and attack the United States with any reasonable prospect of success.

NO NATION CAN ATTACK US

The carrying out of the already authorized \$4,000,000,000 program of naval construction will guarantee that no nation can approximate to any such ratio of superiority.

No nation other than England will even equal our naval power if we simply proceed in an orderly manner to carry out our present program and build battleships already authorized of such size and power as the naval experts deem advisable to match those of any other nation.

BRITISH NAVY

The Congress may constantly bear in mind that we are building a navy to guard the Western Hemisphere while Great Britain is building a navy to guard a world empire. This necessarily affects the character and quantity of ships that each will require.

OVERSEAS AGGRESSION

All authorities agree that there is a loss in efficiency of at least 40 percent in carrying on the operations of a fleet overseas, 3,000 or more miles from home.

This factor has been strangely ignored in considering the defense of America.

If we are going overseas we come under a similar handicap.

Are we losing our perspective? Are we again to be hip-hip-hoorayed into a position that will make us the laughing-stock of the world? The President and the State Department may deny all they please that this proposed increase in naval strength is not directed at any one particular power. We know better. We know that the program is to increase our naval strength to a point where we can enforce our will in the Orient and Europe. It cannot be for any other purpose.

So far as continental United States and our island possessions are concerned, also the Western Hemisphere, our present and authorized naval strength is ample for our needs.

Plainly, we are here asked to authorize a Navy far beyond the needs of our national defense. How much better it would be if the money that is here proposed to be spent for superfluous armaments were devoted to the eradication of diseases that now afflict the human race, to liberalize the old-age pension law, and to provide hospitalization for those who are less fortunately situated.

With a national debt of almost \$40,000,000,000, and which is rapidly increasing, it would seem to me that the time has come to sharply curtail expenditures rather than to greatly increase them as is here proposed. You are selling our young men and women into tax bondage that will enslave the next three generations. With each increase in taxes you diminish their chance for a job. You, of the majority, are making it harder and harder for our youth to find work. I do not propose by a vote of mine to compel the mothers of America to enter "the valley of the shadow" to bring forth children that will later be used as cannon fodder to bolster and protect the ambitious dreams of empire. To me the youth of America is too precious to use as hand grenades to protect foreign investments that are purely selfish.

We showed our lack of foresight and understanding back in 1917. Let us not repeat that unfortunate experience.

Repeatedly, proponents have sought to make it appear that opposition to this measure is based upon prejudice and hate. I emphatically deny that allegation. Our opposition is based solely on the desire to do that which is best for the American people. We want to save them from being saddled with huge and unnecessary expenditures that threaten our land with bankruptcy. If that be disloyalty to our country make the most of it.

Away with this emotional patriotism that has more relationship to mob hysteria than to statesmanship; away with this foreign policy that threatens to draw us into another war; away with this squander mania that has beggared a once proud and self-reliant people. What we need is more sanity in government and among those in whose hands the great American people have entrusted the affairs of the Nation. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I yield 15 minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL. Mr. Chairman, I fully realize the futility of any attempt to stem the tide which has set in to pass this big Navy bill in this body. Nevertheless, I must register my earnest protest against this mad folly. I will say at the outset that I will vote against this bill and, no amount of fatuistic logic will convince me to the contrary. Make no mistake about this measure. It is not a bill of defense but one of aggression and will lead us into the maelstrom of war with all its horrors and tragic results. The same propaganda, the same methods are being used today as were used in 1917 to plunge us into the World War. That was claimed to be a war of defense as this is claimed to be a preparation for defense. The same sinister forces are at work today as plied their trade in 1917 and are seemingly having the same success. Member after Member who for months past have openly declared themselves against armaments are yielding to the subtle pressure. The genial gentleman from Texas [Mr. DRES] yesterday was quite vociferous about the necessity for defense of our splendid country, but he later declared that it would not and could not be destroyed by foes from without but by foes from within its borders.

This being conceded, why this big-navy bill? At a Reserve officers' banquet a short time ago the chairman of the Senate Naval Affairs Committee, who was the principal speaker, gave the reason. He stated openly and frankly that the United States needs the raw materials we import from Asia, Africa, and Europe and would protect the transportation of these necessities. Has he forgotten that during the World War we found we did not need to depend on Germany for our dyes but could produce the material and manufacture our own dyes? Does he not know that our country is wonderfully blessed with limitless natural resources which await discovery and development? It should not be neces-

sary to engage in another war to discover our own possibilities and material wealth.

Moreover, this bill itself says we must protect our trade and nationals abroad. In other words, we must police the world. In the first place, this would require many times the size of the proposed Navy. And in the second place, if after being warned to keep out of a war zone American trade wants to venture into that war zone for the sake of profits, I for one do not propose to risk the youth of this country and the wealth of this country for the purpose of collecting those profits.

Europe and Asia—the whole world is seething with madness and hatred. Another world war will destroy civilization. The best way to save this civilization is for the greatest, the most powerful, the most sane nation—the United States of America—to keep its head cool, to keep its feet on the ground, to refuse to join their orgy of madness, and then when their fury is spent we will have at least one firm rock, one safe harbor, from which again to start a new and better civilization. When a tornado is wreaking havoc on every hand the safest place until it is over with is the cyclone cellar.

We heard much during the World War of the imminent danger of German invasion. What a fantastic dream! The Kaiser in his madness was determined to be a Caesar or a Napoleon in Europe. He could have had no foolish idea of conquering and holding America. He would have had his hands full to police Europe and keep down rebellion within his own country. The same is true today of the upstart Hitler. The same is true of Mussolini and Stalin. Such dictators know full well the resentment and bitter hatred that rankle in the breasts of the oppressed in their own countries without harboring the illusions of crossing the Atlantic to attack a powerful country like ours. We hear much of the "yellow peril"—the Japanese menace. There is no such thing. Japan says, Asia for the Asiatics. Is that anything else but an Asiatic Monroe Doctrine? She is determined to dominate Asia and is not fool enough to consider a conquest of America, where her naval ratio would be 5-1. Of course, I do not condone either Germany or Italy or Russia or Japan. They are all mad with lust for power and aggression and greed. But it is my contention that it is none of our affair. We tried once to "make the world safe for democracy" and failed miserably. And what of our allies—our so-called friends, so feelingly mentioned by the gentleman from California [Mr. SCOTT]? Do friends refuse to pay their bills? Do friends flout the saving aid you render them in time of dire distress? Do friends refuse or fail to join you in a boycott against belligerents when it might be effective and then negotiate with dictators when the day of opportunity has passed?

We who oppose this bill—and I regret to note the number is decreasing daily—are called pacifists. If a refusal to join in the mad race of hellish warfare is to be a pacifist, I gladly accept the name.

May I remind you that the Great Pacifist who gave us civilization, yes, even the name "Christian civilization" we have gloried in, humbly stooped to accept that name of derision. May I add that if civilization is to be saved it will only come through the application of His sublime ideals, His practical wisdom, His infinite love.

They say we are cowards. At least some of us who signed the Ludlow petition did not run to cover when terrific pressure was brought to bear to prevent even an open and fair discussion of the Ludlow amendment on the floor of this body. Our opponents did not have the courage to face the facts in open debate nor to permit their constituents to be heard on so vital a question as engagement in a war on foreign soil. It was not a question of who are best able to decide this question—the Members of Congress or the people—it was a question of whether those who do the fighting and pay the bill should say whether or not they wanted to engage in a foreign war. Courage? Some of these silver-haired and silver-tongued orators may some day vote to send somebody else's son or husband or father to die on the battlefield while they are safe at home. Those of us who

oppose this big-navy bill who are too old to be drafted, will volunteer to defend our homes and loved ones in case of actual invasion. Courage? Who had more splendid courage than Bob La Follette, Sr., and George Norris who risked their reputations and endured persecution and ostracism for the sake of principle and peace? They were real heroes and, to my mind, two of the greatest Americans of recent times. It takes far more courage to fight the battles for right in peacetimes than it does to rush to the battlefield when flags are flying, bugles blowing, and glittering promises paraded before the enlisted young men.

We who oppose this big-navy bill are even termed fools easily swayed by peace propaganda or impractical fanatics who do not understand the best interests of our beloved country. I think we who supported the Ludlow amendment and oppose this measure know full well what we are doing and do not need the advice of Tammany as to what is the best for this country. And even though we might be influenced by so-called lobbyists I for my part will rather yield to peace propaganda than to war propaganda. I would rather be guided by the followers of the Prince of Peace than the followers of the god of war.

Are we such impractical men as our opponents charge? When there is a deadly gun fight down the street, is it the part of practical wisdom to insist on your inalienable right to rush down between the mad combatants? If your neighbors foolishly get into a brawl and fist fight, is it not the part of wisdom to stay out of the mess until they come to their senses and realize that after all no one wins by bravado and injustice and force?

Would a wise man turn his faithful watchdog out into the streets infested by the mad dogs of war foaming at the mouth with rabies or would he wait until they had either destroyed each other or died of sheer exhaustion? Oh, but you say you want to save the defenseless children from these mad dogs. No, you do not! You have stated time and again that it is only in defense of your nationals and your trade—your own. Do not camouflage. Moreover, we failed in 1917 and 1918 and we would fail again—nay we would be annihilated by another world war, and there is not a Member here to question that statement.

Yes, let us be practical. Let us refuse to spend \$80,000,000 apiece for battleships of aggression which can be destroyed by \$250,000-apiece bombing planes. Let us spend these millions in defensive aircraft, submarines, mines, and small swift vessels for coast defense. Let us be prepared to defend our coasts, our shores, our ports, including Alaska, Hawaii, and the Panama Canal against any enemy or group of enemies if they should be foolish enough to attempt such an impossible conquest. In such a program I will be with you heart and soul. Millions for real defense but not one cent for possible aggression.

Mr. Chairman and colleagues, if we have extra billions to spend beyond the cost of adequate defense and want to fight, let us gird up our loins and have the courage to go into battle against our real enemies, crime, poverty, disease, bigotry, ignorance, want, and injustice. These enemies at our very doors are far more real, far more dangerous, far more worthy of our steel. I challenge you to take up this warfare with a zeal, with a courage, with a determination that shall vanquish even these formidable foes. Then, and not till then, can we boast of real American manhood, unflinching bravery, and practical wisdom. Let us be practical and solve our domestic problems. The people of this Nation are demanding this type of statesmanship, this kind of unselfish devotion, this kind of loyal service from their representatives here in Washington.

With full faith in the future of the United States, with complete confidence in the rugged common sense of the people of this country, and with abiding assurance in the ultimate triumph of right and cooperation and peace, let us dedicate our every effort to these ends.

I listened to my colleague the gentleman from New York [Mr. WADSWORTH] this afternoon, and his speech shows that

our philosophy is entirely in disagreement. He justifies our entrance into the World War. I denounce it. We had no business in the World War. [Applause.]

Look at the world today if you want the answer. Look at our own country if you want the answer as to what the World War did to us. Again I say, I denounce our entry into the World War, and I pray to God we may never make that mistake again.

May I close with Kipling's statement made at the Golden Jubilee for Queen Victoria:

Lord God of Hosts, be with us yet, be with us yet,
Lest we forget, lest we forget.

Mr. Chairman, we must not forget the results of the World War. We must not forget the problems demanding solution at our own doors here at home. [Applause.]

[Here the gavel fell.]

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. O'MALLEY].

Mr. O'MALLEY. Mr. Chairman, I want to thank the Members of the House who have remained here while those of us who do not agree with provisions of this bill are giving their views upon it.

Mr. Chairman, if I may be allowed to paraphrase a famous saying of the ancients, I would begin my remarks today by the statement, "Whom the gods destroy, they first make hysterical." In a mad world fast falling under the domination of loud-mouthed men with varicolored shirts and blood-curdling slogans, a democracy, of all governments, should be the calmest and the most determined to keep its collective head and mental balance in the midst of turmoil. And in a democracy the one group which should be the calmest of all and the most insistent upon sane and contemplative discussion of vital issues should be the Congress, to set the example for the Nation and the world.

It is not necessary for me to reiterate that I am not a pacifist, never was one, and never expect to be one, to justify any opposition to the so-called naval bill now before us. I am willing, as are millions of other Americans, to sacrifice life and possessions in defense of our land, institutions, and form of government, but I am unwilling, as I believe the vast majority of our American citizens are unwilling, to raise one finger in support of any program to police the world or force democracy on other nations or join in any program which has for its purpose aggressive warfare or involvement in the quarrels of other countries.

The bill before us, although entitled "A bill to establish the composition of the United States Navy," might better and more frankly be offered to the American people labeled with the title for which it really stands, "The diplomatic bluff naval bill." Infections of some of the most virulent diseases known to mankind are sometimes carried across great oceans by the winds, and those who should be most wary of the disease of bluster and bluff which inflicts our world appear to have fallen victims of this European infection, which is the surest and quickest way to get into a fight. Theodore Roosevelt is credited with having oft quoted the old western slogan, "Never draw your gun unless you intend to shoot." The American people have the right to know before we engage in the mad armament race, before we make and draw these new implements of aggression, whom we intend to shoot or who intends to shoot us.

If this is not the "diplomatic bluff" naval bill why does it ask Congress to authorize 3 more \$75,000,000 battleships when the Navy is not ready to build 3 other ships already authorized? If this is not a part of a secret, unwise, and probably British-inspired part of a diplomatic poker game, why the need for this bill when the Navy Department lags far behind the \$4,000,000,000 program of naval building authorized by the Vincent-Trammell Act of 1934? If this is not a part of some mysterious future diplomatic plan being kept from the American people, why do we need this measure here and now when reliable records show our building schedule is 40 destroyers and 17 submarines behind in its program previously authorized by Congress?

If this is not a part of a program whose possibilities strike fear and terror into the heart of every mother and father of this country with a boy old enough to furnish cannon fodder, why does it go so far as to practically give into the hands of the Navy entire control of our fundamental national defense and naval policy as it does in section 9 by the addition of the authority it bestows that "a defense shall be anything the Navy or the Executive may decide is necessary to keep any potential enemy hundreds of miles away from our continental limits"?

Before we embark upon this mad armament race, before we throw our lives and our fortunes into the roaring cataclysms of the war hysteria which is gripping the world, why do we fall as a responsible body of the Government to clearly define our national and foreign policy? Is this tremendous outlay of money in the face of starvation and unemployment here within our own borders necessitated because other nations who might attack us without cause have navies superior to ours? Let me quote from the hearings the answer that Admiral Leahy gives as to what other powers are doing—pages 1949 and 1950:

Mr. MAAS. We must know what these other powers are doing if we are to know what we must do.

Admiral LEAHY. I wish you would tell me what some of them are doing.

Mr. MAAS. Then how was the proportion arrived at when this bill was drawn up?

Admiral LEAHY. I have made no statement that the proportions in this bill are correct. I said that the increase which this bill would authorize will improve our relative position in regard to the other naval powers. We know definitely what Great Britain and France are doing, because they are parties to a treaty which requires them to tell us and we tell them. We know very little about what the other nations are doing. You mentioned Japan. We know practically nothing about the Japanese building program.

Mr. MAAS. In what way is our national policy endangered and by whom?

Admiral LEAHY. I have no thought that our national policy is particularly in danger at the moment.

Admiral LEAHY. We arrived at the conclusion that we need it because the other nations have expanded their navies and we have not, and it is necessary that our Navy be expanded to approach balance or keep balance with foreign navies.

Admiral LEAHY. We have not yet built up to the limits of the Washington treaty.

Is this authorization for aggression in case we become involved in the quarrel of some other nation as we did in the disastrous days of 1917 and 1918, and is there any nation now sufficiently strong to launch an expedition against us with any prospect that the expedition could gain a foothold on our shores? Let me quote some more expert testimony from page 1954:

Mr. KNIFFIN. You stated we would have to have three times our present naval strength in order to land troops on the shores of a major foreign power.

Admiral LEAHY. Not exactly. I said it would require at least three times this amount of increase of our present Navy to warrant undertaking such an expedition. I do not say that we could accomplish it with that much, and I doubt if we could with three times the increase.

Mr. KNIFFIN. Conversely, then, it would require approximately three times the strength of any foreign navy to land troops upon our shores, would it not?

Admiral LEAHY. No. The only thing that it is necessary to do in order to land troops on our shores is to destroy our fleet.

Mr. KNIFFIN. And it would be necessary for us to destroy the fleet of another power before we could land troops on their shores?

Admiral LEAHY. That is correct, unless we should have a sufficient fleet to move the fleet and the expeditionary troops together.

Mr. KNIFFIN. Assuming that that is true, no two foreign navies could land troops upon our shores at the present time.

Admiral LEAHY. Not so long as our Navy remained in existence on the sea.

Some of us fear this growing war hysteria in spite of the assurances that we are not going on any campaign of aggression. We fear it because we fear the daily deluge of propaganda, much of it supplied by that wily and tight little island in the Atlantic, spewed forth daily by the radio and the press of this country which is filled with such honeyed but fatal phrases as "Hands across the sea," "Parallel ac-

tion," "The white man's burden," "Help us police the world," and similar plays upon American emotions.

Why, even the gentleman from California [Mr. SCOTT], who hastened to assure us at the committee hearings, that while we are not going to declare war, we might be led into it, therefore we need this great and sudden increase in our Naval Establishment—page 1966.

Mr. SCOTT. I am not worried about going on any campaign of aggression. We are not going to declare war, but should we be led into it or have war declared upon us, certainly our fleet is not going to stay home and wait for their fleet to come over here.

The haste, the rush, and the sudden clamor for immediate passage for this authorization bill should give pause to those of us who feel that our duty to our constituents and our people prohibits us from allowing ourselves to be stampeded into a course that may not only be a woeful waste of the hard-earned money of the American taxpayers, but may be the first step on the horrible road that will lead us again into the maelstrom of another world war.

Why, gentlemen, we were months debating and passing a farm bill for the unfortunate agricultural citizens of this country, we have dilly-dallied, fumbled, and bungled with the relief question while little children still go hungry in the great cities of this country, and the army of unemployed grows in number each day. The Congress of the United States spent weeks on the Supreme Court issue and more weeks upon the question of "to lynch or not to lynch," and the wage-hour bill, a promise and a pledge of our Democratic Party, still gathers dust and cobwebs in the musty files of a committee pigeonhole.

Yet, here, in a radical departure from our declared policy of "millions for defense but not one penny for aggression" we are falling over ourselves to rush this bill through the deliberative channels of this House in record time. What is the object? What is the purpose? What is the unhappy need for such haste that the American people have scarcely had the time to read and digest the testimony on this bill before it shall have been forced through this House under the pressure of saber rattlers, diplomatic poker players, propagandized press, and radio "nervous Nellies." If you do not believe that this measure is being given the usual high-pressure rush act, look at the RECORD, January 28, the message of the President and the introduction of the bill, January 31 to February 28, hearings on the bill, March 4, report of the bill with amendments to the House. Not 3 months' consideration like the antilynching bill. Not nearly the time that other measures of far lesser import have been pending before the Congress for study and consideration. But suddenly this measure is rushed before us with all the fanfare and trumpeting that usually signal the stampede of an ill-informed, unhappy, and helpless people on the road to war.

Is this haste to rush this measure through the fitting climax to the fear that the American people are at last aroused to the point that they want something to say about whom we go to war with or against? A fear engendered by the near success of the Ludlow war referendum amendment, which almost passed in spite of the pressure, threat, flattery, and touching melodrama that was brought to bear even within the walls of this Chamber. Is this haste inspired by the anxiety that back in home territory this year many unfortunates will be busy explaining why an American citizen who is good enough to die for his country when Congress so decides is not good enough to have something to say by way of the ballot box as to where or when he will die?

Or is this haste inspired by the inevitable fact that we have had conversations about parallel action and cooperation with other nations about wars or the possibility of war in other parts of the world? One of the principal organs of British propaganda by way of newsprint both preceding the World War and today, in my own State, characterized my statements to the committee "that I would not be unconvinced that such conversations had occurred between British and American representatives until the State Department and the military and naval authorities of this country categorically

deny that such conversations have taken place" as "silly." I am not surprised that this war-mongering newspaper, from its record of propaganda peddling of more than 20 years ago, should resent any exposure of the fine British hand in our diplomatic and military policies.

Let me call your attention to Congressman CHURCH's questioning of conversations with British representatives on pages 2048 and 2049 of the hearings:

Mr. CHURCH. In that connection I will call your attention to two or three things I would like to have cleared up. Is Capt. Roy E. Ingersoll under your supervision?

Admiral LEAHY. Yes.

Mr. CHURCH. Will he be here to testify or can you state what reports are in your office from him as the result of his recent conversations with British representatives?

Admiral LEAHY. I will make no statement of that kind in a public hearing. I will make a frank statement to the committee in private session with the understanding that it is confidential information regarding the defense of this country. All work that is done in Captain Ingersoll's department is confidential.

Mr. CHURCH. I want to get this information as briefly as possible.

The CHAIRMAN. What department is that?

Admiral LEAHY. He is head of the War Plans Division in the Office of Naval Operations.

Mr. CHURCH. Is not the newspaper report that he did have conversations true? Is it your opinion that to have his report we should wait for an executive meeting?

Admiral LEAHY. I decline to answer that question as well.

Mr. CHURCH. I will ask the question again. I want to know if Capt. Roy E. Ingersoll was in conversations with the British, with regard to any question of quarantine. We must determine the policy of national defense and perhaps the President, apparently from information in the Secretary of State's office or your office, contemplated last October something more than this bill on its face contemplates. I ask, Are the reports from Capt. Roy E. Ingersoll in your office? I would like to have this information. I realize that on this bill your testimony has been admirable, Admiral Leahy, and confined to this bill it is an expert statement, but it is recognizing that there is no adequate defense, and we come to the question of now determining the question of the policy of the United States in national defense.

Admiral LEAHY. I have nothing whatever to do with determining the national policy. I will make categorical reply in executive session regarding matters within my cognizance, and will tell you all about it, but I may not divulge any confidential information in open session.

Of course, being mere Members of Congress, we are unable to learn the results of any executive hearing at which testimony may have been produced, but as Congressmen here representing our people, we are entitled to know if the question of the gentleman from Illinois was answered and how it was answered and why this secrecy if the American people would not resent and oppose the tenor of such conversations. Let me refer to some indication of a possible secret deal.

This is from a press release in British newspapers.

LONDON, February 9, 1938.—"Great Britain has assured the United States of support in the event of direct action in the Far East," Prof. Gilbert Murray, chairman of the League of Nations Union, said today in an address to the National Liberal Club.

"I have reason to believe on good authority that we have given the American Government assurance that we are ready to support them in any action which they may take facing any risk," Professor Murray said.

"The trouble is," he continued, "that it was a confidential communication of the government that most people here do not know of and the great American public does not know it or believe it for a moment."

He said it would be impossible for Britain alone to attempt to prevent the Japanese invasion of China and added:

"We could go in with America, and I think I may say there is reason to believe it is perfectly certain that if we went in with America, Russia would be on our side to support us."

Mr. Chairman, we propose to increase our naval expenditures by one billion two hundred million solely for defense as the proponents of the bill would have us believe, yet Admiral Leahy says in effect on page 2089 that if anything happened to our Navy, it would be impossible to prevent the landing of any enemy force in California.

Admiral LEAHY. In the absence of a navy it would be extremely difficult, if not impossible, to prevent landing of an enemy force in California.

My understanding of such an answer is that it means we are risking all our eggs in one basket; our safety and the safety of America hinges solely on the good luck that our ships do not run aground, blow up, sink, be captured, or that the enemy would be thoughtful enough to advise us as

to where she will engage our Navy and promise not to launch any expeditionary force that might get around, underneath, or over our naval line. Where are our coast defenses? Where are our coastal air defense bases? Where are our long-range coast guns? Where are our trenches and battlements to prevent a landing? Where are our war implements to resist the attempt of a single foreign foot to set itself upon American soil; and if we must spend money for defense, why do we not spend it where attack can do the American people, American investment, American industry, the most harm? The defense of our own immediate shores should be our first consideration before enlarging our already large Navy. Then, if we have any excess of taxpayers' money we might well spend it on the luxury of a great overseas fleet that our naval experts say must be multiplied by three if we are to have any chance of successful attack abroad, yet deny in the same breath that other nations would have to triple their own navies to be equally successful in attacking us.

To prove that no aggressive action is contemplated, it has been stated that the currently proposed increases would have to be multiplied by three if we were to have any chance of success in an attack overseas. On this basis can the suggestion that Japan may attack us be accepted? Or is it supposed that the American people can be persuaded to fear a combined attack by the German and Italian fleets totaling 7 capital ships, 7 heavy cruisers, and 19 light cruisers, while those nations left themselves exposed to attack at home?

As for an attack by Japan, Admiral Yarnell has said that—

"The inhabitants of the Pacific coast can sleep quietly in their beds until Japan builds a navy twice the strength of that of the United States." (Hearing before Foreign Relations Committee, 1930, p. 359.)

Gen. Johnson Hagood has declared that no force able to inflict damage—

"Could come across the Atlantic Ocean, because there is no nation that has a sufficient army and at the same time a sufficient number of ships and a navy to support it." (Saturday Evening Post, November 7, 1936, article by Hagood.)

He has also said:

"America can be made safe from invasion by any military power or by any combination of powers that could reasonably be brought against it * * * by an expenditure not greater than the average cost of the Army during the 10 years preceding the depression." (P. 86, We Can Defend America, Hagood.)

Dr. Charles A. Beard, the noted historian, in testifying before the committee argues that "the poll of naval officers clearly demonstrates the unsoundness of the Mahan doctrine of sea power, but the Navy Department still puts it forward, and that now is the appointed hour to explore and get rid of it."

I have read all the available writings of Admiral Mahan that I could find. As a result of my studies, I am convinced that, even within the limits of policy, the Navy Department alone cannot properly plan the defense of the United States. Nor can the War Department. The business is difficult at best, as thousands of pages of testimony demonstrate, but it should be undertaken by a combination of the best civilian, naval, and military intelligence. A poll of naval officers has demonstrated that the majority of the admirals and captains utterly repudiate the Mahan doctrine of sea power and yet as his testimony shows, Admiral Leahy is still half entangled in it and the Navy Department still puts it forward, without any authority from Congress, as the official doctrine of the country. In my opinion, it is a dangerous doctrine and now is the appointed hour for the country to explore it and get rid of it.

I call your attention in regard to the inadequacy of any form of coastal defense or equipment which might successfully repel a landing force, the very able exposure of this unfortunate neglect of our coastal defenses to the articles of General Hagood reproduced on pages 2219, 2221, and 2222 of the hearings, which I shall ask unanimous consent to insert in this portion of my remarks in the Record.

[From the Seattle Star (Wash.) Saturday, September 18, 1937]

HAGOOD'S PLAN FOR COAST DEFENSE

(EDITOR'S NOTE.—This is the second and concluding installment of an article by Gen. Johnson Hagood which points out the strategic necessity of withdrawal from Asia and also outlines practical means of making the Pacific coast safe from any possible enemy.)

(By Gen. Johnson Hagood)

The Army General Staff was created in 1903 to make plans for war and it has been making plans for war ever since. It has plans

of some kind for making war against every nation on earth. This is only on the side of prudence and is what the general staff of every other army is doing.

But our General Staff is imbued with the foreign idea—we got it first from the Germans—that offense is the best defense. And for this reason we are no longer willing to sit behind a Chinese wall and say "Keep out."

We want to be "up-and-at-'em."

We have permitted our seacoast fortifications—at one time the best in the world—to go into a state of decay; and have developed an aggressive mobile army prepared—on paper—to go out as a huge expeditionary force, or to successfully combat with any foreign foe that might secure a footing within the continental limits of the United States.

We base all of our grand maneuvers upon the theory that our Navy and our seacoast defenses have been destroyed. But we do nothing to see that our forts are made strong enough to hold out.

FORTIFICATIONS ARE OLD

The fortifications of the Pacific coast with the exception of Los Angeles were laid out under a plan devised by the Endicott board in 1886. The writer was sent out from Washington, D. C., in 1907 to make some final suggestions about range finders and searchlights.

No material improvements have been made since that time.

We have subsequently installed a few guns here and there that will shoot farther than the old guns, but they can't hit anything because we have no well-developed system of using airplanes or anything else to locate the targets with sufficient accuracy to destroy them with the ammunition available for that purpose.

The airplanes are not interested in hanging around to spot targets for the seacoast forts. They have got their minds on more active operations with the huge mobile army or on going out upon independent bombing expeditions of their own.

And so, also, whatever we have got in the way of antiaircraft guns—and we have almost nothing—likes to follow around with the big circus.

Puget Sound is the world's greatest natural harbor. It is not difficult to defend. Under the old plan there were three forts—Worden, Flagler, and Casey—closing the channel across from Port Townsend to Whidby Island. Subsequent suggestions were made for the defense of Deception Pass, Bellingham Bay, and Grays Harbor. But nothing has been done about any new forts and the old forts have been abandoned or allowed to become obsolete.

Is the United States going to become involved in the Sino-Japanese war?

Answer, no!

Not if we retain our right senses, control our temper, and, no matter how great the provocation, resist the temptation to get mixed up in it.

The State Department in Washington has given it out that America will not use its Army or Navy to protect its interests or the interests of its citizens in the Far East.

This is like saying that Uncle Sam will not put his hand on an anvil to protect a red-hot nail against a sledge hammer. The United States cannot protect its interests in the Yellow Sea any more than Japan could protect its interests in the Gulf of Mexico.

It has been said in the press that it would take \$40,000,000,000 to organize an expedition against Japan. The State Department says that it would take more soldiers and ships than we have or are likely to have. But it is not a question of money. It is not a question of how many ships and how many men. There are no "ifs" and "ands" about it.

It cannot be done.

A great many widely different plans have been drawn for the defense of the Philippines. None of them is satisfactory. Generally speaking they have provided for the Army keeping the flag flying until the Navy could arrive with reinforcements from the United States. But no one has ever believed that the Army could hold out. And the Navy has never been so foolish as to say that it would come out and bring the relief.

We should give up the Philippine Islands forthwith. The Filipinos are asking for it. Let them have it.

In the meantime we should make immediate plans to bring out all the American soldiers and to turn over to them their own native scouts, now on the American pay roll.

Now, Mr. Chairman, I am not against, nor have I ever been against, adequate defense for our Nation or our people. I am against any effort to hastily stampede this Nation into unwise expenditures for instruments of war that are primarily for aggression and not for defense. I am against any parallel action with any foreign nation in any quarrels with the eastern or western world on the part of the United States, and I am emphatically opposed to our modeling our military and naval policy upon the suggestion of other nations who want us to fight their wars for them and who are pouring down a steady stream of propaganda to make the world believe we are aligned with them in any world program for policing the globe in the interests of British-dominated world peace and security.

The administration has had my support on its efforts to solve our domestic problems. I am alarmed and upset that the administration's reasons for this hurriedly devised, hastily impelled proposition is placed before us to vote upon, specifically and solely because of the piling up of additional land and sea armaments by other countries, and not because it is anywhere indicated that we are in danger of attack by any nation or group of nations in the world. Why are we rushing into a mad armament race, and if we need arms, why are we neglecting our home defenses in favor of the only aggressive weapons of modern warfare? We need nothing the rest of the world has. We can live and prosper without huge world trade, but we are entering the race, nevertheless, cheered on by some newspapers, more British than American, in their printed efforts to incite America to violence and war. Cheered on by horror and atrocity stories, lectures, propagandists, slogan peddlers, and the host of wily diplomatic war mongers that today infest the Nation's news and information sources and who are getting their inspiration from across the sea.

In the offices of Downing Street the titled gentlemen who believe they should propose to and dispose of the world for their own purposes, still regard these 48 sovereign States of ours as colonies, good enough to pay tribute in taxes by way of unpaid war loans and furnish the flower of our youth and manhood for defending the sources of revenue and profit that flow into the tills of the Old Lady of Threadneedle Street. As witness the United Press release of February 9 from the League of Nations, the skillfully planted propaganda in the New York Times by Mr. Krock, whom the committee, by a vote of 14 to 2, refused to subpoena to discover the inspiration for the material which appears on pages 2194-2196 of the hearings, and as witness this article which is taken from G. K.'s English Weekly of January 6, 1938:

CAN WE ROPE IN AMERICA?

(H. Belloc, in G. K.'s Weekly of January 6, 1938)

The immediate practical question in English politics has nothing domestic about it; for we have in truth no domestic politics. We are so united a country that no domestic question divides us. Our poor are delighted to be managed at a profit by our rich, we are always persuaded that, if any of us suffer, the foreigner anyhow suffers a great deal more and we are quite content with the purity of our public life and the magnificence of our public men.

But in problems involving the said foreigners, and the said public men and ourselves, in matters of international relationship it is otherwise. The Irish affair, which is the most important of all, we get over by taking for granted that it is not there. Ireland is excluded from our press, and not one of us in a thousand pays the least attention to it, or to the Irish race in Australasia, Canada, America, or to the Irish religion. But what a few people do by this time appreciate, and what most people are beginning vaguely to feel is the increasing menace to our wealth. We are menaced by serious rivals who want to get hold of that wealth. One important section of our wealth is derived from tribute beyond Singapore. As money lenders (that is bankers) we have levied on the Far East a regular toll, increasing in magnitude, for nearly a hundred years. We get 5 and 6 percent and over from the labor of yellow men, who are still precariously and have long been securely in our fee. We get profits from our exchanges of goods with them; we get profits out of the insurances upon their lives, upon fire, upon trade risks; we get, or have got, direct payment in salaries from them, paid to our public-school men and whom we send out as managers and officials of every sort; we get a big slice of their taxes as payment for "accommodation," and all the rest of it. Much the greater part of this wealth, steadily pumped out of the Far East, finds its way to England and maintains a respectable proportion of our population, some in idleness, others in not very laborious ease.

The Japanese want this revenue and at the moment of writing are in a fair way to get it. They want to deflect the wealth that is now paid into our pockets as money lenders, managers, insurers, exchangers, officials, and even missionaries, into their pockets. They propose to do this by force of arms, and they have already gone a long way toward succeeding.

Now, how can they be stopped? Only by a superior force in action or by the threat of such force sufficient to give them pause. Can we do that single-handed? We cannot, because we have not sufficient strength. We have no land force available for the purpose, and sea power nowadays does not exercise the control it did 30 years ago. Even if it still could do what used to be claimed for it, we could not use it single-handed, because the attempt to do so would at once arouse an overwhelming coalition against us. The French in their present condition, though they have similar

(vastly inferior) interests in the Far East, are not to be relied upon. The hopes we had of Russian interference have failed, the international clique which still rules from Moscow, with Stalin as its vigorous figurehead, knows very well that foreign war would be the end of it.

There remains the United States.

It is commonly said up and down Europe that we can make the United States do what we like. That idea is based upon the vague and most misleading word "Anglo-Saxon," but also upon the actual and recent experience of the last 20 years. We got the United States into the Great War on our side, and, what was more extraordinary, we managed, in the debt business, to make France the villain of the piece. We have got them to feel with us against modern Italy, and we have got them to talk of ourselves as "a democracy"—which is prodigious.

Can we rope them in to fight or threaten to fight the Japanese? It is a question of the most poignant interest, and it is a question that will be answered in a comparatively short time one way or the other.

The advantages we have in the working of American opinion and policy are very great, and they have been used in the past with so much success that those who think we shall still win the trick have much to say for themselves. We are the only people of the Old World who use the same printed word, and largely the same spoken word, as the Americans. Much more important than that mechanical advantage is the spiritual advantage of a literature largely in Livingstone, a descendant of one of the first English settlers. Having no common with them and an interpretation (or myth) of general history held largely in common with them.

But much more important than any other factor is the religious factor. Vastly different as we are from the Americans we have in common with them the set of moral ideas proceeding from the men who dominated the English seventeenth century. Those ideas have, of course, been transformed in the last 200 years. You can make more out of a society for the prevention of cruelty to animals or children, or out of the word "democracy," or out of "sanitation," than you can out of the authorized version, and much more than you can out of direct Calvinism, for the latter has now got to be given diluted; but, roughly speaking, we know instinctively what will move American indignation and enthusiasm, even when it does not move our own. American opinion is inflammable, and just as we got up the cry, "To hell with the Hohenzollerns and the Hapsburgs" (which both begin with an "h"), so we might get a slogan for the Pacific.

There are obstacles in the way. The chief of these is the very large American investment in Japan. The next obstacle, in importance is the realization by most Americans that we are much more interested than they are in stopping the Japanese advance, and that, if they come in, they will be coming in much more to our advantage than to their own. But those obstacles could be overcome. The mass of the American public has no experience, as we have, of modern war; its enthusiasm is easily aroused; we have already got them to feel a sort of instinctive opposition to the Italians; and the Jews and ourselves combined and in alliance have got them to oppose the third Reich.

Roughly speaking, we are about half way to our goal. Shall we be able to go the remaining half of the way and reach our goal? Shall we rope in America against Japan? That is the important question of the moment, and as this paper is free to tell the truth, the truth can be stated here in its simple and obvious terms. As things now stand, our chances are (to put it in American) about 50-50.

If we are again the dupes of English diplomacy in world affairs and in our military and naval programs, we shall have only ourselves to blame and should not again have the temerity to ask the American people to overlook our gullibility either as individuals or as a political party, as we have asked them since the disastrous departure from the policy of George Washington in 1917 and 1918. That the American people are alive and awake to the ruinous course their National Legislature is bent upon following; that they have every right to fear the entrusting of the sole war-making power to Congress and are demanding in increasing number a war referendum law which this Congress shunted aside; and that our people will shortly be demanding a similar referendum as to what kind of defense program America shall have is evidenced by the letters Members of Congress receive.

I realize that today those of us who counsel sane, careful deliberation on our defense program, who insist that our national policy shall be clearly defined, as was promised by the committee on its hearing of this bill—pages 2211, 2212, 2214—but which has not been forthcoming, are in the minority; but that we do represent the unvoiced opinions, hopes, and desires of millions of Americans, I am confident. Though we may be voices crying in a wilderness of emotion, where reason should prevail, time and events will vindicate our position, as it has always vindicated the position of Amer-

icans who have struggled to keep this country of ours from entanglement in foreign policies.

Mr. Chairman, in conclusion, I want to include with my remarks an article from World Events that characterizes this mad race to war we are urged to join by misinformed and emotional jingoes, as well as some letters received by me in the past few weeks.

"MAD ARMAMENTS RACE"

When other nations began a few years ago to crowd the air, the land, and the sea with bombing planes, conscript armies, machine guns, tanks, cannons, battleships, and submarines, President Roosevelt described this as a "mad armaments race" and a "grave menace to the peace of the world." Today, when the President urges this country to plunge into the same deadly whirlpool, we still believe that his earlier thought on the matter was right. For the proposed unprecedented peacetime expenditures for Army and Navy and Air Force are, in our opinion, unnecessary, wasteful, and exceedingly dangerous.

This vast armament program is being sold to the country on the plea of defense. Defense against whom? Defense of what? The enemy is, of course, Japan, and before long we will no doubt hear that there is a Japanese with a machine gun under every bed. Great arms programs are always put over by fear and war-scare propaganda.

What are the facts? Franklin D. Roosevelt told the country in the magazine Asia in 1923 that it was the consensus of opinion of military and naval men on both sides of the Pacific that Japan could not invade the United States and maintain an army here. No nation has ever been able to wage war when its source of supplies are more than 6,000 miles distant. This would require a battle fleet about five times greater than that of Japan and the entire present shipping tonnage of the world as transports and auxiliaries.

The effective range of a modern battleship is 1,500 miles; the maximum range of a bomber fully loaded is less than 500 miles. The minute battleship and bomber exceed these limits, the advantage goes definitely to the enemy. No wonder Lloyd's in London was ready to wager 500 to 1 that the United States would never be invaded. And Lloyd's generally bets on a sure thing.

Are we preparing to invade Japan? The project is just as futile. It cannot be done. Not only are there the 6,000 miles of ocean and the Japanese Navy, but also a ring of island outposts through which no naval forces could make their way. Admiral Sir Roger Keyes once said: "As a naval man, Japan is untouchable."

If it is our shipping that is to be protected—munitions ships, perhaps, that go into a war zone—American opinion would not support such a move. It is utterly unjustifiable to risk plunging 130,000,000 people into war merely to protect the profits of war traders.

Or does the Government propose to enter the wars of other nations "in order to save democracy"? Aside from the fact that the country is overwhelmingly opposed to such a course, there is no more certain way of destroying democracy than by going to war.

On the economic side, such arms expenditures are pure waste. They raise taxes, increase the cost of living, fatten the purses of the arms companies, and cause a general maladjustment of industry. The British experience of the last years is warning sufficient, while Germany has maneuvered herself into such a position today through armament making that it will be difficult for her to extricate herself without war or economic ruin. The Federation of British Industries, a group of powerful industrialists, warned that huge armament programs would be followed by "progressive reduction of labor and materials for civic requirements, as well as a further limitation of personal liberty and the impoverishment of living standards."

It is still time to prevent this "mad armament race."—World Events.

Mr. Chairman, until and unless our Government plays fair with the American people, American mothers and fathers, whose sons must furnish the fighting force of this Nation, by definitely and clearly setting forth what our foreign policy is to be, I cannot, in honesty to myself or my constituents, support this "diplomatic bluff naval bill" disguised as it may be under the badly moth-eaten cloak of "national defense," always provided for such travesties by armament manufacturers, international bankers, and internationally minded diplomats who are again trotting forth "Banquo's ghost of fear" before the American people as the prologue to the tragedy of America as the "Colony of Great Britain" in her conflicts with the havenots of the world.

Congressman THOMAS O'MALLEY.

DEAR SIR: Having read some of your recent statements in Congress against the big-navy plan here, I take the liberty to write to you and congratulate you most sincerely upon your courage and truthful opining on the aforementioned plan. I really regret that there isn't a larger number of your kind of Representatives in Congress; indeed, it would be better for this great Nation, its people, and destiny.

I believe that there is an existing (sh-h) agreement between the United States Government and England-France, exactly what

the United States shall do in case England, etc., are involved in war. President Roosevelt's "quarantine speech," big-navy plan, etc., all point to the road of war.

For over 50 years the English and their puppets here have been delivering propaganda about kin-stuff, hands across the sea, white man's burden, the yellow peril, help us police the world, help us in wartime, isolation and nationalism are wrong, etc. It seems that the English propagandists have been successful in many directions. Right along we keep a part of our Navy in Europe, oriental waters, etc. Such isn't United States waters, territories, etc. I predict if the big-navy plan here passes that this Government will help England more than previously, and not only police the world more with England but back her up, her empire building, gangster stuff, aggressions, and wars upon unfortunate humanity. This is the road to destruction for this Government. "Mind our own business" is not only a good policy but also a sane and sound one. Right along this country has been neglected. Today crime, unemployment, etc., aplenty.

In regard to our foreign policy, there's too much secrecy and it's a real menace to national security, etc.

It seems the United States does many things England tells this Government to do. For example, shortly after England went off the gold standard [to beat her debts] the United States went off the gold standard, too, and increased the price of gold from \$20.67 to \$35 per ounce, and this has been very profitable to England and expensive to the American taxpayers, also the secret so-called gentlemen's monetary agreements, trade pacts, sterilization of gold, etc.

The administration talks about a big-navy plan as giving the American people adequate protection, etc. But where is this same protection when it comes to protecting the American people from the greatest racketeers on earth, such as the arms, munitions, implements of war racketeers? There isn't any.

The administration, through its questionable stuff, has increased tremendously the costs of building battleships, etc. Really, this means a greater burden for the American taxpayers to carry and more unbearable taxes and eventually maybe collapse and bankruptcy. The administration, previously and today, is allowing considerable scrap-iron bombers, arms, munitions, and implements of war to leave the United States daily for about every nation on earth, and credit is extended. Not only this, but there's considerable secrecy in this direction. Maybe in a future war some of the war supplies leaving here now will be returned to our conscripted American boys and cities. Before our armed defenders have experienced this—as in everything, the United States is dual. It's for peace, law, order, etc., on earth, but at the same time it's for war and the supplying of nations regardless of their "isms" and Neutrality Act. Many of the inventions of war, etc., were first invented in the United States. Did the United States make an honest effort to keep them solely here for adequate defense and protection? It didn't. Why not? Because this would interfere with the plans and profits of the greatest racketeers on earth. It seems that the United States must make war more terrible and supply the nations with war inventions and supplies according to the way things have been done, and then organized propaganda from the War Department down the line cries out: "We must have a bigger Army and Navy; we are inadequately prepared for war, etc." And so goes the madness. United States will never be adequately protected until it ends the damnable things it allows to exist. My buddies died to end excessive navalism, militarism, etc. Why isn't this Government true to them and its defenders?

Sincerely,

JOSEPH MAHONEY (war "vet"),
40 Edgar Court.

NEWPORT, R. I., March 6, 1938.

GRACE BAPTIST CHURCH,
Milwaukee, Wis., February 20, 1938.

HON. THOMAS F. O'MALLEY,
Washington.

MY DEAR MR. O'MALLEY: Permit me to express my deep concern over the administration's belligerent attitude in recent months. I am particularly opposed to any increase whatsoever in naval, military, or aircraft appropriations; to the Hill-Sheppard bill and any other efforts to set up a Fascist dictatorship in wartime or internal economic emergencies; to the retention of our gunboats in or near war zones; to the shipment of war munitions to any country at any time. (Congratulations on your sponsorship of the peacetime arms embargo in the last session!)

I am convinced that justice and good will are the only real defense for a nation as for individuals, that the Belgian plan for redistributing economic advantages more equitably as between the "have" and the "have not" nations should be speedily supported by the United States; that our loss of trade with belligerents would be most trivial compared with the dislocation and revolution a war in the Far East would soon create; that the tenuous international picture, the greater the moral effect of a drastic reduction of armament, restoring security and banishing suspicion and fear.

I have supported the President in the majority of his economic policies, but if he persists in bluffing Japan, and presuming to police the world and boosting armaments that prompt other nations to do likewise, thus creating only more insecurity, I'm through!

Many thanks for your kind interest and your good work.
Cordially yours,

L. EARL JACKSON.

Appreciate, too, your courageous vote on the Ludlow bill. Hope some such bill will soon be pushed through.

KENWOOD METHODIST EPISCOPAL CHURCH,
Milwaukee, Wis., February 12, 1938.

Representative THOMAS O'MALLEY,
House of Representatives, Washington, D. C.

DEAR MR. O'MALLEY: I have been instructed by the members of the new Milwaukee Peace Council to urge upon you the necessity of vigorous action against the pernicious Hill-Sheppard bill and the appropriation which the President asks for his super-Navy appropriation bill. There is a widespread feeling here, among those who understand these bills, that they should be killed.

We also urge you to do everything in your power to get a clear statement from the President as to what his position is in his foreign policy. We are now getting close to a position where war is repudiated as an instrument of foreign policy, and we are earnestly hopeful that this high stand adopted by Congress will not be changed by any action which the President might contemplate.

It might be of interest to you to know that, while the present letter comes to you at the insistence of the members of the Milwaukee Peace Council as individuals, we are planning immediately a city-wide education program and action on the part of the groups of our council. The following organizations are already members of the Milwaukee Peace Council:

American Association of University Women; American Federation of Teachers, Local 252, Local 79; American League for Peace and Democracy; American Student Union; Council of Churches; Council of Jewish Women; County Federation of Teachers; Emergency Peace Campaign; Fellowship of Reconciliation; General Federation of Women's Clubs; League of Nations Association; Milwaukee Teachers' Association; Pax (Catholic youth); Woman's Christian Temperance Union; Wisconsin Federation of Teachers; Woman's International League for Peace and Freedom; Young Men's Christian Association; Young Women's Christian Association.

Please be assured that we will do everything to support you in any action which you might take looking toward the maintenance of peace. As you probably know, there is also a Wisconsin State Peace Council with auxiliaries in cities throughout the State; our plans and programs are more or less identical.

Let me thank you personally, as well as on the behalf of the Milwaukee Peace Council, for your courageous stand on the behalf of the war referendum. Believe me, we shall not forget your courage.

Very sincerely yours,

EDWIN A. BROWN.

FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA,
New York, N. Y., February 14, 1938.

HON. THOMAS O'MALLEY,
Washington, D. C.

MY DEAR MR. O'MALLEY: We believe you will be interested in the following recent statement of the executive committee of the Federal Council of the Churches of Christ in America:

"The executive committee of the Federal Council of the Churches of Christ in America registers its disapproval of the proposed increase of naval and military expenditures beyond the Budget already submitted for the fiscal year 1938-39, as unwarranted by any evidence thus far presented and calculated in the present world situation to stimulate the spirit of fear and unrest which is the parent of war."

This action indicates a grave concern on the part of church leaders over the armaments program which is being promoted so energetically in Washington. We hope that this concern will be seriously considered when any action is taken by Congress.

Sincerely yours,

ROSSELL P. BARNES.

GRAND AVENUE CONGREGATIONAL CHURCH,
Milwaukee, Wis., February 14, 1938.

HON. THOMAS O'MALLEY,
House of Representatives, Washington, D. C.

MY DEAR MR. O'MALLEY: Thank you for the good work you are doing. I very much hope that your best efforts will be exerted in preventing any increase in naval and Army budgets until we know exactly what the Army and Navy are to be used for. Let's compel a definition of what we mean by defense. There is no call for our sending forces overseas to make war, and our present budgets are enough if we use them in providing defense in case of attacks.

The Hill-Sheppard bill ought not to pass, certainly not in any thing like the form in which it was previously introduced.

It is the hope of many of us that Congress will work for international conferences, economic and otherwise, which will seek to adjust our difficult international problems of negotiations. If this is not done, war seems inevitable and we will probably be dragged in. Then we will be back and have to negotiate where we were at Versailles, only with billions more of indebtedness to strangle ourselves and the rest of the world.

Again thanking you, I am,

Very truly yours,

F. M. SHELDON.

NEILLSVILLE, WIS., February 25, 1938.

HON. THOMAS O'MALLEY,
Washington, D. C.

DEAR MR. O'MALLEY, I was going to use a colon after my salutation but decided to use a comma instead, because I feel I'm writing to a friend and that this isn't a business letter.

Anyone who so openly condemns the assinine navy expansion caused by the greatest propagandists this world has and ever will know, the English "gang" from Downing Street, is to be congratulated for that brave stand.

I'm glad that their English campaign of education hasn't had any unfavorable effect on some of our more level-headed Representatives from a great State.

It's about time that some of our men have come to the realization that England has been saying "Let's you and him fight" once too often. The trouble is that one always goes back for more fish to the same old place he had success before. Let's hope that our Representatives won't make asses out of themselves and give Downing Street the second opportunity to cry aloud when they see an American coming, "Fish, more fish."

Your remark about the State Department was well made, and I'm here to back you up on it. The stink of some of those fish in the old fishing ground, the State Department, is getting stronger every day.

What is the foreign policy of our Government? We, who will have to offer our blood in the next war, would suggest that perhaps the State Department officers whom you refer to in the newspaper remarks be the first "buck privates" to hit the top of the line and take the chance of having their guts ripped open first.

Once more, stick to your guns. We're behind you.

Sincerely yours,

ERICH SIEVERT.

Mr. BREWSTER. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CULKIN].

Mr. CULKIN. Mr. Chairman, to the average American familiar with history the Navy message of the President to Congress last January indicated that our country was again entering upon another adventure in world politics. Constructed in connection with the Chicago speech of the President, in which by inference he vigorously assailed Japan, Germany, and Italy, the purpose of the message and the bill before us today is apparent.

He who runs may read that we are now to enter into an armament race costing in the long run many billions of dollars and possibly the lives of countless American youths. He may read that this measure and its resulting foreign policy probably spell the destruction of this Republic.

In my judgment this measure is the direct result of secret diplomacy in which this Congress and the American people have had no part. Since the beginning of civilization secret diplomacy has been the curse of the world and has sent millions of men to their death. I have made this conclusion only after an elaborate and careful examination of our foreign policy over the past 2 years. The correctness of my conclusion was definitely confirmed and corroborated by the appearance here today of the distinguished chairman of the Committee on Foreign Affairs [Mr. McREYNOLDS]. His intense interest in the bill speaks volumes. I have no hesitancy in asserting that his remarks here today were inspired by the State Department. Everything he said made it a fair conclusion that section 9 of this bill is intended to implement and carry overseas a new foreign policy. Section 9 is intended to, and if left in the bill, will repeal the Neutrality Act and give a roving commission to our diplomats. This will implicate us in foreign affairs and eventually in war.

Nor has this procedure been without significant preliminaries. Since the passage of the Trade Agreement Act of 1934, Secretary of State Hull and that great internationalist, Professor Sayre, have been asserting that they can assure world peace by the making of tariff agreements with other countries. No doubt these gentlemen actually believe that if we but blend our economic destinies with all the other nations of the world, war will cease to be and the lion will lie down with the lamb. This pending measure is intended to further that policy. The zealots in charge of this program doubtless reason that we can shoot trade agreements into other countries if they do not take them peacefully.

FOREIGN INTRIGUE

Throughout the present situation, Norman Davis, who is really an advance agent of the international bankers, has been busy misrepresenting America and American sentiment at the various chancelleries of Europe. Many of our people have been curious and interested observers of his performances.

The House probably remembers that former Premier Paul van Zeeland, of Belgium, made a trip to this country in June of last year as the special agent of France and England. He did this after collaborating with Norman Davis, who once had the distinction of being able to borrow \$50,000 on his personal note from J. P. Morgan & Co. Van Zeeland's mission was to arrange for the loaning of moneys to Germany by America through the Bank of International Settlements. Some of the gold that is buried down in Kentucky was to be earmarked for this purpose.

The White House, after it sent up various trial balloons on this preposterous performance, and refreshed its memory by reading the Johnson Act, concluded that this procedure was out of the question, so abandoned it.

Van Zeeland today is really the agent, if not on the pay roll of, France and England, and his chief objective seems to be to get some of that gold which we have stored in Kentucky and send it overseas. In brief, Mr. Van Zeeland came with a formula for world peace, with himself in the role of the conductor, and the United States paying for the orchestra.

THE BRUSSELS CONFERENCE

I wonder how many of you Members here have in mind our ridiculous performance at the Brussels Conference. This conference was called for the purpose of disciplining Japan and, perhaps, imposing sanctions on her. Both England and France sidestepped this issue there and compelled our roving Ambassador, Mr. Davis, to take the initiative on every question. The conference was simply another trial balloon sent up by the White House and the reaction of the American people was extremely hostile to the performance. Many of our people had read that Lord Halifax, who was pro-Hitler, was going to Berlin as the representative of England, and in the current newspapers of about that date, also read that France was sending a conciliatory commission to Italy.

The curious thing about it is that Halifax did go to Berlin, and while there, we are told, promised Germany a free hand in central Europe and the restoration of her colonies. The State Department and the President either did not read the newspapers of those days or they think the bulk of the American people are illiterate.

The ridiculous spectacle we made of ourselves at the Brussels Conference made the poker-faced diplomats of the world laugh until their sides ached. They are still indulging in mirth over our performances. When the President was declaiming against Fascist powers and their iniquities, both England and France were getting in bed with Germany and Italy.

The culmination came when Anthony Eden was forced out of the British Cabinet, and Lord Halifax, who had made the deal with Hitler, while our President was putting Germany on the spot, was made Foreign Secretary. The press indicates that he has been given a free hand in the dealings with Italy and Germany.

The administration's whipping boy, "Honest Harold" Ickes, was put on the radio and told the English people what an indecent plutocracy we were. He also told them about the vicious characteristics of Italy, Germany, and Japan. The speech, of course, was in the most outrageously bad taste, and the responsibility for it is directly on the plate of our distinguished President.

I am credibly informed that the President reads all of "Honest Harold's" speeches in advance. Rumor saith, that the distinguished Secretary of State, Cordell Hull, for whom I have personally the greatest admiration, was peeved at the spectacle America made of herself.

It is fair to state that the Secretary of State honestly believes that the salvation of the world can best be accomplished by trade agreements, and not by the bull-in-the-china-shop tactics of the said "Honest Harold." In any event, we have very successfully made ourselves the continued laughing stock of the world.

It would seem that this performance and resulting debacle would discourage us from further excursions into the international field. That would be a consummation "devoutly

to be wished for." However, that is not the case, for the Secretary of State, ordinarily devoted to the peace of the world, proceeded to write a series of inflammatory notes to Japan. It was another Stimsonesque crusade.

The House remembers what occurred in 1932 when the British foreign minister left that ardent Anglophile out on the end of the limb. Stimson was then ready to plunge the United States into war in behalf of England's ill-gotten possessions in China, but Downing Street refused his invitation. The story is, that as a result of this performance, England's trade with Japan was greatly stimulated.

HULL INVITES WAR

I spoke a moment ago of the notes that Secretary Hull had written Japan. They are current history and the House is familiar with them.

The attack on the *Panay* occurred when that gallant ship was escorting three Standard Oil tankers in the actual zone of fire. This was months after the Neutrality Act had been passed by Congress in compliance with the wishes of the people, duly signed by the President, and placed on the statute books. The purpose of this act was to keep Americans out of the war zone when belligerents were at each other's throats. It is true that this power is discretionary, but the purpose of the act was obvious.

I make bold to say that the blood of the *Panay* dead is not on the head of the Congress. The President of the United States, with the Japanese, have a joint responsibility for that unfortunate incident.

The erstwhile judicial and composed Secretary of State wrote another provocative note in connection with the slapping of an American diplomat by a Japanese rookie. The fact is that the American representative was attempting to force his way into a barracks where the case of a Chinese national, a woman, was being investigated. The propaganda machine of the State Department worked overtime in whipping up American sentiment on this.

CHINA PARTITIONED LONG AGO

The air is full of discussions of the Nine Power Treaty and the Kellogg Pact. These pacts assume the unimpaired sovereignty of China, a condition that by reason of the infringement of France, Germany, and Italy, has not existed in China for more than a century. These treaties are a hollow sham, because China was partitioned long since by France, Germany, and Italy.

I do not intend to defend Japan's entry into China. I do assert that the present war in China results from the same causes that brought about the Boxer Rebellion in which we, ourselves, participated.

Japan claims that her unarmed nationals, of whom she has a number in China, were set upon by the armed forces of the Chinese Government.

THE OPIUM TRADE

I do say that the morality of Japan's entry into China is perhaps less degrading than the opium trade which was foisted upon the people of China for many years by the English Government. England's very possession of Hong Kong and the surrounding area was the result of the opium war, caused by the forced sale of opium to China by British subjects under the menace of British guns.

I recommend that the House read Pearl Buck's story of the opium trade and see if the Japanese to date have done anything as bad as that. Then for good measure, read the story of how English influence was established in India. Great Britain at present enjoys a huge trade with China, and she is fearful that Japanese penetration will take away this business. Personally, I am extremely fond of the English people, but I am not willing to shed the blood of a single American boy for the purpose of pulling her imperialistic chestnuts out of the fire. I distinguish sharply between the splendid English people and the imperialistic British Empire.

What I wish to stress now is that the alliance which the administration is attempting to bring about with the British Empire has no sound foundation in actual democracy. England is imperialistic and America is not, and, I trust, please God, will never be.

If our chivalrous purpose is to leave China to the Chinese, let us insist that France and England get out of China. Let us insist that the age-old wrongs that England, France, and Germany inflicted upon China be righted and compensated. If we are to play the role of Don Quixote, let us espouse it in real earnest and not single out favorites for the performance.

HISTORY WILL PLACE THE BLAME

It was 20 years after the World War when the historians told us that Germany was not the aggressor, and that the propaganda which we swallowed at the time was all wrong. It will be 20 years from now before we know the real cause of the starting of the Sino-Japanese struggle. We know that Japan now claims that England and France stirred up the Chinese Government in an attack on Japanese nationals in China. She also claims that China is being taken over by the Communists. Some of the current literature on this proposition would seem to justify this contention. I suggest that my colleagues read "Red Star Over China," by Edgar Snow. China, on the other hand, insists that Japan is the aggressor, and that they are simply defending their homeland. I have great sympathy for the Chinese sufferers in their hour of distress.

Every thinking American is now certain that the President and Secretary of State intend to take a hand in the Far East. In doing this, they are going contrary to the expressed mandate of the Congress as laid down in the Neutrality Act.

Obviously, the domestic scene is palling on the President. Like Alexander the Great he is seeking new worlds to conquer. This present bill, in my judgment, is the cornerstone of his adventure into world affairs.

THE RESULTS OF THE WORLD WAR

The President thinks that the people of the United States have short memories and that they have forgotten our last excursion into internationalism. The President ignores the fact that there have been three solemn referendums on this question. In each of these, the people elected to keep out of foreign affairs.

The slogan of the second Wilson campaign was that he would keep the country out of war. The issue changed a minority party into a majority party, and resulted in Wilson's election.

Campaign pledges were soon forgotten, and within a month after President Wilson's second inauguration, we were in a struggle to save the world for democracy. Despite our efforts for free government, in which we made great disbursement of blood and treasure, there were born as a result of this war the Fascist governments of Hitler and Mussolini and the Communist state in Russia. Today there is no free thought, free press, or freedom of expression in the greater part of Europe. Europe today owes us more than thirty billions of dollars, the payment of which they have repudiated.

That, in brief, is the result of our excursion into internationalism.

The election of Harding and Coolidge turned on the League of Nations. Three times the American people have spoken solemnly on this question. The people's viewpoint on these entanglements is being ignored by the administration. The Executive and State Department have already got us to the verge of war with Japan. It is the candid opinion of many people that this mad procedure is a corollary to the trade-agreement program.

MORE SECRET DIPLOMACY

Responsible speakers in the House of Commons, including Anthony Eden, former foreign secretary, and Winston Churchill have said that the English Government has a satisfactory arrangement with the United States. From what source do they derive this assurance? Are they taking the word of Norman Davis, or is there an underground existing between the White House, our State Department, and Downing Street? I think there is, and do not believe that a Government such as ours should indulge in secret diplomacy, which is the inevitable road to war and not a function of popular government.

I believe any citizen of the United States who has read the foreign news of the past 6 months cannot arrive at any conclusion other than that this secret diplomacy does exist. Oh, I am familiar with the categorical denial of the distinguished Secretary of State that it exists, but in the procedure, in the technique and in the etiquette of diplomacy that would be classified as a white lie, and it would be within the power of the Secretary to make such a denial without violating any ethical code.

Why this sudden demand for a super navy? We are safer today than any time in our history. The able and patriotic officers who have held positions of command in our Navy from Theodore Roosevelt's time, have assured us that our Navy is sufficient to protect our coasts, and to enable us to carry on normally in world affairs. Now we are told that we need a navy as big as England's to protect the interests of America.

Why this sudden change of front on the part of these experts? It can only be explained on the theory that our statescraft requires a new naval adjustment to supplement an offensive foreign policy. The inference is plain, that in the judgment of the administration, we have burst our swaddling clothes, and are going to enter an armament race costing billions of dollars, and resulting in inevitable entanglements with the overseas nations.

SOUTH AMERICAN BOGEY

Propaganda sent out by the State Department is taking strange forms. Part of its war psychology is that we must defend South America against Fascism. You and I know that there have been more dictators in the various governments of South America since they obtained their freedom from Spain than in any other part of the world. We do not have to go abroad for Fascism. We are told that this navy cannot be built within many years. That is reminiscent of the way Mussolini and Hitler obtained power from dying parliaments. If this navy is authorized, it will be built. If it is built, it will afford an instrument of aggression in distant parts of the world, to some internationally minded President.

At this point in my discussion, let me emphasize that Japan is ready to enter into negotiations and resulting treaties with the United States on naval construction. They are ready to negotiate, but do not intend to be held up and cramped in their deliberations by the joint action of the United States, France, and England. They are quite right in this.

Hiroto, the Premier of Japan, on March 4, stated that Japan will welcome the opportunity to discuss the question of naval reduction with the United States; and that if this opportunity comes, Japan herself will propose the total abolition of capital ships.

WE ARE IMMUNE FROM ATTACK

The jingo propagandists in the Department of State, the importer press, and the press agents of the international bankers tell us that America is in danger from foreign attack. This, of course, is the height of nonsense. With Russia watching Japan, and the balance of power so delicately adjusted in Europe, is any citizen of the United States moronic enough to believe that an attack on this country is possible for generations to come?

I want to make it clear at this point that I am a strong advocate of adequate national defense. I am not a pacifist. I have voted for every Army and Navy appropriation bill since I came to this House. I voted this session for the regular naval appropriation bill which carried more than \$550,000,000 for the Navy. Our present Navy, an adequate development of our coast artillery, with proper and sufficient air force, will immunize us from either attack or invasion, if indeed, there is any one competent to attack us.

I have seen it stated that to make an invasion of the United States possible, an army of 3,000,000 men would be necessary. Likewise, military experts say that under conditions of modern warfare, putting in the scale our potential strength in numbers and material, and assuming a reason-

able preparedness, America is, from a tactical standpoint, further away from Europe and the Asiatic continent than she was in the time of George Washington.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. I yield to the gentleman from Minnesota.

Mr. KNUTSON. It took us 18 months to transport 500,000 men to France, at a time when we were in our greatest vigor financially.

Mr. CULKIN. Several millions of men would be required for any European or Asiatic nation to cross the seas and get even a foothold on this continent, in view of our situation and our present resources. No intelligent American is influenced to the contrary by the patter of the propagandists.

AMERICA'S DESTINY

America's contribution to humanity must be made here on this soil. We are greatly blessed by our isolated position, and with soil, climate, and production greatly diversified. Our present commerce overseas is but 3 percent of our national production, if we eliminate intercompany relations. We are a people composed of many races, some of them not fully assimilated. To take part in foreign wars will inevitably involve dissension at home and a divided nationalism.

As I view it, our destiny is to build up our own people by education and opportunity, among other things, to give full opportunity to the marginal groups of whom our distinguished President is properly so solicitous.

The genius of America, the preservation of our institutions, are dependent upon our keeping free from entangling foreign alliances. The farmers of the Nation are against this authorization because they believe it will spell the undoing of America. Labor is against entangling alliances and war. The new races which have recently come to our shores, irrespective of their former allegiances are against mingling of our affairs with those of other nations. In fact, practically all of America, including our citizens from the crossroads and from the cities, are against this program for a super Navy. All of the people who have sons to serve as cannon fodder for this performance are opposed to this legislation.

Should a few mistaken idealists, encouraged and propagandized by the international bankers and foreign intrigue, lead us away from the ways of peace and the fulfillment of our destiny? The defeat of this bill is an initial step in keeping America in the pathway of progress and ordered development.

FAREWELL ADDRESS

Never was the concentrated wisdom of George Washington's Farewell Address more pertinent than it is today. The power and depth of his words make it a fit compass for our present course.

No one knew better than Washington the difficulties and perils of entangling alliances. In the Revolutionary War, the French had fought side by side with the colonists. France had given generously of her blood in the cause of American independence, but the attitude of the French was not altogether altruistic. They believed that with the Colonies once free, they would have a subservient political entity which would obey their behests and commands.

The House remembers Washington's experience with Genet. Grateful as he was to France, Washington foresaw the great destiny of America, and after his eight arduous years in the Presidency, he embodied in his Farewell Address a strong injunction to his struggling people to keep out of political and other alliances with the powers of Europe.

To my mind, the part of his address to which I refer applies with tremendous force to our present situation. It is especially applicable during the consideration of this bill.

Let me refresh the recollection of the House by a pertinent extract from that address:

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collusions of her friendships or enmities.

Why forego the advantages of so peculiar a situation? Why quit our own stand upon foreign soil? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, rumor, and caprice?

In conclusion, let me say that this issue, fraught as it is with the very life of our country, is not a partisan one. America today is at the parting of the ways and your vote today will determine its destiny. The distinguished President in his last pre-election speeches promised to keep us free from foreign entanglements and alliances. You and he were elected on that promise. The American people everywhere, at the crossroads and in the cities, expect you to keep the faith and vote down this authorization. If you do this you will insure the orderly, progressive development of our country, its continued life, and the advancement and promotion of free government, and the cause of humanity here on this continent. [Applause.]

Mr. BREWSTER. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas [Mr. HOPE].

Mr. HOPE. Mr. Chairman, there have been few times in our history as a nation when there was greater need of keeping our heads and using good common sense than right now. I am thinking particularly of our foreign policy.

In spite of the disturbed condition of world affairs, our problems as far as national defense is concerned are relatively simple. Our geographical position has taken care of that. The existence of our great national resources further makes us less dependent upon other nations than any country in the world.

There is nothing in the world situation today which makes our problem any different than it has been during the century and a half of our existence. There is no new element today which of necessity requires any change in the traditional foreign policy of this country. There are those who contend that modern inventions, to a large degree annihilating time and space, have changed our situation from the standpoint of military and naval defense. This might be true if we assume that all advances have been made in the line of offensive warfare. The fact, however, is that defensive warfare has advanced just as rapidly as offensive warfare and the effect of every new and powerful weapon of offense has been neutralized through the invention of new means of defense.

Throughout our history the great mass of our people have believed in a very simple and direct foreign policy which may be summarized as minding our own business and maintaining an army and navy adequate for our own defense, including the enforcement of the Monroe Doctrine. That there have been temporary deviations from this policy does not in the least change the fact that in their own minds and hearts our people have consistently held to it. It is the policy which they desire that our Government follow today.

The American people as a whole are firm believers in maintaining a military and naval establishment which is fully adequate for national defense. However, by that they mean actual defense against actual enemies. They do not mean a theoretical defense built up against theoretical enemies existing only in the imaginations of those whose business it is to justify the existence of big armies and navies. There is a minority in this country today whose members think that the only way in which we can defend this country is to start a war on Japan and annihilate her before she becomes any stronger. There are those who say that purely as a matter of self-defense we ought to join with Great Britain and other nations and form an offensive and defensive alliance against nations whose political philosophy does not agree with our own.

The great bulk of the American people, however, feel that we are justified only in maintaining such an army and navy as will adequately protect ourselves and our possessions from invasion and enable us to enforce the Monroe Doctrine. If the people of this country have anything to say about it, that is the kind of a foreign policy which the majority of them will endorse.

We have today a Navy, in existence, building, and authorized, which will abundantly fulfill all demands which may be made upon it in the way of actual national defense. One would think, to hear some of the discussion which is going on, that we were a third- or fourth-rate naval power. The facts are, however, as shown in the hearings on this bill, that we have in existence, building, and authorized, the second most powerful navy in the world; and, considering our position and needs for defensive purposes, by far the most adequate navy in the world.

Up until the President's message requesting the enactment of the pending legislation it was apparently the theory of the Navy Department and the administration that the existing authorized program was entirely adequate. Indeed it must have been felt that it was more than adequate because requests for appropriations for carrying out the program have lagged far behind the building which was authorized.

What has happened to change the situation? Does this request for an additional authorization of almost a billion two hundred million dollars mean that the historic foreign policy of this country is to be changed? What other justification can be offered for it at this time? Why should a new program which for some time to come can be only a paper program be submitted now? Why, under these circumstances, should Congress be asked to commit the country to a policy which, according to all the testimony before the committee, cannot be put into effect at this time? Is it merely a bluff which we are putting up against certain foreign nations, or what does it mean? What will be its effect upon other nations and upon the question of world peace?

Up until this time no nation could justly say that we were arming against them. Likewise no nation has given us just reason to say that it was arming itself against us. But suppose we embark upon this new policy and increase our Navy to a size which every nation must know is greater than is needed for actual national defense, what is going to be the reaction? Are not they justified in feeling that we must be building a navy for the purpose of changing our traditional foreign policy and taking a more active interest in international affairs? Are not the rulers of those countries justified in telling their people that the United States has changed its national policy and is arming for aggressive warfare? Are not they going to do that and use it as an excuse for enlarging their armies and navies, and are not their people going to be justified in believing that there is something to the proposition? In other words, are not we starting a new armament race, one which if not stopped can lead only to world bankruptcy, or war, and possibly both? Oh, I know it will be said, as it has been said, that other countries have already started this race and that we must enter it in self-defense. Well, what is the situation? True, Great Britain is increasing its navy. It needs a larger navy than we do, a far larger navy. Everyone must admit that.

Furthermore, is there anyone in the United States today who seriously thinks that the British Navy will ever be used against us? But they say Japan is catching up with us. That Germany and Italy are increasing their programs. It is true that there have been some increases yet with the exception of Japan and Great Britain all other nations are so far below us in both actual and potential naval strength that there can be no possible contention that we are in any danger. As to Japan all of the figures which were submitted by our own naval experts at the hearings show that on any basis, either vessels built, those which they are building, or which are authorized, Japan does not approach the United States, and will not approach us anytime during the history of our program already authorized. The figures contained in the committee report as well as the figures placed in the CONGRESSIONAL RECORD on March 11 by the distinguished gentleman from Maine [Mr. BREWSTER] show this fact conclusively. Furthermore all the testimony of naval experts before the committee was to the effect that any fleet in foreign waters loses at least 40 percent of its efficiency. Therefore, to attack us in our own waters, Japan would not only have to have a fleet equal to our own but one almost half as large again. None of us are going to live long enough

to see a naval battle between Japan and the United States in our own waters, and if such a battle does occur, no battleship now in existence or contemplated will be there to participate in it.

Irrespective of military or naval armaments, what has a country of our vast resources to fear from nations like Japan, Germany, and Italy, all of which are lacking or at best partly deficient in the raw materials with which warfare is waged, to wit, coal, iron, cotton, and oil. Not only do these countries lack such essentials but they lack in addition the gold or international exchange with which to purchase them. The world's gold is in the hands of the United States, Great Britain, and France.

Why not postpone this new program until we complete the one on which we are already engaged? Until then this is only a paper program anyway. It does not accomplish anything in the way of security but it does commit us to a policy which has alarming implications.

This bill ought to be voted down. It ought to be voted down because we do not need it. It ought to be voted down because it can only be interpreted both at home and abroad as a change in our traditional foreign policy. It ought to be voted down because it puts us in a position of starting an international armament race. It ought to be voted down because it will give those nations now governed by dictators an opportunity to justify an expansion of their military and naval forces. It ought to be voted down because it will lead us into international misunderstandings and warfare, rather than peace and security. [Applause.]

Mr. VINSON of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from Montana [Mr. O'CONNELL].

Mr. O'CONNELL of Montana. Mr. Chairman, last October, after the regular session, I had the very bitter and the very horrible experience of going to Spain and seeing what war is really like, as well as witnessing the death and the destruction occurring day in and day out in Spain.

I experienced personally an air bombing and saw how tremendously destructive air bombing can be. I saw how it laid waste the homes of poor, humble workers over there, kills, and mangles, and maims in body and in mind. I saw one of the most beautiful, modern cities in the world, Madrid, being laid waste by air bombing and by shelling.

All over Europe I met this same war hysteria. I met this same terrible feeling about war. It was talked about openly over there, and it was talked about frankly over there, that Hitler and Mussolini had a definite plan of conquest—that they planned not only the conquest of Spain, that they planned not only the conquest of Austria, that they planned not only the conquest of Czechoslovakia, but that along with Japan in the Far East, the conquest of China, and also the conquest of Russia; and that they were not content to stay merely in Europe and Asia, but by infiltration, by propaganda and by actually supplying arms and munitions of war to Brazil and other South American countries, they were supporting Fascist dictatorships in that land and were doing everything in their power to undermine democracy in the Western Hemisphere.

I know some of you will wonder, after all I have seen, why I take the position I do on this bill today, and I take the very definite position that I am opposed to a big navy, and I am opposed to a big navy because it is absolutely part and parcel of the policy of Hitler and Mussolini, and all those war-mad men over there.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. O'CONNELL of Montana. No; I do not care to yield until I have concluded my statement.

A BIG NAVY MEANS WAR

I do this because war preparedness is war psychology. As you go along to build a big Navy, Japan and Italy and Germany build a further big navy, and all you do, instead of promoting peace, is to go on and keep on promoting war. You allow this situation to exist, and you let it grow worse, and those of you on the other side who adopt the pure isolationist theory do exactly the same thing. You wrap

yourselves up here at home and let the whole world go on fire. I think you are illogical when you are fighting this bill, because as long as you are an isolationist and as long as you believe in that policy, I think you ought to build the biggest navy you possibly can; but I say very definitely that instead of going along the lines of following this war hysteria and building this navy, I say that America, as the greatest nation on this globe, ought to have the courage and America ought to have the leadership and it ought to have the ability to go out and do something actively and do something positively and aggressively about putting an end to war in this world because the way to keep America out of war is to keep war out of the world.

You can very definitely do this if you will only have the courage to amend the neutrality law and apply its provisions with respect to prohibition or embargo on the shipment of arms and munitions and other materials used in warfare to aggressor nations—those nations that would invade a peaceful and helpless people. A lot of you may say this would only mean war, but take the Japanese situation, if you please. The Japanese have an oil-burning navy and they have an oil-burning army that moves only on American oil, moves on English oil, and on Dutch oil, and if these three nations or if America and England alone would have the courage to place an embargo upon Japan, this would stop her immediately because she could not go on, because she would be deprived of the wherewithal with which she now fights and she could not possibly start a war against the United States.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. O'CONNELL of Montana. No; I do not care to yield. I have only 10 minutes, and I have wanted this opportunity for a long time.

Not only this, but take the German situation. Germany proves by its very policy today that because it wants to conquer Austria, because it wants to conquer Czechoslovakia, because it wants to conquer Rumania, and because it wants to take all of southeastern Europe, it knows it must have the resources. It knows it must have the oil in Rumania and the resources of those southeastern European countries in order to function, for fear that America or England or these other countries might have the courage to declare such an embargo against her; or in the event that war is declared and they became dependent on themselves and their own allies and not on us, as they are now, they must find some other place to get these resources.

DO NOT PROMOTE WAR—EMBARGO AGGRESSORS

I think we ought to have the courage, I think we ought to have the leadership to go ahead and embargo these aggressors and to prevent the shipment of scrap iron and the arms and materials that we are shipping today. Somebody referred to the so-called neutrality policy in Spain which is actually the biggest shame and the biggest blot on America's foreign policy, because it finds the American Government supplying the arms and the ammunition and the wherewithal with which to war to Italy, Germany, and Portugal, who are fighting the legal, recognized government of Spain, while denying it to the legally, recognized government that is entitled, under the international treaty of 1902, under international law and in every other way, to the support and the help of the American Government, and at the least it is entitled to its ordinary commerce.

FEED AMERICA'S HUNGRY—NOT THE PROFITEERS

Going on to a more practical situation, I wonder where all these superpatriots, who are Budget balancers when we have a relief bill here, are today, and in the last few days I have wondered where these economy howlers are when we bring in a totally inadequate relief bill to feed these starving people of America. Where have they been yesterday and today, when we have been endeavoring to defeat a bill of this kind? I say it is folly to build battleships. I say that we ought to have some good airplanes, if anything at all, to destroy the battleships that are being built, destroy them as they destroyed one over in Spain just a few days ago when

three or four Spanish Loyalist aviators came in and destroyed the pride of Franco's fleet, just as they will destroy the American Navy or any other navy in the war that is coming.

I say that, instead of spending money so foolishly, we ought to spend it here in America by putting 14,000,000 unemployed people to work, that we ought to build dams and conserve our forests, build hydroelectric plants and help ourselves get away from the greedy power interests, and we ought to turn our eyes to the American situation first in a domestic way, and then we ought to have the power and the ability and the courage to take our position, take the place that America ought to take in order to fight these aggressors in this war by peaceful means, by legitimate means, by means that are within our power, by economic sanctions.

KEEP WAR OUT OF AMERICA

I appeal to you not to be carried away by all of this war hysteria, not to go on and build great armies and navies, because all they mean is war, or preparation for defense, and preparedness is war psychology. You are just traveling along the lines of these war-mad dictators in Europe and some day we will find ourselves enveloped in war, in which the victor will look just the same as the vanquished. I appeal to you to have common sense and courage, and to fight against this bill, and do something actively and aggressively in a real, practical way to bring peace to America and peace to the world and keep war out of America by keeping war out of the world.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. O'CONNELL of Montana. Yes.

Mr. MOTT. The gentleman spoke of embargoes as a cure for war. Suppose all of the nations of the world should embargo Japan and refuse to send any oil to Japan, how long does the gentleman think it would take Japan to invade and subjugate Borneo and the rest of the Dutch East Indies?

Mr. O'CONNELL of Montana. Of course, that is dependent upon the very thing that I say. If you take away their oil, if you take away the wherewithal from them, they cannot any more invade Borneo than they could China.

Mr. MOTT. The gentleman does not think that Japan could successfully invade Borneo and take all the wells there?

Mr. O'CONNELL of Montana. Not if an embargo was put on after the oil was taken away from them.

Mr. MOTT. Why not? They have some supply of oil.

Mr. O'CONNELL of Montana. I think they have some.

Mr. MOTT. They have enough to get their army over the short distance to Borneo and to land their army, and there will be nothing else to it.

Mr. O'CONNELL of Montana. Does the gentleman think that they would quit their invasion in China and go to Borneo?

Mr. MOTT. Oh, they could take Borneo and China on together very easily.

Mr. O'CONNELL of Montana. The oil supply in Borneo is negligible and not worth the effort, or they would have acquired it long ago.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. VINSON of Georgia. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'CONNOR of New York, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 9218) to establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes, had come to no resolution thereon.

PERMISSION TO SIT DURING SESSIONS OF HOUSE

Mr. LANHAM. Mr. Speaker, I ask unanimous consent that the subcommittee of the Committee on Patents conducting hearings on the bill H. R. 9041, the trade-mark bill, may sit during the session of the House tomorrow.

The SPEAKER. The gentleman from Texas asks unanimous consent that the subcommittee of the Committee on Patents may be permitted to sit during the session of the House tomorrow. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. CITRON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

RECORD IN CONGRESS

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER. Is there objection?

There was no objection.

Mr. GRAY of Indiana. Mr. Speaker, I am greatly gratified that I have lived to see many of my public dreams come true. I have lived to see many of the reforms and public measures I have long hoped for and contended for carried out, accomplished, and realized, and to see the people enjoying their benefits and blessings.

And I have likewise lived to see, or been made to appreciate and realize the truth of the Bible saying, "Faith without works is dead," as well as the time-honored adage, "There is no excellence without great labor."

And there is a lesson impressed, there is a moral taught and realized, and there is a reward for men in the discharge of public duty and rendering service to mankind which more than pays or compensates for trial, strenuous labor, and sacrifice—the consciousness of duty and doing right.

Looking back through a period of 40 years, during which time I have maintained a constant interest in public affairs and taken an active part in the means and movements to bring about better living conditions for the people and more equal benefits of the Government, I am made conscious of and made to realize more than at any other time in life that all that I have tried to accomplish, or with others have accomplished, has been finally and only accomplished after long, tedious toil and labor, and after long, trying years of effort.

The following are some of the public-reform measures I have helped to bring about or accomplish, and from which I realize some pride and satisfaction, and for which some measure I have been given credit:

Pure water for my home city.

The parcel-post or mail-express service.

Electricity for farming and the farm home.

The guaranty of bank deposits.

The insurance of building and loan savings.

Public mortgage loans and lower interest.

And the next, the prevention of panics.

While there are other of these reform measures which I have led, or helped to bring about, and from which I have realized great satisfaction, and will be taken and considered as entitling me to more honor and credit, there is one, a local accomplishment, in which I take more just pride than all others.

I take more and just pride in what I led in fighting to accomplish for the people of my own home town in Indiana, in relieving them from foul and contaminated water, and in giving them a bountiful supply of pure, wholesome, crystal water, for their everyday and domestic use.

For 5 long, trying, and discouraging years, years of toil and labor, day and night, with every movement a tense strain and effort, I led or helped the people of Connersville throw off the yoke of a canal corporation forcing them to use, drink, and bathe in foul, polluted, and contaminated,

muddy water, all to make profits and dividends for the stockholders.

When I look back at these tense moments, of that almost single-handed fight, without means or money, and the moments of time snatched from my day and night work, trying to start in the law and make a living, I wonder how it was all accomplished and how I could devote so much of my time and efforts.

When I look back at the many defeats we suffered in that local contest, and when at certain times and stages it required more time, strategy, and effort to hold my discouraged friends together than to wage the fight to shut off the intake of canal water and provide a pure-water supply, I am compelled to stop and ponder even now, how the realization of duty and a just cause can bind and hold men together for long years and inspire them with courage, resolution, and will to overcome all obstacles in the way without means, money, or public prestige, and prevail over powerful financial influences.

But there is a compensation for toil and sacrifice, and I will reap my reward many years later when I go back to my home in Connersville and share with the people of my home town the blessings of pure and wholesome water for drinking and bathing and domestic use.

But there is another reform and service in which I take some pride and satisfaction in looking back over my record in Congress, and that is, the parcel post or mail express to give the people of the country express service at low and reasonable rates by using the city and rural route carriers.

I had had this service in my mind for a considerable number of years but the time was not opportune. The service could not be talked or mentioned without meeting objections, apprehension, or rebuff, as forcing the Government into private business which should be left to private express companies.

The people in the towns and cities were often compelled to wait a long time and then to pay higher charges for express, and the farmers and rural home owners in the country were being compelled to watch and wait and often to make frequent trips to the express office before finally receiving express packages, and then ultimately to pay excessive charges.

When I first came to Congress in 1911 I met DAVID J. LEWIS, of Maryland, and I found him not only prepared and ready but a rival pioneer in the cause and already in the field talking the same service that I thought I was talking about first. We had both found each other for support.

Then followed hearings, consultations, and caucuses. The Post Office Committee was apprehensive and uncertain. The chairman of the committee, Representative Moon, was open, progressive, and ready to hear, but the express companies were soon in town with a bigger lobby than the committee and soon friendly Members became afraid.

Then the private express companies began to work back in the districts, and Members were soon swamped or flooded with petitions and letters from their constituents urging them to vote against the bill, and we lost the support of many Members, but new recruits came from others in their stead.

My own district was not overlooked by the private express companies in their campaigns to defeat the obnoxious parcel-post bill. In due or proper time petitions or protests came from every merchant and retail store in my district, then the Sixth Indiana Congressional District, urging me to vote against the bill and advising me that a vote for the bill would be considered an unfriendly act.

This placed me in a serious situation; I was in Congress as a Democrat, and my district was usually or normally over 9,000 majority votes against me. And surely, with all the merchants against me, added to 9,000 voting opposing majority, my future career was fading away before me.

But I became so obsessed or absorbed in the bill, as the contest was waged in Congress, that I lost sight of or forgot the protests of all the merchants back in my district, kept on working, talking, and watching, and in my unguarded mental

obsession voted for the bill to give the people the parcel-post service.

It was from this parcel-post contest and my association with DAVID J. LEWIS that I later conceived the plan of carrying electricity to the farmers of each county from the electrical generating plants in the county seats, but was not in Congress at the time of formulating the plan, and I was unable to interest either town or country people.

But when I came back to Congress in 1933, I found many Members ready to favor such rural plan, or open to the consideration of such a program, and this, coincident with the panic and recovery measures, opened the way for rural electrification to be made a part of the measures for relief and recovery.

Love's long labors are not always lost. By reason of my long and prior study of electricity and the need for the service on the farm, I was prepared to take advantage of the opportunity, beginning with the first day of consideration, and to explain the first Executive order providing for rural electrification.

As a result of my prior interest and study I was able to give prompt and full notice and explanation of the requirements to be complied with under the order. And I have the farmers in seven of my nine counties organized, already served, or waiting to be served, with electricity for their homes and farm work, and I am convinced now that I can overcome the opposition to the rural electric service which prevented organization in the other two counties.

Encouraged by my experience and knowledge, I have set as the goal of my ambition not only to carry electricity to the farmers of every county in my own congressional district but to see to it that every farm home in the State of Indiana as well is furnished with electricity for light and power.

And still taking advantage of my experience in promoting the parcel-post service, it is my purpose before leaving Congress to see that electricity comes to every farm and rural home and at the actual cost of the service, without added charges for profit and gain, and to every rural home where there is a mail box.

I have spoken in every campaign during the last 30 years; in all, have made or written a hundred speeches or articles advocating a bank-guaranty law, safeguarding bank depositors against loss of their earnings and life savings from failing banks and trust companies.

I came back to Congress in 1933, discouraged but still insisting and contending for the guaranty of bank deposits. But to my very great and agreeable surprise, I found the issue stronger with the new Members with whom I joined in a legislative bloc to hold the Congress in session until the law was enacted.

The result of this new effort made up for the long, tedious, slow 25 years of discouragement, failure, and delay, fought over again in rapid strides in a few of the last or closing days of the first session of the Seventy-third Congress—the law was passed before adjournment.

Then with the first victory for the principle, events of the movement to safeguard depositors crystallized in swift and rapid succession, carrying the same policy to building and loan associations and laws insuring savings were enacted in 1933 and 1935, and the gloom of discouragement in the past was dispelled by the accomplishments of the present.

And now Members and congressional leaders who were apprehensive or opposed the movement for 25 years are wondering about their objections, and why the law is working so well, and the people, who were listless and indifferent during the prosperous times and until the panics came are now wondering why it could not have been done before.

Then when hard times would come and earnings and income of the people failed, private money lenders, acting from fear, refused to extend the time of loans and demanded payment when the people could not pay. As a result, wholesale foreclosures followed and the people lost their farms and homes.

I had observed this occur so many times that I knew it was certain to come again whenever there was a slump in prices and wages. And I had proposed the Government take a hand and offer to take over such overdue mortgages and hold them until the crisis was over. And these are the Federal and home loans of today.

The next and greater reform or remedy for which I have long worked and contended is to safeguard the people of the country against the continued return of panics and depressions which overbalance the periods of prosperity, take away their earnings and savings, and sweep away or endanger their homes.

These panics and depressions result from leaving private bankers and speculating financiers in the secret control of the public currency, and to use the Nation's money and credit in great stock-market gambling operations, and in frenzied financial investments, diverting money from its proper use in industry.

The Constitution vests the regulation and control of currency in Congress to be exercised and administered openly instead of by private bankers and financiers to be controlled secretly for profit and gain. And we can never be free from panics until we abide by the provisions of the Constitution, and recover the control of money back to Congress.

The panic of 1929 did not come because of what the Hoover administration and Congress did, nor did this depression of 1937 come because of what this administration and Congress did. These panics came because of what they did not do, because they left private bankers and financiers in the secret control of the Nation's currency and credit.

The 1937 depression has come because the same private bankers and financiers who were in the control of the public currency under the Hoover administration and Congress have been left in the control of currency under this administration and Congress, and still remains in control of the people's money.

Unless the secret control of the public currency is taken away from private bankers and the speculating financiers and is restored to Congress where the Constitution placed its control for administration openly before the country, still another panic is certain to come—as sure as the daylight is followed by the darkness of the nighttime.

This is the one great, vital reform remaining imperative to be accomplished, the problem which must now be solved if we are to save our civilization and our institutions of peace and civil life. This problem can be solved and I propose to see that it is solved.

Panics are conditions brought on by men, and result from the relations of men, in the course and conduct of men. Panics or depressions are caused by men. They are within the comprehension of men, and they can be remedied and prevented by men.

To say that these men-made panics are an insolvable problem before men, are incomprehensible economic mysteries, is an evasion, a maneuver, an artful gesture to evade responsibility for their occurrence or is a cowardly, mental retreat.

And with this next important reform there must come another, or closely following, to safeguard further the operations of money, fixing, restoring, and stabilizing the price level. That is, some measure to prevent monopoly and the encroachment of selfish human nature from interfering with the law of supply and demand and obstructing or preventing the regulation of money.

LEAVE TO ADDRESS THE HOUSE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that after the reading of the Journal tomorrow and the disposition of business on the Speaker's table I be permitted to address the House for 3 minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent that tomorrow after the conclusion of the legislative program for the day he may be permitted to address the House for 3 minutes.

Mr. DINGELL. Mr. Speaker, I modify my request and ask to be permitted to address the House for 3 minutes after the reading of the Journal.

The SPEAKER. The Chair trusts the gentleman will withdraw that request for the present. The Chair under the request of the majority leader, has formerly refused to recognize Members to submit such requests.

Mr. DINGELL. Mr. Speaker, I withdraw the request and will resubmit it in the morning.

EXTENSION OF REMARKS

Mr. O'MALLEY. Mr. Speaker, I ask unanimous consent that in revising my remarks made in the Committee of the Whole today I may be permitted to insert certain newspaper and magazine clippings and certain letters received from constituents and other citizens.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record at this point.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SHAFER of Michigan. Mr. Speaker, in connection with the introduction of a resolution calling for an investigation of what has been termed "a diversion by the Federal Treasury of social-security funds to finance New Deal spending," I desire to call attention to the fact that in the past 14 months the Government has collected more than \$1,600,000,000 in pay-roll taxes, and has paid out less than \$100,000,000 to those insured against the hazards of unemployment and old age.

This means that more than \$1,560,000,000, taken from the pockets of workers and employers since the Social Security Act became operative, either remain in the Federal Treasury or have been paid out for all purposes for which this administration is spending money.

Today's report of the Federal Treasury shows that I O U's have been issued against \$898,000,000 of the total collected, indicating that this is the amount the administration has used to meet pay rolls, build battleships, supply W. P. A. funds, and so forth. If this is correct, I believe the workers and employers of the Nation are entitled to know exactly what these funds have been used for and how they are to be repaid.

In the past 14 months more than \$800,000,000 have been collected from the Nation's pay rolls to build unemployment insurance reserves. Up to March 1 this year about \$41,000,000 had been withdrawn to pay benefits to eligible unemployed in the 22 States where unemployment insurance is effective.

I was amazed a week ago when I received a letter signed by all four members of the Michigan State Unemployment Compensation Commission to the effect that they had been instructed by the Social Security Commission to reduce their administrative budget for 1938 because of the lack of available Federal funds. It just does not seem to make sense. And I believe the Congress and the people are entitled to know why this budget must be cut.

It seems inconceivable that in view of the enormous amount collected, and with such a small amount paid out in benefits, there should not be sufficient funds available to meet the requirements for even the first year the law is in effect. I believe there should be an explanation, and because of this belief I have introduced my resolution for an investigation.

Workers and employees under the Social Security Act have been required to save this money for a rainy day. The paying of this money into the Federal Treasury has caused great hardship. This tax is of money that might otherwise have been used to buy the products of industry and agriculture.

It is true that the dollars collected under the Social Security Act and used to pay for the New Deal spending are credited to those individuals and States as a Federal obligation. But when this obligation has to be met it will be necessary for the Government to tax employers and workers a second time. They will be taxed to replace to the social-security fund the money already put into it.

What the Secretary of the Treasury is doing, he is doing by authority of the Congress as expressed in the law. How-

ever, the current use of this money creates an additional liability that must be paid when the time comes. The question is, how?

It appears to me that Members of Congress should interest themselves in the subject of amending this act to provide for a segregation of these social-security funds. Believing an investigation would prove an entering wedge to action to produce this change in the act, I have introduced my resolution.

Mr. Speaker, the only sound theory underlying this Social Security Act, and the theory upon which it was based, and the theory which the country understands is behind the act, is that it is an unemployment and old-age insurance to be paid from compulsory taxation, called contributions, from the wages of every worker, no matter how little he gets, and from the funds of the employer, no matter how little he makes.

There is no difference in principle between this act and the theory and practice of sick or accident insurance.

The insurance company builds up from the payments of premiums and the investment of those premiums a reserve which provides the funds to be paid to the insured when he falls ill or is injured and is unable to earn his livelihood. What would happen to any insurance company that would notify its State agent that it could not meet the requirements of its contracts in the State of Michigan because the premiums paid in over the course of the years had been dissipated in the general expenditures of the company and the policyholders left without the adequate protection for which they had paid and which they had the right to expect had been provided for them?

Why, Mr. Speaker, if any insurance company attempted to operate on any such basis as that its officers would go to the penitentiary, and properly so.

The administration has insisted upon the principle of spending these compulsory premium payments collected from employers and employees as they came in for the general purposes of government. That policy makes of this so-called Social Security Act a concealed but nevertheless actual income tax on the wages of those least able to pay.

Here in the case of the State of Michigan we have the astounding and alarming instance that in the very first demands of this present depression for a payment of this insurance which the workers and employers have out of their wages and incomes provided for, the administration admits that the money is not available to meet the obligations and instructs the Michigan commission to reduce its budget.

This is a glaring example of exactly what is going to transpire on a vastly greater scale in the future, and the danger will grow progressively with the passing of time.

With what should be an ample surplus in the United States Treasury to meet these obligations we have instead a sheaf of governmental I O U's—pieces of paper—nothing more—just pieces of paper—until such time as the administration has to come to this Congress and demand that a second tax be laid upon labor and industry in order to provide, if possible, the necessary funds to meet these obligations which have already once been paid for by the workers and the employers.

As this obligation grows with the passage of time, and as the necessity of liquidating the obligation arises in time of widespread depression, this Nation is going to be faced by such a stupendous obligation to be met by a second tax upon an already overburdened people that it is not improbable that repudiation of the obligation may well be the only way out.

Mr. Speaker, this whole situation is stenchful. It is dishonest to the last degree. It is uneconomic beyond anything this Congress has enacted into law. Technically legal in its form, this dissipation of old-age security reserves by current spending is morally false pretense perpetrated by the Government upon its citizens—workers and employers alike, who will find in their future hour of need that no reserves exist in the United States Treasury with which to meet these obligations.

I warn this Congress that unless this whole situation is properly investigated, and unless this act and its operation are made to conform with sound morals and sound economics, it will before many years constitute the blackest act ever perpetrated by this Congress to be found in the pages of our history.

If these bookkeeping reserves exist, as they do exist—merely as bookkeeping reserves—while the actual funds have been dissipated in current spending, as they are being dissipated in current spending, but one of two possible results can be anticipated. Either the obligations must be repudiated by the Government, which would constitute a bare-faced robbery of wage earners and employers, or else new taxes will have to be levied which would be so stupendous as to be ruinous.

It is perfectly obvious that the current premium payments collected from the wages and earnings of employees and employers are not sufficient to meet current obligations which accumulate and grow over the years. The only way those obligations can be met is upon the same principle on which insurance companies maintain their reserves. This Congress, the workers, the employers, all the citizens of this country are entitled to know, and they are demanding to know, exactly how these funds are being diverted and dissipated, exactly how, if at all, any provisions are to be established to meet this growing obligation to the present and the future unemployed and the aged. If the administration of this act is sound and right, let a thorough investigation disclose that fact and put at ease the minds of the wage earners and the employers who are today carrying the burden of this tremendous taxation. The administration ought not to oppose such an investigation. It ought to favor it, if all is well.

If all is not well, if the administration of this act is unsound, if any portion of the act is unsound, if we are to face more instances of lack of funds and curtailment of payments, then I say to you that this Congress in all conscience ought to investigate this question and that whoever opposes such an investigation cannot justify himself upon the grounds of logic, economics, or common sense. I am tempted to say common honesty.

It is for these reasons, Mr. Speaker, that I have introduced my resolution for this investigation, and that I am now pressing for it.

This Michigan situation is a danger signal. It is a signal of grave danger. The red light has been flashed on in the operation of the Social Security Act by the United States Treasury. We dare not disregard that red light because to do so means a future crash, the proportions of which no man or woman here today can attempt to measure.

Let us, Mr. Speaker, give heed to this warning and investigate this whole situation.

ADJOURNMENT

Mr. VINSON of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 1 minute p. m.) the House adjourned until tomorrow, Wednesday, March 16, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON BANKING AND CURRENCY

There will be a meeting of the Committee on Banking and Currency of the House at 10:30 a. m. Wednesday, March 16, 1938, to resume hearings on H. R. 7230.

COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be a hearing before Subcommittee No. 1 of the Committee on the Post Office and Post Roads at 10:30 a. m. Tuesday, March 22, 1938, on bills in behalf of post-office substitutes. Room 213, House Office Building.

There will be a hearing before Subcommittee No. 1 of the Committee on the Post Office and Post Roads at 10 a. m.

Wednesday, April 6, 1938, on bills in behalf of custodial employees in the Postal Service. Room 213, House Office Building.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization on Wednesday, March 16, 1938, at 10:30 a. m., in room 445, House Office Building, for the public consideration of several private bills.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The Committee on Interstate and Foreign Commerce will resume hearings on S. 69, train-limit bill, on March 17, 1938. Rebuttal witnesses.

Supplement to notice dated Tuesday, March 22, 1938:

For the past few days there has appeared in the RECORD notice of a hearing before the Maloney subcommittee of the Committee on Interstate and Foreign Commerce to be held on Tuesday, March 22, 1938, regarding S. 1261, through rates. This hearing has now been postponed indefinitely.

COMMITTEE ON PATENTS

The subcommittee to consider H. R. 9041, on trade-marks, will hold hearings in the caucus room of the House Office Building at 10:15 a. m. each morning of March 15, 16, 17, and 18, 1938, Chairman LANHAM presiding.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Merchant Marine and Fisheries Committee will hold hearings at 10 a. m. in room 219, House Office Building, on the following bills on the dates indicated:

Tuesday, March 15, 1938:

H. R. 2991 and S. 599. For the relief of Earl J. Thomas.

Wednesday, March 16, 1938:

H. R. 8251. To amend the act entitled "An act to amend the Communications Act of 1934, for the purpose of promoting safety of life and property at sea through the use of wire and radio communications, to make more effective the International Convention for the Safety of Life at Sea, 1929, and for other purposes," approved May 20, 1937.

Thursday, March 17, 1938:

H. R. 9577. To amend section 402 of the Merchant Marine Act, 1936, to further provide for the settlement of ocean-mail contract claims.

Wednesday, March 23, 1938:

S. 992. To make electricians licensed officers after an examination.

Thursday, March 24, 1938:

H. R. 6745. To require a uniform manning scale for merchant vessels and an 8-hour day for all seamen.

H. R. 8774. To amend the Seamen Act of March 4, 1915, as amended and extended, with respect to its application to tug towing vessel firemen, linemen, and oilers.

H. R. 9588. To provide for an 8-hour day on tugs on the Great Lakes.

Wednesday, March 30, 1938:

H. R. 8840. To amend section 6 of the act approved May 27, 1936 (49 Stat. L. 1380).

S. 1273. To adopt regulations for preventing collisions at sea.

Tuesday, April 5, 1938:

S. 2580. To amend existing laws so as to promote safety at sea by requiring the proper design, construction, maintenance, inspection, and operation of ships; to give effect to the Convention for Promoting Safety of Life at Sea, 1929; and for other purposes.

Tuesday, April 12, 1938:

H. R. 6797. To provide for the establishment, operation, and maintenance of one or more fish-cultural stations in each of the States of Oregon, Washington, and Idaho.

H. R. 8956. To provide for the conservation of the fishery resources of the Columbia River; establishment, operation, and maintenance of one or more stations in Oregon, Washington, and Idaho; and for the conduct of necessary investigations, surveys, stream improvements, and stocking operations for these purposes.

S. 2307. To provide for the conservation of the fishery resources of the Columbia River; establishment, operation, and maintenance of one or more stations in Oregon, Washington, and Idaho; and for the conduct of necessary investigations, surveys, and stream improvements and stocking operations for these purposes.

Thursday, April 14, 1938:

H. R. 8533. To amend section 4370 of the Revised Statutes of the United States (U. S. C., 1934 edition, title 46, sec. 316).

Tuesday, April 19, 1938:

H. R. 5629. To exempt motorboats less than 21 feet in length not carrying passengers for hire from the act of June 9, 1910, regulating the equipment of motorboats.

H. R. 7089. To require examinations for issuance of motorboat operators' license.

H. R. 8839. To amend laws for preventing collisions of vessels, to regulate equipment of motorboats on the navigable waters of the United States, to regulate inspection and manning of certain motorboats which are not used exclusively for pleasure and those which are not engaged exclusively in the fisheries on inland waters of the United States, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1130. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 24, 1938, submitting a report, together with accompanying papers and illustration, on a preliminary examination of Drum Inlet, N. C., authorized by the Flood Control Act approved June 22, 1936; to the Committee on Flood Control.

1131. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 24, 1938, submitting a report, together with accompanying papers, on a preliminary examination of Shem Creek from Hog Island, S. C., authorized by the River and Harbor Act approved July 3, 1930; to the Committee on Rivers and Harbors.

1132. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 24, 1938, submitting a report, together with accompanying papers, on a preliminary examination of Edisto River and tributaries, South Carolina, authorized by the Flood Control Act approved June 22, 1936; to the Committee on Flood Control.

1133. A letter from the Secretary of Interstate Commerce Commission, transmitting a copy of the decision by division 3, dated March 5, 1938, in Air Mail docket No. 33, National Airlines System, Rate Review 1935-36, touching the profits being derived by, or accruing to, National Airlines System, contractor of air-mail route No. 31, from the rate of compensation paid to it for the transportation of air mail by airplane on that route; to the Committee on the Post Office and Post Roads.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WOOD: Committee on War Claims. House Joint Resolution 421. Joint resolution authorizing and directing the Comptroller General of the United States to certify for payment certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920 as per a certain contract authorized by the President; with amendment (Rept. No. 1948). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. House Joint Resolution 463. Joint resolution to permit the transportation of passengers by Canadian passenger vessels between the port of Rochester, N. Y., and the port of Alexandria Bay, N. Y., on Lake Ontario and the St. Lawrence

River; without amendment (Rept. No. 1949). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 9710. A bill to amend the Merchant Marine Act, 1936, to further promote the merchant marine policy therein declared, and for other purposes; without amendment (Rept. No. 1950). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9866) for the relief of Arthur C. King; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8300) for the relief of Dr. Henry Clay Risner; Committee on War Claims discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PALMISANO (by request): A bill (H. R. 9873) to protect trade-mark owners, producers, distributors, and the general public against injurious and uneconomic practices in the distribution of competitive commodities bearing a distinguishing trade-mark, brand, or name, through the use of voluntary contracts establishing minimum resale prices and providing for refusal to sell unless such minimum resale prices are observed; to the Committee on the District of Columbia.

By Mr. TERRY: A bill (H. R. 9874) to amend the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936; to the Committee on Flood Control.

By Mr. DEROUEN: A bill (H. R. 9875) to revise the boundaries of the Colonial National Historical Park in the State of Virginia, and for other purposes; to the Committee on the Public Lands.

By Mr. STACK: A bill (H. R. 9876) to provide compensation of at least \$10 per month to any war veteran so wounded, gassed, or disabled as to be entitled to a Purple Heart Medal; to the Committee on World War Veterans' Legislation.

By Mr. ENGLEBRIGHT: A bill (H. R. 9877) to authorize a preliminary examination and survey of the North Fork of the Yuba River and the watersheds thereof, at the city of Downieville, and vicinity, Sierra County, State of California, for flood control, for run-off, and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. CURLEY: A bill (H. R. 9878) to fix and regulate the salaries of coal passers, firemen, fireman-custodians, assistant engineer-custodians, and engineer-custodians who are engaged in the operation, maintenance, and repair of steam boilers and mechanical equipment and the supervision of custodial work in the public schools of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. KOPPLEMANN: A bill (H. R. 9879) to recognize the principle of paying labor for regular and emergency overtime work in the Government service in certain cases, and for the allowance for extra labor above the legal day of 8 hours performed by engineers, firemen, laborers, and mechanics while employed in the care of public buildings of the United States outside the District of Columbia certified by the Court of Claims; to the Committee on Claims.

By Mr. ALLEN of Louisiana: A bill (H. R. 9880) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936; to the Committee on Flood Control.

By Mr. ENGLEBRIGHT: A bill (H. R. 9881) to amend section 23 of the act to create the California Debris Commission, as amended; to the Committee on Mines and Mining.

By Mr. BLAND: A bill (H. R. 9882) to permit the issuance of certain certificates under the shipping laws by inspectors of hulls, inspectors of boilers, and designated assistant inspectors; to the Committee on Merchant Marine and Fisheries.

By Mr. HENDRICKS: Resolution (H. Res. 439) authorizing the printing of additional copies of the bill H. R. 4199, commonly known as the old-age pension bill, for the use of the House document room; to the Committee on Printing.

By Mr. WOLFENDEN: Resolution (H. Res. 440) to provide additional compensation for a minority employee (James P. Griffin); to the Committee on Accounts.

By Mr. BLAND: Resolution (H. Res. 441) for the consideration of H. R. 9710; to the Committee on Rules.

By Mr. O'MALLEY: Resolution (H. Res. 442) authorizing a special committee to investigate the campaign expenditures of the various candidates of the House of Representatives, and for other purposes; to the Committee on Rules.

By Mr. SHEPPARD: Joint resolution (H. J. Res. 617) to provide relief in the flood-stricken areas in the State of California, and for other purposes; to the Committee on Appropriations.

By Mr. MAY: Joint resolution (H. J. Res. 618) to create a special joint congressional committee to investigate the administration of the Tennessee Valley Authority Act of 1933; as amended; to the Committee on Rules.

By Mr. ANDREWS: Joint resolution (H. J. Res. 619) to create a special joint congressional committee to investigate the administration of the Tennessee Valley Authority Act of 1933, as amended; to the Committee on Rules.

By Mr. WHITE of Ohio: Joint resolution (H. J. Res. 620) for the observance of the celebration of the one hundred and twenty-fifth anniversary of the Battle of Lake Erie; to the Committee on the Library.

By Mr. SPARKMAN: Concurrent resolution (H. Con. Res. 41) to create a joint committee of the two Houses to investigate the operations of the Tennessee Valley Authority; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Virginia, memorializing the President and the Congress of the United States to consider their senate joint resolution dated March 12, 1938, with reference to construction of a suitable highway bridge across the York River between Yorktown and Gloucester Point; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY (by request): A bill (H. R. 9883) for the relief of Wendel Rauner and Katarina Rauner; to the Committee on Immigration and Naturalization.

By Mr. BOREN: A bill (H. R. 9884) to enroll certain persons on the final citizenship rolls of the Oklahoma Creek Nation or Tribe of Indians; to the Committee on Indian Affairs.

By Mr. GUYER: A bill (H. R. 9885) granting an increase of pension to Emma Clark; to the Committee on Invalid Pensions.

By Mr. OLIVER: A bill (H. R. 9886) for the relief of Alice Smith Tapley; to the Committee on Claims.

By Mr. PFEIFER: A bill (H. R. 9887) for the relief of Joseph P. Kinlen; to the Committee on Military Affairs.

By Mr. ROBINSON of Utah: A bill (H. R. 9888) for the relief of William Henry Johnston, Jr.; to the Committee on Claims.

By Mr. SECREST: A bill (H. R. 9889) granting a pension to Mary V. Wells; to the Committee on Invalid Pensions.

By Mr. STEAGALL: A bill (H. R. 9890) granting a pension to Mary L. Thomas; to the Committee on Pensions.

By Mr. VOORHIS: A bill (H. R. 9891) extending the provisions of the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," to A. V. Taggart; to the Committee on the Civil Service.

By Mr. WILLIAMS: A bill (H. R. 9892) for the relief of Katherine Scott, Mrs. J. H. Scott, Jettie Stewart, and Ruth Mincemeyer; to the Committee on Claims.

PETITIONS, ETC.

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

4444. By Mr. BARRY: Petition of the United Wall Paper Craftsmen and Workers of North America, protesting against the proposed reciprocal trade treaty with Great Britain, Newfoundland, the British Empire colonies, and Canada; to the Committee on Ways and Means.

4445. By Mr. COFFEE of Washington: Resolution of the Snohomish County Council, Workers Alliance of Washington, at Sultan, Wash., pointing out the lack of the people's culture in the United States and the lack of accessibility of the masses of the people to the benefits of artistic development, and therefore urging enactment by the Congress of House bill 9102 (the Coffee bill), to establish a permanent Bureau of Fine Arts; to the Committee on Education.

4446. By Mr. CURLEY: Petition of the Legislature of the State of New York, urging ratification of an amendment to the Constitution of the United States which will remove existing exemptions from taxation on personal income derived from any salary, wage, or emolument paid by the United States or any unit or agency of government within the United States, by any State; to the Committee on the Judiciary.

4447. Also, petition of the Association of Towns of the State of New York, opposing the Parsons bill (H. R. 8327); to the Committee on Rivers and Harbors.

4448. Also, petition of the Legislature of the State of New York, urging an amendment to the Constitution of the United States to permit taxation of income derived from securities issued by the United States or any unit or agency of government within the United States; to the Committee on the Judiciary.

4449. By Mr. HANCOCK of New York: Petition of employees of the Cortland Corset Co., Inc., Cortland, N. Y., opposing the Patman bill (H. R. 9464); to the Committee on Ways and Means.

4450. By Mr. KENNEDY of New York: Petition of the Association of Towns, of New York, opposing the Parsons bill (H. R. 8327), or any other act or legislation that would permit the waters of the Great Lakes to be diverted and thus materially affect the natural flow thereof into the Niagara River, the Falls, and the St. Lawrence River; to the Committee on Rivers and Harbors.

4451. By Mr. LAMNECK: Resolution of Alta L. Schick, chairman, legislative committee, Columbus Women's Auxiliary to the Railway Mail Association, and 112 members, of Columbus, Ohio, opposing the passage of the reorganization bills, and urging the passage of the amendment to the uniform-retirement law which would permit optional retirement at a lesser age than the original bill and present amendments permit, and for the restoration of grade reductions for terminal clerks, namely, House bills 8910 and 9191, respectively; to the Committee on the Civil Service.

4452. By Mr. MEAD: Petition of the Association of Towns of the State of New York, expressing opposition to House bill 8327, the so-called Parsons bill for diversion of water from the Great Lakes at Chicago; to the Committee on Military Affairs.

4453. By Mr. O'NEILL of New Jersey: Petition of the Association of Highway Officials of North Atlantic States, requesting that first consideration be extended to the traffic link between Washington, D. C., and the city of Boston; to the Committee on Roads.

4454. Also, petition of the National Furniture Warehousemen's Association and Allied Van Lines, Inc., requesting that the Social Security Act be changed so that pay-roll taxes remain at the present level until an increase is necessary to meet requirements and maintain a reasonable contingency reserve; to the Committee on Ways and Means.

4455. By Mr. PFEIFER: Petition of the Association of Highway Officials of North Atlantic States, urging the Boston-Washington link in the system of arterial transcontinental highways; to the Committee on Roads.

4456. Also, petition of the Gotham Advertising Co., New York City, concerning the executive reorganization bill; to the Committee on Government Organization.

4457. Also, petition of the Hauck Manufacturing Co., Brooklyn, N. Y., concerning the Borah-O'Mahoney Federal licensing bills (S. 3072 and H. R. 9589); to the Committee on Banking and Currency.

4458. Also, petition of the Cullen Transportation Co., Agents, Inc., New York City, urging increased appropriation for the inland-waterways program; to the Committee on Military Affairs.

SENATE

WEDNESDAY, MARCH 16, 1938

(Legislative day of Wednesday, January 5, 1938)

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

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, March 15, 1938, 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:

Adams	Connally	Johnson, Calif.	O'Mahoney
Ashurst	Davis	Johnson, Colo.	Overton
Austin	Dieterich	King	Pittman
Bailey	Donahey	La Follette	Pope
Bankhead	Ellender	Lee	Radcliffe
Barkley	Frazier	Lewis	Reames
Berry	George	Lodge	Reynolds
Bilbo	Gerry	Logan	Russell
Bone	Gibson	Loneragan	Schwartz
Borah	Gillette	Lundeen	Schwellenbach
Bridges	Glass	McAdoo	Shipstead
Brown, Mich.	Green	McCarran	Smathers
Brown, N. H.	Guffey	McKellar	Smith
Bulkeley	Hale	McNary	Thomas, Utah
Bulow	Harrison	Maloney	Townsend
Burke	Hatch	Miller	Truman
Byrd	Hayden	Milton	Tydings
Byrnes	Herring	Minton	Vandenberg
Capper	Hill	Murray	Van Nuys
Caraway	Hitchcock	Neely	Walsh
Chavez	Holt	Norris	Wheeler
Clark	Hughes	Nye	

Mr. MINTON. I announce that the Senator from Florida [Mr. ANDREWS], the Senator from New York [Mr. COPELAND], the Senator from Wisconsin [Mr. DUFFY], the Senator from Kansas [Mr. MCGILL], the Senator from Florida [Mr. PEPER], the Senator from Texas [Mr. SHEPPARD], the Senator from Oklahoma [Mr. THOMAS], and the Senator from New York [Mr. WAGNER] are detained from the Senate on important public business.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

EXTENSION OF CERTAIN LAWS TO VIRGIN ISLANDS—STATEMENT OF MUNICIPAL COUNCIL

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a statement