# SENATE

## MONDAY, OCTOBER 7, 1940

*(Legislative day of Wednesday, September 18, 1940)*

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

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty God, whose power is infinite and whose mercies stand more certain than the rising sun: Illuminate our hearts and minds with Thine indwelling Spirit, that we may see the tasks committed to our charge and steadfastly perform them to Thy glory; that so, throughout the countless changes and chances of our mortal life, we may be Thy faithful stewards, and diligent to do Thy will, wherein is our abiding peace. Through Jesus Christ our Lord. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Friday, October 4, 1940, was dispensed with, and the Journal was approved.

### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On September 21, 1940:

S. 2991. An act to authorize the Secretary of the Navy to accept on behalf of the United States certain lands in the city of National City, Calif.

On September 25, 1940:

S. 1379. An act granting the consent of Congress to the State of Michigan to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the Straits of Mackinac at or near a point between St. Ignace, Mich., and the Lower Peninsula of Michigan.

On September 27, 1940:

S. 3929. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Memphis, Tenn.

### CALL OF THE ROLL

Mr. MINTON. 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 | Holt | Schwartz |
| Andrews | Danaher | Johnson, Calif. | Schwellenbach |
| Ashurst | Davis | Johnson, Colo. | Sheppard |
| Austin | Ellender | King | Shipstead |
| Bailey | Frazier | McKellar | Stewart |
| Barkley | George | Maloney | Thomas, Idaho |
| Bone | Gerry | Minton | Thomas, Okla. |
| Bulow | Gibson | Murray | Thomas, Utah |
| Burke | Gillette | Norris | Townsend |
| Byrd | Glass | O'Mahoney | Tydings |
| Byrnes | Green | Overton | Van Nuys |
| Capper | Guffey | Pepper | Wagner |
| Caraway | Gurney | Pittman | Walsh |
| Chavez | Harrison | Radcliffe | Wheeler |
| Clark, Idaho | Hayden | Reed | White |
| Clark, Mo. | Herring | Russell | Wiley |

Mr. MINTON. Mr. President, I announce that the Senator from Kentucky [Mr. CHANDLER] is absent because of illness.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from New Mexico [Mr. HATCH], the Senator from Alabama [Mr. HILL], the Senator from Delaware [Mr. HUGHES], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], the Senator from New York [Mr. MEAD], the Senator from Arkansas [Mr. MILLER], the Senator from West Virginia [Mr. NEELY], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Illinois [Mr. SLATTERY], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], and the Senator from Missouri [Mr. TRUMAN] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. MCNARY], the Senator from Michigan [Mr. VANDENBERG], the Senator from New Hampshire [Mr. TOBEY], the Senator from North Dakota [Mr. NYE], the Senator from Ohio [Mr. TAFT], the Senator from Massachusetts [Mr. LODGE], the Senator from Oregon [Mr. HOLMAN], and the Senator from New Jersey [Mr. BARBOUR] are necessarily absent.

The VICE PRESIDENT. Sixty-four Senators have answered to their names. A quorum is present.

### AWARDS OF CERTAIN NAVAL QUANTITY CONTRACTS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Navy, reporting, pursuant to the act of March 5, 1940, relative to awards of quantity contracts for aircraft, aircraft parts, and accessories entered into with more than one bidder under authority of such act, which was referred to the Committee on Naval Affairs.

### REGULATION OF EXPLOSIVES

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend the act entitled "An act to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes," approved October 6, 1917 (40 Stat. 385), which, with the accompanying papers, was referred to the Committee on Mines and Mining.

### PETITION

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Public Lands and Surveys:

Assembly Joint Resolution No. 1.—Relative to memorializing Congress to pass legislation for the control of predators

Whereas due to existing Federal legislation the killing of predators that prey upon our fish and game is prohibited in national parks; and

Whereas such predators daily take a deadly toll of fish and game in and out of national parks; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California*, jointly, that the Legislature of the State of California does hereby memorialize the President and Congress of the United States to consider and enact legislation permitting the control of predators in national parks in the State of California by the California Fish and Game Commission and its duly authorized officers and agents; and be it further

*Resolved*, That the chief clerk of the Assembly of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California to the Congress of the United States, and that such Senators and Members from California are respectfully urged to support such legislation.

### OFFER OF SERVICE TO THE UNITED STATES—RESOLUTION OF RUTLAND (VT.) LIONS CLUB

Mr. GIBSON presented a letter embodying a resolution adopted by the Lions Club of Rutland County, Vt., which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

LIONS CLUB,
*Rutland, Vt., September 11, 1940.*

The Honorable ERNEST W. GIBSON,
*United States Senator for Vermont,*
*The Senate, Washington, D. C.*

DEAR SIR: We submit the following resolution, adopted September 3, 1940, for your consideration and possible action:

"Whereas the United States of America is now facing the gravest crisis in its existence; and

"Whereas there are, in the United States of America, many subversive factors tending to undermine the Constitution and abrogate the Bill of Rights on which our country was founded; and

"Whereas there is a decided need for sober, impartial, forbearing and constant vigilance on the part of true Americans; and

"Whereas the fundamental principle on which Lionism is based is our country's security; and

"Whereas we believe that by the proper application of the word L(iberty) I(ntelligence) O(ur) N(ation's) S(afety) we, as Lions, can do much to assist our country in an hour of need: Therefore be it

"*Resolved*, That the Rutland Lions Club of Rutland County, Vt., offer our collective and individual service to the proper authority

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in the United States of America, pledging ourselves to use diligence in the exercise of our rights and the rights of others under our Constitution and Bill of Rights, to the end that subversive elements and influences be eradicated; and be it further

"*Resolved*, To be mindful of the fact that a hasty act may work injury to others and to be sure of our ground before acting; and be it further

"*Resolved*, That we will abide by, after careful consideration, any instructions which may be given us by the properly constituted authority; and be it further

"*Resolved*, That we unequivocally and without reservation offer our service to our country for whatever action they may assign to us; and be it further

"*Resolved*, That a copy of this resolution be sent to each one of our Senators and Congressmen representing the State of Vermont at Washington, D. C."

Signed by the president of the Rutland Lions Club, of Rutland County, Vt., attested by the secretary, this 3d day of September 1940.

ELROY M. CHASE, *President*.

Attest:

KENNETH M. ALEXANDER, *Secretary*.

REPORTS OF COMMITTEES

Mr. KING, from the Committee on the District of Columbia, to which was referred the bill (H. R. 10322) to amend further the District of Columbia Unemployment Compensation Act, reported it without amendment and submitted a report (No. 2209) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 10495) to amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes, reported it with an amendment and submitted a report (No. 2210) thereon.

PRINTING OF MESSAGE OF PRESIDENT JAMES MONROE EMBODYING THE MONROE DOCTRINE

Mr. HAYDEN. From the Committee on Printing I report back, without amendment, Senate Resolution 321, and ask unanimous consent for its immediate consideration.

There being no objection, the resolution (S. Res. 321), submitted by Mr. O'MAHONEY September 26, 1940, was considered by unanimous consent and agreed to, as follows:

*Resolved*, That the annual message of President James Monroe transmitted on December 2, 1823, to the first session of the Eighteenth Congress, embodying the Monroe Doctrine, be printed as a Senate document, with certain portions of the original message in facsimile as illustrations.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills and joint resolutions:

On October 3, 1940:

S. 253. An act to authorize the leasing of certain Indian lands subject to the approval of the Secretary of the Interior;

S. 1160. An act for the relief of Roland Hanson, a minor, and Dr. E. A. Julien;

S. 3550. An act to make unlawful the transportation of convict-made goods in interstate commerce, and for other purposes;

S. 3636. An act to amend the National Defense Act, as amended, so as to provide for retirement of assistant chiefs of branches and of wing commanders of the Air Corps with the rank and pay of the highest grade held by such officers as assistant chiefs and wing commanders, and for other purposes;

S. 3868. An act for the relief of certain former disbursing officers for the Civil Works Administration and the Federal Emergency Relief Administration;

S. 4258. An act to remove the restriction placed upon the use of certain lands acquired in connection with the expansion of Mitchel Field, New York;

S. 4353. An act to restrict or regulate the delivery of checks drawn against funds of the United States, or any agency or instrumentality thereof, to addresses outside the United States, its Territories and possessions, and for other purposes; and

S. J. Res. 267. Joint resolution providing for the acquisition by the Railroad Retirement Board of data needed in carrying out the provisions of the Railroad Retirement Acts.

On October 5, 1940:

S. 162. An act to protect producers, manufacturers, distributors, and consumers from the unrevealed presence of substitutes and mixtures in spun, woven, knitted, felted, or otherwise manufactured wool products, and for other purposes;

S. 3437. An act for the relief of the Franco-American Construction Co.;

S. 3778. An act to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," approved June 26, 1930;

S. 3920. An act to amend the Railroad Unemployment Insurance Act, approved June 25, 1938, as amended June 20, 1939, and for other purposes;

S. 4316. An act to repeal sections 4588 and 4591 of the Revised Statutes of the United States;

S. 4341. An act to expedite national defense by suspending, during the national emergency, provisions of laws that prohibit more than 8 hours' labor in any one day of persons engaged upon work covered by contracts of the United States Maritime Commission, and for other purposes; and

S. J. Res. 295. Joint resolution authorizing the participation of the United States in the celebration of a Pan American Aviation Day, to be observed on December 17 of each year, the anniversary of the first successful flight of a heavier-than-air machine.

BILLS INTRODUCED

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

By Mr. CHAVEZ:

S. 4401. A bill to amend the act of June 7, 1939, providing for the acquisition of stocks of strategic and critical materials essential to the needs of industry and the national defense; to the Committee on Military Affairs.

By Mr. GUFFEY:

S. 4402. A bill to amend the Selective Training and Service Act of 1940; to the Committee on Military Affairs.

CHANGE OF REFERENCE

Mr. DANAHER. Mr. President, Senate Joint Resolution 284 providing a method for the payment of amounts due to persons in the United States from foreign nationals in respect of the use in a certain foreign country of American patents, was referred to the Committee on Patents. That committee held some hearings, and various persons appeared and testified in connection with the bill. It became apparent, to the Committee on Patents, however, that the measure was such that it properly should be referred to the Committee on Banking and Currency.

Because the chairman of the Committee on Patents, the Senator from Washington [Mr. BONE], has been temporarily incapacitated from appearance here, he has asked that I move, in behalf of the Committee on Patents, that the committee be discharged from further consideration of Senate Joint Resolution 284, and that it be referred to the Committee on Banking and Currency for its consideration; and I so move.

The VICE PRESIDENT. The question is on the motion of the Senator from Connecticut.

The motion was agreed to.

ADMINISTRATIVE PROVISIONS OF VETERANS' LAWS—AMENDMENT

Mr. ELLENDER (for himself and Mr. MEAD) submitted an amendment intended to be proposed by them, jointly, to the bill (H. R. 8930) to amend section 202 (3), World War Veterans' Act, 1924, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes, which was ordered to lie on the table and to be printed.

WIRE TAPPING AND INSTALLATION OF LISTENING OR RECORDING DEVICES—AMENDMENT OF RESOLUTION

Mr. GREEN submitted a resolution (S. Res. 323), which was ordered to lie on the table, as follows:

*Resolved*, That Senate Resolution No. 224, Seventy-sixth Congress (authorizing and directing an investigation of alleged wire tapping and installation of listening or recording devices), agreed to March 20, 1940, is hereby amended as follows:

(1) By striking out "to or from officials and employees of the Federal, State, and local Governments"; and

(2) By striking out "participated in by such officials and employees."

METHODS OF APPORTIONMENT IN CONGRESS (S. DOC. 304)

Mr. WALSH. Mr. President, at the next session the Congress will consider the question of reapportionment for the redistricting of seats among the States in the House of Representatives. Prof. Edward V. Huntington, of Harvard University, has given years of study to this problem and has prepared an excellent exposition of the mathematical formula involved in the question of reapportionment of the seats in the House of Representatives. This manuscript will be an excellent source of material for the Members of the Congress who will be studying it and engaged in formulating a reapportionment bill, and for this reason I ask that Professor Huntington's manuscript may be published as a Senate document. It is entitled "A Survey of Methods of Apportionment in Congress."

Brookings Institution has examined the manuscript and state there is nothing in the field quite like it that adequately presents, in any single document, the data herein contained.

The VICE PRESIDENT. Without objection, the manuscript will be printed as a Senate document.

NATIONAL DEFENSE HOUSING—APPOINTMENT OF CONFEREE

Mr. CONNALLY. Mr. President, the junior Senator from Missouri [Mr. TRUMAN] was appointed one of the conferees on the part of the Senate on the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes, which is now in conference. The Senator from Missouri is temporarily absent from the Senate. I ask that the Chair appoint another conferee in his stead.

The VICE PRESIDENT. Without objection, the Chair appoints the Senator from Rhode Island [Mr. GREEN] a conferee in place of the Senator from Missouri [Mr. TRUMAN].

POSITION OF SENATOR CAPPER ON SENDING AMERICAN SOLDIERS ABROAD

Mr. CAPPER. Mr. President, I have received from Andree W. Olson, national organizer of the National Legion of Mothers of America, an organization "dedicated to peace, national defense, and Americanism," a letter asking what my stand would be should the Congress be called upon "to vote on the question of sending American men to fight on the battlefields of Europe." The letter is as follows:

*To all Members of the Congress of the United States:*

Honorable SIRS: Conforming to the mandates of the national board of the National Legion of Mothers of America, our national President, Mrs. Kathleen Norris, has instructed me to submit to each Member of the United States Senate and the House of Representatives the following question:

"What will be your stand should you be called upon to vote on the question of sending American men to fight on the battlefields of Europe?"

I respectfully submit this question to you and trust that I may have your answer at your earliest convenience.

Yours, in the interest of the American youth.

ANDREE W. OLSON,
*National Organizer, National Legion of Mothers of America.*

Mr. President, I think the Senate will be interested in my reply to this letter, as follows:

DEAR MRS. OLSON: In answer to your question:

"What will be your stand should you be called upon to vote on the question of sending American men to fight on the battlefields of Europe?" my answer is:

I will never vote to send American boys overseas to fight other nations' wars.

I do not believe it is the mission of the United States to police the rest of the world.

I do not believe it is our job to settle the boundary lines of Europe, nor to sacrifice the lives of American men and boys to decide the conflict of Old World power politics.

Europe has been fighting over boundaries and power for thousands of years; as far as I can see, it will continue to do so. We went over there in 1917, to save democracy, to wage a war to end war. We did not save democracy in Europe; the resulting peace that was not peace only bred more wars and now has spawned the biggest war of all. I do not believe in repeating that experience.

I believe in the Monroe Doctrine, and in making it effective. But coupled with the original statement of that doctrine, to the effect we would not allow any further interference by Europe in the Western Hemisphere, was the corollary that we would not intervene in European affairs.

I believe we should follow that policy, both parts of it. In that way only can we remain an independent nation. To insist that European nations keep out of the Western Hemisphere, and at the same time insist upon our right to intervene in Europe's conflicts, is not only illogical; it also is an unsound foreign policy. It would mean, in effect, that every generation or so we send an American expeditionary force to Europe, to fight the wars of European nations. I am opposed to that. I am unalterably opposed to war unless the United States is attacked.

I believe in adequate national defense, both military and economic; defense against attack from without, defense against collapse from structural weaknesses within. I am giving the national-defense program my best support.

The United States, in the world as it is today, must have a well-equipped and well-trained army; a powerful navy; a large air force, which, incidentally, I think should be an air army of itself, not just auxiliary to the land and naval forces.

But I want this adequate national defense as an insurance against war—not an assurance to some European power that we are going to intervene in Europe's conflicts.

Sincerely yours,

ARTHUR CAPPER.

MRS. GEORGE C. HAMILTON AND NANETTE ANDERSON—CONFERENCE REPORT

Mr. ELLENDER submitted the following report:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4561) for the relief of Mrs. George C. Hamilton and Nanette Anderson, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

ALLEN J. ELLENDER,
JOHN G. TOWNSEND, JR.,
PRENTISS M. BROWN,
*Managers on the part of the Senate.*

AMBROSE J. KENNEDY,
ROBERT RAMSPECK,
J. PARNELL THOMAS,
*Managers on the part of the House.*

The report was agreed to.

ADDRESS BY THE PRESIDENT AT DEDICATION OF FRANKLIN D. ROOSEVELT SCHOOL, EAST PARK, N. Y.

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by the President of the United States, at East Park, N. Y., on October 5, 1940, in connection with the dedication of the Franklin D. Roosevelt School, and two other schools, which appears in the Appendix.]

TRIBUTE TO SENATOR M'NARY BY SENATOR CAPPER

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a radio address delivered by him on October 6, 1940, relative to the Presidential campaign and paying tribute to Senator MCNARY, the Republican nominee for Vice President, which appears in the Appendix.]

THE LATE SENATOR LUNDEEN

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article by Maj. Al Williams entitled, "Senator Lundeen," and an article by Boake Carter regarding Senator Lundeen, which appear in the Appendix.]

ADDRESS BY RAYMOND MOLEY ON INDISPENSABLE PRINCIPLES

[Mr. WILEY asked and obtained leave to have printed in the RECORD an address on the subject of indispensable principles, delivered by Raymond Moley on September 17, 1940, which appears in the Appendix.]

RECIPROCAL-TRADE PROGRAM AND AMERICAN AGRICULTURE

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD a letter written by him to Mr. A. W. Ricker, editor of the Farmers Union Herald, St. Paul, Minn., relative to the reciprocal trade program and American agriculture, which appears in the Appendix.]

ADDRESS BY SENATOR THOMAS OF UTAH ON AMERICAN-JAPANESE RELATIONS

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address on American-Japanese relations, delivered by Senator THOMAS of Utah on Sunday, October 6, 1940, which appears in the Appendix.]

ADDRESS BY SENATOR JOHNSON OF COLORADO ON AMERICAN-JAPANESE RELATIONS

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address on American-Japanese relations,

delivered by Senator JOHNSON of Colorado on Sunday, October 6, 1940, which appears in the Appendix.]

ARTICLE BY GEORGE SANFORD HOLMES ON WENDELL WILLKIE

[Mr. NORRIS asked and obtained leave to have printed in the RECORD an article by George Sanford Holmes, published in the Bridgeport (Conn.) Sunday Herald of October 6, 1940, entitled "Willkie's Free Press Principles Backfire," which appears in the Appendix.]

STATEMENT OF FORMER REPRESENTATIVE JOHN O'CONNOR ON THIRD PRESIDENTIAL TERM

[Mr. BURKE asked and obtained leave to have printed in the RECORD a statement on the subject of a third Presidential term, made by John O'Connor of New York, former chairman of the Rules Committee of the House of Representatives, before the subcommittee of the Senate Committee on the Judiciary; which appears in the Appendix.]

ELECTION PROSPECTS—EDITORIAL FROM WASHINGTON TIMES-HERALD

[Mr. MINTON asked and obtained leave to have printed in the RECORD an editorial published on the 5th instant in the Times-Herald, of Washington, D. C., under the heading "It looks like Roosevelt," which appears in the Appendix.]

AMENDMENT OF FEDERAL RESERVE ACT

The VICE PRESIDENT. When the Senate took a recess last Friday, House bill 10127 was the pending business. The Chair is advised that the Senator from Nebraska [Mr. NORRIS] desires to address the Senate. The Senator from Nebraska is recognized.

FRANK S. PERKINS

Mr. BURKE. Mr. President, will the Senator from Nebraska yield in order that I may ask the majority leader a question?

Mr. NORRIS. I yield.

Mr. BURKE. Mr. President, there has been pending for several days on the Executive Calendar the nomination of a postmaster at Fremont, Nebr. I indicated that I desire to speak for 10 or 15 minutes on that subject, merely to lay the facts before the Senate, and that I desire to do it, if possible, when there are more than half a dozen Senators present, as is apt to be the case at the close of the day when we consider nominations on the Executive Calendar. I wonder if it would be agreeable, after my colleague shall have concluded his remarks, that the Senate take up that matter. It will not take long. We shall be apt to have more Senators here then than later in the day.

Mr. BARKLEY. I have no objection. I will say to the Senator from Nebraska that we are likely to wind up the legislative business today a little earlier than usual, because there is nothing to be considered except some odds and ends and a conference report or two. I do not think the bill which is now under consideration will take long. We may conclude the business before us by the middle of the afternoon; but if I see that we cannot do so then we shall be able to take up the matter referred to by the Senator from Nebraska.

Mr. BURKE. I thank the Senator very much.

KINGSLEY DAM, NEBR., AND TENNESSEE VALLEY AUTHORITY

Mr. NORRIS. Mr. President, in one of his periodical visits to the United States Senate, the Senator from New Hampshire [Mr. BRIDGES] a few days ago appeared and made a speech. He immediately left and has not yet returned. I suppose he will not return until he has another speech ready, and then he will make another short visit to the Senate.

What I am about to say I wanted to say while the Senator was present; and I should have liked to say it immediately after he made his remarks the other day, in which he criticized some remarks I had made, and incidentally which some other persons and periodicals had made, against Mr. Willkie.

Upon a fair and candid consideration of the remarks I made, I think no one will conclude that they are in any degree affected by what the Senator from New Hampshire said in reply to them. In fact, what I considered some of the most serious criticisms I had made he did not refer to; and in the instances in which he did refer to my criticisms he did not refer to the most material part of them. I should not undertake to reply if it were not for the fact that I think, without exception, the Senator from New Hampshire used language which I think was discourteous, and some of it seemed to me to be malicious, against every person who had criticized Mr. Willkie and whom he was trying to answer. It struck me that the Senator from New Hampshire was going on the theory that when you are trying a lawsuit, and have not a good case, the thing to do is to abuse the other lawyer. Most of the charges he made against other persons had no reference whatever to what had been said in regard to Mr. Willkie and were absolutely immaterial so far as Mr. Willkie was concerned.

I shall speak first of a reference which the Senator from New Hampshire made to me in relation to some projects in my own State. I feel almost like apologizing to the Senate for taking up its time in referring to some things which have happened there which he talked about, which, as a matter of fact, have no direct relationship to Mr. Willkie. Because I had made some charges against Mr. Willkie, some criticisms which, in my judgment, were legitimate, Mr. Willkie being a candidate for President of the United States, the Senator from New Hampshire referred to some projects in my own State. He particularly said there is a desert in Nebraska which has been named after me, and he clearly left the impression that I was to blame for the existence of that desert. He stated that the Platte River was dry—I think he said—222 days in 1 year, and left the impression that the river became dry because I had advocated the building of a large dam known as Kingsley Dam on the Platte River.

The truth is, Mr. President—and I do not hesitate to say it emphatically—that the building of the Kingsley Dam on the Platte River had nothing whatever to do with the fact that the Platte River went dry. That is a common habit of the Platte River. It has a national reputation for being a mile wide and an inch deep; and the only difference in the dry seasons which have occurred during the past 6 or 7 years in that part of the country is that the river has not been an inch deep. Yet volumes of water have gone down the Platte River, damaging property farther down in the stream, in the Missouri River and in the Mississippi River. But when the critical time for irrigation comes in Nebraska in July and August the Platte River is dry. I do not know about its being dry as long as 222 days in 1 year, but probably the Senator spoke the truth. For argument's sake, at least, I am going to admit it.

The Kingsley Dam is an on-river dam in western Nebraska, on the Platte. It makes a reservoir which will hold 2,000,000 acre-feet of water. The Platte Valley, one of the most beautiful in the country, with a soil that is as fertile as that of the Nile Valley, easy of cultivation, a valley which ought to be a farmers' paradise, usually finds itself in July and August absolutely dry. As I said, the building of that dam had nothing whatever to do with the Platte River's going dry. The dam is not yet finished; and I say to you, Mr. President, that not a single gallon of water has ever been held back by that dam up to this very hour.

The idea was that many of the irrigation ditches on the Platte were not able to get water when the critical time for irrigating crops was at hand. That has been true for the last 6 or 7 years to a degree which would bring tears to the eyes of anyone who believes in his fellow man and who likes to see a return come from his toil and labor.

The dam will be completed this year, in a couple of months, and if water is then coming down the Platte, an effort will be made to store it for next year's use. When the floods come and when the winter months come, it is expected that the reservoir will be filled, but probably not in one year. Sometimes, according to the records, it could be filled in one year, sometimes it would take 2 years to completely fill the reservoir, and occasionally longer than that. For the last 6 or 7 years the experience in the Platte Valley has been that the farmers, through their irrigation ditches, have been able to irrigate their land so long as there was water flowing in the Platte, and when the Platte went dry the irrigation ditches went dry.

Mr. President, for 6 or 7 years in succession, now, we have seen the Platte dried up, the irrigation ditches without water,

and land with growing crops on it absolutely ruined, so far as those crops were concerned. We have seen the crops wither and decay; we have seen the hot wind killing the corn and other vegetation, and we have seen the toil of the farmers along the Platte Valley all gone for nought. The farmers had put in crops and raised them partially until the hot winds and the dry weather came.

It was the dream of those who were behind the building of that great dam that waters which went down the Platte, when they could not be used in the valley, could be stored in this reservoir and that, when the Platte went dry, the flow could be made continuous by letting the water out of that great reservoir, and that, instead of drying up and blowing away, the crops there would be luxurious and the yield would be abundant.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. MINTON in the Chair). Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. NORRIS. I yield.

Mr. REED. May I ask the distinguished Senator from Nebraska the exact location of the dam about which he is speaking? It is near North Platte, is it not?

Mr. NORRIS. No; it is quite a distance west of North Platte. It is about 6 miles north of Ogallala. Ogallala is on the south fork of the Platte River. This dam is on the north fork of the Platte River, and at that place they are about 6 miles apart.

Mr. REED. I do not wish to disturb the train of thought of the Senator from Nebraska, but on the North Platte River in the western part of Nebraska and extending over into Wyoming, as I recall, there is a substantial amount of irrigation, and crops are raised by irrigation. Take, for instance, the Scotts Bluff district——

Mr. NORRIS. That is on the same river.

Mr. REED. How far below this dam has any attempt been made to raise crops by irrigation?

Mr. NORRIS. I could not give the Senator the definite distance, but all the way down the Platte, especially from North Platte east, there has been a series of irrigation ditches put in. Some of the ditches have been there for many years. In ordinary years large crops have been raised under those ditches. But the farmers had to do their irrigating before the Platte went dry. If they did not get their soil sufficiently soaked with water so that the crops could survive the dry weather, which everyone knew would come in July and August, they would have a failure.

Mr. REED. I was mentally comparing the situation on the Platte with the situation on the Arkansas River, in Kansas, the soil on both sides of which is quite sandy and porous. There is a so-called underflow which moves very slowly through that sandy and porous soil.

Mr. NORRIS. Yes.

Mr. REED. But on the Arkansas, in Kansas, to the best of my knowledge and belief, the farmers do not undertake to depend on irrigation, or use water for irrigation, much farther east than Garden City. West of Garden City, all the way up the Arkansas Valley to Pueblo, and even beyond Pueblo, to Canyon City, water is extensively used for irrigation purposes. My recollection, which I very freely admit may be faulty, is that, so far as the Platte River is concerned, there is no substantial irrigation east of North Platte.

Mr. NORRIS. Oh, yes; there is a great deal of irrigation east of North Platte.

Mr. REED. I admit to the Senator from Nebraska that I may be mistaken, and I appreciate the force of what the Senator might say as to when that so-called underflow of water, which seeps slowly down that sandy, porous soil, disappears. Of course, the alfalfa crop, which, as I recall, is one of the principal crops around Ogallala, needs that underflow, and the Platte River, as the Senator has said, being figuratively a mile wide and an inch deep, the valley on both sides, which is not a very precipitous valley at any place, is wide and level——

Mr. NORRIS. It runs back 25 miles on each side in some places.

Mr. REED. The underflow is important to the farmer. But I had been under the impression, which, of course, may be erroneous, and I accept the statement of the Senator from Nebraska, that there was no substantial irrigation east of North Platte.

Mr. NORRIS. Mr. President, I should like to say to the Senator from Kansas that at Garden City, which he has mentioned, Nature has made a natural reservoir, which could be used if a dam were built across the Arkansas River there, and which would hold, let us say 2,000,000 acre-feet of water, so that when the Arkansas went dry, there would be irrigation below Garden City. The stream could be made a continuous stream, if water were stored at Garden City in sufficient quantity so that it could be let out when the stream was dry, to supply irrigation east of Garden City. That is what this dam is to do. It is designed to irrigate over 300,000 acres of land, and I believe, and the engineers believe, that it is the key to the situation. Even before the recently exceptional dry years came, we would have dry years in that section of the country intermittently. Sometimes there would be an abundant crop, and the farmers would not need any irrigation, but very seldom has there been a year, even if they had rain, when irrigation would not have vastly improved the productivity of the valley.

Mr. REED. Mr. President, if the Senator will permit, he was speaking of a possible natural dam site, if I correctly understood him, at Garden City. I wonder whether the Senator was not confused with the natural dam site at Caddoa, Colo.

Mr. NORRIS. No, Mr. President, I was not confused. I was not claiming that there was a dam site at Garden City. I was merely assuming that there was an opportunity at Garden City for a reservoir site, and saying that by building a dam it would be possible to store 2,000,000 acre-feet of water, and the water could be let out to irrigate land east of Garden City.

Mr. REED. Perhaps the very distinguished Senator from Nebraska may be familiar with the fact that the States of Kansas and Colorado have had litigation proceeding for many years over the division of water from the Arkansas River, which rises in Colorado. Since the time I was Governor of Kansas possibly those differences may have been reconciled, but we always complained that we were entitled, by priority of locating irrigation ditches, to a certain amount of water from the Arkansas River, whereas the State of Colorado disputed that claim, and they having possession of the water, and, as I understand, possession in law being practically considered about 9 points out of 10, we in Kansas have carried on litigation and discussion and negotiation with Colorado over the division of waters of the Arkansas River. Possibly the State of Nebraska may have had the same experience with the State of Colorado on a similar question.

Mr. NORRIS. Mr. President, all that has been said by the Senator from Kansas is exceedingly interesting, but in my judgment it does not apply to what I want to say with respect to the remarks made by the Senator from New Hampshire. One can draw no other impression, not only from what the Senator from New Hampshire said here the other day, but from what has been said by representatives of the private power and utility leaders during all the time we have had this matter under discussion, that the district in question is a desert and, as he said, it is to be called the Norris desert. A deliberate attempt has been made to create that impression.

Mr. President, I may not be here when the work is completed; I probably will not be here; but I wish Senators who are here—and who I hope will remain here for many years—will remember what I now say. I give it as my judgment that that "desert," upon the storage of water behind this great dam will become a garden. I should like to live to see it. It will take several years of work before everything is in operation. It will take several years before the water stored behind that great dam will result in the raising of crops 200 miles east of the dam, but that it is coming is as plain as the rising sun to any honest student of the subject. The only thing left to be done to make this valley and similar valleys into productive agricultural districts is to store the floodwaters in reservoirs

so that they can be let out in the streams and utilized at critical times in the growing season. That is the object of the dam in question.

Mr. President, I do not think I had as much to do with it as I am given credit for, but I am willing to take it all on my shoulders. Pile it up if you want to. I should not want anything better in the future years than to know that something had been done in that great valley, in that great State, to utilize the soil to produce the crops which can be produced under irrigation.

There is no use trying to irrigate from a stream which is dry when water is needed, and which may have an abundance of water at other times. The Platte River is full from bank to bank for months in the year, doing no one on earth one penny's worth of good, but causing damage farther on down along the Missouri and the Mississippi. We are called upon in the Congress to save that section of the country from damage which results from water traveling from the Rocky Mountains down the streams through the Missouri, into the Mississippi, and then into the Gulf.

Mr. President, the dam in question would have been completed 2 years ago if it had not been for private power companies and men who were doing their bidding. Had the dam been completed, we would not have had a flat crop failure in the Platte Valley this year. Instead of the desert the Senator speaks of there would have been a garden. The Senator from New Hampshire was instrumental, so far as he could be, in preventing that great tri-county project, as it is called—the tri-county irrigation power project—from becoming a reality.

About a year or two ago those sponsoring this project, together with those sponsoring another project, entered into negotiations to buy the Iowa-Nebraska Power Co., the second largest power concern in my State. After long negotiations an agreement was reached. The amount was agreed upon. All the details were drawn up. All the papers were signed, and all were approved by the Federal Power Commission and the P. W. A. It was necessary to secure money. That arrangement had also been made. In New York arrangements had already been made with representatives of insurance companies to take the bonds it was necessary to issue to buy the power company. Approximately $20,000,000 was involved. The State and local officials came to Washington. After they had obtained Federal approval, which was necessary, and after they had obtained the approval and the promise of the insurance companies to put up the money, they went to New York to sign the final contract.

Just before that happened, the Senator from New Hampshire offered in the Senate a resolution which is still slumbering in a pigeonhole in the Commerce Committee, demanding an investigation of the whole matter. Propaganda had been circulated over almost the whole country. The power representatives had agents in Nebraska who had been elected to the legislature. They were in league with the Senator from New Hampshire. What happened? After 2 years of study and negotiation, when everything had been agreed upon, when the price had been agreed to by everyone, men like the Senator from New Hampshire, who offered a resolution in the Senate, assisted by the power companies in Nebraska, scared the financial backers. When the State and local officials went to New York the men representing the insurance companies said, "We will probably have to face an investigation." A power man in the Nebraska Legislature had sent them information that as soon as the legislature met he was going to introduce legislation which would change the law on the subject. They further said, "We are faced with an investigation by the Senate of the United States. We do not feel we can afford to put up the money under these circumstances." They refused to put it up, and all the preceding negotiations and studies went for naught. More than a year's work and an enormous amount of money spent in the preliminary negotiations went for nothing.

The tri-county plan was met with injunctions from the time it came out of the cradle until about a year or so ago. One injunction suit was filed by the power companies in the District of Columbia court. The injunctions all failed. Everyone knew they would. But delay was what was wanted. The expense incurred in defending that litigation probably amounted to $1,000,000. Delay has occurred, so that at least one or probably two crops, which would have been abundant, have been absolute failures. Nothing has been produced.

The Senator from New Hampshire has never crowded his resolution. Probably he has forgotten it now, but it helped to do damage. It helped to withhold income from some of my constituents. It helped to withhold income from honest farmers and others which this irrigation would have produced.

Mr. President, the Senator from New Hampshire referred to the district as my—meaning the Senator from Nebraska's—desert, and he let the impression go out that in some manner I had made that desert. It was and it is to a great extent a desert when dry years come. It is true that the Platte is frequently dry. But the dam, as I said awhile ago, has never yet stored a gallon of water. It cannot commence to store water until it is completed and the floods come in the winter and spring months, and it will not be completed for a couple of months.

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

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. McKELLAR. I am very much interested in what the Senator has to say about the Platte River, and it reminds me of what I have read in our own history, that about a hundred years ago, when there were some improvements offered for the great region between the Mississippi River on the east and Crawley's Ridge on the west in what is now largely the State of Arkansas, and from the Missouri line down to the Louisiana line, a distinguished Senator from New England, who had never been there, said that he would oppose any appropriation of any kind, nature, or description in connection with the proposal, because the district in question was an impenetrable morass; that it was impossible for people ever to live in it or on it; that it was fit only for wild buffaloes, snakes, lizards, and alligators, and over which the suzerainty of man would never be established.

Today that valley, thus designated by a then New England Senator, is one of the garden spots of the world. I think more cotton and grain are raised there than in any other like territory in the world. Mankind has complete control over it. I have no doubt that when the Senator's dam is built and the water is furnished at proper times during the growing of the crops the territory he has described will become a great territory for the benefit of mankind.

Mr. NORRIS. I thank the Senator.

I now yield to the Senator from Wyoming.

Mr. SCHWARTZ. Mr. President, I merely wish to confirm out of experience one or two things the Senator has said in reference to the impounding of water.

In the first place, from 40 to 60 percent of the water which is put on the land percolates back into the stream. On all the irrigation acreage above the great dam about which the Senator speaks—and that acreage extends through the State of Wyoming and into Colorado—the water will percolate back and finally come down into the stream, to be impounded and held for use.

With reference to the length of time required to fill a dam, of course we have had some dry years. Everybody is familiar with the great drought all over the United States. I call attention to the fact that when the great Pathfinder Dam was built the engineers for the Government and others predicted that 4 years would be required to fill it. However, the year the dam was completed it filled up, and water began to run over the top. We hired farmers from the surrounding country with their teams to bring in sand and load sandbags and put them on top of the dam in order to protect it. Dams can be filled quickly when we have a favorable year.

Mr. NORRIS. I thank the Senator from Wyoming.

The Senator from New Hampshire said that a recent refunding of the bonds which these three projects owe to the Federal Government had taken place, and that the interest had been reduced from 4 percent to less than 1 percent. Technically, that is true. As a practical matter, there has

been no diminution of the interest. The bonds were refunded by an organization of the three districts by which they could operate as one, and the time for payment was extended. The interest on the first payment was cut down. It gradually increases, so that in the end the Government will receive the same amount of money it would have received if there had been no refunding. The interest goes up as high as 5 percent. That plan was agreed to in order to leave no doubt that these great projects would be a success. The time was extended over 60 years, so that the payments could be made gradually.

I ask unanimous consent to have printed in the RECORD at this point in my remarks two editorials written by J. E. Lawrence, editor of the Lincoln Star, in Lincoln, Nebr. One is entitled "That Nebraska Rat Hole," and the other "Senator BRIDGES Views Norris Desert."

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

[From the Lincoln (Nebr.) Star of October 3, 1940]

THAT NEBRASKA RAT HOLE

By strange coincidence—or was it coincidence?—at approximately the same hour Senator H. STYLES BRIDGES, of New Hampshire, was pointing the accusing finger at what he described as Nebraska's rat-hole project, 250 farmers, businessmen, and University of Nebraska agricultural experts were inspecting a 35-acre field of tri-county irrigated corn on the T. A. Gustafson farm near Funk.

Three acres of the forage crop, 14 feet in height, will yield 66 tons of ensilage. The remaining 32 acres, the extension agronomist of the University of Nebraska, Prof. D. L. Gross, said would make 77 bushels an acre, dry measure. In all of that area except where irrigation was had as in the instance of the Gustafson farm, corn was a complete failure due to drought. And the big storage dam at Keystone, still under construction, still waiting the first storage of water for the irrigation of hundreds of thousands of acres of land, is not yet finished. When finished Nebraska's future, the future of that region within the tricounty area, will be infinitely brighter.

That tricounty irrigation near Funk—there are several thousand acres in that vicinity receiving direct stream flow from the Platte, with all apologies to Senator BRIDGES—furnishes convincing evidence of what is feasible in the years ahead. Yet BRIDGES, one of the Republican high command, one of the stalwarts behind Willkie, one of the speakers carrying on in this Presidential campaign, as a part of that campaign contemptuously refers to the efforts of Nebraskans to rebuild soil fertility, to store waste flood waters, as the Nebraska rat hole. That also is homely and rugged language, a thousand miles from home, and a thousand miles from presentation of the facts.

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[From the Lincoln (Nebr.) Star of October 3, 1940]

SENATOR BRIDGES VIEWS NORRIS DESERT

As a stranger to Nebraska, unfamiliar with its problems New Hampshire's Senator BRIDGES perhaps should be forgiven for his speech on the floor of the United States Senate Wednesday. That would be the charitable thing to do. But the speech smelled to high heaven. It reeked with misstatements of fact. Calling for an explanation, according to press dispatches, "why 11 counties in west central Nebraska have the local name of the 'Norris desert,'" Senator BRIDGES went on to say:

"It is a man-made desert, made by the New Deal at the insistence of the distinguished gentleman from Nebraska. There are three hydroelectric projects. Two of them are on a stream that in very recent times has been dry for more than 100 miles and for as much as 222 days in a single year. Now, as everybody knows, water for irrigation is needed to be stored for use during the growing season. And electricity, to be valuable, must be deliverable 365 days out of the year. These dams were used for power so that little was left for irrigation."

Senator BRIDGES said that disregarding engineering reports, $60,000,000 had been poured down the Nebraska "rat hole."

Senator BRIDGES visits to Nebraska have been limited, necessarily. The few days that he was here on flying trips were supposed to have been devoted to inspecting the projects he undertook to discuss upon the floor of the Senate.

These are the facts:

1. The Tri-County Dam is under construction, and no attempt has been made to store water behind it either for irrigation or the development of electrical current. No storage can be undertaken until the work is complete.

2. The Sutherland project has been producing limited amounts of electricity and providing limited amounts of water, supplemental water for irrigation, for 2 years. The Sutherland project embraces storage in the Sutherland Reservoir, and the only dam in connection with this is a structure built solely for diversion purposes.

That is as near as Senator BRIDGES came to telling the facts. The Platte River has been dry. The central sections of Nebraska have been afflicted with a drought. The most severe drought in those same counties took place in 1934 before so much as a spade of dirt on either project had been turned. Those same counties have experienced year after year of drought although not a pint of water has been diverted to the production of electricity by the Tri-County. And that is not the worst of Senator BRIDGES reckless handling of the facts. His own words reveal an astounding contradiction. He said the river had been dry for as much as 100 miles and for as long as 222 days in a single year, and he charged that water stored behind the dam had been used for power so that little was left for irrigation. This water used for power, when it is used for that purpose, and when the Tri-County's construction is completed—where does Senator BRIDGES expect it to go after it passes through the generating systems?

Cruising off by itself in new channels on a strange and lonely expedition?

It will go only one place, and that is back into the channel of the Platte, to be used 365 days in the year by the people living along the Platte in those same 11 central Nebraska counties. Necessarily if electricity is generated out of water in the Platte throughout every day of the 365 days of the year, it will return to the channel of the stream. It isn't consumed by the power plants' manufacture of electricity. They do not drink it up or eat it. The water only passes through and out again. Its volume is not diminished. The best insurance that the Platte never would be dry, even a single day, would be the storage of such flood and waste waters in such quantities that each day 1,500 second-feet flow could be passed through the plants producing electricity and permit it to continue on downstream every day, a flowing river every day in the year, instead of the dry, sandy bed of these recent years.

This matter is of some importance to the people of Nebraska. It is their hope for the future. This State must have irrigation. This State must store water for irrigation. Every drop of water that is stored adds so much to the security of its agriculture against heat and drouth and ruined crops. Putting that stored water to use in the production of electricity does not in any way interfere with its use for irrigation, and if the production of electricity is successful 365 days in the year, a dry stream must become a stream carrying whatever amounts of water daily are utilized for the manufacture of electricity. The profits of the sale of electricity offset the cost of irrigation to the farmer.

This matter is of some consequence to the people of Nebraska. These projects are not Federal projects but projects developed and built or under construction by the people of Nebraska.

As a member of the Willkie brigade, Senator BRIDGES statement merits the closest attention.

Mr. NORRIS. Mr. President, I also ask to have printed in the RECORD at this point an article appearing in the World-Herald, of Omaha, Nebr., on August 18, 1940, entitled "Joint Operations, Pooled Revenue Mark Hydros' New Finance Scheme."

The PRESIDING OFFICER (Mr. KING in the chair). Without objection, the article may be printed in the RECORD.

The article is as follows:

[From the Omaha (Nebr.) World-Herald of August 18, 1940]

JOINT OPERATIONS, POOLED REVENUE MARK HYDROS' NEW FINANCING SCHEME

Last Thursday Nebraska's three major public power and irrigation districts—the "hydros"—embarked upon a new phase of their development which to observers of their troubled career offered the best hope yet for self-sufficiency and effective action.

On Thursday the $37,000,000 debt which the three districts owe to P. W. A. was refinanced by issuance of new bonds which do not mature for 60 years. And on Thursday the districts began operating under a joint operating agreement which in effect fuses the power and irrigation activities of all three into one unity.

Those two developments together were designed to bring about these consequences:

1. Gradual and orderly retirement of the entire debt without hampering growth in the early years;

2. Maximum beneficial use of Platte and Loup river waters;

3. Replacement and repair of equipment, together with potential expansion, from the hydros' own resources;

4. Rapid assurance of at least 306,000 acres under irrigation and generation of at least 480,000,000 kilowatt-hours of electricity a year.

If those hopes are realized, the date of August 15, 1940, will mark a big day in the history of the hydros.

Two of the three are now in operation—Platte Valley and Loup. They have had a hard row to hoe. Platte Valley's reservoir has failed to hold its full capacity of water. Both districts have been unable to meet interest payments. Both have been hampered by lack of a market.

But now the market is assured, through contracts with private utilities. And next winter the biggest project of the three, Tricounty, will be ready for action. The new phase of the hydros' history will depend upon how well Tricounty lives up to engineers' expectations. The solvency and effectiveness of all three now depend on it.

AUTHOR

Chief architect of the change, though not the only one, is K. Sewell Wingfield, the mild-spoken Virginia-born chief project engineer for P. W. A. who has been the nurse, coordinator, peacemaker, and director of the hydros during the latter years of the construction period.

Trained as an engineer, apprenticed as vice president of a Wall Street investment house, Wingfield joined P. W. A. soon after its organization in 1933. His first work was in the financial division, passing on bonds, certifying the fiscal soundness of hundreds of

projects submitted for P. W. A. loans and grants. From there he went into the power division, becoming assistant chief of all P. W. A. electric enterprises.

Wingfield was sent to Nebraska in 1937 to take over direction of P. W. A. activities. His job, to put it in the worst terms, has been to pull the hydros out of the fire—to make them work, make them pay back the Government's investment.

Now, after months of laborious study and negotiation, Wingfield is preparing to leave again for Washington, to become P. W. A. power chief. He goes with the knowledge that everything has been done that could be done to bring about the solvency and self-sufficiency of the hydros; that the Government has been persuaded to accept a delay in repayment of its loans; that the districts, without giving up their identities, have been persuaded to adopt unified operations; that a mighty instrument of potential benefit to Nebraska has been created.

WHY?

Why is refinancing necessary? Why have the hydros failed to work out on the original basis?

Says Wingfield: "The reason is that conditions have changed, the projects themselves have changed, the manner in which they will be operated has changed. The projects as constructed are entirely different from those originally proposed.

"To meet these changes and to provide a type of financing which realistically allowed for actual conditions, refinancing was necessary."

Changes from the original plans fall into three brackets:

1. Costs are higher than first planned. Why? Partly, says Wingfield, because of delays in construction, some of which he says were caused by power-company injunctions; some by starting construction hastily, in the interest of creating jobs, before all studies and plans have been made. Other costs were raised by changes in design, others by rising prices of materials and labor. Much of the increase was due to the addition of the hydros' own transmission system, not included in original plans.

2. Tricounty, with its big Kingsley Dam on the Platte River, has been added to a picture which included originally only Loup and Platte Valley, neither able to guarantee alone a large supply of firm power. Tricounty makes unification possible.

3. Development of revenues as originally planned has been delayed, first by court and legislative battles between the districts and private power companies, second by the hydros' effort to purchase private utilities in their quest for a market. When the latter effort failed the hydros signed up contracts to supply the existing market, largely controlled by private interests.

AGREEMENT

Key to the new plans is the operating agreement which went into effect Thursday.

In arriving at this agreement, Wingfield and the districts projected operations against a background of water records from 1930 to 1938. A study by Douglas G. Wright, P. W. A. engineer, furnished the foundation.

Wright's assignment was to find out how the hydros would have operated during those 9 years had they been in existence. They were dry years, years of low water supply. It is reasonable assumption says P. W. A. that water supply in the forties will be at least as large.

What Wright found out was that the hydros, operating as a unit during those 9 years, would have:

1. Supplied water on the Platte to satisfy all prior rights.

2. Furnished 100,000 acre-feet for irrigation from ditches under the Platte Valley project (about 25,000 acre-feet were actually supplied this year by Platte Valley, operating alone).

3. Furnished complete irrigation for 206,000 new acres under the tricounty project.

4. Generated at least 480,000,000 kilowatt-hours of firm power every year, with production averaging 491,000,000 and peak seasonal output hitting 511,000,000.

To achieve these results, the Loup district must use all water available to it for power generation, carrying peak loads at times; Platte Valley virtually abandons its Sutherland reservoir, where seepage is so bad that the basin can be only partially filled; Tricounty stores water for both its own project and Platte Valley behind Kingsley Dam, and Kingsley stabilizes power production for all three districts, running enough water through its hydro plants to guarantee a minimum output for the system as a whole.

Though the water study shows a minimum power output of 480,000,000 kilowatt-hours a year, Wright recommended that during the first 3 years the districts should limit their firm power contracts to 325,000,000, revising after that according to experience.

POOL REVENUES

Beginning August 15, all revenues go into a joint fund. First payments from this go to meet operating costs of each district. The balance is shared according to the proportion each district's debt bears to the total debt. Roughly, this will mean a split of 52 percent to Tricounty, 25 Percent to Loup, 23 percent to Platte Valley.

This division of revenues Wingfield says, expresses, as well as the debt ratio, the approximate contribution of each district to the system. Loup contributes about 34 percent of the power; Platte Valley, 25 percent of the power, plus irrigation; Tricounty, 41 percent of the power, plus irrigation, plus storage.

Operations are under a board of managers, composed of the manager of each district. Later, probably not before the first of the year, they may choose an executive officer to carry out their orders. Expenses of the joint system are met by the districts, each paying according to the debt ratio.

FINANCING TO FIT

On this agreement rest the refinancing plans. Unlike many enterprises, in this case the financing was made to fit the operations, not operations to fit the financing. What Wingfield did was to estimate probable revenues for the next 60 years, basing his estimates on the water supply shown to be available and on existing contracts for sale of power and water.

Contracts with Nebraska Power of Omaha and Iowa-Nebraska of Lincoln call for purchase of a certain amount of firm power which increases by steps until it reaches a maximum, plus purchases of secondary power as needed.

Other contracts with private companies call for purchase of secondary power only.

Still other contracts (with some municipalities, R. E. A. districts and one power company, Southern Nebraska) call for purchase of all their requirements from the hydros. In these cases Wingfield has assumed a gradual increase in requirements; but to be safe he has assumed in most instances that load growth in the future will be less than it has been in the past.

Adding up the amount of power which could be sold under these contracts, Wingfield figures that for the year ending April 30, 1942, the system's revenues will total $1,120,710. This year they are running at the rate of about $700,000 a year, which is more than Wingfield estimated. They are expected to increase as Tricounty comes into the picture, providing a greater supply of firm power, which commands a better price than secondary.

By 1945 revenues are expected to reach $1,695,580; by 1950, $2,435,560; by 1965, $3,336,970.

Wingfield considers his estimates more than conservative. Although the water study showed 480,000,000 kilowatt-hours of firm power could be delivered each year, he counted only on sales of a top of 360,000,000, which would not be reached until 1954.

NEW BONDS

Given the revenues, the problem was to devise a bond issue which could be paid off by them, which would give the Government all its money back, and which would not penalize the hydros. To turn the trick required months of patient figuring.

The old bonds were in these amounts:

Loup, $9,268,000.

Tricounty, $19,793,000.

Platte Valley, $8,776,000.

They were serial bonds, bearing 4-percent interest, scheduled to be retired steadily over a period of 30 years.

The new bonds are in the same amount. They are term, not serial, bonds, all maturing in the year 2044. But the trust indenture requires that certain amounts of them be retired steadily, beginning in 1946, just as if they were serial bonds. Retirement will be by selecting certain bonds by lot for redemption, at a premium amounting to 4½ percent.

The interest rate, instead of being fixed, is variable. The problem was to keep bond payments low in the early years; to secure repayment of the Government's loan in full; to pay off the bonds in a reasonable period; to keep the top interest rate as low as possible; to prevent the call premium from becoming excessive.

A final balancing of all these factors resulted in establishing interest rates beginning this year at only one-fourth of 1 percent, rising gradually to 3 percent in 1945, to 4 percent in 1951, and a top of 5 percent in 1956.

Over the whole 60 years, the total of interest paid plus call premium paid will almost exactly equal the amount which would be paid if a flat 4-percent-interest rate were in effect throughout.

In figuring what the districts can afford to devote to debt retirement, the plan sets up total operating costs of $750,000.

After paying operating costs, each district must place a certain sum in the interest and sinking fund; next, build up a renewal fund; next, an extension fund; and the balance will go into surplus.

The renewal fund is designed to take care of repairs and replacement of equipment. The indenture requires that each district build up this fund to a certain minimum, and then keep it at that level. For Loup and Platte Valley, a $150,000 fund is required; for Tricounty, $300,000.

The extension fund is quite separate, and is meant to give the hydros a "kitty" with which they can extend their systems, electric or irrigation, in years to come. Each district is required to build up this fund until, in 1950, it reaches $1,000,000 for Tricounty, and about $500,000 each for Platte Valley and Loup. After that, continuance of the fund is optional with the districts.

BACK INTEREST

In addition to the bonded debt, two of the districts owe defaulted interest. Platte Valley paid no interest in 1937, its first year, a very small part in 1938 and 1939, and none in 1940. Its total back interest is $1,137,513. Loup paid only part in 1938, 1939, and 1940, has unpaid a total of $761,520.

This will not be funded with the new bonds. Instead, P. W. A. agrees to accept installment payments without charging interest on them. A separate agreement calls for Loup and Platte Valley to pay off this interest separately, over the same period as the bonds. P. W. A. accepts a junior lien to the bonds.

UP TO KINGSLEY

Clearly enough, the whole set-up depends upon operation of Tricounty's big Kingsley dam on the Platte River. For that dam must, by storing large amounts of water, guarantee a firm supply of marketable power from the grid while at the same time conserving water for irrigation.

Can it be done? Wright's water study is P. W. A.'s answer. If Kingsley Dam had been completed in 1929, instead of 1940, it would have been half full (1,000,000 acre-feet) by the end of the first year; three-fourths full in the second and third years, nearly full in the fourth year, full and overflowing in the fifth year, over half full in the sixth and seventh years, and somewhat less than half full in the eighth and ninth years.

Always it would have been full enough to guarantee irrigation for 306,000 acres and generation of 480,000,000 kilowatt-hours of firm power.

Will water supply in the next 10 years be as high as in the past 10? Wright says the chances are all in favor of the belief that it will. Asked if additional storage of Platte River water by the Casper-Accova project in Wyoming is likely to diminish the supply, he answers:

"If you have 8 buckets to catch water in Wyoming, and you can fill only 6 of them, it won't make any difference to Nebraska if you increase the number of buckets to 10. That's what's been happening.

"There hasn't been enough water to fill the Wyoming reservoirs during the past 10 years, and still the Platte has had enough water in it at Kingsley to do these things. Further storage can't hurt us. The great bulk of Platte River water at Kingsley, apart from direct flow, comes into Nebraska not in the river but in irrigation canals, and gets back into the river bed by return flow."

Mr. NORRIS. In that article the engineer who has done probably more than any other one man to bring about this organization explains in detail just what has happened. There is no secret. Nobody is trying to cover up anything. There is no intention to rob anybody. Here is a great scope of country. If it is all irrigated as is contemplated, a virtual empire can be brought into production by the building of this dam. Irrigation is the real object of it. But, Mr. President, at least under present agricultural conditions, the farmers who buy the water and must pay for it would not be able to build that great dam merely as an irrigation project. In two of these projects there are power facilities which will produce a large amount of hydroelectric energy, but the dam is required to give a constant flow.

The Senator from New Hampshire laughs and makes fun of the idea of getting power from a river which is dry for 200 days in 1 particular year. He has not yet comprehended what the plan is. He does not know what the building of the dam and the storage of 2,000,000 acre-feet of water mean. The engineers have gone over every feature connected with the project carefully and in detail.

The Senator from New Hampshire said in his speech that four Government engineers had condemned this great scheme. That is not true, Mr. President. The Senator is mistaken. He has been misinformed. As I remember the facts—and I think I remember them—only one Government engineer made an adverse report, and that was only as to power. The engineer who went with him gave a glowing report and said that in his opinion the building of the dam was one of the geratest things he had ever heard of or known about. If we had eliminated power, the cost of the project as an irrigation project would have been prohibitive. If we had taken irrigation out of it, the cost to produce power would have been prohibitive. By combining the two we cheapen both and put the project on a fair financial basis.

The Senator was probably milder in the language he applied to me than in the language he applied to anyone else to whom he referred. For instance, he referred to the New Republic in language which is not creditable to a United States Senator in reference to any honorable publication or honorable man. The New Republic had criticized Mr. Willkie, and it thus becomes the subject of the Senator's denunciation. No one can read his language without coming to the conclusion that he was perfectly unjustified in the language he used. The New Republic criticized Mr. Willkie and the Senator from New Hampshire practically ignored the criticism and laid violent hands on the New Republic.

We all know the New Republic. Some of us agree with it most of the time, some of us all the time. I have not always agreed with it, but we know its high standing as a journal in the United States. We know that it is not a partisan publication. We know that it has been a liberal organ. Whether or not we agree with the policies it advocates, it seems to me there is no question of its high standing everywhere it is known.

After the Senator had spoken the other night I received a telegram from the New Republic referring to his statements. I wish to read it. It is dated October 3 and is addressed to me:

Senator STYLES BRIDGES quoted in today's New York Herald Tribune accusing New Republic "plain and fancy lying."

That is the language he used. Anyone who dares to criticize Mr. Willkie is guilty of "plain and fancy lying." He is a liar. That is the sentiment in the speech of the Senator from New Hampshire, running not only to one but to everybody who has made any criticism.

SENATOR STYLES BRIDGES QUOTED IN TODAY'S NEW YORK HERALD TRIBUNE ACCUSING NEW REPUBLIC

"Plain and fancy lying" in its special statement about Willkie. Should appreciate it if you could bring following facts to attention Senate and insert CONGRESSIONAL RECORD.

All specific charges of error this supplement have been dealt with in our pages and, though we are not infallible, no substantial mistake has been discovered. If any error can be found we shall immediately publish correction and apology.

Senator BRIDGES asserts New Republic refused print rebuttal of our supplement by Russell Davenport. Davenport's rebuttal appears on page 449 of our issue date September 30. We have received no other statement by Davenport and have refused to print none. We have sent Senator BRIDGES a telegram containing substantially all the foregoing statements.

NEW REPUBLIC.
By BRUCE BLIVEN.

That only illustrates what the Senator from New Hampshire always does; it only illustrates the thing to which I am trying to call the attention of the Senate. "Fancy lying" he calls the New Republic article. I have on my desk a copy of Mr. Davenport's article, and I have also a copy of the New Republic containing an article entitled "Willkie and the Record," in which the facts are again reviewed. It appears in the September 30, 1940, issue of the New Republic, and I ask unanimous consent, Mr. President, at this point in my address to print the article in the RECORD.

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

The article referred to is as follows:

[From the New Republic of September 30, 1940]

WILLKIE AND THE RECORD

On page 449 of this issue of the New Republic a letter from Mr. Russell W. Davenport, Mr. Willkie's personal representative, attempts to discredit our entire supplement, This Man Willkie, on the basis of a few instances of what he terms fiction. It is pertinent first of all to consider these instances:

1. "There is the statement on page 327 that Commonwealth & Southern's subsidiaries have in force only 2 labor contracts with the A. F. L. The most elementary care in investigation would have revealed the fact that these companies have no less than 21 existing contracts with the A. F. L. and 1 with the C. I. O."

What we said was, "The A. F. L. reports two contracts with Commonwealth subsidiaries." This was in accordance with the latest official A. F. L. statement. Mr. Davenport apparently obtained his information from a list issued by the Associated Willkie Clubs of America. All but 4 of the contracts there listed are with street-railway or bus employees; transportation properties have been segregated from the 10 recognized Commonwealth & Southern subsidiaries and put under a separate corporation, the Transportation Securities Co. These contracts represented collective-bargaining relationships established years ago, prior to the formation of Commonwealth & Southern and Mr. Willkie's connection with it.

There are four companies with contracts covering power utilities proper. Of these, South Carolina dates from 1912 and Georgia Power from 1919—17 and 10 years, respectively, before Commonwealth & Southern was formed. That may be the reason for the A. F. L. understatement. Of the other two contracts, Gulf Power (1939) is the smallest of all the subsidiaries, and Central Illinois Light (1940) was signed a month before the Republican convention. The list, significantly, does not include the three important subsidiaries cited by the New Republic as guilty of specific unfair labor practices—Alabama Power, Consumers Power, and Ohio Edison.

Mr. Davenport makes no mention whatever of the overwhelming evidence of unfair labor practices cited in great detail by the New Republic: (a) That the National Labor Relations Board found three Willkie subsidiaries guilty of interfering with the self-organization of employees by the promotion of company unions; (b) that these company unions had been fostered to fight both the A. F. L. and the C. I. O.; (c) that the Board found Consumers Power guilty of flagrant intimidation and coercion of active union members; (d) that Consumers Power violated its agreements with

the C. I. O. The first agreement with that company, made in 1937 following a strike, was signed by Mr. Willkie himself, but the management almost immediately proceeded to violate it by promoting its company union, spying on C. I. O. meetings, and discriminating against C. I. O. members.

On the basis of the record it may be fair to say that where Mr. Willkie found labor contracts existing he left them undisturbed, but where labor sought recognition his companies successfully resisted collective bargaining except in three cases—the least important subsidiary (Gulf Power), a subsidiary where the issue became acute 1 month before the nominating convention (Central Illinois Light), and the subsidiary where, as we have stated, he reportedly attempted to make an alliance with labor to fight the T. V. A. (Georgia Power).

2. "The writer suggests * * * that Mr. Willkie is responsible for such criticisms as may be made of the organization of Commonwealth & Southern and its common-stock exchange offers." But, according to Mr. Davenport, this suggestion, and the entire thesis of our section, Mr. Willkie in Business, falls to the ground because Commonwealth & Southern was incorporated May 1, 1929, and offered its exchanges of stock on June 12, whereas Mr. Willkie did not become counsel for the corporation until October 1, 1929.

What the article set out to prove was not that Mr. Willkie was personally responsible for these matters, but that he was not entirely candid when he said, according to James C. Hagerty in the New York Times of July 16, 1940: "I am very proud that I had nothing to do with that phase of American economic life. * * * I found myself in complete accord with Speaker Bankhead in his condemnation of speculative orgies of the 1920's." What the article charged was: "So in the spring and summer of 1929 Mr. Willkie, giving the lie to the noble defiance of evil speculation expressed by Candidate Willkie in 1940, saw nothing wrong with what the bankers were doing with Commonwealth & Southern. When the chance came to become an insider himself, he acted as though Commonwealth & Southern were the best fraternity in the campus." Note that these sentences say explicitly that the bankers did the job, that Mr. Willkie saw nothing wrong with it, and that soon afterward he joined the organization.

Of course, Mr. Davenport might argue that Mr. Willkie, with childish innocence, did not know what the bankers had been doing—although many prominent men were attacking holding-company abuses and predicting calamity. But the periodical of which Mr. Davenport was managing editor before the campaign—Fortune—wrote about Wendell Willkie in May 1937: "He learned so much about the business that when Commonwealth & Southern was formed he was invited to join John C. Weadock as the corporation's counsel in New York." It may be added that the Akron Co. which Mr. Willkie represented before his move to New York was merged with a Youngstown company to make Allied Power & Light. This company was originally valued at $3,600,000 and was written up to $18,000,000 in the big merger, as a subsidiary of Commonwealth & Southern. Did Mr. Willkie also not know that this was going on?

3. Mr. Davenport repeats Mr. Willkie's sweeping denial that any Commonwealth & Southern Co. ever employed labor spies, but includes no evidence in support of the denial. He offers again the explanation that the detectives were hired only to check up on streetcar fares. Since no new defense is here presented, we can only refer our readers to the full reply to this denial in our issue of September 16, "Mr. Willkie pleads guilty." We might add that several of the Commonwealth & Southern Cos. shown by the La Follette committee to have hired labor detectives have no transit lines.

4. Without evidence or argument Mr. Davenport denies several other statements. On these we must rest until we are presented with some good reason to revise them. We trust that Mr. Willkie, as promised in the last sentence of the letter, will write a full answer to the supplement. When he does so we shall be delighted to publish it and to acknowledge any errors we may have made. The New Republic has no pretense to infallibility. But if the replies so far received are a sample, we do not believe any material corrections will have to be made.

So far the replies have either answered charges we did not make, or offered corrections in immaterial details. The point of the labor section, for instance, was not the number of union contracts under Commonwealth & Southern—the statement concerning them was made incidentally near the end of the article. The chief point, of which no refutation has been attempted, was that in important instances subsidiaries fought unions and defied the Labor Relations Act.

Mr. NORRIS. Now we come to another matter to which the Senator referred. It is the case of Chattanooga, and, incidentally, Mr. President, the principal statements of record which I put in my address the other day which the Senator from New Hampshire undertook to answer stand now, after his speech, uncontradicted in any manner. He does not deny them; he cannot deny them, because I included in full in my address which the Senator from New Hampshire was criticizing a letter written to Willkie. The letter is in the RECORD of September 27, 1940, and refers to the Chattanooga case. The letter was directed to Mr. Willkie himself by the president of the bogus organization that was fighting in behalf of Mr. Willkie to defeat the bond issue. On the investigation he was put on the stand; that letter was produced, and I read it to the Senate. In the letter the writer calls Mr. Willkie's attention to the fact that they had been unsuccessful in their fight—he does not say so, but, as a matter of fact, they were defeated two to one in the election—and says that they have a large deficit; a few hundred dollars over $10,000, and he asks Mr. Willkie to contribute. The Commonwealth & Southern, Mr. Willkie's corporation, had already contributed $10,000 in that fight. In answer to that letter there came a communication with the memorandum in it enclosing a check of the Commonwealth & Southern for $10,000 to make up the deficit. That stands undisputed; nobody has denied it; there is not any question of its truth.

Mr. Willkie's friends spent something over—I think the letter stated—$23,000 or $24,000 in that fight alone, that one little municipal fight. Those on the other side spent slightly more than $1,500 in the same fight.

Mr. President, that is another example. Everyone who refers to the Chattanooga fight in which Willkie's company participated and which it financed almost entirely, everyone who is trying to call attention to those facts is charged with trying to smear Willkie.

In connection with the case of the Chattanooga News, which was one of the oldest newspapers in the South, it suspended publication, it was sold, and went out of existence. Mr. Willkie was not entirely to blame for that; I never claimed that he was. The newspaper had financial difficulties, but it ceased publication because the Willkie crowd and those who held the indebtedness combined their forces. Willkie took away its advertising entirely; the newspaper was unable to meet its financial obligations, which were not extended 1 hour of time, although money was raised by the employees of the newspaper, amounting, I think, to $5,000 to liquidate a particular claim. The creditors refused to accept it because they had already taken possession; they said they would not give it up; and so the newspaper went down.

That is not the only instance of private power companies killing a newspaper. Mr. President, that is a common practice; it has been going on for 25 years. It was a disgraceful episode, it seems to me, and, despite claims of belief in the freedom of the press, one can go back over the history of the Power Trust and find all along its pathway the ruins of newspapers which it has killed in this way or that way—newspapers which they could not buy.

The Chattanooga News gave up its life; it had to, because it stood for what it believed was a wise policy. It won the fight in the election but lost its life in doing so.

It seems to me, Mr. President, that I should not miss the opportunity now of going a little further into Chattanooga affairs because of a matter which happened to come to my desk Saturday. The claim is always made—I referred to the claim when I made my speech the other day about Mr. Willkie—that public-power companies do not pay taxes, and I was trying to show—and I think did show—that the T. V. A. wanted to pay the same taxes that would be paid from all electric operations as though they were privately owned instead of publicly owned. There came to me, as I said just a few days ago, a demonstration of what is going on in Chattanooga on that score. Here, Mr. President and Senators is a lithographed copy of a check [exhibiting] drawn by the public-power facilities of Chattanooga for taxes amounting to $131,220.66 city taxes, paid by the electric power board.

The electric-power board issued a little statement as follows:

> The treasurer of the city of Chattanooga yesterday received a check for $131,220.66 in settlement of current city taxes on the local electric distribution system taken over by the electric power board on August 15, 1939. This is at the rate formerly paid on its properties by the Tennessee Electric Power Co.

That is a subsidiary of Mr. Willkie's corporation which owned it when the property was sold to the T. V. A. and to various municipalities.

> The electric power board pays out approximately 8 percent of its total income directly for taxes and, in its payments to T. V. A. for wholesale current, an additional 5 percent of the board's income is made available for replacement of taxes by T. V. A.

These taxes are not the only taxes paid by the T. V. A. The T. V. A. pays taxes upon all their transmission lines, their generating systems, everything they own attributable to power. This $131,000 is merely the taxes on the local distribution system.

The electric power board goes on:

Thus 13 percent of the board's income goes for taxes, which is comparable to the national average of 14.3 percent paid in taxes in 1938 by the privately owned utilities of the United States.

While saving the consumers of electricity $1,700,000 a year, the electric power board is replacing the taxes formerly paid by the privately owned utility, equalizing wages of its workers at a cost of $25,000 a year, maintaining its bond expenses—and still is accumulating a surplus for expansion and upkeep of its distribution system.

ELECTRIC POWER BOARD OF CHATTANOOGA.

Mr. President, a newspaper there, in giving an account of this matter, had quite a statement to make. This payment for taxes was not for an entire year; it was for only 10½ months of operation; that is all. In that statement, which I shall ask to have printed in full at this point in my remarks, the newspaper gives some very fine illustrations of what is being done. It says:

Public power is paying off early to get 1 percent cash discount, just like private power did.

From the record that has been made by public power, it would seem that it is a good time for a number of important people and institutions in Chattanooga, including a couple of good newspapers, to start publicly apologizing to the people for the bad advice handed out prior to and during the power referendum. But these same fellows, particularly the editors, are so busily engaged right now in handing out equally bad advice about whom to vote for President that they doubtless have no time for retractions.

All of which is by way of poking a little fun at the fellows who thought that we were crazy for advocating public power. Seriously, the present cooperation of many of those who once opposed the private-power program is responsible for much of the success of that program.

I ask unanimous consent to have printed in the RECORD at this point in my remarks the entire article from which I have just read an excerpt.

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

The article is as follows:

CITY RECEIVES $131,546 TAXES FROM THE C. E. P. B.—PAYMENT IS SAME AMOUNT AS T. E. P. CO.'S, WILHOITE SAYS—CHECK TO AID CITY

A check for $131,546.12 was paid into the city's coffers by the Chattanooga Electric Power board yesterday, representing taxes due on properties and assets of the board for the year 1940.

This is the same amount of taxes as paid by the Tennessee Electric Power Co. before its properties in Chattanooga were assumed by the board on August 15, 1939.

The $131,546.12 check was turned over to City Treasurer Alvin Shipp by L. J. Wilhoite, chairman of the board. Superintendent S. R. Finley, Secretary Noble Simmons, and F. K. Rosamond, city auditor, were present.

The city treasurer stated that the payment of the power board taxes one day before due was "indeed welcome," as the city has due the first week of October, which is the first week of the city's fiscal year, a school pay roll of $97,000 and an interest payment of $90,000.

Commenting on the tax payment afterward, Mr. Wilhoite said that it was being made primarily to bring to the attention of the people of Chattanooga the fact that those who "so loudly proclaimed" that public power would mean tax losses to the city and increased taxes on real estate "didn't know what they were talking about."

By acquiring their own power-distribution system, people of Chattanooga have obtained for themselves an annual saving of more than $1,500,000 on their power bills and at the same time paid all the costs of owning and operating the power system, paid taxes to themselves in the same amount that the private company was paying and didn't have their taxes on real estate or anything increased a penny, Mr. Wilhoite pointed out.

"It will be recalled that Willkie told the Military Affairs Committee of the House that he would like to see us let alone to 'stew in our own tax juice.' Stewing in their own tax juice is costing the people of Chattanooga about $2,000,000 less than stewing in Mr. Willkie's private power juice," Mr. Wilhoite stated.

A JAB AT OPPONENTS

Taking a good-natured poke at people, institutions, and a couple of good newspapers, he declared that now is the time for them to "start publicly apologizing to the people for the bad advice handed out prior to and during the power referendum."

"These same fellows, particularly the editors, are so busily engaged right now in handing out equally bad advice about whom to vote for President that doubtless they have no time for retractions," Wilhoite said.

His statement follows:

"The power board is paying into the city general fund today $131,546.12, this sum being equivalent to the taxes which the city lost on account of the acquisition of the properties of the Tennessee Electric Power Co. by the board.

"This tax-equivalent payment is being made today primarily for the purpose of bringing to the attention of the people of Chattanooga the fact that those who so loudly proclaimed that public power would mean tax losses to the city and increased taxes on real estate didn't know what they were talking about, but were simply the victims of private-power propaganda.

"By having sense enough not to allow this tax bugaboo to scarecrow them into continuing the private power, people in power in Chattanooga, the citizens have presented themselves with an annual saving of more than $1,500,000 on their power bills, and, while they were making this $1,500,000 presentation to themselves, they paid all the costs of owning and operating the power system, paid taxes to themselves in the same amount that the private company had been paying and didn't have their taxes on real estate or anything else increased 'one single red penny.'

"On the contrary, they have during the initial fiscal period of their public power operation actually gotten their real-estate taxes reduced 40 cents on each $1,000 valuation.

"It will be recalled that Mr. Willkie told the Military Affairs Committee of the House that he would like to see us let alone to 'stew in our own tax juice.' Stewing in their own tax juice is costing the people of Chattanooga about $2,000,000 a year less than stewing in Mr. Willkie's private-power juice. Stewing in public power tax juice is like sitting on an iceberg, compared with stewing in private power electric rates.

"Of course, we could say that this tax-equivalent payment is being made early in order to give the city the advantage of early tax receipts in meeting its current obligations. That is what the private power company always said. It will be recalled that on one occasion the private power company actually kept the schools from being closed, according to newspaper ballyhoo. So, you newspaper fellows can say that public power is keeping open the schools and is patriotically coming to the aid of the city in an hour of need by putting the tax-equivalent on the barrelhead early—all of which would be pure 'bunk' just like it was when you wrote that kind of tripe about private power a year ago.

"Public power is paying off early to get 1 percent cash discount just like private power did.

"From the record that has been made by public power, it would seem that it is a good time for a number of important people and institutions in Chattanooga, including a couple of good newspapers, to start publicly apologizing to the people for the bad advice handed out prior to and during the power referendum. But these same fellows, particularly the editors, are so busily engaged right now in handing out equally bad advice about whom to vote for President that they doubtless have no time for retractions.

"All of which is by way of poking a little fun at the fellows who thought that we were crazy for advocating public power. Seriously, the present cooperation of many of those who once opposed the private power program is responsible for much of the success of that program."

Mr. NORRIS. I received at the same time, from the electric power board, a report for that period of 10½ months. I desire to read some of it. I wish every Senator could read this report. It is practically the same in other cases. I read from page 3:

ELECTRIC POWER BOARD OF CHATTANOOGA,
*Chattanooga, Tenn., August 24, 1940.*

*To the Board of Mayor and Commissioners, City of Chattanooga, Chattanooga, Tenn.*

GENTLEMEN: In accordance with the requirements of chapter 455, section 12, Private Acts 1935, amending the charter of the city of Chattanooga, the Electric Power Board of Chattanooga is submitting herewith a financial statement showing the financial operations and financial condition of the electric distribution system for fiscal year ending June 30, 1940.

The balance sheet shows total assets of $15,633,999.57, including current cash assets of $677,846.07. The sinking and other funds contained cash of $290,041.27. Liabilities consist principally of a $13,200,000 issue of electric power revenue bonds and a $100,000 issue of general obligation bonds.

The statement of net revenues and appropriations thereof shows a gross electric operating revenue from August 16, 1939, through June 30, 1940 (10½ months), of $3,166,578.38. Operating expenses, including purchase of total power requirements from the Tennessee Valley Authority, maintenance, provision for depreciation and taxes, totaled $2,405,362.75. Purchased power expense was $1,284,417.06; other operation expenses, $489,525.25; maintenance expenses, $99,639.52; provision for depreciation, $287,814.42; and taxes, $243,963.50. The net operating revenue after these expenses—

Listen to this—

was $761,215.63. To this is added income from interest on certificates of deposit of $773.39, making a net earned revenue of $761,989.02.

From this net earned revenue of $761,989.02 have been made deductions for interest charges on long-term debt amortization of debt premium and expenses (net) and other interest charges, totaling $280,765.41. This leaves a net revenue to the board for the 10½

months' period of $481,223.61 available for appropriations. Of this amount the sum of $225,000 has been appropriated to the legal reserve for bond retirement and $105,000 for additions and extensions to the electric system. The board thus finishes the fiscal year with an unappropriated net income of $151,223.61. From this unappropriated net revenue a deduction for loss on operations prior to August 15, 1939—

That is before they took it over—

of $17,554.56 has been made, leaving a balance of unappropriated net revenues of $133,669.05.

Basic T. V. A. rates, without surcharge, have been extended to all customers, thereby saving them during the first 10 months of public operation approximately $1,417,367. It is interesting to note, since the figure is a tangible measure of the value of the public power system to the people of the Chattanooga area, that the savings to customers plus the unappropriated earned surplus for the entire 10½-month period of public operation amounts to almost $1,600,000—$1,551,036.05.

Yours very truly,

ELECTRIC POWER BOARD OF CHATTANOOGA,
L. J. WILHOITE *Chairman.*

Mr. President, that has not anything to do with the criticism Mr. Willkie made; I admit that; but it seems to me to be so pat to show what has been going on in 10½ months in Chattanooga that I thought the Senate would be interested in it.

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

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Vermont?

Mr. NORRIS. I yield to the Senator from Vermont.

Mr. GIBSON. I am quite interested in that matter. Can the Senator tell me the base rates of the T. V. A. for the ordinary house?

Mr. NORRIS. Yes. I may be mistaken on the details. I am not mistaken as to the rate, but I may be as to the number of kilowatt-hours that must be consumed. I think the rate for the first 40 kilowatt-hours is 3 cents a kilowatt-hour. I do not know what the limit is. The next is 2 cents a kilowatt-hour, and the larger amount, I think 200 kilowatt-hours, or something of that kind, at 1 cent, and after that I think the rate is 7 mills.

Mr. GIBSON. Do they have a minimum charge?

Mr. NORRIS. Yes. I think it varies with the different localities, but usually is 75 cents or a dollar.

Mr. GIBSON. They have no such thing as a room rate, or anything of that nature?

Mr. NORRIS. No.

Mr. GIBSON. It is merely a flat rate, depending on how much current consumers use?

Mr. NORRIS. Yes.

Mr. GIBSON. And the Senator thinks it starts at 3 cents?

Mr. NORRIS. I know it starts at 3 cents. That is the highest point of the schedule, 3 cents a kilowatt-hour, and a comparatively small amount of electricity is furnished at that rate, before it drops to 2 cents.

Mr. GIBSON. Then they are reducing their bonded indebtedness?

Mr. NORRIS. Oh, yes.

Mr. GIBSON. At a faster rate than was anticipated?

Mr. NORRIS. Yes; I think in every case. One of the cooperative institutions, which has been operating since the beginning or near the beginning of T. V. A., has paid off its entire indebtedness. Then it cut down the rate. Instead of 3 cents they made the top rate 2½ cents. It is only a question of a few years before the top rate will be 2 cents, or probably less. So that the average rate at this time is probably less than a cent a kilowatt hour, or not much more than a cent.

Mr. GIBSON. Does not the Senator think that perhaps some of the private power companies, if they had to pay off their bonds and not refund them, or retire their preferred stock, would work down to the point where they would have to charge as low rates?

Mr. NORRIS. Practically so. The only thing preventing their coming clear down to the low rates of T. V. A. would probably be the dividend question. Of course, the T. V. A. pays no dividends to anyone. No one owns any stock in it.

Mr. GIBSON. But if the bonds were retired, and the preferred stock were retired, there would remain only the simple proposition of a reasonable return on invested capital.

Mr. NORRIS. That is all. Mr. President, with respect to my criticism of the way in which Mr. Willkie was nominated, I have received a large number of communications. Practically every one of them has given me facts and incidents. I shall not burden the Senate with them, but I wish to read at this point an editorial from the Cleveland News which I understand is a supporter of Mr. Willkie. At least it says:

THE NEWS STANDS FOR—

ROBERT A. TAFT for President.
Better administration at less cost.
Equalization of the national labor law.
Improved city transportation and more bus lines.
More recognition for Cleveland's cultural life.
An up-to-date metropolitan zoo.

This is the editorial to which I refer, published June 26, 1940:

THE HIGH-PRESSURE GAME

Regardless of the virtues and defects of their candidate, the high-pressuring tactics being used by New Yorkers in Wall Street and other high places on behalf of Wendell Willkie for the Republican nomination are approaching a scandal.

Ohio delegates to the convention are being called by businessmen of their home cities and told "be for Willkie or else." These Ohio businessmen are in turn being called by business leaders in the Wall Street sector and advised to contact their delegates.

The names of millionaire New York bankers, brokers, and utility chiefs are mentioned at Philadelphia as doing actual lobbying on the scene or by phone from "the street." Party Treasurer E. T. Weir is advising Willkie's nomination if the party wishes to raise money for the campaign.

These people were for Landon to a man in 1936, but Landon was overwhelmed in the election. It is not the businessman's vote which the party needs in November. The party will not get the other votes if these crude pressure tactics continue. Are they necessary, if Willkie is the spontaneous messiah his advocates claim?

That was "before taking," I suppose. The party is probably taking a different kind of medicine now.

Mr. President, I wish to put into the RECORD at this point a letter from Charles J. Thielen, an attorney at law, of Humphrey, Nebr., on this very subject—the Philadelphia convention, and how it was manipulated. I ask unanimous consent to have it printed in the RECORD at this point in my address.

The PRESIDING OFFICER. Is there objection ?

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

CHAS. J. THIELEN,
ATTORNEY AT LAW,
*Humphrey, Nebr., September 28, 1940.*

Hon. GEO. W. NORRIS,
*Washington, D. C.*

DEAR SENATOR: I am extremely happy to think you are actively engaging in the campaign against Willkie. I am particularly pleased that you have exposed the flood of telegrams sent to delegates on convention date. I presume it is not unknown to you that broadcasting stations at short intervals would announce and urge sending of telegrams to delegates to vote for Willkie. I listened to WOW, Omaha, and WJAG, Norfolk, and I venture to say that these announcements were repeated no less than 10 times over each station during the course of the balloting. What I should like to know is, Who paid for these announcements. If this was repeated over all the stations in the United States, and I cannot see why the two above-mentioned stations should be singled out, you can imagine that it cost someone a pretty penny. Who was that someone? Why not have an investigation to find out who that someone was. It smelled rotten to me the night of the convention and it seems to me the stench is getting worse as the campaign progresses.

Sincerely yours,

CHAS J. THIELEN.

Mr. NORRIS. Mr. President, criticism of the Philadelphia Record was made by the Senator from New Hampshire [Mr. BRIDGES] in his address. I do not know that he used the name of the newspaper, but he referred to it—I will not quote his language now—in very disrespectful terms. In other words, this newspaper was put in the class with me, and with the New Republic, which he said was a lying sheet because it asked Willkie a number of questions. But he did not tell what the questions were, and so I shall read them into the RECORD:

Mr. Willkie, we ask you who killed the Chattanooga News, for two reasons:

First, because at Cheyenne, Wyo., on July 23, you declared that "a free and untrammelled press is one of the guaranties of democracy."

Second, because the Tennessee Utilities Commission found your power company—Tennessee Electric—guilty on 917 counts of "using unlawful devices" to destroy the Chattanooga News by illegally helping its competitor which was "friendly" to your interests. Tennessee Electric was a subsidiary of your Commonwealth & Southern.

What is the truth, Mr. Willkie?

Do you believe in freedom of the press for all of the press?

Or only for those newspapers which do not stand in your way or in the way of your corporations?

The public is entitled to a clear answer.

You naturally know all the facts in this case, because the killing of the Chattanooga News took place while you were president of Commonwealth & Southern.

Milton's paper first supported T. V. A., then favored a publicly owned power plant for Chattanooga. What followed? We refer you to the records of the Tennessee Utilities Commission, which show—

(a) That your company withdrew its advertising from the Chattanooga News after a competitor, the Free Press, had been set up in business by a group of men whose chief stockholder was Silas Williams, an attorney for your Tennessee Electric Power Co.

(b) That your company was found guilty of turning over to this Silas Williams the sum of $10,000 "under the guise of counsel fees, * * * all of which the said Williams shortly turned over to the Free Press in ostensible consideration for the issue to him of certain shares of stock."

(c) That your power company bought $19,303 worth of advertising in the paper set up to fight the Chattanooga News, and paid an advertising rate "far in excess of the regular rates"—about 25 percent higher—the only conclusion being that your company paid more than it had to as a subsidy.

(d) That your company granted a 5-percent discount on the power bills of the Free Press, even after they had become delinquent, and when, according to your company's advertisements, they were not subject to discount.

(e) That your company further gave indirect financial help to the publisher who was fighting the Chattanooga News by giving him 5-percent discount on the bills of some forty-odd grocery stores in which he was interested.

(f) That when the congressional committee investigating T. V. A. came across this whole episode, its counsel, Francis Biddle, declared: "Tennessee Electric has been subsidizing the Chattanooga Free Press."

There were 909 other counts on which your company was found guilty—of trying to destroy a newspaper whose policies it didn't like.

As directing head of the corporation in control of this situation, we'd like to hear your explanation, Mr. Willkie.

What finally happened to the Chattanooga News?

Surely you recall, Mr. Willkie, that it was sold by the sheriff to the Free Press, the same paper the Tennessee Utilities Commission said had been subsidized by your power companies.

The News was sold even though, in its last days, it was breaking about even while the company which bought it was then supposed to be losing money.

The News was sold even though its own employees raised $15,000 at the last minute, by mortgaging their homes and cashing their savings, in an effort to preserve their jobs.

The News was sold—and a lot of people are still wondering where its competitor got the money to buy it.

Sold, Mr. Willkie—and then killed. That was the fate of the Chattanooga News, the newspaper which stood in your way in Tennessee.

What could other American newspapers expect, Mr. Willkie, if you were to become President—and they were to oppose your policies?

Would they share the same fate?

You've been reading the papers of Mr. Justice Holmes lately. Maybe you observed his famous phrase: "Freedom of speech means freedom for the thought we hate as well as for the thought we love."

Freedom of the press, Mr. Willkie, means fredom to applaud you or to criticize you, freedom to support you or to oppose you.

From the time your company first turned on the heat of its financial power down to the very last kilowatt-hour, the Chattanooga News was no longer free.

It was electrocuted.

Maybe you'd like to tell us why.

That is from the Philadelphia Record. The reason "why," if there be any reason, was told by the Senator from New Hampshire a few days ago, when he referred in a disgraceful and reprehensible manner to that newspaper for asking those questions.

Talk about the freedom of the press, Mr. President. It is unknown in some quarters.

The Senator from New Hampshire is particularly malicious about the T. V. A. That was referred to in the letter of Francis Biddle, which was placed in the RECORD by the Senator from New York [Mr. MEAD] the other day. Read the speech of the Senator from New Hampshire. Note the language he uses in reference to Mr. Biddle. Is Mr. Biddle a cut-throat? Is he a thief? Is he a robber or a murderer? Have his youth and the remainder of his life been a disgrace and a dishonor? We all know Francis Biddle. We may agree with him or not, but if we are honest we must say that he is a scholar of the highest repute, that he is an honorable man, that he is an able man, that he is a courageous man. He was the attorney selected by the Senator from Ohio [Mr. DONAHEY], who is not now present in the Senate chamber, who was chairman of the Joint Committee Investigating T. V. A. activities. Ask the Senator from Ohio what he thinks of the T. V. A. Enormous burdens fell upon the shoulders of Francis Biddle during that long tedious investigation. Throughout the whole of the investigation he conducted himself with honor, with ability, with fairness and with unmistakable courage.

The Senator from Ohio has often said to me that the committee was most fortunate in securing as its attorney a man of the courage and ability of Francis Biddle. How did the Senator from New Hampshire refer to Mr. Biddle? He referred to him in language which I shall not repeat, language which is entirely out of place, language which can impute to Mr. Biddle no honor, no ability, no purpose, but in which he is described as a slave without any degree of honor. The language used by the Senator is, I think, disreputable.

Senators all heard read the letter which came from Francis Biddle in reply. In that letter he referred to what the Senator from New Hampshire had said on the Senate floor many months ago in speaking of the activities of the T. V. A. The Senator then spoke of the purchase of a jackass. I have before me the language used by the Senator, but I shall not repeat it now, because I do not think it is proper to be used in a respectable assembly.

Mr. Biddle in his letter referred to the statement by the Senator from New Hampshire in which he charged that the T. V. A. bought a jackass. That charge was true. The Senator from New Hampshire on the 9th day of March, 1939, stated in the CONGRESSIONAL RECORD, page 3107:

> The T. V. A. purchased a jackass for $2,500, plus $2,080 traveling expenses, total $4,580, and sold him for $300.

Why did the Senator make that statement? It is true that in connection with experimental farm operations the T. V. A. bought a jackass and paid $300 for it. It is also true that the T. V. A., after using it for a season, sold it for $350, and that is all there is to it. But the T. V. A. had bought such things as a mechanical jack. What did the Senator from New Hampshire wish to convey to the Senate when he stood in his place on the 9th day of March? Again he wanted to injure the character of the men in the T. V. A. He wanted to convey the idea that they were dishonest and disreputable, and he made his statement out of whole cloth. What was his object? Did he wish to deceive the country or the Senate? On the spur of the moment no one could deny the statement he made. While no Senator believed the statement, Senators were not in a position to deny it, because they realized there was a possibility of such a thing having occurred.

Mr. President, it seems to me the Senator showed his malice, and showed it without any reason or cause, against men who could not be here to speak for themselves. He charged that the T. V. A. bought a jackass for $2,500, and the traveling expenses in connection with the purchase, he said, were $2,080. He said the jackass cost a total of $4,580, and that the T. V. A. sold it later for $300. We all know that is not true. When the statement was made everyone knew it was not true. However, we passed it by and said nothing about it, because the Senator from New Hampshire has a reputation for making statements of that kind. The Senate knows that when the Senator from New Hampshire gives figures they probably are not entitled to very much consideration unless they are corroborated in some way. A statement of fact made by the Senator from New Hampshire, without corroborative evidence, is not even prima facie evidence that the statement is true.

Mr. President, what could have been the object of the Senator from New Hampshire? It seems to me that only one of two conclusions could be reached; either that the Senator

from New Hampshire was trying to deceive the Senate and the country as to the facts or he was controlled by such a superignorance that he did not know the difference between a jackass and an ordinary mechanical jack used in building operations. I have many quotations made by the Senator similar to that. It would seem that everyone who does not agree with him is disreputable, dishonest, or there is something else wrong with him.

Mr. President, I wish to recur now to the Senator's reference to my own State. I ask unanimous consent to have printed in the RECORD an article by V. T. Boughton, managing editor of the Engineering News-Record of New York.

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

[From the Engineering News-Record of April 27 and May 25, 1939]

WATER POWER IN NEBRASKA

(V. T. Boughton, managing editor, Engineering News-Record)

Five years ago Nebraska began the public development of the State's water-power resources with money from the Public Works Administration in the form of loans and grants. To date the Federal Government has made commitments totaling about $60,000,000 to three public power and irrigation districts having water-power development as a major part of their programs. These are the Platte Valley public power and irrigation district, the Central Nebraska public power and irrigation district, and the Loup River public power district. Local people have contributed about $200,000 for promotional work in these districts.

Widely characterized as Nebraska's "little T. V. A.," these public-power and irrigation projects have been the subject of much adverse comment by those who are opposed to their construction. Total costs have been declared to be so high as to put the unit cost of power and irrigation water beyond reason; question has been raised as to whether any considerable amount of firm power can be produced because of the uncertainty of the water supply; power markets have been declared to be lacking, and the operating difficulties of the two completed projects have been held up as evidence of the impracticability of the undertakings. As a consequence, unbiased information concerning the undertaking is hard to obtain.

Opposition to the projects is both local and national. Locally the opposition is due chiefly to factors peculiar to the region in which the projects are being built. In the first place, water in Nebraska is a valuable commodity, which is jealously guarded by those who need it to irrigate their lands. People on existing irrigation projects who have seen the Platte River go dry and their crops burn up are violently opposed to further drafts for any new combined power and irrigation project. Quite naturally the privately owned power companies are opposed to the projects, but it is rather surprising to find the power companies supported by town officials in communities having municipally owned power plants. The reason for this is found in the fact that the relatively high rates charged by these plants bring in a tidy income, which carries a large part of the municipal expenses, and the town officials see in the public-power districts a move to confine surpluses to a general reduction in domestic rates.

But for engineers the Nebraska undertakings hold out much wider interest than those that lie in the controversial subject of public versus private power development. First, there are completed or under construction three hydroelectric power undertakings that are unique both as to design and as to cost of construction; and, second, there are questions of water conservation and use which are important for all concerned with development of the water resources of the arid regions of the West. To date, three diversion dams and two reservoirs have been built, 88 miles of power canals have been dug, and three power plants of moderate size have been put into operation. Now under construction is the Nation's second largest earthfill dam, a fourth diversion dam, 67 miles of power supply canals, three more power plants, 102 miles of main irrigation canals, and 540 miles of small laterals.

POWER AIDS IRRIGATION

Nebraska's climate ranges from subhumid along the eastern edge to semiarid in the west, with a wide central area where there is insufficient rainfall for crop production. Dry farming has been practiced extensively in this area, a large section of it having been put under cultivation in the war days when wheat prices were high, but there is evidence everywhere that the record has been one of frequent crop failure especially in the recent dry years.

Irrigation of land in the wide, flat valley of the Platte River was begun in a small way as far back as 1866 and has gradually expanded to include about 200,000 acres now under irrigation canals. But the flow of the Platte River is so uncertain in the central part of the State that these bottom lands have not always been able to obtain from direct flow as much water as they needed, and stored water has not been available. Lands at higher elevations never have been reached, and yet they need little water in normal years to make them suitable for a wide variety of crops. Rainfall in Phelps, Kearney, and Adams Counties, where the lands now being irrigated lie, averages 24 inches per year, while 36 inches is needed to carry crops to maturity. Hence the irrigation system is designed to supply 12 inches per acre, or about 200,000 acre-feet for the work now in hand, which combines storage with use of any available direct flow.

Schemes for providing irrigation water for the fertile lands lying south of the Platte River in the central part of the State have been actively promoted for many years, but as the low flow of the North Platte River—the principal source of water for the south-central area—is overappropriated, these schemes were largely based on storage and use of floodwaters which come down both the North and South Platte in large quantities every spring. Storage, however, was difficult to obtain. Because the river bottoms are wide and the underlying material porous, the construction of on-river reservoirs long appeared too costly. On the other hand, the off-river storage sites were neither large nor numerous, and the amount that can be diverted into them during the short flood season is limited by the amount that can be carried through long supply canals. Some of these studies of off-river sites indicated that power could be developed in bringing water down into the valley from storage reservoirs in the hills, but in all cases costs appeared prohibitive.

This was the situation when, in 1933, the National Recovery Act was passed, and it soon became evident that liberal Federal aid would be available to foster construction of projects that could not be financed if required to repay their full cost out of earnings. The same year the Nebraska Legislature passed an act providing for the establishment of public power and irrigation districts and authorizing the district to borrow money from the Public Works Administration on loans secured by the potential earnings of the district.

POWER DISTRICTS FORMED

Among the first power districts to be organized was the Platte Valley Power and Irrigation District to build what is commonly known as the Sutherland project. It was followed by the formation of the Loup River Public Power District for construction of the Columbus project, a power project without irrigation features on the Loup River, and subsequently by the formation of the Central Nebraska Public Power and Irrigation District to build what is commonly known as the Tricounty project, a project that then was expected would be able to supply irrigation water to about 500,000 acres and would develop a large amount of power. Also organized were two smaller irrigation projects on the North and Middle Loup Rivers. Neither of these latter included the development of power as part of its undertaking but both were authorized to buy or generate and distribute power.

The basic scheme around which the three major projects were designed is the same. The valleys of all the rivers in central Nebraska are wide and flat and are flanked with low hills of loess or fine sandy material. The valley slopes are gentle and the only way in which heads for power development can be obtained is through the use of long canals leading water out of the bottomlands into the hills and then carrying it downstream many miles to some point where the river swings close enough to the hills to permit the water to be returned to the river channel through a power plant. This results in long canals through loess and sandy material—too many miles to make lining feasible—and calls for many structures to take care of cross drainage. Storage reservoirs must be formed in shallow basins by the use of long and fairly high earth dikes. The general drop of the rivers is about 7 feet per mile; that of the canals, 2 to 3 inches.

Construction of the Sutherland project was begun in August 1934 and it was put into service in December 1935 but trouble with ice developed almost immediately and the project did not begin to produce power commercially until February of this year. Details of its design and of its troubles with canals and structures will be given in a subsequent article. Its power plant develops an average head of 204 feet and contains 2 units of 18,000-horsepower capacity having an output of 13,000 kilowatts at 90 percent power factor and using 900 second-feet of water.

The water used by the Sutherland project belongs to irrigators below the tailrace of its power plant. Floodwaters stored in Sutherland reservoir are to be sold to those irrigators to help pay for the project.

Construction of the Columbus project was begun late in 1934. The Loup River on which it is built has a much more uniform flow than the Platte, hence water supply was not a major question, but a most difficult problem was presented by the fact that the river carries a large quantity of silt. The silt problem will be taken up in the subsequent article.

The Columbus project has two power stations designed to use a uniform draft up to 3,000 second-feet supplemented by pondage for peak loads. The Monroe station contains three 3,200-horsepower units developing a head of 32 feet, and the Columbus station has three 18,000-horsepower units developing a normal head of 112 feet. The system has been in operation since September 1938.

Work on the Tricounty project of the Central Nebraska Power and Irrigation District was begun in the spring of 1936 but active construction was held up for many months by legal questions. The project differs from the other two in that it includes construction of a reservoir of 2,000,000 acre-feet capacity near Keystone above the intake of the Sutherland project for the storage of floodwaters of the North Platte. The district has rights only to floodwaters. Water released at the dam is to be picked up below the tailrace of the Sutherland power plant and run through the three power stations of the district before it is delivered to irrigators down in Phelps, Kearney, and Adam counties.

Work on the Tricounty project is now well along; it is scheduled for completion in 1940. Its three power stations are designed for a flow of 1,800 second-feet supplemented by pondage and some off-river storage. They will have an installed capacity of 54,000 kilowatts.

WATER SUPPLY

Water supply was a major problem of the Sutherland project and still is for the Tricounty project. Now that the Tricounty district is building its big storage reservoir just above the intake of the Sutherland project a water supply is assured for the irrigators whose water the district uses for power development because they have first claim to enough water to meet their authorized appropriations. And while there is no question but that the storage of 2,000,000 acre-feet behind Kingsley Dam (formerly called Keystone) would meet both the needs of these and other power appropriations and would still leave ample to irrigate the lands under the canals of the Tricounty project, there is question as to whether there are enough floodwaters in the North Platte River to fill such a reservoir and keep it replenished annually. Studies of records for the past 20 years indicate that such a reservoir would have been filled to overflowing in all but 4 years. Current studies show that from October 1 of last year to March 1 of this year 584,700 acre-feet passed the gaging station at Overton, Nebr. Of this amount 150,000 acre-feet would have been released to meet the needs of the water-power plant at Kearney, leaving 434,000 acre-feet that could have been stored in 5 months, with the period of melting snow yet to come.

A major cause for uncertainty arises from the fact that the United States Reclamation Bureau is now beginning to store water behind Seminoe Dam for the irrigation of 66,000 acres in the Kendricks project near Casper, Wyo. The Seminoe Reservoir has a capacity of 1,070,000 acre-feet. What effect this storage will have on the flow of the North Platte is unknown, as the flow in central Nebraska will depend in some part upon the return flow from the irrigated land in the Kendricks project. Officials of the Tricounty projects hold that their rights to the waters of the North Platte are superior to those of the Kendricks project.

On the other hand, a favorable factor in the water-supply situation will be the start of the diversion of water from the headwaters of the Colorado into the headwaters of the South Platte River as planned for the Colorado-Big Thompson project now under construction in Colorado. This diversion should add to the low flow of the South Platte River, aiding the irrigators below the confluence of the South and North Platte and so making possible the storage of more water in the Kingsley Reservoir.

Another factor favorable to the success of the present undertaking is a finding by the Nebraska Supreme Court to the effect that the central Nebraska district may not take water out of the Platte River Valley for the irrigation of lands lying over in the Republican River watershed, as was proposed when the district was organized. This reduces the land under the tricounty irrigation canals from 500,000 acres to 220,000 and materially reduces the amount of water that will have to be drawn from the Keystone Reservoir. Thus the carry-over will help to offset any shortage in dry years.

SUTHERLAND POWER

The Sutherland project began commercial sale of power in February of this year, and since March 1 the average daily output has been 115,000 kilowatt-hours, the peak being about 70 percent of the capacity of one of the two generators in the power station. Power goes to local private power companies, to municipalities, and to other public power districts. This load is about 40 percent of the designed capacity. Within a few weeks the contractors at Kingsley Dam will begin hydraulic fill operation, which, when the dredges are up to capacity, will require about 240,000 kilowatt-hours per day. That work will continue until September 1940, and by 1941 the district officials believe that they will have built up a sufficient market to take over that power.

The total amount advanced by the P. W. A. in the form of loans and grants is $11,226,000, of which a considerable sum is still available for working capital during the load-building period. About $700,000 annually is required to pay interest, amortize the loan, and operate the plant. Of this, $100,000 will come from water users as soon as water can be stored in Sutherland Reservoir. The power output of the system should be about 100,000,000 kilowatt-hours annually. Deducting line losses, this power can be sold for about 7½ mills per kilowatt-hour and yet produce enough income to provide the remaining $600,000.

LOUP RIVER POWER

Last year the two power stations of the Columbus project produced 46,000,000 kilowatt-hours as against 188,000,000 kilowatt-hours estimated as the average annual output of the project. It is expected that the output will be up to about 90,000,000 kilowatt-hours by the end of this year.

The district has $9,000,000 in bonds outstanding. Interest, amortization and operating cost amount to about $870,000 per year, which means that the average income from the power should be 4½ or 5 mills. The district has had an offer of 5 mills from private power companies for all the power it can produce, but its officers believe that one of their functions is to build up the local use of power, especially in the rural areas. Consequently the district is doing all it can to help the local districts of the Rural Electrification Administration, of which there are now 28 in the State. At the present time 2,500,000 kilowatt-hours of the Columbus output is going to the R. E. A. districts throughout the State, power being sold to the various districts at 1 cent per kilowatt-hour average. The Loup district has 378 miles of rural line built and contracts let for 170 miles more. Lines are built where an average of 2.2 customers per mile can be obtained. Of the 830 customers already signed up, 305 are connected to the system. Average sales were 66.3 kilowatt-hours to purely rural customers in January.

TRICOUNTY POWER

A study of the flow of the Platte River between 1895 and 1909 shows that there was sufficient water, supplemented by storage in the Kingsley Reservoir, to have operated the three power plants of the district at 100-percent capacity factor for the whole period. From 1910 to 1916 an average of about 90 percent could have been maintained; from 1917 to 1931, 100-percent capacity factor would have been possible; and from 1931 to the end of 1937 a reduction to about 50-percent capacity factor would have been necessary due to the long drought. The average annual generation of the district over the 43½-year period studied would have been 353,368,000 kilowatt-hours. These figures are based on assumed evaporation losses from the reservoir 25 percent higher than available data would indicate will occur, and on the assumption that the reservoirs and canals are full at all times. Losses from the canals which were being seasoned last year were somewhat less than one-tenth of 1 percent per mile, which is lower than the loss figure used in this study.

Under normal conditions there is a considerable increase in the flow of the river between the site of Kingsley Dam and the diversion dam just below North Platte. This pick-up amounts to 1,500 second-feet during the nonirrigation months and to 2,500 second-feet during the irrigation months, but these figures were reduced by 50 percent in making the flow studies. Due to the conformation of the river valley, seepage losses from the Kingsley Reservoir are expected to reappear downstream.

With the bonded indebtedness of the district being $19,793,000, 40 percent of which is charged to irrigation and 60 percent to power, and with annual power operating costs estimated at $196,000, the district expects to be able to sell its power at 7 mills per kilowatt-hour.

POWER INTERCHANGE

Negotiations are now nearing completion for an interchange of power between the Platte Valley project, the Loup project, and the tricounty project by which it is hoped to be able to make the most advantageous use of the water resources of the three districts. Upon completion of Kingsley Dam it will be possible to about double the firm power of the Sutherland system by diverting water for the tricounty project through its canals and power station. But without this added water the Sutherland project is expected to be up to its designed capacity by 1942. Officers of the Loup River Public Power District estimate that upon completion of the pending agreement for the interchange of power with the other two power districts they will be able to build up their load to a paying basis by 1943.

If a projected plan for setting up a State-wide public-power system through the purchase of existing privately owned power companies by the public-power districts is consummated, the Loup district should be on a paying basis by 1942. Late last year it looked as though the State-wide scheme would soon be an accomplished fact, but uncertainty as to what the State legislature will do has postponed further action until it adjourns.

ECONOMIC JUSTIFICATION

From the economic angle, it would probably be easy to show that for the total investment—including both P. W. A. grants and loans—these projects never can pay on a purely bookkeeping basis. But it must be recognized that they were undertaken as part of the Nation's great program of creating employment through the construction of useful projects, and that as such they have created a large amount of continuous employment for a great many people. And having been carried out by normal methods as undertakings of the public-power districts, the work being let out by contract under the supervision of regular engineering forces rather than as relief operations, the employment created has been altogether normal in character. And one cannot traverse the area in which this work has been carried out without seeing on every hand the evidence of intangible benefits which cannot be easily evaluated on a dollars-and-cents basis.

Charging off the P. W. A. grants against the intangibles, there is substantial evidence that income from the power developments and from the sale of irrigation water will repay the loans from the Federal Government. And it should be noted that the Government subsidies do not bring the power costs down to the point where the public power districts can take business away from the private companies by undercutting their rates; the success of the public power-development schemes appear to rest on the ability of the districts to build new business.

Looking upon these Nebraska projects as pioneering attempts to promote and coordinate the development of natural resources as public undertakings, little can be found to criticize and much will be found to commend. Though fostered by Federal aid, their major virtue lies in the fact that they are essentially local in character, unmistakable evidence of the willingness on the part of local people to risk something in the development of the region in which they live.

Seepage, bank slumping, and ice were the chief sources of early trouble in Nebraska's water-power developments that were described in the issue of April 27, page 546. They still are major sources of trouble, but the engineers are confident that their worst troubles are behind them and that such as remain can be eliminated. Silt was expected to be a big source of trouble on the

Columbus project, but, due to the success of the silt-handling facilities put in when that project was built, silt disposal has become largely a matter of routine.

SUTHERLAND PROJECT

The Sutherland project of the Platte Valley public power and irrigation district was the first to be built. Its supply canal (fig. 2) takes water from behind a diversion weir across the North Platte near Keystone, carries the water through a winding canal of 1,750 second-feet capacity along the south side of the valley, then through a cut 140 feet deep to a 7,400-foot concrete siphon 14 feet in diameter which crosses under the South Platte at Paxton. The siphon discharges into an open canal in the hills to the south of the river which carries the water east again to Sutherland Reservoir, a total distance of 32.3 miles. The reservoir is a basin of 175,000 acre-feet capacity formed by rolled fill dikes. It was designed for a draw-down of 55 feet, that depth being used to store floodwaters to supplement the limited supply of irrigators taking water from the river below the confluence of the North and South Platte.

From the reservoir a canal of 1,400 second-feet capacity, 19.2 miles long, leads to a smaller regulating reservoir from which water is drawn for the Platte Valley power plant, where an average head of 204 feet is developed by two hydroelectric units of 13,000 kilowatt capacity. Below the power plant a 2½-mile tailrace returns the water to the river below the town of North Platte. Thus the water taken out at the diversion dam travels about 55 miles through canals and reservoirs before it is returned to the river.

One of the obvious difficulties of this long canal system is the light and porous nature of the soil through which the canals were to be built. The canals were too long to be lined throughout, hence seepage losses were expected to be large during the early period of operation, and slumping of banks at some points was anticipated. In sections where physical conditions called for a slope steeper than 1 on 1½, the canal was lined; in the other sections it was hoped that deposits of the fine silt carried by the river would reduce seepage losses to a negligible quantity within a few years after putting the project into service.

TROUBLES DEVELOP

The project went into service in December 1935, in a limited way to season the canals and reservoirs, but it soon had to be closed down due to partial failure of the drop structure in which water from the supply canals goes down into the Sutherland reservoir. During the three following years the project was out of operation most of the time due to numerous troubles, including two breaks in the siphon under the South Platte River, difficulties with ice in the canal and at the control structures, and seepage from the canal in regions where it is built above ground.

Ice troubles in the supply canal were due chiefly to the rapid changes that occur in the rate of flow of the North Platte River in winter when practically the whole volume of the river is diverted into the canal. Thus it often happens that a flow of 1,500 second-feet drops to 200 second-feet in 2 or 3 hours, and increases occur just as rapidly. Without control of the water level in the canal, ice that formed on the surface would drop to the bottom of the canal. The ice in falling pulled loose much of the 2-inch shotcrete lining in the lined sections. With an increase in flow it was picked up and carried downstream to form ice jams.

CAUSED PAXTON FAILURE

It was such a jam that was responsible for the failure of the Paxton siphon on February 3, 1937. Ice, piling up behind a control structure, caused a surge that overtopped the banks at the south end of the siphon scouring out the bank, undermining the siphon and causing the collapse of its southern end. This break was repaired and the system put into operation again on March 3, only to have the southern end of the siphon collapse again on March 30. The cause of the second collapse never was definitely fixed, there having been no ice in the canal and no abnormal hydraulic conditions. One theory put forward is that a large quantity of ice from the initial break fell into the hole scoured under the outlet end of the siphon, was buried there by the wash from the siphon, and was not discovered when the hole was refilled. Melting of this ice with the warmer weather resulted in settlement and collapse of the siphon.

The original control structures consisted of a series of openings about 6 feet wide in which operators could place stoplogs to keep the water surface nearly constant. As the piers between these openings checked the movement of ice they have been removed and levels now are maintained by the use of hand-operated steel gates placed in the wider openings.

In places where the canal banks have slumped badly the slope has been reduced from 1 on 1½ to 1 on 2, curves have been protected against erosion by a gravel blanket and where bad seepage developed clay blankets have been placed. Silt deposits are slowly reducing the minor seepage losses.

The damaged 2-inch shotcrete lining has been replaced with thicker slabs of concrete poured in place on the canal slopes.

SEEPAGE FROM RESERVOIR

The high embankments forming Sutherland Reservoir were built of carefully controlled rolled fill and were lined with concrete, but seepage developed when filling of the reservoir began. It was of such magnitude as to interfere with cultivation of land below the reservoir, hence the reservoir never has been filled to within 30 feet of its top.

Silting of the reservoir bottom is slowly checking the seepage. When visited this spring, the flow from under the main embankment amounted to about 2 second-feet.

Seepage may yet add materially to the cost of these projects, as the State supreme court recently upheld an award of $7,100 damage to a farmer whose land was put out of use by seepage from the Sutherland Reservoir.

Diversion of water into Sutherland Reservoir was resumed in November 1938, and the power plant was put into operation in December of that year. Production of commercial power was begun in February of this year and has been uninterrupted since then, despite partial failure of the lining of the stilling basin at the outlet of Sutherland Reservoir late in March. The lining has been repaired temporarily.

LOUP RIVER SILT

Silt has long been recognized as a major obstacle to the development of power on the Loup River because the stream carries from 0.05 to 2.0 percent of silt and it is planned to use almost the entire flow during periods of low water.

The Columbus project of the Loup River public-power district consists of a low-diversion dam and skimming weir about 5½ miles above the town of Genoa, a desilting basin 200 feet wide, 10,000 feet long, and 16 feet deep, and a second skimming weir at its lower end from which a canal 11½ miles long and having a capacity of 3,000 second-feet extends to a power station just north of the town of Monroe. This station contains three hydroelectric units of 3,200 horsepower each, developing a head of 32 feet. From this plant the low-line canal extends 13 miles to a regulating reservoir 3 miles north of Columbus, having a total capacity of 11,000 acre-feet, of which 6,000 acre-feet is usable for power generation. A supply canal 1½ miles long and having a capacity of 4,800 second-feet extends from the reservoir to the Columbus power station, which contains three hydroelectric units of 18,000 horsepower capacity each. Below this station a tailrace 5½ miles long carries the water to the Platte River just below the confluence of the Platte and the Loup.

Water is drawn into the Loup River over a long skimming weir along the north bank of the river. This provides the first step in the desilting operation. Sluice gates in the main river weir at the lower end of the skimming weir make it possible to flush silt from in front of the skimmer. The second and final stage of desilting is in the long stilling basin, which, according to the first plans approved by the P. W. A., was to be equipped with a dredge mounted on a gantry spanning the basin and capable of traveling its full length. This dredge was to pump silt from any point in the basin to a concrete and steel flume on the river side of the basin which would discharge it along the river bank below the dam at points where it would be carried away during high water. As now operated, a 28-inch floating dredge of the dust-pan type has been substituted for the gantry dredge of the dustpan type has been substituted for the gantry flume, but at the present time it is being discharged over the bank to fill low land along the river.

Present practice is to operate the dredge from March to December on one 8-hour shift per day. This is with a diversion of about 600 second-feet, or about one-quarter of the proposed rate of 2,400 second-feet when the power plant is up to capacity. Pumping 65 cubic feet per second, the dredge removes about 1,200 cubic yards per hour. As power is used during off-peak periods, the cost, based on a plant output of 200,000,000 kilowatt-hours, is about $0.00054 per kilowatt-hour.

To date the much-discussed silt problem of this project has given the operators little trouble. Samples taken from the canal below the desilting basin have a silt content of one-tenth of 1 percent.

Ice piled up in front of the intake last November and for a time reduced the amount of water that could be taken in. However, it did not cause a complete shut-down of the plant. An ice boom was installed in December, and no further ice trouble developed.

Little trouble has been experienced with the canals of the Columbus project. Learning from the difficulties of the Sutherland project, the engineers made the canal slopes flatter and avoided sharp changes which would disturb the ice cover. The results so far have been very satisfactory.

SEEPAGE LOSSES

A major problem in the operation of the Columbus project is seepage in areas below the regulating reservoir back of Columbus, and at some points below the supply canal. Parts of the canal system have been in service now for 3 years. In these sections the seepage has reduced materially each year and little further trouble is anticipated. Borrowpits that were full of water at first are now dry and some meadows that were too wet for crops the first year were used for crops last year. Water has been in the reservoir for 2 years but has been maintained at a low level to minimize seepage losses. About 1,000 acres of land in areas lying to the north and south of the reservoir have been affected by seepage, but here also the blanketing of the reservoir bottom with fine silt is materially reducing the seepage loss. Much of the area affected had little natural drainage. A drainage ditch, cut by the district, has materially helped the situation, and little trouble is anticipated during the growing season this year. Farmers whose lands are put out of production are paid on the basis of what the land would have produced in good years, which has been a very satisfactory arrangement for the farmers in the past two dry seasons.

LESSONS PUT TO USE

Lessons learned on the Sutherland and Columbus projects are being put to use on the tricounty project, now under construction. Most notable is the location of the canals far enough back into the hills to get the flow line below natural ground level,

thus avoiding the long wet embankments of the Sutherland project that resulted from efforts to do the work at the lowest possible cost.

By carrying the canal back into the hills it has been found possible to use natural valleys for considerable lengths of the canal, closing off the lower end of valleys with a dam, taking the local drainage into the canal, and cutting through to an adjoining valley at the upper end. Flumes and siphons have been avoided wherever possible, as they are sure to cause rise or fall in the water surface of such long canals as are required for that project. Control structures have been designed to present the least possible resistance to the movement of ice that may be freed in the canal. The natural stilling basins where valleys are used for the canal are expected to be useful in controlling ice.

ENGINEERING

In the previous article the economic aspects of these power and irrigation projects were discussed. The projects are also interesting from an engineering angle as demonstrating what can be done in developing power on rivers having as flat slopes as the Platte and the Loup, and as showing the pitfalls to be avoided. Much has been said about the engineering mistake and failure of structures during the early stage of this work. Even those most directly concerned are frank to admit that mistakes were made, but they were due almost entirely to the speed that was demanded by the P. W. A. in order to get the work under way and to the consequent lack of adequate knowledge of underground conditions, soil behavior, and the like. Preliminary designs had to be hastily made and yet could not be extravagant on the side of conservatism because it was known from the start that costs would be high.

Taken as a whole, the engineering work has been skillfully done and there are many ingenious examples of doing what engineers are supposed to do, make a dollar go farther than it would in the hands of untrained men. Skillful planning of the grading and earth handling operation has resulted in remarkably low bids for the vast amount of earth moving involved in the Tricounty project.

One fact that impresses the outsider visiting the project is the extent to which the engineering work now is being directed by local men. In the past, Nebraska had few engineering projects, hence it was to be expected that outside engineering talent would be brought in on these large projects when they were first begun. Thus the firm of Parsons, Klapp, Brinckerhoff & Douglas, of New York, was engaged for the Sutherland project and the Harza Engineering Co., of Chicago, was engaged to handle the engineering work of the Columbus project. But now the engineering is largely in the hands of native Nebraskans. Hence the engineering set-up also serves to emphasize the local character of the undertaking, as contrasted with the T. V. A. where all the money and most of the engineering talent has been and still is imported.

On the two projects that have passed from the construction to the operating stage, I. B. Jones, long associated with irrigation work in the arid West, is now in charge of civil-engineering work of the Sutherland project and Fred C. Albert, a native Nebraskan, is in charge at Columbus. D. J. DeBoer is chief engineer.

On the tricounty project the engineering has been chiefly local since its start, but the district staff has had the advice of the Fargo Engineering Co., of Jackson, Mich., and numerous consulting engineers in special fields. George E. Johnson, former State engineer of Nebraska, is chief engineer and general manager, and R. O. Green is assistant chief engineer in charge of the field work. George N. Carter is resident engineer at Kingsley Dam, D. A. Buzzell was hydraulic engineer until a few weeks ago, W. J. Turnbull is soils engineer, and I. W. Barber is materials engineer. On the electrical side, E. E. Chilberg is electrical engineer, and Andrew McCall is resident engineer in charge of powerhouse construction. Johnson, Green, Turnbull, Carter, and Buzzell all are men who gained some or all of their engineering training in Nebraska.

Mr. NORRIS. So far as I know, this engineer is not a friend of public power. I do not know the man personally, but I have read his article. He does not agree with me all the way through. He does not throw many bouquets at the Nebraska project; but evidently he was out there and made an examination, and he wrote this article, printed in the Engineering News Record. From his viewpoint I presume it was perfectly fair. Disagreeing with him in some respects as I do, I still believe that it was an honest effort on his part to tell the truth about it.

Mr. President, I have probably not referred to all the things to which the Senator from New Hampshire referred in his address. As I said at the beginning, I do not consider any of it worthy of a reply. Considering the charges he made against everybody who does not like Mr. Willkie, I do not believe it is an address which has any place in the United States Senate. Mr. Willkie is a candidate for President. His record ought to be an open book. Men honestly disagree as to the qualifications he possesses to be President. I have no personal ill will against him. Many men do not like President Roosevelt. They have a right to dislike him. Never once have I raised my voice against any man who wanted to criticize him, even though I thought the criticism was unjust and unfair. But because one is supporting Mr. Willkie or fighting him, or supporting or opposing Mr. Roosevelt, is no reason why Members of this body, which ought to be above reproach, should point to him with scorn and derision. It seems to me that is what has been done by the Senator from New Hampshire. I protest it. I denounce it. It has no place in this Chamber.

Men are often driven away from expressing their ideas by the attitude of those who take the position which the Senator from New Hampshire takes. Intelligent, honest, patriotic, but modest men do not like to be called thieves or rascals, or ridiculed because they have expressed their opinions about a man running for public office. I can see no excuse for that kind of conduct, except to scare men away from expressing their opinions.

It is not pleasant or agreeable to have to be held up before the people of the country as almost a criminal, as one who lacks wisdom or patriotism, or, as in the case of the references to myself, as one who is injuring his own people at home, trying to rob them, deceive them, and have them engage in projects which are said to be doomed to failure. All that may be true. I do not know what nature has in store; but judging the future by the past, I wish to take my attitude as having respect for those who do not agree with me, but no respect for those who denounce me as a bad man because they do not agree with me. I have no respect for the man who carries that kind of allegations into politics.

After all, is it any defense for Mr. Willkie if I have robbed my people in Nebraska? Is it any defense for Mr. Willkie if Francis Biddle is not an honest man? Is it any defense for Mr. Willkie that he has killed one of the oldest newspapers in the South? Is it any defense for him that he is engaged, as the power interests have been engaged for 25 years, in destroying everybody and everything which stands in his way? If we call attention to it, if we cite the record, if we quote his own words, we are denounced as numskulls, idiots, and worse.

That is what I wished to answer in the address of the Senator from New Hampshire. I have no objection to him because he wants to do everything he can to help Mr. Willkie. That is his privilege. But it is not honest or fair to denounce as a rogue or a rascal everybody who disagrees with him.

Mr. President, on September 15, 1940, at 7 p. m., there was a joint debate in the American Forum of the Air. The Senator from New Hampshire was one of the speakers, as was Secretary Ickes. Secretary Ickes quoted a great many assertions which had been made by the Senator from New Hampshire with reference to President Roosevelt. They were just as far away from the truth as were some of the other statements to which I have been referring with reference to the men I have been talking about today. I listened to that address. I listened to the charge made against the Senator from New Hampshire by the Secretary of the Interior, in which he quoted what the Senator had said and then told him what the truth was and what the record showed. I expected, when the Senator from New Hampshire got his chance to speak at that forum—which I knew he would have following Secretary Ickes—that he would give some explanation of the statements he had made, and either support them or give some reason why he had made such misstatements about the President of the United States. He never referred to them in his reply. He made nothing except a cursory reference to the charges against him. They did not amount to anything. They did not score with him. It made no difference to him that he had made a misstatement about a public official. He went right on with other charges.

I ask unanimous consent to have printed in the RECORD at this point in my remarks the address of Secretary Ickes on the occasion to which I refer.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Is there objection to the request of the Senator from Nebraska?

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AMERICAN FORUM OF THE AIR

Subject: The New Deal and National Defense. The National Press Club, Washington, D. C., Sunday, September 15, 7 p. m.

REMARKS OF SECRETARY OF THE INTERIOR, HAROLD L. ICKES, IN DISCUSSION WITH SENATOR STYLES BRIDGES AND OTHERS

THE NEW DEAL AND NATIONAL DEFENSE

Mr. Chairman, I am delighted to assist in bringing, at long last, the distinguished senior Senator from New Hampshire, the official spokesman for Wendell Willkie and the Republican National Committee, before the microphone tonight. Recently I made a radio speech and Mr. Willkie announced in advance that the Senator had been detailed to reply forthwith. But when I had spoken, Mr. Willkie instructed the Senator not to reply and to cancel his radio time.

Now, this was a very hard thing for the Senator to do, because I understand that no radio time had been contracted for that he could cancel. It was just another bit of Mr. Willkie's showmanship. However, it was widely proclaimed by the partisan press that the nonexistent time of the Senator had been abandoned. Thus, Mr. Willkie truly left his "Bridges" burning behind him.

The subject that we have agreed to discuss is the New Deal and National Defense. On this subject there is much misinformation abroad in the land. The Republican platform—do you remember it?—viewed with alarm the New Deal record on defense, and Candidate Willkie, the refugee from Wall Street, did likewise in his speech back on the farm at Elwood. Senator BRIDGES, or the Republican National Committee for him, promptly issued a supporting statement—if a declaration that is barren of truth can be said to be supporting. I quote directly:

"Roosevelt slept as Germany armed. With $18,000,000,000 of blank checks, which he could spend wholely at his own discretion, he built with these funds not one battleship, not a plane, not an antiaircraft gun, not a single tank."

You will note that the Senator's criticism is directed at the 7 years prior to 1940. It has nothing to do with the present defense program, on which you are all so well informed that I could add little.

Fortunately, I can help the Senator tonight to clear away whatever confusion and misapprehension he may have caused. I am sure that he will welcome my efforts in this behalf. I can do this readily because, as Federal Public Works Administrator for 6 years, I am personally familiar with the record.

First, let us take the statement that the President did not build a plane with these funds. I am sure, Senator, that, as a patriotic American citizen, you will be glad to be told that this is a total error, as you might have ascertained from detailed reports made to Congress and to the public. Nor are these planes on paper, as your Mr. Willkie says; they are in commission right now.

You said, "Not a plane," Senator. As a matter of fact, fleets of planes for both the Army and the Navy were built with Public Works Administration emergency funds allotted by the President. With just 1 allotment, more than 100 planes, not to mention spare engines, parts, radio equipment, and bombing and armament appliances, were provided for the Army. With the same allotment, 130 planes, ranging from bullet-swift fighters to giant flying-boat patrols and bombers were provided for the Navy. This allotment was made by the President from P. W. A. funds in November 1933, at a time when Mr. Willkie, the great utilitarian, considered it his most patriotic duty to devote himself to the preservation of public utilities, privately owned. Incidentally, Mr. Willkie's utilities are protected tonight by these very planes, while utilities in other lands, however owned, are being bombed.

Is it possible, Senator, that your chief, Mr. Willkie, who offers himself as an informed leader in these critical times, does not know this? Or is it possible that the statements attributed to yourself and to Mr. Willkie were made for political purposes with intent to mislead the country?

I might tell you also that President Roosevelt used emergency funds to build more than 50 military airports throughout this Nation. These funds were also used to construct naval aircraft carriers, to build hangars and production facilities all over the country, and to provide the vital instrumentalities of aeronautical research now serving so well at Langley Field, Va., and in other laboratories that have put American aviation out in front.

Let us continue, Senator. I remember one single P. W. A. allotment of $10,000,000 to begin the motorization and mechanization of our Army, including armored vehicles, thus actually laying the foundations for the motorized army that we are building today.

This $10,000,000 allotment was made in December 1933, years before German panzer divisions showed the world the tremendous striking power of such equipment. I might also tell you that the same emergency funds helped to provide the Army with a network of 74,000 miles of strategic highways, vital to industrial and military mobilization, and indispensable to a mechanized army, together with useful bridges, grade crossings, viaducts, and similar facilities.

In addition to airplanes for the Army and Navy, one single allotment of approximately $9,000,000 from P. W. A. emergency funds was provided by President Roosevelt in July 1933 for the manufacture and modernization of ordnance, the improvement of arsenals, and the renovation and preservation of ammunition. The President also made possible the reconditioning and modernization of our 75-mm. guns.

Don't they tell you these things, Senator? They report them in the papers. But we must be getting along.

You said, Senator, that the President had "$18,000,000,000 dollars of blank checks, which he could spend wholely at his own discretion." That, Senator, is probably the most barefaced distortion of them all—and one which, as a Senator, you should have known better than to make. You know full well that, with few exceptions, the Congress dictated the purposes for which emergency funds might be spent.

As to the first P. W. A. appropriation in 1933 under the N. I. R. A. Act, the President relied upon a permissive sentence and allotted funds for defense purposes. This action was met by a storm of criticism, much of it by the same newspapers and politicians who are now, as hindsighters, assailing the President for doing all that he could of what they now say he should have done more of.

As a result of this violent criticism, when another P. W. A. appropriation bill was before the Senate in 1935, an amendment, originally offered by Senator Borah, took away any possible discretion on the part of the President to make military or naval allotments. This is the distinguished body of which you are an energetic member, Senator.

The defense allotments that I am referring to were all made more than 5 years ago. Didn't you know that, Senator? Of course, it happened before you got here, but the proceedings of the Senate are not a closed book to you, and you owe it to yourself to investigate the record to avoid making a misstatement of fact. In relation to total armament needs, of course a billion dollars may not now seem like a large amount for defense. But when it is considered that the President allocated this total amount out of funds originally intended principally for public works and work-relief projects, it is an outstanding accomplishment. So much so that the Senate saw fit to prevent similar expenditures from 1935 on.

As a matter of fact, Senator BRIDGES, if you had been a stickler for the truth, instead of saying that the President had $18,000,000,000 in blank checks which he could have spent for any purpose, you would have made it clear that, from 1935 on, Congress, by stipulation, amendment, and specific legislation, made it illegal for him to use some $18,000,000,000 of emergency funds for military purposes.

Five years ago your Mr. Willkie may have been so busy fighting the Government development of electrical power that now serves defense needs that he did not know what the President was doing in the way of building up the Army and the Navy, but you, as a Senator, could have told him the facts. You know because you have voted on some of these matters. In fact, Senator, the CONGRESSIONAL RECORD discloses that you and your partisan associates, who are now supporting Mr. Willkie, voted regularly for laws and amendments to prevent, or reduce, or curtail, or restrict these emergency-funds appropriations. Inasmuch as you have fought against providing such funds in any form for the President, one is bewildered that you should now complain that more money was not spent.

But let us proceed, Senator. As I have shown, long before the world found itself in its present plight, President Roosevelt's foresight provided funds for military airports such as Mitchel and Randolph Fields; for engine tooling; for arsenal tools, which today are being worked at top speed; for civil aviation, which is a vital corollary of military aviation; for naval shore works, such as bases, shops, water-front developments, piers, dikes, bulkheads, boilers, machine shops, cranes, storehouses, shipyards, and docks; for Army posts, National Guard armories and camps; for military and naval hospitals, for rifle ranges and proving grounds, and other defense purposes.

Senator, the fact is that, during the last 7 years, while President Roosevelt has expended over $1,000,000,000 of emergency funds in projects directly related to national defense, large additional sums were expended for facilities pertaining to defense, such as veterans' hospitals, railroads, drydocks, dams, and ocean terminals. And this is why, with no thanks to Mr. Willkie or his current party, tonight we have a stronger Nation, more capable of quick and efficient mobilization than if your personal theories of defense had prevailed.

But let us proceed, Senator. You said that the President, with these funds, had built not one battleship, nor could you find any other naval construction financed from emergency funds. Yet, tonight on the high seas and at American naval bases are a whole fleet of vessels constructed with emergency funds. These naval vessels guard our shores in a world gone mad. They protect your and my democratic right to debate here tonight. They also make it possible for Mr. Willkie to stage his "Me, too, but—" campaign.

Let us name a few of the vessels that were built as part of this P. W. A. fleet. Included are the *Yorktown* and the *Enterprise*, laid down in 1934 and launched in 1936. Each is a 34-knot, long-range ship capable of carrying 100 aircraft. Each has 120,000-horsepower turbines, driving quadruple screws, and each is manned by 1,788 men of the United States Navy, ready to go anywhere at any time. In this P. W. A. fleet there are also 4 cruisers—the *Vincennes*, the *Philadelphia*, the *Savannah*, and the *Nashville*, in full commission; 4 heavy destroyers—the *Porter*, *Selfridge*, *MacDougal*, and *Winslow*; 16 fully armed, 1,500-ton destroyers; 4 submarines; 2 gunboats; and 18 cruising cutters and patrol boats.

In fact, Senator, this P. W. A. fleet was the largest single peacetime addition ever made to the United States Navy. From Harding to Hoover, Republican administrations sent American men of war scut-

tling to Davey Jones' locker. Today, thanks to the New Deal, we have the biggest and finest peacetime fleet in our history.

Despite this official record, Senator, you have charged that "Roosevelt slept as Germany armed."

Apparently, Senator, neither Mr. Willkie nor yourself has ever heard that the first emergency funds made available to Franklin D. Roosevelt after he became President were those in the original National Industrial Recovery Act, which became law on June 16, 1933. And on that very day—in fact, simultaneously with the signing of this New Deal legislation—the President issued an Executive order allotting $238,000,000 for the construction of the naval vessels that I have referred to. Here, Senator, for your information, is a photostat of that order.

Senator, I have stuck to the text. Mr. Willkie and yourself, and all of your king's horses at Republican national headquarters, couldn't find that a penny of emergency funds had been spent during the past 7 years for defense. I have shown you that a billion dollars were spent directly on defense while the Wendell Willkies of the United States were fighting against all emergency expenditures.

Senator, you have not merely missed the boat; you have missed the whole fleet.

Mr. NORRIS. Mr. President, I ask to have printed in the RECORD as part of my remarks a portion of an article published in PM, of Monday, July 8, 1940. The article refers to a Republican delegate to the Philadelphia convention, whom I spoke of, for which I received some criticism. I wish to call attention to the fact that the same man whom I previously mentioned, on the same day that I saw him, gave an interview to a representative of PM, the New York daily.

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

SOUR TASTE

One important, though little-mentioned, subject Willkie may spend some time on today is the preconvention campaign that catapulted him over Dewey and TAFT. The high-pressure tactics of some of his followers have left a sour taste in the mouths of some of the hardiest and most loyal delegates, including a member of the committee appointed to notify him of his nomination.

Gould Dietz, of Omaha, a member of the Republican Notification Committee, talked frankly and critically during a week-end stop-over in the Capital, about what he described as the high-pressure campaign at the convention. He said friends had telephoned, telegraphed, and written in an effort to get him to vote for Mr. Willkie. Some of them even tried to influence him through his wife, he said.

Mr. Dietz, a retired businessman, said that although he was for Mr. Willkie now that he was the Republican nominee, he was not sure the support shown for the public-utilities executive in telegrams and letters to delegates represented the views of the average voter.

BLAMES SUPPORTERS

Blaming Mr. Willkie's supporters, rather than the nominee himself, Mr. Dietz was indignant at some of the tactics used. He said one petition with about 40 signatures, sent on paper with the letterhead torn off, was obviously from employees of the Omaha Power Co. The Omaha delegate was particularly incensed at this one, which said, "We demand that you vote for Willkie."

"I don't like to be told how to vote," Mr. Dietz commented bitterly. "I want to make up my own mind."

Another appeal for a Willkie vote, Mr. Dietz said, came to him from an American in Mexico, an official of the Standard Oil Co. He said most of the pressure came from similar sources.

Few men have served at more Republican conventions than Mr. Dietz. He has been on every notification committee since the nomination of Charles Evans Hughes in 1916. Mr. Willkie will be the seventh nominee he has helped to notify. He can hardly be classified as an upstart in the Republican ranks.

Mr. McKELLAR obtained the floor.

RIVER AND HARBOR DEFENSE IMPROVEMENTS—CONFERENCE REPORT

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

Mr. McKELLAR. I yield.

Mr. BAILEY. I submit the conference report on House bill 9972, being the river and harbor defense improvement bill, and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9972) authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, and 6; and agree to the same.

JOSIAH W. BAILEY,
MORRIS SHEPPARD,
HIRAM W. JOHNSON,
*Managers on the part of the Senate.*

J. J. MANSFIELD,
CLAUDE V. PARSONS,
ALBERT E. CARTER,
GEO. A. DONDERO,
*Managers on the part of the House.*

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

Mr. AUSTIN. Mr. President, I have been requested to suggest the absence of a quorum at the conclusion of the remarks of the Senator from Nebraska.

Mr. McKELLAR. Mr. President, I do not yield for that purpose.

Mr. AUSTIN. Then the Senator withdraws his yielding for the purpose of considering the conference report?

Mr. McKELLAR. I have already yielded for that purpose.

Mr. AUSTIN. I object, unless a quorum is present.

Mr. MALONEY. Mr. President, will the Senator yield to me?

Mr. McKELLAR. I have already yielded to the Senator from North Carolina.

Mr. MALONEY. I thought perhaps I might help to clear up this difficult situation. I am wondering if it might have been as the result of a request I made that the Senator from Vermont is about to suggest the absence of a quorum at this time. I was temporarily called out of the Chamber.

Mr. AUSTIN. It may be; but I can clear up the question immediately. It was said that the Senator from Connecticut had requested a quorum call. I interpreted that statement as meaning the junior Senator from Connecticut [Mr. DANAHER], who is now present.

Mr. McKELLAR. I hope the Senator will not suggest the absence of a qorum at this time.

Mr. NORRIS. Mr. President, I wonder if the Senator from North Carolina will wait until later to bring up the conference report. He can submit it at this time, and ask for its consideration a little later. I shall not object to the conference report, but I wish to make a few remarks in regard to it.

Mr. BAILEY. Mr. President, all I wish to do is to get this legislation through the Senate today, and, if possible, through the House today. I understand the chairman of the committee on the House side wishes to go home and will probably leave today. It is important that we undertake to secure final action. However, I am not in the humor to insist too much upon anything. If the proposed legislation should go over for the session, it would not very greatly disturb me, but I should like to have action upon it.

Mr. AUSTIN. Mr. President, if the Senator will further yield, in view of the presence in the Chamber of the Senator who wished to have me suggest the absence of a quorum, I should like to withdraw my objection. I leave it to the Senator from Connecticut. If he is entirely willing to go ahead without a quorum, I certainly am.

Mr. BAILEY. Mr. President, if the Senator will permit me, I will explain that the House receded on all the Senate amendments except two. Those two were the amendments concerning projects, one for Connecticut and the other for Nebraska. The conferees on the part of the Senate were greatly disappointed that they could not persuade the conferees on the part of the House to accept those amendments, but the House conferees frankly informed us that if we should insist on the amendments and they should go to a vote on the House side, they would be overwhelmingly defeated, and possibly the whole bill would be put in jeopardy. It was only in view of that situation that the Senate conferees brought back the report as it is. We could not induce acceptance of those amendments, although we made the effort in the best of faith.

I regret to disappoint the Senator from Nebraska and the Senator from Connecticut, but I wish to assure them both that the House position is that these two projects are essentially flood-control projects and should be referred to the Committee on Flood Control in the other House. The Flood Control Committee of the House also takes a similar position. I have assurance from the chairman of the Flood Control Committee of the House that each of these projects will be taken care of early in the next session, so I do not think any great amount of time will be lost. That is all I have to say. I understand that the Senator from Connecticut will speak very briefly, and also that the Senator from Nebraska will speak briefly.

Mr. NORRIS. Mr. President, will the Senator yield? I should like to say just a few words.

Mr. BAILEY. I have finished.

Mr. NORRIS. Mr. President, I appreciate very fully the position in which the Senate conferees found themselves. So far as the project covered by my amendment is concerned, it was not a new project; it was one already approved. As I said at the time, it was only to avoid any technical difficulty which might arise hereafter that I thought it was necessary even to present the amendment. As a matter of fact, if I should be asked whether the adoption of the amendment would increase the appropriation or authorization, I would say it would decrease it. The only thing the amendment would do would be to give approval to what probably does not need approval, namely, changing, in accordance with the report of the Army engineers, the location of a dam from one site to another. As a matter of fact, a dam at the new location would cost less than the other one, so I am informed. That does not go to the principle of it, of course.

The statement that the proposal should come from a different committee is a technical objection that I do not think at all applies to the amendment offered by me; but I have to submit to the inevitable; I realize that; and I appreciate that the Senator from North Carolina has done all he could; that he could not have done more. Because I cannot have made the change of location for which my amendment provided I would not, under any circumstances, be put in the attitude of defeating the entire bill.

I do not think the technical objection of the Member of the House that the proposal should come from a different committee is tenable; in fact, so far as the amendment is concerned, it did not come from any committee. The objection is technical, Mr. President, and, to my mind, in the first place it has no merit whatever; and, in the next place, it is likely to do a grave injustice to a people whose existence is already greatly jeopardized.

I know I am helpless about it, and so is the Senator from North Carolina. I am not finding any fault in any way. I think he has done the best he could; nobody could have done better, and I simply have to acquiesce and submit.

Mr. MALONEY. Mr. President, I should like to say that I am deeply in sympathy with the plight of the constituents of the Senator from Nebraska, and I am very much disappointed that the project provided for by his amendment did not remain in the bill. I am not only familiar with the project itself but I have seen at first hand the handicaps confronting the people of Nebraska as a result of unusual and unfortunate conditions.

All I want to say for my own amendment is that I feel about it as the Senator from Nebraska does about his amendment, and, under ordinary circumstances, would make an effort to have the Senate send the bill back to conference. I know, however, that the Senate conferees, and especially the able chairman of the Committee on Commerce, tried very hard. I also know the feeling in the House, and because I fear that we may be about to discontinue, for a short time, consideration of major legislation, I will not take any step that will jeopardize the other very important items contained in the bill. For that reason, I shall not now raise objection.

I find a little hope in the fact that my amendment is included in a separate bill now before a House committee, and I have done something that I have not heretofore done as a Member of this body; I have discussed the situation with Members of the House, and pointed out to them that the project covered by my amendment is vital to the national defense, and reminded them that it involved one of the principal national-defense plants in the country, a plant where 18,000 people are employed, and that the proposal passed the Senate unanimously. I know that the interest of Mr. Knudsen of the National Defense Council has been excited, that he asked for an investigation, and I have heard from Mr. Carmody, of the Federal Works Administration, that he feels that another flood there might prove very harmful to our national defense.

I wanted to make this statement a part of the RECORD to show that the National Defense Council, the head of the Federal Works Agency, and the administration are vitally concerned with this amendment particularly, almost, indeed, entirely, because of its national defense importance. I hope the chairman of the commiteee is right in suggesting that if the amendment or the bill which I have sponsored is not acted upon within the next day or two—and I am very hopeful that it will be—early in the next session of Congress we can secure action upon this matter, for, should another serious flood come to Connecticut, a very important and vital part of our national-defense program might be seriously jeopardized.

If I may reiterate, I should like to say that it is only because I think the bill is otherwise very important that I am making no further objection, and I share the hope and desire of the committee that the conference report will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

MR. WILLKIE'S POLITICAL ATTITUDE

Mr. McKELLAR. Mr. President, I note that the Republican candidate for President is to spend a large portion of the present week in New York and in New England, and at this time I desire to quote from a speech he made as a public address in Birmingham, Ala., November 7, 1934, just a few years ago. I quote from that speech for the purpose of showing how greatly interested the Republican candidate is in the industries of New York and New England. The candidate then said:

> The Alabama Power Co. can remove industries from the North because it is a business concern, but the T. V. A. cannot remove them because it is a part of our Government, and therefore has to think of the political effect on the community from which the industry is removed. * * *
>
> I can tell you why we maintain an office in New York. It is solely because of two reasons: first, to have a convenient and advantageous point from which we can work with the Alabama Power Co. and other companies to secure the removal of northern industries to this area. How successfully we have done this, perhaps you can judge by the fact that in the past decade the new industries division of the Alabama Power Co. aided directly or indirectly in the location of 245 industries in 129 different communities in your State.

So far as I am concerned, it is all right if Mr. Willkie has been engaged in removing northern and New England industries to the State of Alabama, for I was born in the State of Alabama, and certainly I do not object to his removing to that State industries from any other section. But I am wondering how the people of New York and New England, where Mr. Willkie is going to preach some sort of a political doctrine this week, feel about removing their industries down to Mr. Willkie's bailiwick in Alabama. They may be interested in it, or it may be that they do not mind that activity at all; but I thought this was a very appropriate time to call the attention of the Senate and the country to the fact that this is a part of the Republican nominee's program.

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

Mr. McKELLAR. I yield to the Senator from New York.

Mr. WAGNER. I suppose the Senator has observed the type of speeches made by Mr. Willkie in his campaign through the country, and has observed that in each community he was for the particular thing that community wanted or was in favor of. So I make the prediction that now that Mr. Willkie is about to address the people of New York, he will promise them to bring back these industries from the South.

Mr. McKELLAR. That may be true; and I leave the matter right there for the people in New York and the people in New England to consider.

Mr. President, I also desire to call attention to an article written by the distinguished Republican candidate. It appeared in the Atlantic Monthly of August 1937, just 3 years ago. I call this matter to the especial attention of the postal employees of our country.

Mr. President, for nearly 24 years I have been a member of the Post Office Committee of the Senate. I take a great deal of interest in the postal establishment of the country. I think it is the best governmental organization in the world today. I do not think it has a superior, or even an equal, in any other country. It is a wonderfully well-managed governmental institution, with marvelously efficient employees, all over the country. I call the attention of the postal employees, however, to the fact that Mr. Willkie does not think very much of their organization. I do not know what he would do with them if, by some miracle, he should be elected President. It would take a miracle, it seems to me now, for him to be elected; but if by some miracle he should be elected, I am wondering how the postal employees would fare. I quote from his article, published in the Atlantic Monthly:

If a corporation similar to the American Telephone & Telegraph Co. should take over the administration of the post office, it is my belief that we should have an even more efficient mail service, at present rates, without any deficit at all. It is more than likely that the rates could be reduced. That, of course, is merely a personal opinion which cannot be proved. But the illustration gives rise to this very important question: Would we consider it to be efficient operation if the Government were to run the light and power industry as it runs the post office?

I think it would be a godsend to the users of electricity in this country if the Government should conduct the power industry as it conducts the Post Office of the United States, which, as I said before, is one of the most efficiently run governmental organizations ever created.

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

Mr. McKELLAR. In just a minute. Let me finish the quotation from Mr. Willkie's article, and then I will yield to the Senator from Washington:

Let us remember that the Postal System is still the chief source of political patronage and that postal officers have long been appointed on the basis of their party affiliations—despite the fact that every President within my memory has advocated that the merit system should be adopted. Aside from that, however, a business which operates at a loss—a loss which in the end must be paid by the taxpayer—is not a business that is efficiently and economically run. We may well ask ourselves the question, in considering public ownership, whether the power industry should be run in a business-like fashion or whether it should definitely be a Federal charity.

That is Mr. Willkie's idea of the Post Office. I ask that the entire article be printed in the RECORD at this point.

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

The article is as follows:

[From the Atlantic Monthly of August 1937]

In countries at all comparable to the United States the record of public ownership is not impressive. Of course, Sweden is frequently cited as an example of what public ownership can do in the light and power industry, but the comparison is of little value because the objects compared are so dissimilar. Sweden is a small, compact, homogeneous country, simple in political, social, and industrial structure. In size it would fit along this country's Atlantic seaboard.

There are no large countries in which government ownership has finally demonstrated its efficiency on a large scale. Within the United States, Government operation of the railroads during the World War was obviously a fiasco from which the railroads have recovered only after years of effort. That may not be a fair illustration, however, since it took place in a war period and had to be handled as an emergency matter. We have at hand a more apt exhibit in the Postal System, a Government enterprise which is usually regarded with approval by public-ownership advocates.

As these last frequently point out, the mail in this country is delivered with reasonable promptness and reliability. Unfortunately for this record, however, the Post Office has been operated at a very considerable deficit ever since it was organized. Complete figures on the costs of the Post Office would have to be tracked down through a maze of Government reports of all kinds both legislative and executive; such figures are not given in the reports of the Post Office Department. But the 1936 report of the Department states that the operating deficit of the United States Post Office in the past 100 years amounts to $1,501,569,000.

That is simply the operating deficit. It does not include the enormous amounts of money spent on the capital investment in post offices, namely the money spent for the purchase of land and for the construction of post-office buildings. These were all taken out of other appropriations and were, therefore, not charged against the Post Office Department—which is one of the ways whereby a Government department achieves an apparent cost reduction. There were 13,730 post offices and 1,501 classified stations and branches on June 30, 1936. There are no figures for the capital expenditures herein represented, but the total must be enormous and the fixed charges thereon would have to be added to the operating deficit mentioned above.

If a corporation similar to the American Telephone & Telegraph Co. should take over the administration of the Post Office, it is my belief that we should have an even more efficient mail service, at present rates, without any deficit at all. It is more than likely that the rates could be reduced. That, of course, is merely a personal opinion which cannot be proved. But the illustration gives rise to this very important question: Would we consider it to be efficient operation if the Government were to run the light and power industry as it runs the Post Office?

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Mr. McKELLAR. I now yield to the Senator from Washington.

Mr. BONE. Mr. President, I merely wish to suggest that it requires illimitable gall for any human being connected with the private power companies of America to talk about ineptitude or lack of efficiency in business; for if there is any outfit in this country which in and out of season has spent money belonging to the consumers in political activities of the most shady character it is the private power organizations of this country, including that run by the esteemed Mr. Willkie; and I take it that they are no better and no worse than the power gang out in my part of the country.

For 25 years out in the Northwest most of the corruption in public life could be attributed directly to the private ownership of government, exemplified by the control of the private power companies in that section of the country, for they ran the government out there for a long time. A man could not even be a candidate for office out there without going up to an office in some big building in the city and finding out whether the private power companies would graciously permit him to be a candidate; and if he met their qualifications, they were very generous in the matter of campaign funds.

What I am saying now has been charged a thousand times on platforms in the State. There is not a well-informed politician in my neck of the woods who did not know that the State of Washington, like other Northwestern States, was owned in a political sense by the private power companies; and it is an astounding thing, and certainly a reflection on Mr. Willkie's intelligence, for him not to know and understand that. He has been right in the inner holy of holies of that game, and I understand, from manipulations in the neighborhood from which the Senator from Tennessee comes, that the power companies have not been above dipping their fingers into politics down there.

Mr. McKELLAR. That is true.

Mr. BONE. So, in the light of the revelations of the Federal Trade Commission as to the sheer crookedness of private power companies, it certainly is an odd thing to have a man running for President to assert that there is any purity or efficiency in private ownership of power.

Mr. McKELLAR. I think possibly the Senator from Washington does Mr. Willkie a little injustice.

Mr. BONE. That would be impossible. [Laughter.]

Mr. McKELLAR. The Senator says he thinks Mr. Willkie ought to have knowledge of certain things from his experience in the power business. Mr. Willkie is not much interested in the power business, as the Senator will remember if he recall the facts of Mr. Willkie's career. He is interested in the holding companies, which means the watered-stock manipulation of the power companies—not the generation

of power so much as the manipulation of watered stock in the several companies, to the great detriment of the Republic.

Mr. WAGNER. He has never been a businessman.

Mr. McKELLAR. As the Senator from New York has just stated, Mr. Willkie has never really been what is called a businessman. He has been a holding-company, power-utility, watered-stock manipulator.

I want to say one thing to the postal employees. I hope the postal employees will read this discussion in the CONGRESSIONAL RECORD tomorrow, because I do not want the present postal system interfered with. I do not think a private concern, such as the one Mr. Willkie wants to turn them over to, should have charge of the mail system of the country; and if the postal employees think as I do about the matter, they will certainly see to it that Mr. Willkie is not given a place which will enable him to turn over the great Post Office Department to a private concern like the American Telephone & Telegraph Co.

Mr. President, much has been said in the newspapers lately about Mr. Willkie and the farm issue. I have in my hand an article written for the Nashville Tennessean by a very delightful, vigorous, and active newspaperman in my State by the name of Joe Hatcher, concerning Mr. Willkie and his farming operations, even giving the deeds, showing that he bought at foreclosure sales in Indiana a number of farms. In this connection it is a remarkable thing that Mr. Willkie never bought any farms until after Mr. Roosevelt became President in 1933. Mr. Willkie began his farming operations in 1935, and the story is that he has been drawing farm benefits from the Government ever since he has been in the farm business. I do not know how that is, but that is the story.

I ask unanimous consent that the newspaper article may be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER (Mr. CHAVEZ in the chair). Without objection, it is so ordered.

The article is as follows:

POLITICS—INDIANA EDITOR RAISES "FARMER" WILLKIE ISSUE

(By Joe Hatcher)

Not all Indiana is for Wendell Willkie, despite the fact he's the first native Indianan ever to be nominated for the Presidency.

In fact, it might be rather difficult to get a sizable bet that Willkie will carry Indiana, or even his home town of Elwood.

And Willkie's "hayseed farmer" propaganda is beginning to get about as big a laugh in Indiana as it has been getting on Wall Street, according to reports from that State.

Editor and Publisher Toney E. Flack, of the Marion County (Ind.) Messenger and the West Side Messenger, in Indianapolis, is authority for the challenges of Willkie in the farmer role.

Editor Flack has gone to the records to determine just how real are the Willkie farmer claims.

And, right off, he finds that Willkie didn't become a farmer until after President Franklin D. Roosevelt and Secretary of Agriculture Henry A. Wallace had established the A. A. A., Farm Credit Administration, and other farm-benefit provisions, and while he was fighting T. V. A. and Rural Electrification as president of Commonwealth & Southern.

EDITOR COMMENTS

Editor-Columist Flack says of the Willkie farm propaganda:

"Wendell Willkie, upon his arrival in Rushville after his nomination for Republican President, said, 'I am not a farmer and I never expect to be one.' However, his Republican advisers have him attempting to play the role of dirt farmer, while in reality Willkie is an absentee farmer, doing his dirt farming on Wall Street, where he plowed under the suckers he took in holding-company stock transactions.

"Many Hoosiers wonder why he did not buy farms in Madison County and conduct his campaign from his home town of Elwood."

And here's the record of Willkie farming operations as compiled from the deed transfers, starting with Farmer Willkie's entry in the farm business on March 13, 1935. And the Willkie start was a farm lost under a mortgage from the last Republican administration before President Roosevelt got farm relief started.

The record shows, according to Flack's report:

March 13, 1935, the Metropolitan Life Insurance Co., conveyed 352 acres in Walker Township, Rush County, Ind., to Edith Willkie, for $25,000. This was the Thomas K. Mull land lost under mortgage to the insurance company.

July 5, 1935, Chester Cross, administrator of the estates of John F. Cross, deceased, conveyed 386.86 acres in Jackson Township, Rush County, Ind., to Edith Willkie; consideration, $28,000.

December 26, 1936, Maud Bohannon conveyed to Edith Willkie 294.41 acres in Posey Township, Ruth County, Ind. The deed recites $1 and other considerations, and a $10,000 mortgage was assumed. The deed had $19 in Federal tax stamps affixed, which would indicate actual consideration of approximately $29,000.

November 16, 1938, Thomas H. Lee and Ruth M. Lee conveyed to Wendell L. Willkie 140 acres in Posey Township, Rush County, Ind.; consideration, $14,000.

April 29, 1939, Mary E. Williams et al. (2 deeds) conveying 189.79 acres in Posey Township, Rush County, Ind., to Wendell L. Willkie. The deed recites $1 and other considerations, and Federal tax stamps were attached in the amount of $1 on one deed and $14 on the other, which indicates that the total consideration did not exceed $17,000.

Anyhow the utility business was not so bad through this gap and Willkie must have had a lot of confidence in President's Roosevelt's and Secretary Wallace's farm program, so the records indicate.

Mr. McKELLAR. Mr. President, let me refer to another matter.

As everybody knows, the present Secretary of the Navy, Colonel Knox, is a Republican and is one of the owners of a great newspaper in Chicago called the Chicago Daily News.

Everyone knows that the News is supporting the Republican candidate for President. There are times when the scales may fall from the eyes of the Chicago Daily News.

I now quote from the Washington Evening Star, one of the representative and splendid papers of this city, in its issue of Saturday last, on page 10. It shows a manifest awakening to just what the Republican candidate is preaching in this country. I shall take the liberty of reading the article, it is so important. I voted for the confirmation of Colonel Knox. I think he is making an excellent Secretary of the Navy. I have no criticism of him whatsoever, or of his paper. I am merely reciting the facts. I read from the article in the Star:

[From the Washington Evening Star]

COLONEL KNOX'S PAPER ASSAILS WILLKIE'S CLEVELAND SPEECH—ATTACK ON ROOSEVELT'S FOREIGN POLICY CRITICIZED IN EDITORIAL

CHICAGO, October 5.—The Chicago Daily News, owned by Secretary of War Knox, said in an editorial yesterday that Wendell Willkie's "peace" speech at Cleveland last Wednesday night was "an insult to the people's intelligence."

The newspaper, the direction of which was turned over to a board of three staff members when Mr. Knox entered the Cabinet, criticized the Republican Presidential nominee for some of his charges against President Roosevelt. Mr. Knox was Republican Vice Presidential candidate in 1936.

The Daily News editorial said in part:

"In the grave crisis confronting this Nation, in the grave decision that the people must make next November 5, we have supported, and we shall probably continue to support, the candidacy of Wendell Willkie. But we did not like the "peace" speech he made at Cleveland last Wednesday night. In fact, we think it was an insult to the people's intelligence. Either Mr. Willkie actually believed what he said, or he said it for political reasons without believing it, or he listened to some very bad advice, and we don't know which is worse.

"Mr. Willkie is on record, again and again, as favoring aid to Britain and China, and a strong national defense. Only a few hours before making the Cleveland speech he took credit—deservedly—for his efforts 'to give unity to certain important aspects of our foreign policy,' and 'to avoid any risk or any suspicion in foreign minds of a disagreement in this country on our fundamental attitude toward aggression.' Yet, at Cleveland, he strongly attacked the defense and foreign policies of the present administration, thereby deliberately undoing whatever good he may have done by his earlier statement.

Mr. President, I hope the Daily News of Chicago will continue to keep abreast of what is being said by Mr. Willkie as he goes over the country, and I hope that on maturer reflection they will not think it advisable to continue supporting a man about whose statement they say, "In fact, we think it was an insult to the people's intelligence."

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. McKELLAR. Certainly.

Mr. KING. I am not quite clear what the attitude of the News is or was in the editorial referred to, whether they were criticizing Mr. Willkie because he favored, as they said he did, giving aid to Great Britain in this terrible conflict, or because of some other views which he entertained. I do not know what his views are with respect to the matter, but if he favored the position taken by a large number of Americans—and I am among the number—that we should give some aid to Great Britain in a contest which involves not only the life of Great Britain and other democratic nations, but which will have repercussions, if Great Britain shall be destroyed, to the disadvantage of the United States, I praise him for it. Personally, I applauded the President when he obtained bases in the

Western Hemisphere from Great Britain. I applauded the President when he approved the plan to dispose of 50 of our ships to Great Britain, and I should be very glad if the American people would take some steps to aid Great Britain, not only morally, but in a material way, in the present contest, in which she is not only defending Great Britain, but is defending democratic nations throughout the world.

Mr. McKELLAR. Mr. President, I thank the Senator, and for his information I will hand him a copy of the speech referred to, and he can easily see why the Chicago Daily News criticized Mr. Willkie.

Mr. KING. Mr. President, I did not intend to make any comment upon the views which the paper entertains. I was just wondering whether it was condemning him for various of his policies, or merely because he expressed approval of the President's giving some aid to Great Britain.

Mr. McKELLAR. It had nothing whatever to say about the ships, as I recall.

Mr. President, when historians come to review the politics of this period there will undoubtedly be a chapter on the strange case of Wendell Willkie.

Our history has had cases of a somewhat similar kind before. Everyone remembers that the Whigs in 1840 nominated William Henry Harrison, a Whig, for President, and John Tyler, a Democrat, for Vice President. Harrison died within 30 days and John Tyler's administration became a Democratic administration.

Andrew Johnson, though a Democrat, was elected as a Republican Vice President in 1864, and upon Lincoln's death it was not a great while before he again became a Democrat, to the great disappointment of the Republicans.

However, there was never such an unusual mistake made by any political party as when the Republicans nominated Wendell Willkie in Philadelphia. Mr. Willkie, it seems, was born a Democrat. He had lived a Democrat all his life. He had voted for President Roosevelt twice for President. He had never foresworn his party allegiance until some time in 1939 or 1940. I have heard it was May, although the exact time I do not know. No one seems to know exactly when it was. For a while he had been a member of Tammany Hall and held some official position with the Democratic Party in New York. Certain it is that he had never affiliated in any way with the Republican Party until a few months ago. He had never supported any Republicans. He had never been a Republican officeholder. He had never voted the Republican ticket. He had never worked for Republican candidates. He had never worked for Republican policies. Insofar as is known, he had never contributed money to Republican causes. He had never done the slightest thing for the Republican Party.

When, on May 23, 1940, he announced that he was a candidate for the Republican nomination for President at the Philadelphia convention he had not sought the support of any delegates. He had not undertaken to have any delegates elected to support him when the convention came on. However, he got very busy accumulating delegates who had been pledged to other Republican candidates for the Presidency or obtaining the votes of such as were not pledged.

Dewey was the leading candidate, with about 300 pledged votes. The Senator from Ohio, Mr. TAFT, was the next in order, with nearly 200 votes. The Senator from Michigan, Mr. VANDENBERG, had a large number of votes, and various other lifelong Republicans had votes instructed for them.

These Republican candidates were men who were born Republicans. Their fathers before them were Republicans. Nearly all of them had distinguished Republican records. The leading candidate, Mr. Dewey, had built up a fine record as a public prosecutor in New York. He had long served his party and was apparently in a commanding position in his party.

The Senator from Ohio, ROBERT TAFT, as we all know, is a son of a Republican ex-President and an ex-Chief Justice of the United States. He himself had done the party valiant service for many years. He was a regular Republican Senator of high standing and popularity.

The Senator from Michigan, Mr. VANDENBERG, was a newspaperman of the highest standing and ability. He had fought the battles of the party faithfully all his life. He is a distinguished Republican Senator, and in every way qualified for the high office to which he aspired.

The Senator from Kansas, Mr. CAPPER, was a candidate at that convention, a life-long Republican, a noted Senator, and a strong supporter of his party.

The Senator from New Hampshire, Mr. BRIDGES, is a young Republican Senator from the State of New Hampshire, where all his life he has supported the Republican cause. He was an active, ambitious, and vigorous candidate.

As I recall, the various other candidates were men of high standing, long identified with the fortunes of the Republican Party, and all workers in the Republican cause. All had been faithful to their party. All had been true to its principles. All had been workers in the Republican vineyard. All had reason to expect that they might be called upon to lead the Republican cause. The delegates had all been selected, and for quite a while the idea of a candidate being nominated who was not a Republican, who had always been a Democrat, who had never done a thing for the Republican Party in his life, was about as farfetched an idea as any person, Democrat or Republican, ever entertained.

But when the convention met, mirabile dictu—wonderful to relate—Mr. Willkie turned up at the beginning with about 100 votes. Even then there were few who took his candidacy seriously. However, the galleries were packed with his supporters. Each ballot he gained more and more Republican votes, and after a short fight he literally ran away with the nomination. The old-line Republicans were shunted aside. The faithful followers of the party were utterly disregarded. The workers in the Republican vineyard were laid off from their work, and the representative of watered utility stock, the president of a utility holding company, a life-long Democrat, a supporter of Franklin Roosevelt for two terms, a representative of big business, a man who had never been in the Government service, who had been fighting the Government for several years in the interest of his utility holding companies, a man who had never held political office, was then victor in this National Republican Convention.

The rank and file of the Republican Party had been outwitted. The old-line Republicans had been double-crossed. The faithful followers in the party had been disregarded. What was the answer to this marvelous situation? Of course there could be but one answer: Big business wanted its own man as President. It mattered not a particle whether he was a Democrat or a Republican. And big business nominated its man.

The stock and bond gamblers of New York had been out of the picture for the last 8 years. They had not been allowed to control and run the Government of the United States. They wanted to get back into a position of control. They tried to get back with Landon in 1936 and failed, so this time their edict came to nominate Willkie, a Democrat, but he was their Democrat, and they had him nominated. At first their joy was unconfined. Their newspapers spread the glad tidings to the world. Their radios worked overtime. Then something happened. This bright, attractive young man whom they picked to do their bidding as President for the next 4 years apparently lost his head. He was a talker. He had seen his name in the headlines during the convention and immediately afterward, and he wanted to continue to see it there. He tried to get in every morning, and every time he opened his mouth he put his foot in it. Every time he talked he made a mistake. When he came to write his speech of acceptance, he accepted substantially all the Roosevelt policies. He committed himself to everything that the old-line Republicans were against. He endorsed all the Roosevelt policies, and pitched his campaign on the two proposals that he was an abler and better administrator of Mr. Roosevelt's policies than was Mr. Roosevelt himself, and besides, Mr. Roosevelt had been President for two terms and he ought not to be allowed a third term.

Then things began to happen. France caved in and turned herself over to Hitler. Almost immediately Hitler announced that he was going to take over Great Britain, and things looked serious for America. Mr. Roosevelt announced a gigantic preparedness program. Mr. Willkie, not daring to oppose it, approved it in a left-handed way, intimating that he could have prevented the fall of France and Great Britain if he had been President. Mr. Roosevelt announced the selling to Great Britain of 50 old destroyers, the pay being eight splendid air and sea bases. Again Mr. Willkie approved this trade in his left-handed way, and intimated he could have made a better one.

About that time the Congress took up the consideration of defense measures. Two of the most important of these measures were the drafting of men to fight and the drafting of industries when needed. Mr. Willkie was strong for the drafting of men, but he balked on the drafting of industry. He denounced it. He even went so far as to say that those who voted for it in the Senate were sovietized Communists, or words to that effect. He even applied this epithet to a majority of the members of his own party in the Senate, and when I say his own party, I mean the Republicans in the Senate. Ten Republican Senators, two of them his competitors for the Republican nomination, had voted for the Russell amendment, drafting industry under certain conditions. Ten Republican Senators voted outright for it, and three were paired for it, while only eight voted against it. These 13 Republican Senators were denounced by their candidate for President as men who had voted to sovietize America.

Ah, my Republican colleagues, I sympathize with you. Your new Democratic leader did not treat you right. It was only shortly after this denunciation of these 13 Republican Senators that the newspapers stated that 22 party leaders met Mr. Willkie in Indiana and urged him to modify his position on the drafting of wealth, and he attempted to do so, but, as I recall his modification, it only made matters worse and, of course, every informed man in America knows that this minion of the power companies in America was not in favor, and is not in favor, of drafting any industry in time of war or any other time. We all know that he thinks more of industry than of anything else under the sun except only holding companies.

Then Mr. Willkie made his speeches in Chicago. After his visit there the papers quoted him as saying, "To Hell with Chicago." What a statement from the candidate for the high office of President of the United States. He was angry, of course. It would be better to say he was mad, for no one but a mad man would thus express himself about the people of a whole city, and surely no one would want a President to feel that way toward a city of more than 3,000,000 people. But our Republican friends must get used to this kind of language from Mr. Willkie. It is just what he had been giving us Democrats down in Tennessee for a long time. During the early part of this year, when asked if he favored a bill for the Tennessee Valley Authority to repay the taxes which the State, counties, and cities had lost by the T. V. A. sale, and said "No," he was not in favor of the bill. On the contrary he wanted the State, counties, and cities to stew in their own juices, and that it would teach them a valuable lesson, meaning it would teach them not to get into a fight with the power monopolies that he represents. He said he thought that bankruptcy—bankruptcy—was the best thing for those counties which had opposed him in Tennessee. Think of a Presidential candidate wanting counties to become bankrupt. We people of Tennessee want to congratulate Chicago that she has been put under the Willkie ban. It is true he did not say where our cities and counties were to stew, but we imagine it was in the locality of the place to which he verbally sent Chicago.

Daily he is accusing Mr. Roosevelt of all kinds of high crimes and misdemeanors. He accused him of having brought about the Munich Conference. He accused him of being responsible for the downfall of democracy in Europe. He accused him of being a dictator. He accused him of not representing the American people. He accused him of inability to govern America properly. He accused him of being unable to protect American institutions, and he has even gone so far as to say that while he endorses all the President's foreign policies, that the President has made a failure of administering the foreign affairs of our Government, and he tells all the people in every speech how much better he could do the job than Mr. Roosevelt can in the next 4 years. The truth of the business is that in his own estimation Mr. Willkie is about the biggest man there is in this country.

Mr. President, Mr. Willkie's peculiar attitude of mind, which makes him believe he would better administer the Presidency than Mr. Roosevelt, reminds me of an old, old story which fits his case very well, indeed. An English cotton buyer visited the plantation of a South Carolina cotton farmer near Charleston. It was a delightful southern home, and the Englishman was cordially welcomed. The family had a butler who had served them for a long time. The first night at the table the colored butler heard the boasting of the Englishman. They had been out hunting that afternoon, and he said that while South Carolina quail were pretty fair, they were nothing like the quail in England. They were not half so large or half so sweet or half so good.

The next day the host took the Englishman out shooting pheasants. They killed a goodly number, but the Englishman said they were only fairly good and that the English pheasants were so far superior that the American pheasants were hardly comparable.

The host then took the Englishman out duck hunting, and again he was disappointed in the American ducks, as the British ducks were so much more palatable, and their meat was of a much higher order.

With respect to everything that came upon the table, the Englishman benevolently stated that it was very good, but that in England they had much better. All this time the colored butler was thinking very actively, so he made up his mind to bring the matter to an issue with the English visitor. That night he went out and got a snapping turtle that weighed two or three pounds, and very carefully laid the turtle between the sheets of the Englishman's bed, and awaited developments. The Englishman went to bed about 11 o'clock. As was the custom in those days, he wore a long nightshirt. About 12:30 the turtle began to investigate his bedfellow, and clamped down on the Englishman's back, waking him up and terrifying him. He tried to pull the turtle off, but the turtle was the kind that would not turn loose. The Englishman began to yell and scream, and woke everybody up. He came bounding down the stairs, his nightshirt flying, and the turtle hanging on to him.

Uncle Mose was at the door. The Englishman said, "My God, take this animal off me!" Uncle Mose stopped him and separated the Englishman from the turtle. When this was done the Englishman turned around and said, "My God! What sort of animal or thing is that?" Uncle Mose said, "That is a South Carolina bedbug. Have you any bigger bedbugs than that in England?" [Laughter.]

I think the Republican Party may have a South Carolina bedbug hanging on to it, in the person of Mr. Willkie.

AMENDMENT OF FEDERAL RESERVE ACT

The Senate resumed the consideration of the bill (H. R. 10127) to amend the Federal Reserve Act, and for other purposes.

Mr. WAGNER. Mr. President, I should like to return to the consideration of the unfinished business.

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

Mr. WAGNER. I yield.

Mr. DANAHER. I had suggested to several of my colleagues on this side of the aisle that when the unfinished business was to be dealt with I should suggest the absence of a quorum. I ask the Senator to yield for that purpose.

Mr. WAGNER. I yield.

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

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). The clerk will call the roll.

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

| | | | |
|---|---|---|---|
| Adams | Connally | Holt | Schwartz |
| Andrews | Danaher | Johnson, Calif. | Schwellenbach |
| Ashurst | Davis | Johnson, Colo. | Sheppard |
| Austin | Ellender | King | Shipstead |
| Bailey | Frazier | McKellar | Stewart |
| Barkley | George | Maloney | Thomas, Idaho |
| Bone | Gerry | Minton | Thomas, Okla. |
| Bulow | Gibson | Murray | Thomas, Utah |
| Burke | Gillette | Norris | Townsend |
| Byrd | Glass | O'Mahoney | Tydings |
| Byrnes | Green | Overton | Van Nuys |
| Capper | Guffey | Pepper | Wagner |
| Caraway | Gurney | Pittman | Walsh |
| Chavez | Harrison | Radcliffe | Wheeler |
| Clark, Idaho | Hayden | Reed | White |
| Clark, Mo. | Herring | Russell | Wiley |

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, a quorum is present.

AMENDMENT OF FEDERAL RESERVE ACT

The Senate resumed the consideration of the bill (H. R. 10127) to amend the Federal Reserve Act, and for other purposes.

Mr. WAGNER. Mr. President, this bill was discussed some 4 weeks ago and was then laid aside. The junior Senator from Michigan [Mr. BROWN] was then in charge of the bill, but he is unable to be present today, and that is why I am undertaking to press the bill for passage.

The PRESIDING OFFICER. The Chair will state that the question is on the amendment of the Senator from Michigan [Mr. BROWN] proposed as a substitute for the House bill.

Mr. WAGNER. Yes. As I understand, the House bill was considered and the Senator from Michigan offered an amendment to strike out all after the enacting clause of the House bill and to substitute in lieu thereof the Senate bill reported by the Senate Committee on Banking and Currency. As I understand, that is the amendment now pending, and that amendment, of course, is subject to further amendment.

The PRESIDING OFFICER. That is correct.

Mr. DANAHER. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. WAGNER. Certainly.

Mr. DANAHER. Is the question before the Senate pending in that form?

The PRESIDING OFFICER. The question is pending in that form.

Mr. DANAHER. Just as stated by the Senator from New York, so that we are now proceeding actually to consider Calendar No. 2043, Senate bill 4174?

The PRESIDING OFFICER. The Senate is proceeding to consider Calendar No. 2045, House bill 10127, and the particular amendment before the Senate is the amendment in the nature of a substitute offered by the Senator from Michigan [Mr. BROWN]. The amendment has been printed and is on the desks of Senators.

Mr. DANAHER. I thank the Chair.

Mr. ADAMS. Mr. President, in view of the parliamentary situation, let me say to the Senator from New York that I have, as he knows, an amendment in the nature of a substitute for the Brown amendment. Perhaps I should submit it at this time and have it pending.

Mr. WAGNER. I did not understand that the Senator's proposal was a substitute for the Brown amendment.

Mr. ADAMS. It includes the Brown amendment and other features. It is a substitute for the Brown amendment.

Mr. WAGNER. I did not so understand.

Mr. ADAMS. It is a complete restatement of the bill embracing the Brown amendment and certain other provisions.

Mr. WAGNER. The amendment which I saw I understood was to include banks which are not now included in this proposed legislation, and was an amendment to the Senate bill. Perhaps if I may examine it, it would expedite matters.

Mr. ADAMS. If I may interrupt the Senator to make an explanation, in its original form the amendment I submit simply would have modified the bill so as to include private, insured banks; but the General Counsel of the Federal Reserve System visited me and said the Federal Reserve Board would prefer to have the amendment redrafted in a form which would include the Brown amendment. The amendent I am offering was drawn by Mr. Wyatt, and, in view of the parliamentary situation, I shall offer it as a substitute for the Brown amendment, which is a substitute for the entire bill.

Mr. WAGNER. I wonder if it also includes another amendment which I have in mind?

The PRESIDING OFFICER. The Chair should like to be advised whether the Senator from Colorado is now proposing his amendment as a substitute for the amendment of the Senator from Michigan?

Mr. ADAMS. I was asking the Senator from New York whether or not the amendment was in a form which would suit him.

Mr. WAGNER. Before expressing an opinion I should prefer to examine the amendment. I wish to be sure, Mr. President, that it also includes an amendment I was going to offer to the pending amendment, making very clear that nothing in the proposed act in any way limits the powers conferred under the Trading with the Enemy Act, prohibiting the transfer of any credits or properties without a license. I wanted to make very sure of that, and I should like to examine the amendment to be offered by the Senator from Colorado to see whether that is included. [Examining.] I understand now the amendment includes everything which was desired.

Mr. President, the amendment offered by the Senator from Michigan has already been explained by him, but I should like briefly to go over some of the salient features of the bill.

The Federal Reserve System now holds assets belonging to foreign governments or to central banks which are the fiscal agents of foreign governments. Those assets are in the shape of gold; that is, earmarked gold amounting to some $1,780,000,000. We must not confuse that with gold which is purchased by our Government and deposited; but it is earmarked gold belonging to foreign governments which has been deposited with Federal Reserve banks. Foreign governments also hold deposits in our Federal Reserve banks to the extent of $820,000,000. So, we are considering a measure involving a very large amount of gold and deposits belonging to foreign governments, principally to governments which have been invaded, such as Holland, Belgium, Norway, Denmark, and France.

The pending bill is merely intended to protect the Federal Reserve banks from liability in case of rival claims to these assets. Many of the countries for which the Federal Reserve System holds assets have been invaded; in some cases the governments are in flight, and in other cases, of course, where there is complete invasion, they are under the control of the invaders.

Take the case of Holland: The Central Bank of Holland is still situated, as I understand, in Holland, but the Government itself has been transferred to London and is operating there through its legislative and executive departments. The head of the government, the Queen, is living now in England. Because of that situation, there may be asserted conflicting claims to the funds credited to the Bank of Holland.

The Federal Reserve banks might be presented with an embarrassing choice between a claimant to funds and the existing government. If I may give a supposititious case, assume that a government has been invaded; its central bank which was the fiscal agent which made the deposit of gold or cash, remains within the country invaded and under the control of the invader, while the government itself has moved to some other place. A decree might be enacted by the government, though not functioning within the invaded territory, as to the disposition of the moneys or gold belonging to the government; for it must be remembered that while in some cases the bank has been, perhaps, induced, if I may use a mild term, to make a claim for those funds, nevertheless, we all know that the central banks are mere agents of the government, and whatever

they do they do simply in behalf of the government. We have had several cases of the government issuing decrees transferring the money from the bank to the government itself; that is, to the actual owner of the gold or the money.

As we all know, our courts generally recognize the extraterritorial effect of decrees of foreign governments as they affect rights of foreign nationals in our own country, unless such recognition would interfere with our domestic policy.

What we are doing in this legislation, because our public policy may require the payment and transfer of the money or the gold at once, is to provide that when the Federal Reserve bank pays or transfers this money or gold to one who is the accredited representative of a government which is recognized by our country, such payment shall be conclusive against any adverse claimant; and in enacting that policy into law we are simply carrying out what is the law of the land as it has been decided time and time again by the United States Supreme Court.

That, in effect, is the purpose of this particular enactment, because, as I say, we generally, as a matter of comity, recognize these foreign laws; that is, they have extraterritorial effect, and we carry them out unless it is against our public policy to do so.

That is a simple statement of the effect of this legislation.

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

Mr. WAGNER. Certainly.

Mr. DANAHER. The Senator does not wish to be understood as saying that this bill applies only to the central banks of countries which have been invaded, does he?

Mr. WAGNER. No. What I meant to say—and I think it is very obvious to anybody—is that this question rarely arises, and has rarely arisen in the past, except when there are situations such as we have at the present time, in which, while these governments exist as governments, and we recognize them as governments, we know the influence under which many of them are now compelled to conduct their affairs.

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

Mr. WAGNER. Certainly.

Mr. DANAHER. The fact of the matter is that if we pass this bill, unlike present law, we shall be including every foreign state within the powers thus extended; shall we not?

Mr. WAGNER. Yes; but that is the present law. I am sure the Senator from Connecticut is familiar with the cases. The present law is that our Government usually carries out the laws of recognized foreign governments when such laws affect the rights of the foreigners in this country, as long as such laws are not contrary to our own public policy. Authority under a foreign law for the delivery of foreign assets would be a complete defense to any action which might be brought regarding these foreign assets.

The only reason for enacting this legislation now is this: I suppose I am not at liberty to state exactly some of the situations which may arise, though I know something about them; but suppose a foreign government needs its money, it ought to have it. Why should we deprive a foreign government of its moneys or its gold deposited in our banks if they belong to that government, and if, by carrying out simply the edicts or the laws of that land, we can transfer that money? It may be a great injustice to withhold the use of that money for some months or even some years, which may result if we permit injunction suits and other kinds of litigation to be instituted simply to embarrass those governments, because in the end the decision will have to be that the government which we recognize is the government which is entitled to the funds.

Mr. KING. Both the de jure and the de facto government.

Mr. WAGNER. Both; and, as the Senator well knows, I am sure, the test is, Is the particular individual the accredited representative of the government we have recognized? That is the entire test; and that is about all that this bill does. It relieves an embarrassing situation which may arise, and it may be to the interest of our public policy that the payment be made at once. That is all that this legislation proposes.

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

Mr. WAGNER. Certainly.

Mr. DANAHER. Of course, there is one important thing which the bill does, and which differs from existing law. I read:

> No court shall have jurisdiction to restrain or enjoin a Federal Reserve bank from making any payment, transfer, delivery, or other disposal of property in accordance with the provisions of this paragraph.

In other words, we deny to our courts jurisdiction to determine the conflicting claims; do we not?

Mr. WAGNER. We do; yes.

Mr. DANAHER. That is new; is it not?

Mr. WAGNER. We do that for the very reason I stated a moment ago, because we want to do away with the embarrassments which may be created as a result of a world situation for which these governments are not at all responsible; and we may be doing them a great injustice in these critical times if we should withhold these funds from them for their use because of some adverse claimant who in the end, of course, would have no standing at all in court; but unless this bill should be passed, a determination of his claim would require the prosecution of litigation. It is simply that situation which we are avoiding; but I am sure the Senator must agree that we are enacting into law what has been held by the Supreme Court to be the law of the land with reference to the extraterritorial effect of the laws of foreign countries.

Mr. DANAHER. Will the Senator yield, or has he concluded?

Mr. WAGNER. I have concluded.

Mr. DANAHER. Mr. President, there are a few particulars in which the case for this bill, as presented to the Banking and Currency Committee, left some of us, it seems to me—at least, left me—completely unconvinced.

When the Senator from New York [Mr. WAGNER] says there might be embarrassments—and I quote him, using his own terms—when he says some question of public policy of the United States might be involved unless we should enact this bill into law, he is stating precisely the only reason why the bill is brought here. Before we look into the matter of enacting into law any bill, it seems to me the first inquiry should be, "What is the need for the bill proposed?"

If, as the Senator says, the existing law, as decided by our Supreme Court time and time again, already does everything that this bill would do, then why pass it? Why should we have it? Why should we clutter up our lawbooks and pass one more statute giving one new phase of an extension of the powers of the Federal Reserve System, if there be no other need, and if the law today be adequate for all the purposes sought by the bill?

Mr. President, I am willing to say that the fact may be, and I have not any question it is, that under the law as it now stands the State Department, as a political question, has before it time and time again the duty of deciding what government is de jure or what government is de factor in a foreign country. I have no question that the courts of this country will honor the government which is recognized by the State Department, because that is a political function, and the duty of the State Department. But, Mr. President, if we are to pass this particular bill, and if we are to deny access to the courts to conflicting claimants with reference to investments, or the avails thereof, or the evidence thereof, or gold in this country, we shall not be making decisions as to who owns this money on the basis of the justice of the claim, but we shall be enacting this legislation so that our Government may play foreign politics with the money. That is where the difficulty arises with reference to it.

To take a patent instance, consider the situation which arose only a few weeks ago in Europe when the DeGaulle government was recognized by certain countries, including Great Britain, following the downfall of France. Until the DeGaulle

government was recognized, of course, the official Government of France was that which had been described as the ally of Great Britain; and then there was the DeGaulle government. But, Mr. President, in just a very few days there was a third government in the field, that which is commonly described today as the Petain or Vichy government.

If the DeGaulle government had been recognized under this measure, and some billion and a half dollars of French gold had been turned over to somebody who was certified as the representative of the DeGaulle government and hence of the Government of France, in what position would that have left the United States? Suppose General DeGaulle had in fact gotten the avails of this fund, and utilized it to organize the Dakar expedition, and then it had developed that General DeGaulle did not represent a recognized government of France. If we undertake to give domestic effect to this bill, if it shall be enacted into law, we can give to it no extraterritorial effect. There is no reason why any foreign country should recognize it, and I predict that the day will come when the United States of America will be called to account for having disposed of assets in this country which had been sent here by foreign banks.

There are certain things involved, it seems to me, in maintaining the honor and the integrity of the country. Among them is the security and fidelity of its own banking system. There are central banks abroad which have sent their funds to this country, believing that this is the safest place in the world in which to deposit funds, and we accepted them as trustee. Under the terms of the pending bill we take the funds of those entrusters and turn them over to someone without even requiring that the Secretary of State shall certify to the Federal system that the individual who is to get the money is entitled to it.

We do not even ask him to do it. What we do in the bill is to ask the Secretary of State merely to recognize the authority of the person who is to get the money. That is what he is to do. He is to accredit the representative of the country. He recognizes him and accepts his credentials—as it is put in international law—and the President in due course, on the representations of the Secretary of State, will recognize a given individual as the formal representative of a given country, yes; but does he certify that fact to the Federal Reserve System under the bill? An examination will disclose that the bill does not provide for any such thing. The bill provides that the authority of the person to act is accepted and recognized by the Secretary of State. It does not provide that the Federal Reserve System shall even get any such certificate. Quite the contrary from the Federal Reserve System acting on a certificate from the Secretary of State which would give political effect to the person recognized, and thereupon, under the theory of the bill, the Federal Reserve bank thereafter would stand discharged of all claims if it paid that person, it does not provide that. There is no "shall" in it, there is no "may" in it. The fact of the matter is that, by the very terms of the bill, if we enact it into law, the Department of State, through one person, the Secretary of State, is to say what government he recognizes, what representative he accredits, and he holds over such representative constantly the wand of transformation into acquiescence or compliance by his willingness to certify or his refusal to certify whether the representative will or will not get funds in this country belonging to the central bank of the country which sent him here. Let me say, furthermore, that it does not even mean that the ambassador of a country must be picked. It can be any legal representative.

Above all, we would deny to conflicting claimants the jurisdiction of our courts to determine their claims as a matter of justice and of right. That is the way the bill is drawn. It is for such reasons, looking into the future, and realizing what may happen, that it seems to me attention should be called to this point, to the end that the Senate, if it passes the proposed legislation, shall do so with its eyes wide open.

It is all very well for us to say that the Federal Reserve Bank will not be liable in any court of the United States, but that does not absolve the United States of America as a corporate entity, as a sovereign nation, from having recognized what is in effect its central bank, the Federal Reserve System, and having authorized payment to a political entity which may be repudiated by its own country in time to come. Thereupon there arises a demand against the United States for payment to such a country of the millions of dollars whose payment we may have authorized under the bill.

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

Mr. DANAHER. I yield.

Mr. KING. Perhaps the suggestions I am about to make are an ad hominem argument rather than a legal argument; but, in order that I may have my mind cleared a little with regard to the facts, let me invite attention to two or three countries. Take Norway, for example.

Mr. DANAHER. Yes.

Mr. KING. The Nazi government invaded Norway and, by force, took charge of the Government. They put a man named Quisling in control. The executive and legislative departments were banished from the country. The King took refuge in Great Britain, and some of the members of the royal family are now in the United States. Quisling is a mere protegé, a mere figurehead, doing exactly what Hitler tells him to do. Quisling undoubtedly will demand, if Norwegian funds are found in the United States, that such funds be turned over to him. Suppose the able Senator were in charge of our Government, or of the State Department, or of our central bank, and demand were made by Quisling upon him for those funds; would he feel, morally or legally, that he should then turn them over to Quisling?

Mr. DANAHER. Let me answer the question in the words of the hearings, at which State Department representatives were present, and Federal Reserve officials, including Chairman Eccles, and counsel for all the departments affected were present. They must have anticipated the question of the Senator from Utah, for they told us, as appears on page 5 of the hearings, just what they did. I read:

> When Norway was invaded, the Norwegian Government passed some legislation or decrees whereby the right of the officers of their central bank to operate this fund and to withdraw funds from the balance in the Federal Reserve banks here was vested in the Norwegian Minister to this country. That decree was passed to the State Department by the Norwegian Minister, who certified that, under the laws of his country, he is the one who is now authorized to operate that account. The Secretary of State accepted that authority, and upon that the Federal Reserve banks are to honor the orders of the Norwegian Minister rather than those of the officers of the Central Bank, who apparently are still in Norway. In the case of the Norwegian bank that was done.

So answering the Senator's question specifically, they have operated to the complete protection of the Norwegian Minister, and the rejection of the Quislings, and they did not need this bill to do it.

Mr. KING. Take the case of Holland, or take the case of Belgium.

Mr. DANAHER. Let us take one at a time, and see if I cannot find the answer in the record.

Mr. KING. They have funds in the United States.

Mr. DANAHER. Which country?

Mr. KING. Let us take Belgium, whose King is now imprisoned in some fortress, who is under the control of the Nazis, and whose movements, of course, are not voluntary, but are involuntary. He has not been recognized, I am advised, by those who might have some authority in his country. Suppose his country should have funds in the United States, and assume that the Nazi government claims to be the de facto if not the de jure government of Belgium, and the de facto government set up by Mr. Hitler should demand, of our banks here which have the funds, possession of them. Does the Senator say that we should deliver them?

Mr. DANAHER. Let me say to the Senator from Utah that we anticipated that question, too.

Mr. KING. I am glad there was so much anticipation. I hope there will be some genuine realization of the justice of things, rather than anticipation of the supposed legality of an injustice.

Mr. DANAHER. Before I answer the Senator specifically in the terms of the record, let me say that the lack of a

decision based upon justice is the very point upon which the bill breaks its back. It is the very point, I think, on which the bill loses the force and the character and the integrity legislation of this character should have. There is no reason in the world why we should deny claimants the right to come into our courts and establish their respective claims, and thereupon rely upon the record as established by the Secretary of State as to naming a particular political person entitled to recognition.

Let me answer the Senator from Utah by recalling to him specifically that we had before us a few months ago a measure which was passed by the Senate, and which was signed by the President on May 7, 1940, providing as follows:

During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by or to banking institutions as defined by the President, and export, hoarding, melting, or earmarking of gold or silver coin or bullion or currency, and any transfer, withdrawal or exportation of, or dealing in, any evidences of indebtedness or evidences of ownership of property in which any foreign state or a national or political subdivision thereof, as defined by the President, has any interest, by any person within the United States or any place subject to the jurisdiction thereof.

I read so much of Public Resolution 69, adopted in the Seventy-sixth Congress. Let me point out that under it, since the President has the power to prohibit, and also to regulate these transactions, he may extend or withhold, under a license, as much or as little permission as he chooses, to whatever bank he chooses. He may make it as narrow as he wishes to make it, even, let me say to the Senator from Utah, to the point of remitting an annuity to a resident of Brussels today, to the end that the State Department shall ascertain who is the right payee of American funds; and if and when it is established, and the Secretary of State so certifies, then the license is issued.

Mr. President, the control is so complete that, regardless of the extension of this particular proposal into fields not hitherto encompassed within legislation as to countries not necessarily the victims of invasion—quite the contrary—it operates as to every foreign power and as to every central bank.

If the Senator did not know it, I respectfully invite his attention to what section 1 of the bill provides. He will find that we would amend existing law by striking from it the relationship under which an agency was created so that counterclaims could be considered. We make it possible, under this bill, from now on, actually to impugn the integrity of American banking institutions in the eyes of bankers throughout the world.

If that is the position the United States is to take in order to execute a degree of control of foreign policy—and that is the purpose of it—then I say that the justification for the bill absolutely vanishes into thin air, and that we should definitely reject it.

Mr. KING. Mr. President, I assume from the very able and forceful explanation just made by the Senator from Connecticut [Mr. DANAHER] that his views and mine, so far as the objectives sought are concerned, are not very far apart. I assume from the last part of his statement that we have a statute now which is broad enough to protect the governments which are now under the iron heel of a despotic Hitler, to protect the de facto governments, to protect the inhabitants of those countries from any injustice or from being robbed by some autocratic dictator who has usurped power and authority.

Mr. DANAHER. That is correct.

Mr. KING. If we assume we have authority by which we can deal with that situation and we can interdict Hitler or any of his satellites from coming into our courts and under color of right or authority, de facto or de jure, set up a claim to that which had been deposited here by a legitimate and de jure government before the advent of Hitler; if we assume we have sufficient statutes to protect our Government, that is one thing; but if Mr. Hitler, or any of his satellites, or any of those who have usurped authority and put legitimate governments under the iron heel, can come into our courts, can assert a right to these funds which can be enforced anywhere under heaven, then I would favor a law which would prevent them from asserting it, even if it necessitated the repeal of existing law.

Hitler is now stealing funds from France. He is sending his emissaries into homes and stealing the people's property. He is taking everything he can get his hands upon that is portable, taking it to Germany and disposing of it to the advantage of his country. If he may do that, or if Mussolini may do that, or the Bolshevik Government may do that, or the Government of Japan may do that, and yet may come into our courts and assert a right, I am in favor of passing a measure which will deny them the right to enter our courts for the purpose of asserting any claim they may make to the legitimate earnings of individuals or property of governments which may temporarily be in the United States.

Mr. DANAHER. I thank the Senator for the expression of his views, but let me add to anything and everything he has said, in the first place, that the bill deals with money in deposit accounts in the Federal Reserve System of the United States, and does not at all deal with avails of the spoliation abroad.

Mr. President, there was one point upon which the Senator from Utah could have dwelt, it seems to me, with great force, and I now wish to invite his attention specifically to one phase of my attitude on this matter which I have not yet discussed. Sooner or later—I do not know when but it cannot be too soon to be right and just and moral—there will be a peace. There will be an end to the bloodshed and the loss of millions of lives. There will be some economic readjustment. There will be participation by the United States, and there should be. At that time, when our diplomats sit down at the table, and there are in our possession millions and hundred of millions of dollars, yes, billions of dollars, of the funds of other countries, we enter that international poker game, let me call it for a minute, with a stake in the game. We enter it with, as they say in that particular game, some kitty with which to play. We enter it, in other words, with the funds in our hands, and in control of that much of the situation. It seems to me the very least we can do to protect against the very dire evil, which has been so thoroughly outlined by the Senator from Utah, is to sequester these accounts, to forbid the disposition of these funds under the Presidential license power, and to hold them to abide the event of an economic conference to follow, or to be a part of a peace. That, Mr. President, it seems to me, would enormously implement our diplomacy in any such meeting, to the end that there shall not again be a scuttling of the economic conference, such as happened in 1933, to the end that in the future we may assist in laying the foundation of a worthy and worthwhile economic situation throughout the world. But where will we be if, looking forward to that day, we say, "You cannot take your money out of our banks. You will not get your money out of our banks. You will not be able to come into our court to assert a claim to them. We will recognize the man downtown, whom we acknowledge to be the legitimate representative of your government, and we will turn over millions of dollars to that payee, and there will be no liability in the courts of the United States."

Where will we be if, as a matter of policy, we take a position of that sort? Yet that is precisely what we are doing under this bill.

Mr. President, Marriner Eccles testified further as to yet one previously unmentioned phase of this matter. There are foreign governments which owe our manufacturers large sums of money, who have, through their central banks, sent funds here which are on deposit to pay American manufacturers. Mr. Eccles testified:

These funds that are here are naturally the funds that are being used to purchase not only war materials but also many essential commodities and other materials in this country. Contracts have been made not only for war materials but, no doubt,

for many other necessities, including relief necessities, so if it is found that even though the Treasury does not freeze the funds and there is still the legal question as to who should be recognized as having the right to use the funds, the whole thing may be tied up, and our own people in this country would be unable to receive payment, for an indefinite period possibly, on contracts involving many millions of dollars.

That quotation is found on page 26 of the Senate hearings.

Mr. President, in other words, if we sequester the fund, and under license we permit to be paid out only such sums as necessarily ought to be paid to American creditors, and if we sequester the balance of the fund to abide the event in due course, it seems to me we will have been doing everything that is right and proper for the protection of the claimants. Particularly should we not deny access to our courts to ascertain the justice of the claim, for even there the court will take judicial notice of the political entity recognized and accredited by the Secretary of State, which, of course, is the function of the executive department.

Mr. President, I submit these considerations to the Senate. I feel that we should not leave this matter solely on the basis as outlined by the chairman of the committee, for whom I have great respect as a distinguished lawyer and an able colleague, but I feel there are phases of this particular matter which we ought to consider very carefully before we go to the length of taking this position.

If we can do this now, it is only a short step before we can convert private debts into public debts, before we can undertake to take public debts in our country owing to other countries, and set them off against American claims. That is an unheard-of principle, Mr. President, and yet inevitable if we adopt this line of action.

I submit that this particular matter ought to be handled as the law now provides it shall be handled, as the able chairman of our committee told us the law has been decided by the Supreme Court of the United States, and as the proponents of the bill appearing before the committee told us it would be handled in the case of war.

Mr. President, this matter came up in June, I understand, at a time when it was said there was an emergency, and here it is October, and I submit whether or not the emergent conditions have been such as to require this action hitherto. It is perfectly obvious on its face that here is a brand new extension of power, with brand new remedies, brand new principles involved in our dealings with foreign countries, and I submit that the bill is neither necessary nor desirable, and I hope it will be rejected.

Mr. WAGNER. Mr. President, to begin with, we should have asserted previously that the State Department, the Secretary of the Treasury, and the Federal Reserve Board all not only favor this legislation, but urge its enactment.

The Senator referred to an amendment which we passed to the Trading With the Enemy Act, in which our Government was given the right, under certain circumstances, to refuse to grant a license for the transfer to the nationals of foreign governments of credits or properties which they may have in this country. As I recall, when that matter was under consideration the Senator from Connecticut opposed the legislation. We enacted it for a very simple reason.

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

Mr. WAGNER. I yield.

Mr. DANAHER. The Senator will recall that an amendment was offered to include the words "certificate of indebtedness and certificate of ownership of stock or securities." Does the Senator recall that?

Mr. WAGNER. Yes.

Mr. DANAHER. The Senator from Connecticut opposed that amendment.

Mr. WAGNER. That was opposition to the legislation. Why did we enact that legislation? I shall be very brief. It was simply because we wanted to take care of nationals of the countries which were invaded by the Nazis who had deposits in this country. We feared that in some instances they might be compelled by duress to make a request upon the bank in this country to transfer their properties to the invader. In order that we might inquire into the facts and ascertain whether or not duress were involved, or whether the transfer were voluntary, we provided for the license system. That has nothing to do with this situation.

The Senator says that the bill controls the transfer of funds. It does; but after the licenses are granted in the cases involved in this particular bill, payment by the Federal Reserve bank is required. Because the sums are so large the Federal Reserve bank would not pay if there should be any dispute as to who should receive the money. Under like circumstances, a bank in an invaded country, as a result of duress, might make claim upon the funds, and ask for a transfer to some person, which transfer would be against our public policy. So the argument of the Senator is not applicable to the present situation.

There is only one other statement which I wish to correct. The Senator says that the bill does not provide that the accredited representative shall be the only one authorized to receive the funds. If the Senator will read the bill carefully, he will find that it covers every possible point. In the first place, the government must be one which is recognized by us. Secondly, the representative, whether he be a minister or an ambassador, must be accredited from that particular country. The Senator complains because the word "ambassador" is not used. The term "representative" includes ministers, ambassadors, and other representatives sent to this country by a foreign government.

First, the government must be recognized by us. Second, the representative must be accredited from that particular country. Third, the particular individual who is to receive the money must be certified by the Secretary of State as having been certified by the government and by the accredited representative.

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

Mr. WAGNER. I yield.

Mr. DANAHER. Let us see. I am certain the Senator has missed the point. Let me point out to him that on page 2, line 8, of the bill the provision is that we are to deal with the agent whom the representative of the foreign government "has certified to the Secretary of State." The language does not provide that the Secretary of State shall certify anything.

Let us come down to line 12, on page 2. If the Senator wishes to be wholly correct—and I am sure he does—after the word "State" we should insert "and so certified by him to the Federal Reserve bank." The language would then read:

(3) The authority of such person to act with respect to such property is accepted and recognized by the Secretary of State and so certified by him to the Federal Reserve bank.

As it stands, it does not say anything about the Secretary of State certifying to the Federal Reserve bank, so after "State", we should insert "and so certified by him to the Federal Reserve bank." Does the Senator oppose that amendment?

Mr. WAGNER. I have no objection to that particular amendment. That is very clear.

Mr. DANAHER. Will the Senator yield while I offer it?

Mr. WAGNER. The certification is of the person who is to receive the money. When he goes to the Federal Reserve bank and asks for the funds on behalf of his government, of course the Federal Reserve bank will ascertain whether, as the result of a certificate from the Secretary of State, he is the accredited person. That is very plain. I think the Senator is now playing with words.

The point I wish to make is that this enumeration is exactly what the law of the land provides. All we want to do by this legislation is to avoid the same injustice that we intended to avoid when we provided for the license system. We wanted to be sure that the accredited person would receive the funds, and that they would not be tied up or diverted contrary to the public policy of our country. If we should pursue any other policy, it might involve a delay of 6 months, or a year, as the Senator from Utah said. It may be that one of the countries might want to utilize some of the funds. A country which we recognize may have been invaded. Nevertheless, we still recognize the government; and it may be very necessary for the public welfare of that

country that some of the money be utilized. Anyway it belongs to that country or its nationals; and so long as we pay it in accordance with the law of the land, nobody can have any objection. All we are doing is avoiding a delay of 6 months or a year, because in the end we must pay it. The Senator knows what the law of the land is. In the end the person who would receive the money would be the person certified by the Secretary of State. That is the law of the land, and it has been so held by the courts time and time again.

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

Mr. WAGNER. I yield.

Mr. DANAHER. If we were saying that the Secretary of State shall certify the person who is to receive the money, whereupon the Federal Reserve bank shall pay the money over to such person so certified, we should have a situation which would be covered by the Senator's closing argument. As the Senator puts it, some country might need its money. It might need its money, but it could not obtain it under the terms of the bill. The bill does not provide for compulsory payment.

Mr. WAGNER. I think it clearly does.

Mr. DANAHER. Show me where.

Mr. WAGNER. I do not wish to be technical about matters of this kind. What are the words which the Senator wishes to insert?

Mr. DANAHER. On page 2, line 12, after the word "State", insert "and so certified by the Secretary of State to the Federal Reserve bank." I send that amendment to the desk in order that it may be stated.

Mr. WAGNER. Let us see how it would read:

(3) The authority of such person to act with respect to such property is accepted and recognized by the Secretary of State——

Mr. DANAHER. Yes.

Mr. WAGNER. What is next?

Mr. DANAHER. I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Connecticut will be stated.

The LEGISLATIVE CLERK. On page 2, line 12, after the word "State", it is proposed to insert "and so certified by the Secretary of State to the Federal Reserve bank."

Mr. WAGNER. What does the Senator propose to do with the words "the payment, transfer, delivery," and so forth?

Mr. DANAHER. Those are the subjects of the verb in line 15—"shall be conclusively presumed to be lawful," and so forth. In other words, clause (3) should read:

(3) The authority of such person to act with respect to such property is accepted and recognized by the Secretary of State, and so certified by the Secretary of State to the Federal Reserve bank—

Mr. WAGNER. I wish to look at the Senator's amendment. He does not make it very clear to me. Does the Senator intend to omit any words?

Mr. DANAHER. No.

Mr. WAGNER. I should like to see how the language would read:

(3) The authority of such person to act with respect to such property is accepted and recognized by the Secretary of State, and so certified by the Secretary of State to the Federal Reserve bank—

Mr. DANAHER. Then follows a comma.

Mr. WAGNER. Then follows a comma.

Mr. DANAHER. And the language continues——

Mr. WAGNER. The language continues:

the payment, transfer, delivery, or other disposal of such property—

And so forth.

Mr. WAGNER. I see no objection to that.

Mr. DANAHER. I thank the Senator. I offer the amendment and ask that it be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

Mr. ADAMS. Mr. President, the purpose of the bill as originally introduced was to protect the Federal Reserve banks in the event of a controversy between factions or groups within a discordant nation. The plan was to provide that the official determination by the Secretary of State shall be the authority upon which the Federal Reserve bank may rely in making payment. If two agents should come to the Federal Reserve bank, each demanding payment of a deposit made by the central bank of a foreign country, and each claiming to be the duly authorized representative, the country being in discord because of factions and divisions, the Secretary of State, as the head of the agency having more information and better access to foreign records, foreign policies, and foreign facts than any other agency, would make a finding as to who represents the central bank or the central government. Then the Federal Reserve bank would be protected in making payment.

That being accepted, as I accept the measure as prepared, it occurred to me that it was even more essential that the private, insured banks of the United States should have the same protection. In other words, if, for instance, a large deposit has been made by a foreign government in the First National Bank of Casper two agents may appear demanding of the First National Bank of Casper the money. If they should go to the Federal Reserve bank under this proposed act the bank would be protected. If the bill is correct in its fundamental purpose of making the Secretary of State the official to determine who is the accredited representative for payment by the Federal Reserve bank, the same protection should be afforded to a privately owned bank in the United States. The privately owned bank is less able to get the information, less able to protect itself than is the Federal Reserve bank.

So I am offering an amendment which will afford such protection to the private banks as well as the Federal Reserve banks.

This exception is made: The original measure exempts the Federal Reserve banks from suit; the amendment does not exempt State banks from suit; but it does make such demands Federal questions so that the claimants may go into a Federal court and have it determined, and it gives to the privately owned bank the protection of the certificate of the State Department.

Therefore, I offer the amendment, which, I may say, in this form has been drawn by the general counsel of the Federal Reserve System, is acceptable to them, and, I understand, to the senior Senator from New York.

Mr. WAGNER. Yes.

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado [Mr. ADAMS] in the nature of substitute for the amendment of the Senator from Michigan [Mr. BROWN] will be stated.

The CHIEF CLERK. In lieu of the amendment of Mr. BROWN, it is proposed to insert the following:

That subsection (e) of section 14 of the Federal Reserve Act, as amended, is amended by inserting before the period at the end of the first sentence thereof the following: ", or for foreign banks or bankers, or for foreign States as defined in section 25 (b) of this act."

SEC. 2. Section 25 (b) of the Federal Reserve Act, as amended, is amended by adding at the end thereof the following new paragraphs:

"Whenever (1) any Federal Reserve bank has received any property from or for the account of a foreign state which is recognized by the Government of the United States, or from or for the account of a central bank of any such state, and holds such property in the name of such foreign state or such central bank; (2) a representative of such foreign state who is recognized by the Secretary of State as being the accredited representative of such foreign state to the Government of the United States has certified to the Secretary of State the name of a person as having authority to receive, control, or dispose of such property; and (3) the authority of such person to act with respect to such property is accepted and recognized by the Secretary of State, the payment, transfer, delivery, or other disposal of such property by such Federal Reserve bank to or upon the order of such person shall be conclusively presumed to be lawful and shall constitute a complete discharge and release of any liability of the Federal Reserve bank for or with respect to such property. No Federal Reserve bank shall be subject to any suit or other proceeding in any court, in its own name or in the name of any of its officers, directors, agents, or employees, as a consequence of any action taken by such bank, or with respect to any property disposed of, in accordance with the provisions of this paragraph. No court shall have jurisdiction to restrain or enjoin a Federal Reserve bank from making any pay-

ment, transfer, delivery, or other disposal of property in accordance with the provisions of this paragraph.

"Whenever (1) any insured bank has received any property from or for the account of a foreign state which is recognized by the Government of the United States, or from or for the account of any national of any such state, and holds such property in the name of such foreign state or such national; (2) a representative of such foreign state who is recognized by the Secretary of State as being the accredited representative of such foreign state to the Government of the United States has certified to the Secretary of State the name of a person as having authority to receive, control, or dispose of such property; and (3) the authority of such person to act with respect to such property is accepted and recognized by the Secretary of State, the payment, transfer, delivery, or other disposal of such property by such bank to or upon the order of such person shall be conclusively presumed to be lawful and shall constitute a complete discharge and release of any liability of such bank for or with respect to such property. Any suit or other legal proceeding against any insured bank or any officer, director or employee thereof, arising out of the receipt, possession, or disposition of any such property shall be deemed to arise under the laws of the United States and the district courts of the United States shall have exclusive jurisdiction thereof, regardless of the amount involved; and any such bank or any officer, director, or employee thereof which is a defendant in any such suit may, at any time before trial thereof, remove such suit from a State court into the district court of the United States for the proper district by following the procedure for the removal of causes otherwise provided by law.

"Nothing in this section shall be deemed to repeal or to modify in any manner any of the provisions of the Gold Reserve Act of 1934 (ch. 6, 48 Stat. 337), as amended, the Silver Purchase Act of 1934 (ch. 674, 48 Stat. 1178), as amended, or subdivision (b) of section 5 of the act of October 6, 1917 (40 Stat. 411), as amended, or any actions, regulations, rules, orders, or proclamations taken, promulgated, made, or issued pursuant to any of such statutes. In any case in which a license to act with respect to any property referred to in this section is required under any of said statutes, regulations, rules, orders, or proclamations, notification to the Secretary of State by the proper Government officer or agency of the issuance of an appropriate license or that appropriate licenses will be issued on application shall be a prerequisite to any action by the Secretary of State pursuant to this section, and the action of the Secretary of State shall relate only to such property as is included in such notification. Each such notification shall include the terms and conditions of such license or licenses and a description of the property to which they relate.

"For the purposes of this section, (1) the term 'property' includes gold, silver, currency, credits, deposits, securities, choses in action, and any other form of property, the proceeds thereof, and any right, title, or interest therein; (2) the term 'foreign state' includes any foreign government or any department, district, province, county, possession, or other similar governmental organization or subdivision of a foreign government, and any agency or instrumentality of any such foreign government or of any such organization or subdivision; (3) the term 'central bank' includes any foreign bank or banker authorized to perform any one or more of the functions of a central bank; (4) the term 'person' includes any individual, or any corporation, partnership, association, or other similar organization; (5) the term 'national' includes any person who is a citizen or subject of a foreign state or a resident of the territory of a foreign state and any corporation, partnership, association, or other similar organization organized under the laws of, or having its principal place of business in the territory of, a foreign state; and (6) the term 'insured bank' shall have the meaning given to it in section 12B of this act."

Mr. WAGNER. I think there ought to be, if it is not now in the proposal of the Senator from Colorado, the amendment which was proposed by the Senator from Connecticut [Mr. DANAHER]. The pending amendment is a substitute for the Brown amendment we have been considering, and the Senator from Connecticut had better see whether his amendment is in the amendment now proposed.

The PRESIDING OFFICER. Does the Senator from Connecticut desire to offer an amendment to the amendment of the Senator from Colorado?

Mr. DANAHER. Mr. President, I wish to know, first, if we are now considering the amendment proposed by the Senator from Michigan [Mr. BROWN]?

Mr. WAGNER. The pending amendment is in the nature of a substitute for the amendment of the Senator from Michigan. It strikes out everything after the enacting clause and incorporates the proposal of the Senator from Colorado. The Senator from Colorado incorporates the provisions which were contained in the amendment offered by the Senator from Michigan, but it is a complete restatement of the bill.

Mr. DANAHER. Where do the provisions of the amendment of the Senator from Colorado appear in the proposed substitute?



Mr. WAGNER. The amendment of the Senator from Colorado is a complete substitute. Has the Senator the amendment prepared?

Mr. DANAHER. I am writing it now.

Mr. KING. Mr. President, while the Senator from Connecticut is preparing his amendment, I desire to amplify very briefly the observations I made a moment ago.

I think that any legislation we enact dealing with deposits or credits in the United States, owned by foreign nations or by groups or organizations or individuals in foreign nations——

The PRESIDING OFFICER. The Senator from New York [Mr. WAGNER] has the floor. Does he yield?

Mr. WAGNER. I thought the Senator from Colorado had the floor.

Mr. ADAMS. No.

Mr. KING. I assumed that the Senator from Connecticut had the floor and was preparing an amendment. While he was preparing it, I took the liberty of proceeding for a few moments, and, if I am recognized by the Chair, I shall continue. If not, I shall suspend.

The PRESIDING OFFICER. The Chair will recognize the Senator from Utah while the Senator from Connecticut is endeavoring to perfect his amendment.

Mr. KING. In other words, I have a conditional recognition and my observations will be conditional with respect to approving this bill.

I was about to observe, Mr. President, that, in view of confused conditions throughout the world, and the rape of so many democratic governments by Hitler and his collaborators, when we are dealing with credits and funds which such governments or their nationals have in the United States, we ought to adopt every possible means for the protection of those governments and their subdivisions and their nationals against the greed and the ruthless exactions and demands of the governments that have conquered and are conquering them.

I have in mind that a short time ago Austria was an independent government. The Nazis took over the Austrian Government, took possession of its chief of state, and imprisoned him. Whether he has been killed up to this moment we do not know; but, undoubtedly, the Nazi government took possession, according to the information we have, of Austria's bank, of her credits, the property of the state, and made such disposition of it as tyrants usually make of the properties and individual liberties of those whom they have conquered.

Denmark was conquered; Norway was conquered. As I stated a few moments ago, the King of Norway was driven from his throne and his family driven from their country; the Government was destroyed and turned over to a mere puppet, who voices only the words of Mr. Hitler.

France is not an independent government now; the Vichy government is merely a tool in the hands of Hitler. We hear from time to time, statements to the effect that more of France will be incorporated within the Reich, and, indeed, before the mad ambitions of Hitler have been fully satiated, he may have the entire territory of France, the Vichy government will be wiped out, and whatever funds France had—and she had considerable money in the United States—will of course be demanded by Mr. Hitler and he will demand the funds of private persons of French nationality who have funds in the United States.

I have had instances brought to my attention of persons who have relatives residing in Germany and who have properties here in their own name or in the names of their relatives being coerced to make disposition of such properties and to turn over the funds received therefrom to Mr. Hitler.

So France having funds here, and other nations and other countries which have been conquered having funds here, their political subdivisions having funds here, their nationals having funds here, I feel that we should use every possible means to protect those funds, so that even if Hitler shall dominate and his government shall finally become the de jure government or the de facto government, his demand for those funds

shall not be respected, the moral and equitable demands of the owners of the property shall have precedence, and our courts may be invoked, if necessary, for their protection against the demands of Mr. Hitler or those governments which are destroying democracies and superimposing their will upon formerly independent peoples.

If this bill fully protects against those robberies and thieveries and thuggeries of the Nazi government, and those collaborating with it, I shall be satisfied; otherwise I shall feel disposed to vote against it. But, knowing the care with which the able Senator from New York addresses himself to these questions, I am inclined to accept his view and to believe that this bill affords ample protection for those who are the victims of the aggression of tyrannous governments.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado in the nature of a substitute for the amendment of the Senator from Michigan [Mr. BROWN].

Mr. DANAHER. I offer to the pending amendment the amendment which I previously offered and which was then adopted.

The amendment is in the first paragraph of section 2, after the words "accepted and recognized by the Secretary of State", to insert a comma and "and so certified by the Secretary of State to the Federal Reserve bank."

Mr. ADAMS. I accept the amendment of the Senator from Connecticut.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado [Mr. ADAMS], as modified, in the nature of a substitute for the amendment of the Senator from Michigan.

The amendment, as modified, to the amendment, was agreed to.

The amendment as amended was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act relating to foreign accounts in Federal Reserve banks and insured banks."

The PRESIDING OFFICER. Without objection, Senate bill 4174 will be indefinitely postponed.

NATIONAL DEFENSE HOUSING—CONFERENCE REPORT

Mr. CONNALLY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 10, 11, 12, and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 9, 14, 15, 16, and 17, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "and that such housing would not be provided by private capital when needed"; and the Senate agree to the same.

TOM CONNALLY,
THEODORE FRANCIS GREEN,
*Managers on the part of the Senate.*

FRITZ G. LANHAM,
EUGENE B. CROWE,
PEHR G. HOLMES,
*Managers on the part of the House.*

Mr. CONNALLY. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

Mr. WAGNER. Is the Senator going to speak on the report?

Mr. CONNALLY. Not if it can be agreed to without discussion.

Mr. WAGNER. I should like to ask a question about the report.

Mr. CONNALLY. Very well.

Mr. WAGNER. The Senate broadened the powers of the administrator to enable him to use any of several agencies for the purpose of constructing the housing under the bill.

Mr. CONNALLY. Those provisions were retained.

Mr. WAGNER. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

PROGRAM FOR THE CONSTRUCTION OF PUBLIC, UNDERGROUND, BOMB-PROOF SHELTERS

Mr. THOMAS of Oklahoma. Mr. President, there is on the table Senate Resolution 316. The resolution calls for no appropriation. Being a Senate resolution, it could not do so. I ask that the resolution be laid before the Senate.

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

The legislative clerk read Senate Resolution 316, submitted by Mr. THOMAS of Oklahoma on September 19, 1940, as follows:

Whereas the United States is taking steps to increase and strengthen our several miltary defense units; and

Whereas in the prosecution of this program it is deemed advisable to give major consideration to defenses against airplanes and airplane warfare; and

Whereas the European war discloses that the major part of the military activities are conducted in the air and take the form of airplane attacks against cities, railways, water supplies, and such military establishments as airplane factories and factories engaged in the production of ammunition and military supplies; and

Whereas in the present attack upon England planes of a bomber type are used to transport bombs to be released over vital points; and

Whereas in this kind of warfare it is necessary to protect the civilian population against bomb attacks by the construction of bomb retreats consisting of underground rooms and spaces; and

Whereas in order to perfect our military-defense program it is deemed advisable to give consideration to the construction of rooms and spaces underground, so that in case of an air attack the civilian population may find places of comparative safety against such attacks: Therefore be it

*Resolved,* That it is the sense of the United States Senate that our military authorities and those in charge of developing our defense program should give consideration to the location and construction of adequate public retreats and shelters to accommodate the people; be it further

*Resolved,* That our military authorities and those in charge of our military defense program be requested to consult and confer with the constituted legal authorities of the States and cities located along the border of the United States to the end that they may be advised and induced to take proper steps in cooperation with the Government in the establishment of such retreats and shelters; be it further

*Resolved,* That in the event legislation and funds are found to be necessary in carrying out this program, the said War Department and those in charge of our defense program be and are hereby requested to prepare and submit to the Congress appropriate recommendations on this subject.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. THOMAS of Oklahoma. Mr. President, after introducing the resolution I sent messages to a number of Governors of States and mayors of cities along the seaboard and along the border of the United States seeking to secure information as to whether or not any provision has been made anywhere for building such shelters. I am not anticipating that the United States is to be attacked, that New York is to be attacked, or that Washington is to be attacked; but since we are spending a vast sum of money in building up a defense program, it occurs to me that the question at least of building shelters for people in cities where they may be attacked is worthy of consideration. The resolution only asks that the War Department and the National Defense Council take this matter under consideration.

At this point I ask unanimous consent to have printed in the RECORD a number of very brief telegrams and letters received from mayors and from Governors. With the single exception of New York State and New York City, I think no State and no city has taken any steps whatever along this line, or even

investigated the matter. The State of Maryland has and is doing something along the line of making surveys for airplane raid shelters.

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

The telegrams and letters are as follows:

OFFICE OF THE MAYOR,
CITY OF RICHMOND, VA.,
*September 26, 1940.*

Senator ELMER THOMAS,
*Washington, D. C.*

DEAR SENATOR THOMAS: In reply to your telegram addressed to Governor Price, of Virginia, concerning the construction of air-raid shelters, I will say that no steps have been taken in this city for such shelters, but we wish to keep abreast of the necessities of the occasion and of what other American cities are doing.

I trust that this answers your inquiry.

Respectfully yours,

GORDON B. AMBLER, *Mayor.*

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JACKSONVILLE, FLA., *September 20, 1940.*

Hon. ELMER THOMAS:

Jacksonville has taken no action relative to providing air-raid shelters for public. If Army or Navy authorities request, we shall, of course, cooperate in every possible manner.

GEORGE C. BLUME, *Mayor.*

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MONTGOMERY, ALA., *September 23, 1940.*

ELMER THOMAS,
*United States Senator from Oklahoma:*

In Governors' absence, I am replying to your wire 19th. Nothing being done in this State in regard to construction of air-raid shelters.

ROLAND MUSHAT,
*Secretary to the Governor.*

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NEW ORLEANS, LA., *September 20, 1940.*

United States Senator ELMER THOMAS:

All matters in connection with military defense are being handled in cooperation with Federal military authorities.

ROBERT S. MAESTRI, *Mayor.*

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SANTA FE, N. MEX., *September 20, 1940.*

Hon. ELMER THOMAS,
*United States Senator:*

No provisions have been made for any air-raid shelters New Mexico.

JOHN E. MILES, *Governor.*

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CLEVELAND, OHIO, *September 20, 1940.*

ELMER THOMAS,
*United States Senator from Oklahoma:*

In absence of Mayor Harold H. Burton acknowledge receipt your telegram September 20 and in reply advise that no specific steps have been taken in Cleveland thus far for construction of air-raid shelters.

FRANK E. BUBNA,
*Executive Assistant in Charge of Federal Relations.*

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PHOENIX, ARIZ., *September 20, 1940.*

ELMER THOMAS:

No steps looking toward the construction of air-raid shelters for the public have been taken in Phoenix, nor are such contemplated at the present time.

R. T. JONES,
*Governor of Arizona.*

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ATLANTA, GA., *September 20, 1940.*

Hon. ELMER THOMAS,
*United States Senate, Washington, D. C.:*

There has been no development on defense matters mentioned in wire. However, appreciate your suggestion and think it well that you pass it on to the President and the Defense Council.

E. D. RIVERS, *Governor.*

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RALEIGH, N. C., *September 20, 1940.*

Senator ELMER THOMAS:

We have no air-raid shelters for the public in North Carolina, and no steps are being taken to construct any shelters anywhere in this State.

CLYDE R. HOEY, *Governor.*

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COLUMBIA, S. C., *September 20, 1940.*

Senator ELMER THOMAS,
*United States Senate:*

Your telegram has been received. There are no air-raid shelters in South Carolina. It is my opinion that the first constructed should be in Charleston and Florence. However, the Army knows better than I do. I concur in the administration developing these military-defense units as soon as possible.

BURNET R. MAYBANK,
*Governor of South Carolina.*

JACKSON, MISS., *September 20, 1940.*

Hon. ELMER THOMAS,
*United States Senate, Washington, D. C.:*

No steps have been taken to provide air-raid shelters in the State. This matter is being turned over to Maj. Gen. Tom Grayson for consideration.

PAUL B. JOHNSON,
*Governor of Mississippi.*

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STATE OF MAINE,
EXECUTIVE DEPARTMENT,
*Augusta, September 20, 1940.*

Hon. ELMER THOMAS,
*Senate Office Building, Washington, D. C.*

DEAR SENATOR THOMAS: Replying to your wire dated the 20th, I am not aware of any plans being made in this State at the present time relative to the provision of air-raid shelters for use of the public.

Very truly yours,

LEWIS O. BARROWS, *Governor.*

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MARYLAND COUNCIL OF DEFENSE AND RESOURCES,
*Baltimore, Md., September 21, 1940.*

Mr. ELMER THOMAS,
*United States Senator, Oklahoma, Washington, D. C.*

DEAR SIR: Your telegram to the Governor of Maryland has been referred to me for answer.

This matter had been brought to the attention of the Maryland council some time ago and was referred to our committee on housing works and transportation, which intends to develop a plan for cities of sizeable population so that construction should be accomplished with a minimum of delay if needed.

Very sincerely,

ISAAC C. GEORGE,
*Executive Director.*

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STATE OF FLORIDA,
EXECUTIVE DEPARTMENT,
*Tallahassee, September 21, 1940.*

Hon. ELMER THOMAS,
*United States Senator,*
*Washington, D. C.*

DEAR SENATOR THOMAS: Your telegram of September 20 received in regard to developing and strengthening our military defense units. So far as I know nothing has been done toward providing air-raid shelters for the public in Florida.

The State of Florida is unable financially to take care of a building program of this nature at this time, so it would seem that it will have to be done by the local communities.

I am today writing our Representatives in Congress requesting information as to what the Federal Government intends doing in regard to this situation.

Very truly yours,

FRED P. CONE, *Governor.*

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STATE OF WISCONSIN,
EXECUTIVE OFFICE,
*Madison, September 20, 1940.*

Hon. ELMER THOMAS,
*Senate Office Building, Washington, D. C.*

DEAR SENATOR THOMAS: In reply to your telegram, you are advised that as yet no steps have been taken toward the construction of air-raid shelters in Wisconsin.

Your telegram will be brought to the attention of the defense committee.

Yours very truly,

MAURICE P. COAKLEY,
*Secretary to the Governor.*

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STATE OF RHODE ISLAND & PROVIDENCE PLANTATIONS,
EXECUTIVE CHAMBER,
*Providence, September 23, 1940.*

Hon. ELMER THOMAS,
*Senate Chamber, Washington, D. C.*

DEAR SENATOR: In reply to your wire of the 20th, I wish to advise you that the construction of shelters is not contemplated here at the present time.

With best wishes, I am,

Very sincerely,

WILLIAM H. VANDERBILT,

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SEATTLE, WASH., *September 24, 1940.*

ELMER THOMAS,
*United States Senator, Oklahoma,*
*Washington, D. C.:*

No steps being taken to provide air-raid shelters in this city.

MAYOR ARTHUR B. LANGLIE.

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CITY OF BUFFALO,
OFFICE OF THE MAYOR,
*September 24, 1940.*

Hon. ELMER THOMAS,
*United States Senate, Washington, D. C.*

MY DEAR SENATOR: No steps have been taken in Buffalo for the construction of air-raid shelters.

Mayor Holling, however, will be very glad to receive any ideas you may have on this subject.

Very truly yours,

HARRY S. MULLANY,
*Secretary to the Mayor.*

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COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
*Richmond, September 24, 1940.*

Hon. ELMER THOMAS,
*Senate Office Building, Washington, D. C.*

MY DEAR SENATOR THOMAS: Your recent telegram concerning the subject of air-raid shelters has been received.

Our State planning board has made some preliminary surveys so far as the State is concerned, and I am forwarding your telegram to the mayor of the city for further attention.

Sincerely yours,

JAMES H. PRICE, *Governor.*

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ADJUTANT GENERAL'S DEPARTMENT,
*Austin, Tex., September 30, 1940.*
Dictated September 28.

Hon. ELMER THOMAS,
*United States Senator, Oklahoma,*
*Washington, D. C.*

DEAR SENATOR THOMAS: Only yesterday I returned to my desk here in Austin from Washington. I find your telegram of September 20 addressed to Governor O'Daniel, together with a copy of the reply thereto by the Governor's secretary, Mr. Lawson.

I have no knowledge of any steps being taken in this city toward the consideration of air-raid shelters for the public, nor do I know of any contemplated action being taken along that line at the moment.

If any definite action is being taken by any other cities with respect to this matter I shall be very glad to know of it, although the construction of such shelters would not, in all probability, come under the supervision of my department.

Yours very truly,

J. WATT PAGE,
*Brigadier General, The Adjutant General of Texas.*

Mr. THOMAS of Oklahoma. The Governor of the State of New York states that the matter is having some consideration. I ask that the message from the Governor of New York be read.

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

The legislative clerk read the telegram, as follows:

ALBANY, N. Y.

Hon. ELMER THOMAS,
*United States Senate, Washington, D. C.:*

Referring your telegram of 19th beg to advise you that neither the State administration nor the State council for national defense has taken any steps to provide air-raid shelters. We are devoting ourselves among many other things to increasing industrial production throughout the State, strengthening our military and police protection, and in giving vocational training to thousands of additional workers.

HERBERT H. LEHMAN,
*Governor of New York.*

Mr. THOMAS of Oklahoma. Mr. President, following the message from the Governor of New York, I ask permission to have printed in the RECORD a letter received from the mayor of New York City. I do not ask that the letter be read but request that it be printed in the RECORD.

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

The letter is as follows:

CITY OF NEW YORK,
OFFICE OF THE MAYOR,
*September 26, 1940.*

Hon. ELMER THOMAS,
*United States Senator, Washington, D. C.*

MY DEAR SENATOR: I was glad to get your telegram. We have spent about a year in a survey and study of proper air-raid shelters. We have not commenced constructing shelters, although we have given that subject study. We believe we must await Federal action for shelter construction. I say I was glad to get your telegram because you will recall that I was called to task and severely criticized by my good friend VANDENBERG for taking early precaution.

I can send you our preliminary report, if you will treat it confidentially. I think it will be well for you to see it in order to glean an idea of how much preliminary work must be done. I would greatly appreciate it if you would reply on the floor of the Senate to brother VANDENBERG'S remark.

Let me know if you care to look over the preliminary report.

Sincerely,

F. LAGUARDIA, *Mayor.*

Mr. THOMAS of Oklahoma. Then I submit for the RECORD a number of news items which appeared in the current press. I ask that the portions marked be printed at this point in connection with my remarks.

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

The matters referred to are as follows:

AIR RAID SHELTER SURVEY IN MARYLAND

BALTIMORE, September 19.—Maryland's Defense Resources Council yesterday announced the State would be surveyed immediately for air raid shelters.

"There is not even a subway available and probably very few subterranean chambers susceptible of use," explained C. W. Galloway, a committee chairman of the council.

Mr. Galloway said his committee would "immediately undertake to lay the groundwork of a comprehensive plan" for air-raid shelters in the State's largest cities because of "the importance of planning for every eventuality."

The survey will determine "whether any potential shelters already exist" and be "supplemented by plans for construction wherever needed."

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SHELTERS ARE POOR BUT LONDON'S COCKNEYS MAKE BEST OF THEM—REPORTER FINDS THEM EVIL SMELLING AND DIRTY, BUT REFUGEE SAYS: "WHO CARES—IT'S LIFE WE ARE SEEKING TO KEEP"

In cold, clammy, dingy hovels thousands of London's East Enders huddle on single blankets on bumpy paving bricks and try to keep out of the drafty gusts until daylight chases away the German air invaders.

People are admitted only after 5 p. m. for the night, but during the day admittance is allowed for the duration of raids. There is a scurry to be the first out, just as there is to be in line when the raids are coming.

MANY HAVE "SHELTER THROATS"

"Shelter throats" were prevalent. Coughing was almost continuous while I was there.

Expectoration was frequent, and it seemed a perfect breeding place for disease.

A litter of dirt had been swept out of the way into nooks and corners to accommodate every description of deck chairs, stools, and seats.

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DEEP SHELTERS URGED FOR LONDON'S MORALE—LLOYD GEORGE SEES MENTAL PERIL IN PERSISTENT BOMBING

(By David Lloyd George)

The prize gained from these bombardments from the air is not so much in the actual casualties obtained as in the nervous strain created by the noises and constant apprehension from which a bombarded city is never free. This makes unbroken sleep almost impossible in bombed areas, and the human system is worn out if the experience is long continued without periods of relaxation.

Troops were never kept in the line more than a few days' time. They were then withdrawn to areas where they enjoyed comparative repose. That cannot be done in a vast city with a population of 7,000,000. There ought therefore to be measures taken by the Government to eliminate this incessant sense of fear, fright, and strain in the hearts of people who are now subjected to these harrowing experiences.

As I pointed out in my last article, this can be done by providing deep shelters within reach of everyone—well underground where noise will not descend or interrupt sleep. Once everyone knows that safety is at hand the dread and horror will disappear altogether and these raids will cease to undermine the morale of the nation.

WOULD END REIGN OF TERROR

The Government ought to see, before winter is upon us—and it is not far off—that every man, woman, and child will have a safe refuge at hand at which they know they will be secure from these murderous raids. As soon as that is accomplished the reign of terror will be at an end. In these impenetrable fortresses the occupants can afford to laugh at the efforts of their baffled assailants.

I am glad to know that the war Cabinet at last has been roused to an understanding of the importance of this too long neglected duty. It is an undertaking which, if it is to achieve its purpose, must not merely be half done. Ample provision must be made for the security, comfort, and health of the whole population, and not merely a portion of it, however considerable that part may be. They must be certain that even if the Germans intensify fivefold their bombardment, and turned on the whole of their bombing resources, our towns and inhabitants would be reposing in safe emplacements dug deep in the soils their sons were so valiantly defending in the skies above.

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ARMY SENDS DEFENSE PLANTS PLANS FOR AIR-RAID PROTECTION

Air raid precaution suggestions—four pages of them—went out from the War Department today to firms expanding their plants for defense orders.

The suggestions dealt with the proper location of factories, their protection and concealment against bombing attacks, and included an offer of plans for air-raid shelters.

At the same time, the Department disclosed that it was contemplating proposals for underground airplane hangars and storage dumps for ammunition and vital supplies, such as aviation gasoline.

Taking account of the wholesale destruction of industry in Spain, Poland, Finland, Holland, and now England the Department sent American manufacturers a memorandum outlining minimum passive-defense protection.

Complete protection against direct bomb hits was not judged to be economically or militarily justifiable at this time, but measures for reasonable protection were outlined.

Manufacturers building plants with the aid of Government orders, loans, or grants will not be required to make protective installations, but Secretary Stimson told his press conference yesterday, "We are making every effort beforehand by warning them of what the dangers may be."

Assistant Secretary Patterson added that "no extensive changes in existing plants are contemplated," since the Department does not wish to impede important production.

Introducing a grim new note into American industrial planning, the Army memorandum recommended that—

1. Plants be located to take advantage of protective terrain.
2. Buildings be dispersed.
3. Black-out provisions be made.
4. Protection be provided against bomb splinters, fire, and damage to power, telephone, light, and gas lines, and
5. That buildings be concealed as much as possible.

Secretary Stimson said those precautions, as a result of the threat of modern long-range bombing, had been added to previous strategic principles dictating the location of munitions plants in the interior, behind mountain ranges.

Meanwhile the United States Housing Authority disclosed that air-raid shelters, with which it is experimenting, may be added for the convenience of tenants in future low-rent housing projects.

Experts are now studying two types, somewhat on the idea of "pill boxes." One is oblong with a parabolic cross-section tapering toward the top. The other is dome-shaped and should give more protection from gunfire and flying fragments, the experts say, adding that "no 'pill box' yet devised provides much protection from a direct bomb hit."

Mr. THOMAS of Oklahoma. Mr. President, inasmuch as the resolution is simply a Senate resolution, and only asks for information, I ask that a vote be taken at this time.

Mr. BARKLEY. Mr. President, I hope the Senator from Oklahoma will not urge action on the resolution at this time. It is a matter which probably ought to go to the Committee on Military Affairs.

Mr. THOMAS of Oklahoma. It asks only for information.

Mr. BARKLEY. The resolution declares it to be the sense of the Senate that these air retreats ought to be provided; and it is a matter which it seems to me ought to be given the consideration of the committee. I am willing to let the matter lie over on the table for the day.

Mr. THOMAS of Oklahoma. Let me say to the Senator from Kentucky that it has been on the table now for almost a month.

Mr. BARKLEY. This is the first time I have had my attention called to it.

Mr. THOMAS of Oklahoma. I have no objection to its going over until tomorrow.

Mr. BARKLEY. Let it go over until tomorrow, and let me look into it, if the Senator please.

Mr. THOMAS of Oklahoma. Very well.

The PRESIDING OFFICER. Without objection, the resolution will go over until tomorrow.

### INVESTIGATION OF CONDITIONS IN COMMERCE AFFECTING NATIONAL DEFENSE

Mr. WHEELER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 309. I do not think it will call for any debate. Its consideration was objected to by the Senator from Vermont [Mr. AUSTIN] the other day when bills on the calendar were being considered by unanimous consent. I have spoken to the Senator from Vermont about the resolution. As proposed to be amended, it does not call for the expenditure of any money by the Government in any way, shape, or form.

The PRESIDING OFFICER. The resolution will be read.

The legislative clerk read Senate Resolution 309, submitted by Mr. Wheeler on September 9, 1940, as follows:

Whereas authentic reports indicate that German and other foreign corporations enjoy a measure of control over some of our most important defense industries; and

Whereas an American corporation which supplies glass for instruments and weapons for the Army and Navy has been shown to have close relations with a German concern involving disclosure of secret processes; and

Whereas one of the most important metals, invaluable in the manufacture of airplanes, is controlled by a corporation half of whose stock is reliably reported to be owned by the German Chemical Trust; and

Whereas information has come to hand that some large concerns important to national defense have deferred national interests to monetary considerations by giving preference to foreign munitions orders; and

Whereas national defense, with which the American people are vitally concerned, demands the elimination of any such abuses and foreign controls which are contrary to our national interests: and

*Resolved*, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make, and to report to the Senate the results of a thorough and complete investigation of acts, practices, methods, and omissions to act, by persons, partnerships, associations, corporations, other entities, and foreign governments, in interstate or foreign commerce, and of conditions of interstate or foreign commerce, which may or do delay, interfere with, or obstruct the national defense, including, among other things:

(1) Part or entire ownership by stock or otherwise of influence in, control of, and power over, domestic business and production related to national defense, by any foreign person, partnership, association, corporation, foreign government, or agents or instrumentalities thereof, or other entity.

(2) Pooling arrangements or other contracts or agreements between any one or more of the foregoing, and any American person, partnership, association, corporation, or other entity, for interchange of business or trade secrets or other information, for interchange of patents or processes or patent rights, for allocation of sales or places of doing business or production, for restriction of production, or for fixing of prices.

(3) Sale, directly or indirectly, in or for foreign commerce, of materials or products, whether raw, semifinished or finished, used or usable in war industries or war activities or preparations by any foreign person, partnership, association, corporation, or other entity.

(4) Financial arrangements and demands therefor with respect to profits, taxes, or other matters, affecting national defense.

(5) Restraints of trade by foreign or domestic persons, partnerships, associations, corporations, or other entities, whether through monopolies or otherwise, affecting national defense.

The Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to obtain such facts as other Government agencies may have, and to secure the assistance of other Government agencies in the investigation hereby authorized.

For the purposes of this resolution the committee or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places, either in the District of Columbia or elsewhere, during the sessions, recesses, and adjourned periods of the Senate in the Seventy-sixth and subsequent Congresses, to employ such experts, and clerical, stenographic, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production and impounding of such books, papers, and documents, to administer such oaths, and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per 100 words. The expenses of the committee, which shall not exceed $50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. AUSTIN. Mr. President——

Mr. KING. I should like to ask the Senator the purpose of the resolution.

Mr. WHEELER. I have the floor. I yield to the Senator from Vermont.

Mr. AUSTIN. Mr. President, reserving the right to object, I have tried to find out enough about the purpose of the resolution to indicate the necessity for immediate action, if there be such. The result of my inquiries is that there may be a useful purpose for such a committee at a time when we are not engaged in a fight for political success on one side of the aisle or the other, and at a time and under circumstances when such an investigation could be conducted with calmness and fairness, and with nothing in view but the public interest. By that I do not mean that the Senator from Montana has any other interest in view. My own opinion is, however, that this is a bad time to adopt this resolution, and, that being so, I feel bound to object to its consideration at this time.

Mr. WHEELER. Let me say to the Senator from Vermont that I have not any desire at all to hold hearings under the resolution, or anything of that kind, until we come back here after the 1st of January. I am only asking for the

adoption of the resolution in order to cooperate with the Department of Justice, and not with the idea of taking it up during this period, when political discussions are on, in any way, shape, or form. The adoption of the resolution is desired by those who are interested in defense, for the purpose of helping the defense measures.

Mr. AUSTIN. I have not the slightest doubt of the good faith of the Senator from Montana. It is just a question of difference between him and me about the expediency of taking up the resolution. If he should move to proceed to its consideration, probably he would overwhelm us.

Mr. WHEELER. I will say to the Senator that I shall have to move to proceed to the consideration of the resolution if the Senator objects to its consideration.

Mr. AUSTIN. Holding the views that I do, I cannot take any other position on this floor than to object to the immediate consideration of the resolution. I do not want to reflect on the Department of Justice or any other department of the Government; but the Department of Justice has a certain objective and a certain duty to perform and we have another one. I do not think we ought to be led off from our own diagnosis of the case. We ought to treat the case according to our own diagnosis.

I realize what the Department of Justice is trying to do, and I am not trying to interfere with that or to make it more difficult in any way at all. On the other hand, I do not want to see Congress at this particular juncture undertake to furnish the Department of Justice with material to club industrial enterprises over the head, at a time when we want harmony in the country and want complete cooperation in building up the national defense.

Mr. WHEELER. If the Senator from Vermont thinks for one moment that this resolution is to be used for the purpose of clubbing industry over the head, he is entirely mistaken. Some industries find themselves in a very peculiar position with reference to contracts which have been entered into with some German concerns and with other concerns throughout the country. The matter ought to be studied with a view to passing legislation so that we shall not again find ourselves in the position in which we now are. I am told on very good authority that Great Britain found herself in the same position, and that she passed some laws to obviate their recurrence in time of war or in time of an emergency such as exists today.

Mr. BARKLEY. Mr. President, will the Senator yield for a statement?

Mr. WHEELER. I yield to the Senator from Kentucky.

Mr. BARKLEY. I appreciate the force of what the Senator from Vermont says. Nobody desires to use any resolution or any law or any act of Congress to club business over the head. Being a member of the Committee on Interstate Commerce, I am familiar with the facts connected with this resolution and the statements which were made before the committee resulting in its report.

I can state to the Senator from Vermont that there is no politics in the resolution. It is not a political matter at all, except in the sense that everything the Government does is broadly political, because it has to do with the Government.

Mr. AUSTIN. Mr. President, will the Senator yield for a question at that point?

Mr. WHEELER. Yes.

Mr. AUSTIN. Does it not occur to the Senator from Kentucky that without any intention on the part of the Senate in passing the resolution, nevertheless politics might get into this matter?

Mr. BARKLEY. I do not think the kind of politics the Senator has in his mind would get into it. It is not contemplated that there shall be any hearings under the resolution at present. Certain facts connected with certain contracts heretofore entered into, before anybody got into any war, may very seriously handicap our own industries in the matter of national defense. The facts may be developed in a quiet way. There will probably be no publicity about the matter. As the Senator from Montana says, in January, when the facts have been gathered through the activities of the committee—it has no money; it cannot hold hearings or summon witnesses without any funds—it is hoped that the committee, or any subcommittee that might be appointed, cooperating with the Department of Justice and other Departments, might gather facts upon which, if necessary, later on there might be legislation, or, if necessary, hearings; but it is not at all certain that it ever would be necessary to hold any public hearings on the subject. There is, however, a situation of such a nature that the matter ought to be gone into, and we ought to be in a position, when the time comes, if it does come, when legislation is needed, to legislate in view of the facts developed.

The resolution has not remotely any political connotation; and I do not think there is a remote chance that any partisan politics will be injected into it. Even if anyone attempted that, it would be difficult to prophesy to whose advantage it would work.

Mr. WHEELER. There will not be any politics after January anyway. Politics will be over at that time, will be adjourned, we hope, for 4 years.

Mr. AUSTIN. All the learned Senators say supports my opinion that we would do well to put this off until after the first of January.

Mr. WHEELER. What we want to do is to gather the information between now and January.

Mr. AUSTIN. In that view of the matter, I feel bound to object to proceeding.

Mr. WHEELER. I move that the Senate proceed to the consideration of Calendar No. 2286, Senate Resolution 309.

Mr. GEORGE. Mr. President, the Senate may proceed to take a vote on that motion, but I wish to ask unanimous consent to take up another matter about which I do not think there will be any controversy.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. WHEELER].

The motion was agreed to.

Mr. GEORGE. I ask unanimous consent——

Mr. AUSTIN. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The parliamentary situation is that Senate Resolution 309 is before the Senate. The Senator from Montana has the floor, and he temporarily yields to the Senator from Georgia, who desires to present a matter.

Mr. AUSTIN. I thank the Chair.

CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK

Mr. GEORGE. Mr. President, I was about to ask unanimous consent that, without displacing the pending matter of business, the Senate proceed to the consideration of House bill 8512, Calendar No. 2328, in order that the Senate may have an opportunity to agree to an amendment recommended by the Committee on Public Lands and Surveys.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

There being no objection, the Senate proceeded to consider the bill (H. R. 8512) to provide for the acquisition of additional lands for the Chickamauga and Chattanooga National Military Park, and for other purposes, which had been reported from the Committee on Public Lands and Surveys with an amendment.

Mr. GEORGE. Mr. President, the Senate Committee on Public Lands and Surveys has amended the bill by providing that the total amount which may be authorized for the acquisition of the additional lands desired in this military park adjacent to Fort Oglethorpe shall not exceed $125,000. That is the amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The amendment was, on page 2, line 9, after the word "appropriated", to insert "a sum not to exceed $125,000", and in line 10, after the word "act", to strike out "such sums as the Congress may from time to time determine", so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized to acquire on behalf of the United States, by purchase

when purchasable at prices deemed by him reasonable, or by condemnation under the provisions of the act of August 1, 1888, the following tracts of land or any part thereof for addition to Chickamauga and Chattanooga National Military Park: All of lots of land Nos. 86, 87, 88, 95, 123, 165, in the ninth district and fourth section, Catoosa County, Ga., and such parts of lots of land 89, 90, 91, 92, 93, 124, 125, 128, 129, 160, 161, 164, 196, and 197, in said district and section as lie west of Chickamauga Creek. When title to any such lands shall have vested in the United States they shall be added to and become a part of said park and shall be subject to all laws and regulations applicable thereto.

SEC. 2. There is hereby authorized to be appropriated a sum not to exceed $125,000 to carry out the purpose of this act.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

INVESTIGATION OF CONDITIONS IN COMMERCE AFFECTING NATIONAL DEFENSE

The Senate resumed consideration of Senate Resolution 309, which had been reported from the Committee on Interstate Commerce with amendments.

Mr. BARKLEY. Mr. President, let me ask the Senator from Montana whether he desires that we proceed with the consideration of the resolution today. I have been promising the Senator from Nebraska [Mr. BURKE] an executive session for some days in order that we may dispose of a Nebraska postmastership, which will take probably 20 or 30 minutes.

Mr. WHEELER. I do not think the consideration of the resolution will take much time. If there is indication that it will take considerable time and that there will be discussion, I shall not object to it going over. I think we have had all the discussion that is necessary about the resolution.

Mr. BARKLEY. I am willing to have a vote on the resolution now.

Mr. WHEELER. So am I.

Mr. KING. Mr. President, I understand that the resolution asks for some investigation to be made by the Committee on Interstate Commerce with reference to certain contracts which have been entered into largely, or, in part, at least, with German companies.

I recall that a number of years ago the Committee on Finance conducted some investigations which demonstrated that a number of German corporations, vast German organizations dealing with all sorts of chemical compounds and chemical preparations, had very large holdings in the United States, and controlled, in part at least, if not entirely, some of the German companies in the United States.

I assume that perhaps the situation throughout the world today, under the dominance of Mr. Hitler and the Nazi regime, in the absolute control which Mr. Hitler exercises over all forms of German industry, makes it advisable that we make some inquiry to ascertain to what extent Mr. Hitler may control or seek to control some chemical or other corporations in the United States, and if that is the purpose of the resolution, I am in entire sympathy with it.

Mr. WHEELER. That is the purpose of it.

The PRESIDING OFFICER. The clerk will state the amendments of the Committee on Interstate Commerce.

The amendments of the committee were, on page 2, line 16, after the word "arrangements", to insert "affecting national defense"; on page 3, line 7, after the word "entity", to insert the words "affecting national defense"; and on page 4, line 8, to strike out "The expenses of the committee, which shall not exceed $50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman", so as to make the resolution read:

*Resolved*, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make, and to report to the Senate the results of, a thorough and complete investigation of acts, practices, methods, and omissions to act, by persons, partnerships, associations, corporations, other entities, and foreign governments, in interstate or foreign commerce, and of conditions of interstate or foreign commerce, which may or do delay, interfere with, or obstruct the national defense, including among other things—

(1) Part or entire ownership by stock or otherwise of, influence in, control of, and power over, domestic business and production related to national defense, by any foreign person, partnership, association, corporation, foreign government, or agents or instrumentalities thereof, or other entity;

(2) Pooling arrangements affecting national defense or other contracts or agreements between any one or more of the foregoing, and any American person, partnership, association, corporation, or other entity, for interchange of business or trade secrets or other information, for interchange of patents or processes of patent rights, for allocation of sales or places of doing business or production, for restriction of production, or for fixing of prices;

(3) Sale, directly or indirectly, in or for foreign commerce, of materials or products, whether raw, semifinished, or finished, used or usable in war industries or war activities or preparations by any foreign person, partnership, association, corporation, or other entity affecting national defense;

(4) Financial arrangements and demands therefor with respect to profits, taxes, or other matters, affecting national defense;

(5) Restraints of trade by foreign or domestic persons, partnerships, associations, corporations, or other entities, whether through monopolies or otherwise, affecting national defense.

The Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to obtain such facts as other Government agencies may have, and to secure the assistance of other Government agencies in the investigation hereby authorized.

For the purposes of this resolution the committee or any duly authorized subcommittee thereof is authorized to hold such hearings, to sit and act at such times and places, either in the District of Columbia or elsewhere, during the sessions, recesses, and adjourned periods of the Senate in the Seventy-sixth and subsequent Congresses, to employ such experts, and clerical, stenographic, and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production and impounding of such books, papers, and documents, to administer such oaths, and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words.

The amendments were agreed to.

Mr. AUSTIN. Mr. President, are we considering the resolution itself?

The PRESIDING OFFICER. Yes.

Mr. AUSTIN. I thought I learned on inquiry that the motion to proceed to the consideration of the resolution was pending. I must have misunderstood the Chair.

The PRESIDING OFFICER. The motion was put and agreed to that the Senate proceed to the consideration of the resolution.

Mr. AUSTIN. The motion was declared agreed to, was it?

The PRESIDING OFFICER. It was. The question now is on agreeing to the resolution as amended. (Putting the question.) The "ayes" seem to have it.

Mr. AUSTIN. I ask for a division.

On a division the resolution was agreed to.

The preamble was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the bill (S. 3266) to provide pensions, compensation, retirement pay, and hospital benefits for certain Air Corps Reserve officers who were disabled while on active duty with the Regular Army.

The message also announced that the House insisted upon its amendments to the bill (S. 2103) to exempt certain Indians and Indian tribes from the provisions of the Act of June 18, 1934 (48 Stat. 984), as amended, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ROGERS of Oklahoma, Mr. HILL, and Mr. SCHAFER of Wisconsin were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7738) to amend the act entitled "An act to authorize the Secretary of the Interior to lease or sell certain lands of the Agua Caliente or Palm Springs Reservation, Calif., for public airport use, and for other purposes"; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ROGERS of Oklahoma, Mr. CARTWRIGHT, and Mr. BURDICK were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 844. An act to simplify the accounts of the Treasurer of the United States, and for other purposes;

S. 3990. An act to transfer the essential language of section 518, title IV, of the Tariff Act of 1930, approved June 17, 1930, into the Judicial Code of the United States and to provide for its reenactment as part of said Judicial Code, to take effect from the date of its passage, including the allowance to the judges of the United States Customs Court for traveling expenses incurred for maintenance while absent from New York on official business and to repeal all acts inconsistent therewith to the extent of such inconsistency, and for other purposes;

H. R. 5053. An act for the relief of Verdie Barker and Fred Walter;

H. R. 5937. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of Lamborn & Co.;

H. R. 8621. An act to amend the Civil Service Retirement Act and other retirement acts;

H. R. 9654. An act to extend, for an additional year, the provisions of the Sugar Act of 1937 and the taxes with respect to sugar;

H. R. 9851. An act authorizing special arrangements in the transportation of mail within the Territory of Alaska;

H. R. 9980. An act to revise and codify the nationality laws of the United States into a comprehensive nationality code;

H. R. 10122. An act to amend an act entitled, "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," approved August 11, 1939 (53 Stat. 1418), and an act entitled, "An act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes," approved August 28, 1937 (50 Stat. 869);

H. R. 10464. An act to assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contracts;

H. R. 10518. An act granting the consent of Congress to the Department of Highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Whetstone Diversion Channel at or near Ortonville, Minn.;

H. R. 10539. An act making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes;

H. R. 10572. An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes; and

S. J. Res. 225. Joint resolution relating to the conditions for payment with respect to sugarcane harvested from certain plantings in the mainland cane-sugar area.

SURVEY OF CARTER COUNTY, TENN., AND OTHER COUNTIES

Mr. BARKLEY obtained the floor.

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

Mr. BARKLEY. I yield.

Mr. STEWART. I wish to call up a matter on the calendar.

Mr. BARKLEY. I may say to the Senators that I hope that we may have a call of the calendar tomorrow for bills which have been reported since the call of the calendar on September 30, so that bills on the calendar may be disposed of. I do not know whether that would include the Senator's matter or not.

Mr. STEWART. Mr. President, I am referring to Senate Resolution 302, found on page 16 of the calendar, under the heading, "Subjects on the table." I merely desire to call the resolution from the table and have it agreed to.

The PRESIDING OFFICER. The resolution will be read by title.

The LEGISLATIVE CLERK. The resolution (S. Res. 302) submitted by Mr. STEWART on August 24, 1940, requesting the Secretary of War to make a survey of Carter and adjoining counties in Tennessee which were damaged by flood on August 13, 1940.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which was read, as follows:

Whereas Carter County, Tenn., was subjected on August 13, 1940, to a disastrous flood, which caused extensive damage to roads and bridges in such county, and to the streets and the sewerage system of the city of Elizabethton in such county; and

Whereas Carter County and the city of Elizabethton are so burdened with indebtedness as to be unable to raise the necessary funds to repair such roads, bridges, streets, and sewerage system, and to take such action as may be necessary to prevent similar damage in the future; and

Whereas it is essential to the maintenance of the health and safety of the people of such county and city that such roads, bridges, streets, and sewerage system be repaired, and that action be taken to protect such county and city from floods: Therefore be it

*Resolved*, That the Secretary of War is requested to immediately make a survey of that part or portion of Carter County and adjoining counties in Tennessee which were subjected to a flood on August 13, 1940, with a view to and for the purpose of determining the extent of the damage to public and other property caused by the flood and the cost of repair, and to report to the Senate thereon at the earliest practicable date.

Mr. KING. Mr. President, I inquire whether the information desired has not been obtained, and is not now available.

Mr. STEWART. It is not.

Mr. KING. Is the Secretary of War the proper person to make the survey?

Mr. STEWART. I think so.

Mr. KING. Has not the State or its political subdivisions made any survey?

Mr. STEWART. They had not at the time this resolution was offered, at least.

Mr. KING. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, I feel that in good faith I must now move for an executive session, because I asked the Senator from Nebraska [Mr. BURKE] earlier in the day to postpone the matter in order that we might dispose of the bill the Senator from New York had in charge. I therefore move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE MESSAGES REFERRED

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

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

EXECUTIVE REPORTS OF COMMITTEES

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nomination of William E. Flournoy, Jr., of Virginia, now a Foreign Service officer of class 7 and a secretary in the Diplomatic Service, to be also a consul.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry officers for promotion, or appointment, by transfer, in the Regular Army.

Mr. VAN NUYS, from the Committee on the Judiciary, reported favorably the following nominations:

William J. Campbell, of Illinois, to be district judge for the northern district of Illinois, to fill a new position; and

J. Albert Woll, of Illinois, to be attorney for the northern district of Illinois, vice William J. Campbell (appointed district judge).

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

He also, from the same committee, reported adversely the nomination of Eva L. Herndon, to be postmaster at Warrensburg, Mo., in place of A. T. King, removed.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of Harvey M. Johnsen to be judge of the United States Circuit Court of Appeals for the Eighth Circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTER—FRANK S. PERKINS

The legislative clerk read the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr., which had been passed over.

Mr. BURKE. Mr. President——

POSTMASTER—THOMAS E. TRULOVE

Mr. McKELLAR. Mr. President, may not the other nomination be confirmed?

The PRESIDING OFFICER. Without objection, the clerk will state the other post-office nomination.

The legislative clerk read the nomination of Thomas E. Trulove to be postmaster at Inglewood, Calif.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. JOHNSON of California subsequently said: Mr. President, I have received many protests concerning the nomination of Thomas E. Trulove to be postmaster at Inglewood, Calif.

Mr. McKELLAR. Mr. President, does the Senator desire that the vote by which that nomination was confirmed be reconsidered, and to leave the nomination on the calendar until the Senator has had an opportunity to look into the matter?

Mr. JOHNSON of California. Yes.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the vote by which the nomination of Thomas E. Trulove to be postmaster at Inglewood, Calif., was confirmed, be reconsidered, and that the nomination be returned to the Executive Calendar. Or does the Senator from California wish to have the nomination returned to the committee?

Mr. JOHNSON of California. No; I should like to have it placed on the calendar.

The PRESIDING OFFICER. Without objection, the vote by which the nomination of Thomas E. Trulove to be postmaster at Inglewood, Calif., was confirmed, is reconsidered, and the nomination will be returned to the calendar.

WILLIAM J. CAMPBELL

Mr. BARKLEY. Mr. President, if the Senator from Nebraska will yield to me a moment, today the Committee on the Judiciary reported favorably a nomination for United States district attorney and for district judge in Illinois. I ask unanimous consent that the nominations may be considered before the Senate proceeds with the other matter.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the clerk will state the first nomination.

The legislative clerk read the nomination of William J. Campbell to be United States district judge for the northern district of Illinois.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

J. ALBERT WOLL

The legislative clerk read the nomination of J. Albert Woll to be United States attorney for the northern district of Illinois.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. BARKLEY. I ask unanimous consent that the President be immediately notified of the confirmation of these two nominations.

The PRESIDING OFFICER. Without objection, the President will be immediately notified.

FRANK S. PERKINS, POSTMASTER—NOMINATION PASSED OVER

Mr. BURKE. Mr. President, the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr., has been passed over several times at my request, because I desire to make a brief statement as to the situation. I have no objection to Mr. Perkins on grounds that he is personally obnoxious at all; in fact he is a friend of mine, and I have a great deal of respect for him; but there are certain circumstances and conditions in reference to the situation at Fremont which seem to me to make it necessary that I should make a brief statement, so that no member of the Senate may say that he voted not only to confirm this nominee but replace the postmaster who is there, without knowing the facts. For that reason I ask the Senate's indulgence for a very few moments.

Fremont is a thriving city. I see before me a Senator who, I think, is interested in Fremont, the Senator from Maine [Mr. WHITE]. If I remember correctly, Mrs. White was born and brought up in Fremont. In any event, Fremont is a thriving city some 35 miles from Omaha, with a population of between fifteen and twenty thousand, a prosperous, forward-looking city, with many things of which it is proud, and nothing of which it has been more proud than the fact that for many years the operation of its post office has been outstandingly successful. I shall in a moment offer some evidence to show the condition is as I have stated it to be. The reason why it has been so will also be made evident.

The present postmaster, Frank W. Fuhlrodt, who would be replaced if the Senate should act favorably upon the nomination of Mr. Perkins, has had a very interesting career as the postmaster of Fremont. In September of 1903 he was appointed clerk in that post office as a very young man. He worked his way up through all the departments, to be city distributor, mailing clerk, registry clerk, and 10 years later, in July 1913, he was promoted to be superintendent of mails in the Fremont postoffice. In June 1915 he was appointed assistant postmaster. In March 1919 there was a vacancy in the office—the postmaster died, I believe—and Mr. Fuhlrodt, the assistant postmaster, was appointed as acting postmaster.

I may say in passing that the Fremont district was then represented by a Democratic Representative, the Honorable Dan B. Stephens, who served for a number of years in the other House and is known to many Members of this body.

In due course of time examinations were held, and when the Civil Service Commission submitted the eligible list of three names, Mr. Fuhlrodt stood at the top of the list, and on May 11, 1920, he was appointed postmaster by President Woodrow Wilson. In 1924 he was reappointed. In 1928 he was reappointed. In 1932 he was reappointed. I may say that I had never met Mr. Fuhlrodt, in fact knew nothing about him, but in the early part of 1936 I was notified by the Post Office Department that the term would expire, and my recommendation was asked; so I investigated the matter then; ascertained these facts and, of course, promptly recommended the reappointment of Mr. Fuhlrodt.

At that time there was some objection raised—not objection to the competency of Mr. Fuhlrodt, but objection by some local Democrats, who said that this was an office which ought to be thrown open to examination, because they said Mr. Fuhlrodt had been registered through all the years as a Republican, and I assumed that that was the fact, although no one has ever made the contention that he has taken any part in politics at all. He has attended strictly to the duties of his office. I insisted upon my recommendation, and I may say that the Honorable Dan Stephens, who had long since retired from Congress, and was the leading citizen of Fremont, was very anxious that Mr. Fuhlrodt should be reappointed, and as those matters go, the executive committee of the county central committee of Dodge County listened to the leading Democrat of the county, Dan Stephens, and joined in the endorsement, and the appointment was made.

Four years having passed, and Mr. Fuhlrodt having continued to give his outstanding service as postmaster, in January of this year I was again notified that the term was about to expire. Mr. Stephens meanwhile had passed away, but the chairman of the executive committee of the Democratic county central committee, who had been a very intimate friend of Mr. Stephens, and who himself felt that the post office was being handled in the right way, urged that Mr. Fuhlrodt be reappointed, and I urged his reappointment.

However, by that time the political situation in Nebraska had become somewhat complicated, and the demand was made from other sources that a competitive examination be held, instead of giving Mr. Fuhlrodt the noncompetitive examination, which is clearly called for if we live up to the spirit of the new post-office law which was passed a few years ago. I freely grant that it is not absolutely obligatory on the Department to provide for a noncompetitive examination. Instead of doing that, the Department called for a competitive examination, and the Civil Service Commission gave out the results of it in May. Mr. Fuhlrodt, under the law, was entitled to take the examination, and did so, and stood head and shoulders above the other two who qualified out of a large list of those who took the examination. Mr. Fuhlrodt's grading by the Civil Service Commission was well up in the nineties, and Mr. Perkins, a very estimable gentleman, a man against whom I say not a single word, was second on the list, in the very low eighties. After holding the matter for a couple of months longer, the Post Office Department finally sent up the name of Mr. Perkins.

Mr. President, at this time, as bearing out what I have said about Mr. Fuhlrodt's standing, and the way he has handled that office, I should like to read a copy of a letter written by Mr. W. M. Coble, who for quite a number of years served as chief postal inspector for the district in which Fremont is located, and I believe for all Nebraska and probably the surrounding territory. Mr. Coble on June 27 of this year wrote to Hon. J. M. Donaldson, deputy first assistant to the Postmaster General, Washington, D. C., as follows:

DEAR MR. DONALDSON: It appears that an unfair fight is in progress at Fremont, Nebr., over the selection of someone to succeed Mr. Frank Fuhlrodt, who has been the postmaster since about 1916. Mr. Fuhlrodt was selected at that time for the reason that he was believed to be the most competent applicant. During his long tenure the Fremont post office has been considered a model of efficiency, and there seems to be legitimate reason for his retention simply on merit. I am told that about a score of persons have made application, regardless of ability or knowledge of the service. It seems to me that to select a successor without the consideration of the efficiency of Mr. Fuhlrodt would constitute return to the old spoils system, regardless of the welfare of the service, and I am addressing this letter to you in his interest because I believe in recognition of loyalty and competency. I know that any aid you may see fit to render in this instance will be greatly appreciated.

To that letter Mr. Donaldson sent this answer to Mr. Coble, addressing him as "Dear Bill":

With reference to the postmastership at Fremont, there is nothing the Department can do at this time, as the Civil Service Commission has announced, and will conduct, an open competitive examination. When the papers have been graded the Commission will certify the names of the three highest eligibles, and under the law we are required to select for appointment one of these three eligibles.

It is very likely that Mr. Fuhlrodt will make a grade sufficient to place his name among the first three—

He certainly did, as I have already stated, running far ahead of any competitors—

and then consideration can be given to his appointment. However, the Department will consult Hon. James C. Quigley, of Valentine, Nebr., who is our adviser in this particular case.

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

Mr. BURKE. I yield.

Mr. PEPPER. I wonder if, perhaps, the Senator may attribute the change in personnel to the laudable principle of rotation in office?

Mr. BURKE. I will say that for those who are unable to draw a distinction between the necessity for rotation in office of a postmaster and for President of the United States that would be a very valid argument with which to go before the country, but I think it would not win very many converts.

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

Mr. BURKE. I yield.

Mr. KING. Who is the Mr. Quigley who was to be the arbiter and dictator in the appointment?

Mr. BURKE. He is the Democratic national committeeman from Nebraska, and until this spring was also Democratic State chairman; but he has given up the office of State chairman, and is now simply Democratic national committeeman.

So far as Mr. Quigley is concerned, I do not want to be considered as saying anything against him. He managed my campaign in 1934, when I was elected to the Senate; and we have been good friends, and are good friends, although we have had some very serious differences in recent years. In general, I had no objection to the Department taking the recommendations of Mr. Quigley; but we have had no trouble about other post offices in districts represented by Republicans. We have had a few little difficulties in districts represented by Republicans and have ironed them out.

However, in this particular case, because of the fact that a postmaster was appointed by a great Democratic President, and was once reappointed by the present President—and I will please my friends by going so far as to say the present great Democratic President—and in view of the fact that we recently passed a law the spirit of which was to place the Post Office Department of the country strictly under civil service, it seems to me that I should be utterly unfair to the Members of this body if I should permit this matter to go through without comment, and if Senators should vote to oust a postmaster of Mr. Fuhlrodt's standing without knowing the facts.

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

Mr. BURKE. I yield.

Mr. BARKLEY. I do not wish to interject myself into this Nebraska matter, except to say that I have a letter from Judge Quigley, which I have shown to the Senator from Nebraska.

Mr. BURKE. I shall be glad to have it read into the RECORD.

Mr. BARKLEY. He cites an instance in Nebraska in which the Senator himself asked for an open, competitive examination after we passed the civil-service law applying to postmasters. He states that the competitive examination was held, and that the Senator himself recommended eligible No. 3.

Mr. BURKE. That is a fact.

Mr. BARKLEY. The Senator recommended eligible No. 3 over eligible No. 1, who was the postmaster seeking reappointment. I wonder to what extent the Senator from Nebraska has observed the rule which he now invokes, of giving preference to the encumbent postmaster over an eligible who qualifies under the rules which apply to an open competitive examination.

Mr. BURKE. I shall be very glad to address myself to that point. Two questions are involved.

First, as to the distinction between eligible No. 1 and the other eligibles, I have always felt that there was much merit in the Executive order issued by President Wilson, which I believe was in force for a short time during this administration, that, unless there was some strong reason to the contrary, eligible No. 1 should receive the appointment. But that has not been the practice; and while in many cases that has afforded a proper ground upon which to stand, instances have come to my knowledge in which I have been asked to make recommendations when all parties were agreed that there ought to be a change, and I have made such recommendations. In the instance cited by Mr. Quigley, that of South Sioux City, Nebr., I believe, 4 years ago an examination was held, and there was a great row about it. I recommended Mr. Heffner, the man who has been serving as postmaster. He was inducted into the post office. He was not brought up in the post office, as was Mr. Fuhlrodt, which makes quite a little difference, I should say.

In the second place, a very considerable amount of evidence was submitted to me, in the form of letters and otherwise, indicating that the patrons of the office thought conditions

would be improved by a change. So when the matter came before me this spring, upon the recommendation of all the local parties, who said they wanted an examination, I asked for it at their request. There was no dissent except from the postmaster himself.

In the case of the Fremont situation, I recently saw an editorial which appeared in the Lincoln Star, written by one of our very great editorial writers, Mr. James E. Lawrence, in which he referred to the fact that it appeared from an examination conducted by his own newspaper or some other newspaper in Fremont that nine-tenths of the patrons of the post office in Fremont wanted Mr. Fuhlrodt reappointed. So I think that while the point made is correct, that I have not always recommended number one on the list, or the incumbent for reappointment, such departures have been under circumstances so greatly different from those which prevail at Fremont that I do not think any serious charge of inconsistency could be urged against me; and, even if it were, I should still feel it my duty to present these facts to the Senate.

I was talking about the qualifications of Mr. Fuhlrodt, and I read a letter from a man who probably knows more about his qualifications than does anyone else, a man who has been chief postal inspector for all that area for many years. He says the Fremont post office under Mr. Fuhlrodt has been held up as a model of efficiency.

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

Mr. BURKE. I yield.

Mr. CONNALLY. The Senator from Kentucky cited a prior case in which the recommendation of the Senator from Nebraska had been followed, and the third man on the list had been appointed. Why was not the recommendation of the Senator from Nebraska followed in this case, in a district represented by Republicans?

Mr. BURKE. I think I am safe in leaving that to the imagination of the Senator from Texas; but conditions have somewhat changed. I have no grievance arising from the fact that my recommendation has not been accepted. Being a citizen of the State, and familiar with the facts, I recognize much merit in the position that my recommendation should not be asked, although it having been asked in January, and I having recommended the appointment of Mr. Fuhlrodt, I should not be willing to go so far as to say that the fact that I recommended Mr. Fuhlrodt ought to be sufficient ground for rejecting him and putting in a new and untried man after Mr. Fuhlrodt's many years of service.

Mr. CONNALLY. In other words, the Senator believes that Mr. Fuhlrodt is the same Mr. Fuhlrodt, and would be just as capable, whether or not the Senator had recommended him.

Mr. BURKE. He is the same Mr. Fuhlrodt.

Mr. CONNALLY. As I understand the patronage practice, when I was in the House, under President Wilson's Executive order the high man got the job, whether he was a Republican or a Democrat, white or black. He got the job, no matter what his political affiliation was.

Mr. BURKE. That was true as long as that Executive order remained in force.

Mr. CONNALLY. I was in the House, and I recommended the appointment of only one postmaster prior to the Executive order. After the Executive order I was out the window. I thought the practice was, however, that when there was a Democratic Senator from a State, his recommendations were followed in the districts represented by Republicans.

Mr. BURKE. That has been true.

Mr. CONNALLY. I thought that a Senator, who votes upon a confirmation under the constitutional provision for advice and consent, was of rather more consequence than a national committeeman, who has no vote in the Senate, and whose chief duty is to rake up a little finances during the campaign.

Mr. BURKE. The Senator is entirely correct. That has been the practice in Nebraska until very recent times. There are now three districts represented by Republicans. In those districts, until a very few months ago, the Department has always asked my recommendation, and followed it in every case; but conditions have somewhat changed.

Mr. CONNALLY. However, Mr. Fuhlrodt is the same Mr. Fuhlrodt.

Mr. BURKE. He is the same Mr. Fuhlrodt, the same efficient postmaster.

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

Mr. BURKE. I yield.

Mr. McKELLAR. I was in Congress at the time President Wilson adopted his practice of appointing the highest man. If we are to have an honest civil service, of course that is the only way to do. We all recognize that. President Wilson appointed the highest eligible on the list, regardless of politics. In my State the highest-ranking eligible was appointed. I think there was not a single, solitary exception to that rule. If we are to have an honest civil service that is the only way to do, and it ought to be the rule. That is my judgment about it.

Mr. BURKE. I thank the Senator very much for that comment. It seems to me he is so clearly absolutely correct that we at least ought to strive for that in every instance.

Mr. McKELLAR. It has not been done in the past, and under the present rule it need not be done. Any one of the three may be appointed; and when the Department sends in the name of one, if he is a man of good character and standing, there is nothing for us to do but to confirm him.

Mr. MINTON. Mr. President——

Mr. BURKE. I yield to the Senator from Indiana.

Mr. MINTON. Apropos of what the Senator from Texas [Mr. CONNALLY] has inquired about, of course we know that when we have a Democratic Congressman from the district he always looks to the Democratic Senators to aid him in picking out a man for postmaster. We all know that the senior Senator from Nebraska [Mr. NORRIS] takes no interest at all in post offices or patronage of any kind; and, of course, we have recently lost our Democratic Senator from Nebraska. He went over to Mr. Willkie; so we have not any Democratic Senator from Nebraska to advise us. Therefore, we are in the predicament of having to look elsewhere for advice about the post office at Fremont. Is not that true?

Mr. BURKE. I accept the statement, with one slight correction. The Senator referred to my colleague [Mr. NORRIS], whose word would certainly carry weight if he chose to exercise it, but he does not do so in post-office matters. Leaving my colleague out of consideration, there is not now a New Deal Senator from Nebraska. It is my contention that there is still a Democratic Senator from Nebraska, and I myself claim to be that individual; but I freely admit that there is no New Deal Senator masquerading under the cloak of a Democrat in Nebraska.

Mr. MINTON. But there is one masquerading out there as a Willkie Democrat. Is that it?

Mr. BURKE. The Senator may put on the matter any interpretation he desires. I am supporting Mr. Willkie for President, and if time permitted I should like to read to the Senator a very able brief on the question which I have before me, but it would take a little too long to do that.

Mr. MINTON. I should like to read the Senator an article from Look of June 4, 1940, in which Mr. Willkie said that President Roosevelt should run for a third term.

Mr. CONNALLY. Mr. President, would it be agreeable to the Senator from Nebraska to postpone action on this matter until after January?

Mr. BURKE. I should not be particularly interested in doing that; no.

I think we should come back to the serious matter before us, and it is a serious matter. I have read from the letter of the chief post-office inspector for that area referring to the qualifications of Mr. Fuhlrodt; and in order that there may be no question about the matter I present the result of the latest inspection of the post office at Fremont, Nebr., by the

Post Office Department. This is under date of June 11, 1940. That is the latest they were able to supply me. The two inspectors, Mr. Cordts and Mr. Barnum, who made that inspection, rated Mr. Frank W. Fuhlrodt 97.6 percent, which I understand is about as near perfection as they go in rating any postmaster. At the same time, he also being the custodian of the Federal building and property, and since they rate separately on that, on June 11, 1940, Mr. Fuhlrodt was rated 98 percent on the excellence of his custodial service.

While we are on that subject, let me read to you from a pamphlet issued in December 1939 by the United States Civil Service Commission, containing information regarding postmaster positions filled through nomination by the President for confirmation by the Senate. I turn to page 5, and find this under the heading "Politics and religion":

> In all cases selection for appointment shall be made with sole reference to merit and fitness and without regard to political or religious considerations.

In the light of the facts I have given, and which, so far as the statements I have made in reference to this post office are concerned cannot in the slightest particular be refuted, how can any Member of this body—Democrat, New Dealer, Republican, Independent, or whatever he may be—say that it would be proper practice in this country for any individual or any party to claim that we were operating the Post Office under civil service, to sanction putting out printed matter stating that appointments of postmasters shall be made with sole reference to merit and fitness, and, in the face of that, vote to oust this man appointed by President Woodrow Wilson, reappointed by all succeeding Presidents, and by President Roosevelt himself, and now clearly being ousted not because his efficiency is failing—he is at the very peak of his efficiency right now—but merely because the one who recommended him has fallen somewhat from grace?

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

Mr. BURKE. Yes; I yield.

Mr. McKELLAR. The reply is perfectly simple. We passed a law providing for it. We are to blame for it, if anybody is to blame. I think we are to blame, because I think the rule that the highest man on the civil-service list ought to get the place is a good rule; but that is not the rule which the Senate itself adopted. That is not the rule which the Congress adopted. That is not the law today. Any one of the three highest may be selected, and that ends the matter.

Mr. BURKE. Yes, my dear friend from Tennessee, but we have never passed any law, and there is no such law on the statute books now, which requires any Member of the Senate to vote to confirm the nomination of a man, no matter how good, the effect of which confirmation will be to oust a postmaster with the qualifications and experience so clearly attributable to the present postmaster at Fremont.

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

Mr. BURKE. I yield.

Mr. KING. May I ask a question of the Senator from Tennessee [Mr. McKELLAR], for whom I entertain a very high regard?

Suppose three persons took the examination; one received a rating of 99, one a rating of 85, and one a rating of only 45 or 50. Suppose the man having the rating of 45 or 50 were appointed. Does the Senator from Tennessee say it would be our duty to confirm that man's nomination?

Mr. McKELLAR. Oh, no; that could not happen, but I will change the question and put it as it should be put by the Senator from Utah, namely:

Here are three men, one with a rating of 99, one with a rating of 98, and one with a rating of 97. Under the law, the Department sends in the name of the man with the rating of 97. As I look at the matter, under the law as it is today—not that I approve the law, but it is the law—if there is nothing the matter with the character and fitness of the applicant whose name is sent in, if he is an honest man, as I understand the Senator from Nebraska says this appointee is an honest man, that there is nothing the matter with his fitness, I do not think we are called upon under the law to select a man for the place. The Department may select one of the three highest. It has sent in his name, and I think it is our duty to confirm his nomination unless there is something the matter with his character or fitness.

Mr. KING. I differ with the Senator.

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

Mr. BURKE. Yes; I yield.

Mr. CONNALLY. I have a very high esteem for the Senator from Tennessee, but I must take issue with him, not on behalf of myself, but on behalf of the prerogatives of the Senate. There is no law requiring the Senate to confirm the nomination of anybody.

Mr. McKELLAR. Oh, no; of course not.

Mr. CONNALLY. There is no law requiring us to select anybody. The Constitution gives the Senate the right to reject or confirm without regard to any matter except the individual consciences of the Senators voting. The Civil Service Act cannot control the Senate in the matter of confirmation.

Mr. McKELLAR. The Senator is entirely correct about that.

Mr. CONNALLY. What the Senator meant was that under the practice heretofore——

Mr. McKELLAR. Under the practice and under the law.

Mr. CONNALLY. We have had a practice here that when a nomination comes in, if the nominee can get by, and has not committed any wrongs, and is a good man, and the Senators from the State do not object, we automatically confirm him, but I should not want the RECORD to stand with the statement of the Senator from Tennessee, because the Senator from Texas individually proposes to stand by the prerogatives and the power of the Senate. We have given away, by practices such as these, a great deal of our prestige and authority. In many cases in the Senate in passing on nominations, I have voted with the Senator from the State when probably, if I had not been conscious of that sort of obligation to respect the Senate, I might have voted otherwise.

Mr. McKELLAR. When the Department has selected one of the three highest eligibles under the law as we have passed it, and there is no objection to the appointee on account of character or fitness, I see no reason why we should attempt to select another man.

Mr. KING. I do not agree with the Senator at all.

Mr. BURKE. On that very point I should like to read, if I may be pardoned for doing so, from a copy of a letter written by a distinguished Member of this body, who has always been very much interested in the civil service, on the particular point as to the effect of this last law:

> When, at the last session of Congress we passed the law, the effect of which was to remove the post offices of the country from partisan political control, at least to a very great extent, by making the tenure one of good behavior instead of a term of 4 years, there was a great deal of discussion with reference to the postmasters who were in office. It was argued on the one hand that it would be unfair to legislate those postmasters into holding office for a permanent term, and it was finally agreed that the postmasters then in office could be reappointed, after taking a noncompetitive examination, and that such reappointment should be without term, and, in effect, should place them on a permanent roll. However, the Post Office Department was given a leeway in such cases. In addition to the method of reappointment without a competitive examination, the Department was allowed to make the appointment by promotion with the service, as provided by the civil-service law, or to throw the matter open for public examination, the same as though the law had not been passed.
>
> It has always seemed to me——

The writer of this letter says:

> It has always seemed to me the real intent of the law was to provide for a permanency of tenure for postmasters, provided they passed a noncompetitive examination, which was, in reality, for the purpose of ascertaining whether or not they possessed the qualifications necessary to hold the office.
>
> Whether or not the law should be applied in this way was left to the Department, and it in turn, as a matter of practice, has been almost universally controlled by the wishes of the Senator or Representative who has political control of the post office in question.

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

Mr. BURKE. I yield.

Mr. SCHWELLENBACH. Was this matter presented to the committee?

Mr. BURKE. A nomination comes in regular order, of course, to the committee, and then, as the Senator knows, under the direction of the chairman of the committee, the cards are sent to the two Senators from the State. When I received my card containing this nomination I wrote upon it, and I think I can quote the exact language, this statement:

> I have no personal objection of any kind against the nominee, Mr. Perkins. I consider him an able and efficient person. But I have contended from the beginning that the incumbent should be reappointed; and if the matter comes before the Senate for confirmation, I expect to avail myself of the opportunity to present the reasons for that opinion.

I was not asked to come before the committee and to state my reasons. After all, it is a matter on which the Senate should pass.

Mr. McKELLAR. Mr. President, while the Senator takes that position now, I think he stated a while ago that there had been cases in which he had asked that the second or third man be appointed, instead of the man who was holding the office.

Mr. BURKE. I agree fully with the position taken by the Senator from Tennessee a little while ago that it would be much better, and the only way to have real civil service in the Post Office Department, to appoint the man the Civil Service Commission gives as No. 1 on the list. I think that should be the practice followed. But, as the Senator also stated, that practice has not been followed, and we have followed the practice of taking any one of the first three.

I have endeavored, so far as possible, as previously stated, to give my approval always to the No. 1 man on the list, but for various reasons I have not always followed that rule. But I do say, and repeat, that in no one of the cases which might be found in which I had recommended the ousting of an incumbent postmaster and the appointment of another man, however good, were there circumstances bearing the remotest resemblance to those in this case, in which we have a man tried and experienced, tested by a quarter of a century of actual service in his community, who, the Post Office Department itself, through its chief postal inspector, says, is a man of commanding experience, a model of efficiency in the position.

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

Mr. BURKE. I yield.

Mr. CONNALLY. The Senator referred a little while ago to some of the cases where local considerations, the popularity of the candidate, and the choice of the people were considered by him. Did I understand him to say that in this case the reports were that the people of Fremont by a very large majority preferred the retention of the incumbent postmaster?

Mr. BURKE. I quoted an editorial from the leading Democratic paper, one of the very few Democratic daily papers in Nebraska, the Lincoln Star, whose editor is Mr. James E. Lawrence. I do not recall whether he stated there was an investigation made by the Lincoln Star itself or made on behalf of some other newspaper in Fremont, but he stated this conclusion—that the investigation showed that nine out of every ten people served by the Fremont office wanted Mr. Fuhlrodt reappointed.

Mr. CONNALLY. Is that report substantially confirmed by the Senator's own knowledge and investigation? I am willing to accept the Senator's statement about it.

Mr. BURKE. I would not attempt to give any figures, but I would say that the only people served by the Fremont post office who have ever communicated any contrary opinion to me could be numbered on the fingers of both my hands, and they were all either Democrats who wanted to take the examination and get the place themselves or were particularly interested in city politics in Fremont. I say that out of a population of 20,000 I do not believe 10 have indicated any other desire than the wish to have Mr. Fuhlrodt reappointed.

Mr. CONNALLY. I beg the Senator's pardon, but I wish to make a short observation.

Mr. BURKE. Very well.

Mr. CONNALLY. It seems to me to be highly important in post-office matters that the people who are to be served, the people of the community, should have, at least indirectly, some choice and some opportunity of being served by a person satisfactory to them.

The Federal Government is a vast piece of machinery, but the post office is a contact which every citizen has with the Federal Government, and frequently the attitude of people toward the Government is more or less affected by the conduct of some Federal official, such as a postmaster or other local authority of the Federal establishment.

It seems to me that that being true this incumbent being efficient and being number one, and having served there for years, since the people of Fremont really want him as postmaster, it is as important to satisfy the people of Fremont as to satisfy some national committeeman who lives on the other side of the State, and who will not buy a postage stamp or mail a postal card at that office.

Mr. McKELLAR. Mr. President——

Mr. BURKE. It is 400 miles from Fremont to the place of residence of the man who makes the recommendation.

I yield to the Senator from Tennessee.

Mr. McKELLAR. The trouble is in ascertaining the sentiments of the people.

Mr. CONNALLY. I am willing to trust the Senator from the State himself. He is here with us, and I would rather trust the Senator's judgment as to that than that of some fellow away off yonder over the mountain range.

Mr. McKELLAR. I believe the Senator voted with me when we opposed very vigorously putting first-, second-, and third-class postmasters under civil service. It should never have been done, but the Senate and the House did it.

Mr. CONNALLY. If the Senator will yield, that is merely advisory to the Senate. It has no binding effect upon the Senate. We are merely calling on the Civil Service Commission to give us this information, and when it comes here we are just as free to exercise our judgment as we were before.

Mr. McKELLAR. That is true, but at the same time, since we passed the law—and I am sorry we passed it, I have never believed in it—if we are to have civil service, we should have an honest-to-God civil service.

Mr. CONNALLY. We have not got it.

Mr. McKELLAR. We should not have any civil service in connection with first-, second-, and third-class postmasters, but the Senate and the House voted that as the will of Congress, and we must take it as it is.

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

Mr. BURKE. I yield to the Senator from Kentucky.

Mr. BARKLEY. If I understand the Senator from Nebraska he stated at the outset that the nominee is a qualified man; that there is nothing against his reputation, his character, or his efficiency.

Mr. BURKE. He has no experience in post-office matters. He has been in the publishing business, and is a very good friend of mine. I have nothing but the kindest words to say for him, and I have no doubt that he can start at the very beginning now, where Mr. Fuhlrodt started 25 years ago, and in time probably be able to render somewhere near the same measure of efficient service that Mr. Fuhlrodt has now qualified himself to render.

Mr. BARKLEY. Of course, no one has any experience in a post office until he is appointed.

Mr. BURKE. Of course, if I may interrupt there, in the case of Mr. Fuhlrodt he started as a clerk in 1903, and made that his life work, and by the time he was appointed postmaster in 1920 he had had 17 years experience in every department of the Fremont post office.

Mr. BARKLEY. I, of course, know nothing about that.

Mr. BURKE. Those are the facts.

Mr. BARKLEY. I am sure the Senator is telling the truth about it. But the point is that, even though we reject the

nominee, that does not mean that the present postmaster will be retained. The Commission either will hold or can hold another competitive examination, and from a list of three from which to make the appointment, the second man may be chosen. So that to deny confirmation to the man who has been appointed by the President, does not guarantee that Mr. Fuhlrodt will be retained as postmaster. We do not gain anything by defeating the nominee except to let the present postmaster hold on a few more months until another nomination can be sent in. I do not know whether Mr. Fuhlrodt would be reappointed if we rejected the present nominee. I have no information about that.

Mr. BURKE. Let us examine that suggestion a moment. Assume that upon the statement of facts made, which will not be disputed, the Senate rejects Mr. Perkins. It being clear that the rejection was not because of any deficiency of Mr. Perkins himself, but that the Senate of the United States, as would be clearly evident from the RECORD, had rejected Mr. Perkins because it did not want Mr. Fuhlrodt ousted from office, the post office at Fremont tomorrow, and every other day until the Post Office Department took some other action, would continue to be run by Mr. Fuhlrodt. Does the Senator from Kentucky, our majority leader, mean to say that, in the face of decisive action that might be taken by the Senate, saying that we, as the confirming body, do not approve the ousting of this efficient postmaster, that we are striking this blow for the maintenance of civil service—does the Senator from Kentucky mean that the nominating branch would say, "We care not what the Senate thinks about this matter. There are political considerations involved which make it necessary for us to go against the wishes of the people of Fremont, against all our own declarations with respect to the merit system in the Post Office, against the action of the Senate itself, and we will oust this man at the first opportunity"? I do not think they would say that at all.

Mr. BARKLEY. Mr. President, the Senator knows I made no such statement. I was simply stating the practical effect of rejecting the nominee, against whom the Senator himself has no personal objection; that the rejection of the nomination sent here by the President on the recommendation of the Postmaster General would not guarantee that the present postmaster would continue in office. I do not mean by that, and the Senator knew that I did not mean by that, that the appointing power would disregard the will of the Senate.

Mr. BURKE. What else could the Senator mean?

Mr. BARKLEY. I meant exactly what I said, that the rejection of the nominee sent here by the President does not mean that the present postmaster would hold automatically. I do not know whether he would or not. I have no information upon that subject, but I imagine that the same reasons for objection to him on the part of the Post Office Department would apply again if a new appointment had to be made. I do not know about that. I have not talked to the Post Office Department, I have not talked to the President, or to anyone in Nebraska, or anyone else about it. I have a letter from Judge Quigley, who managed the Senator's campaign at the time when I flew out there to help him. I am glad I did, but sorry that the circumstances are not such that I can do it again. The only information I have is a letter from Judge Quigley which I shall read later.

Mr. BURKE. Without attempting to imitate the Senator's voice——

Mr. BARKLEY. I was attempting to imitate the Senator from Nebraska, and if I succeeded I am greatly complimented.

Mr. BURKE. Without going into the merits of the matter, of course, the rejection of Mr. Perkins as nominee would not mean that the spirit of the civil-service rules at least would automatically be complied with. It certainly would mean exactly what I said, that unless the nominating department wanted to ignore all that has been said, Mr. Fuhlrodt would be continued in office. We know that this matter certainly has never been called to the President's attention. There has been a change in the Postmaster General's office, and I do not know what other considerations have operated in that department; but when all these things are before them, and it is known why the Senate acted in rejecting this nomination, it could mean only what I stated, that Mr. Fuhlrodt would continue in office, and in due course his name would be sent to the Senate.

I was reading a letter written by a distinguished Member of this body to the postmaster at Fremont. This is what he said:

If the real intent, as I understand it, of the law had been carried out, you—

Mr. Fuhlrodt—

would have been required to pass a noncompetitive examination, and would, as a matter of fact, have been reappointed during good behavior. In my opinion, this course should have been followed.

Certainly that course should have been followed. If we are to carry out the spirit of the law we have passed, which applies in actual fact to all appointments, we certainly should apply it to the first appointment that comes under it.

In connection with that I read from a copy of a letter which on April 30 I addressed to Mr. Donaldson, Deputy First Assistant Postmaster General:

MY DEAR MR. DONALDSON: On the 3d day of January 1940 I recommended the reappointment of Frank W. Fuhlrodt as postmaster at Fremont, Nebr. I called attention to the fact that Mr. Fuhlrodt had been holding that office for more than 20 years with entire satisfaction to the patrons thereof. On at least two other occasions I had renewed my endorsement of Mr. Fuhlrodt.

I understand the reason for the delay in submitting his name has been caused by the fact that from other sources there was submitted a request that the matter be thrown open for examination. To that I have and am opposed.

I, therefore, urge that Mr. Fuhlrodt's name be submitted to the Senate at once—

Of course, as the result of a noncompetitive examination—

in order that action may be had before this session of Congress adjourns. I feel so deeply on this subject that I have been considering the necessity of making a statement on the floor of the Senate concerning the application of the merit system to the Post Office Department in the event there is any disposition not to act favorably upon my recommendation.

I have read that primarily to indicate that as long as 6 months ago I had notified the Department that this was not one of the matters that could be put through without having the facts stated. I am not taking them by surprise at all in now insisting that they made a mistake in not giving Mr. Fuhlrodt a noncompetitive examination, and if he passed it with flying colors, as he certainly would, reappointing him to that position.

I said a few moments ago that I could not see how any Member of this body—the chairman of the Committee on Post Offices and Post Roads, or the majority leader, or any other Senator—could vote under these circumstances to oust this capable, efficient postmaster after his long years of service, for purely political reasons in the inception, and then go forth and make any claim about being an adherent of the merit system.

I call attention to the fact that a week ago today at Cleveland, Ohio, there was held a meeting of the civil-service assembly, and to that assembly President Roosevelt sent a message, from which I quote:

"It is becoming increasingly clear," the President wrote, "that the major objectives which we have set for ourselves can best be realized if governments are administered with the aid of personnel groups that are squarely based on the merit principle.

* * * * * * *

Mr. Roosevelt recalled that he had extended the provisions of the Civil Service Act to an increasing number of positions in the Federal service during the last several years and wrote:

"Virtually all positions have now been included within the framework of the Federal competitive civil service excepting"—

And he lists a very few exceptions.

I ask at this point that the entire newspaper article be printed in the RECORD as part of my remarks.

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

ROOSEVELT AND WILLKIE PRAISE MERIT SYSTEM—BOTH SEND MESSAGES TO SECTION OF CIVIL SERVICE ASSEMBLY

CLEVELAND, September 30.—President Roosevelt and Republican Presidential nominee Wendell L. Willkie emphasized today the importance of the merit system in the present crisis for democracy

in messages to the thirty-second annual meeting of the Civil Service Assembly of the United States and Canada.

"It is becoming increasingly clear," the President wrote, "that the major objectives which we have set for ourselves can best be realized if governments are administered with the aid of personnel groups that are squarely based on the merit principle."

Mr. Willkie said that "this Nation will surmount the crisis which it faces, but if it is to do so we must bring the methods of government to such a level that it can do immediately and effectively those things which the American people decide to have it do," adding:

"No fact is more important in the achievement of this objective than the extension of the merit system to cover the administrative service of every level of government."

Mr. Roosevelt recalled that he had extended the provisions of the Civil Service Act to an increasing number of positions in the Federal service during the last several years, and wrote:

"Virtually all positions have now been included within the framework of the Federal competitive civil service excepting: (1) Policy-determining positions; (2) certain other positions which special circumstances require should be exempt; (3) positions now being surveyed and considered by the special committee (which he appointed to survey the system); and (4) positions which the Congress has specifically exempted in this fourth category."

The President added that he hoped a bill passed by both Houses of Congress, and now in conference, extending civil service to "thousands of positions which the Congress has heretofore exempted" would be given final passage at this session.

Mr. President, so long as we have gone into the political aspect of this matter, let me say that in whatever political activity I may engage between now and the 5th of November I expect to confine myself strictly and exclusively to the effort to maintain the anti-third-term tradition; but I can well imagine that anyone who wanted to attack the party in power on other grounds could very well strip from this administration every pretense of faithfulness to the civil service if the Senate should now take action which would mean the ouster of a postmaster whose qualifications I have described.

Mr. President, I have talked much longer than I intended, and I shall conclude by reading a copy of a letter which I wrote to Mr. Perkins in August, before his name had been submitted, but when it appeared very likely that it would be submitted. I read:

AUGUST 26, 1940.

Mr. FRANK S. PERKINS,
*Care of Perkins Printing & Stationery Co., Fremont, Nebr.*

MY DEAR MR. PERKINS: You have a great many friends over the State of Nebraska. During the past few weeks I have had letters from a large number of men in various parts of Nebraska in whose judgment I have very great confidence. All of them speak in highest terms of your qualification to serve as postmaster at Fremont. They know you well and like you and respect you. I accept their judgment as being a correct appraisal of you.

I have no doubt that you understand my position in reference to the appointment of a postmaster in your home city. I have a very slight acquaintance with Mr. Fuhlrodt and no interest whatever in his reappointment unless under all the circumstances he is entitled to it. Four years ago when his term expired, Dan Stephens and other Fremont citizens made a strong plea to me for his reappointment. They set out the facts that he was appointed originally by President Wilson and reappointed each term thereafter; that he had attended strictly to the duties of his office, and had taken no part in political affairs; that his handling of the important position assigned to him had met with general approval of the citizens of Fremont, and that he was highly rated by the Post Office authorities in Washington. Personal investigation convinced me of the truth of the statements made. Mr. Fuhlrodt's reappointment followed.

This year the same situation arose again. Over my protest the Department conducted a competitive examination. Mr. Fuhlrodt stood well at the top of the eligible list. If the merit system means anything, Mr. Fuhlrodt is entitled to reappointment. If those charged with the responsibility of conducting this great business institution, which we know as the Post Office Department, have been merely speaking pleasant words when they talk about the merit system, I think it is time the country knew it. If an issue is made of this matter while I am a Member of the Senate I shall feel it my duty to set forth the facts.

I assure you that I have no personal objection to your appointment. In fact, except for the circumstances above set forth, I would heartily endorse you and urge your appointment. I have no doubt that you would fill the place with credit to you and the community. If you are inducted into office, you will have my best wishes for continued success. But until the postal authorities announce publicly that the merit system no longer applies in the selection of postmaster, I shall continue to urge the reappointment of Mr. Fuhlrodt.

Sincerely yours,

EDWARD R. BURKE,
*United States Senator.*

Mr. President, that is all I care to say on this subject. It seems to me a clear case in which all the elements of decency, fair dealing, and living up to our protestations, require us to reject this nomination. I trust the Senate may take that action. I am very sure that if it should be taken it would result in the perpetuation in office of a most efficient postmaster.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 258) to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2627) to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 960) extending the classified executive civil service of the United States; insisted upon its disagreement to the amendments of the Senate to the bill, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. RAMSPECK, Mr. RANDOLPH, Mr. FRIES, Mrs. ROGERS of Massachusetts, and Mr. REES of Kansas were appointed managers at the further conference.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7283) for the relief of Frank Hall.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to each of the following bills of the House:

H. R. 9972. An act authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes; and

H. R. 10094. An act to require the registration of certain organizations carrying on activities within the United States, and for other purposes.

FRANK S. PERKINS

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr.?

Mr. NORRIS. Mr. President, I have not been consulted about the appointment of a postmaster at Fremont, Nebr. I was not expecting to be consulted. I did not want to be consulted. However, I think I ought to say something in regard to this question, because I have had a great amount of correspondence from Fremont in regard to it.

I was very much interested in the law which we passed at the last session to take postmasterships out of politics. I have always believed in it, and I think I have been consistent since I have taken that attitude. It seems to me I ought to state frankly how I feel about the matter.

I think it can fairly be stated—so far as I know, there is no denial of the statement—that both these men, together with the man who stood third on the list, are amply qualified. They are competent, able, honest, respectable citizens of Fremont. I think I can say the same thing about the Democratic national committeeman at Valentine, who, until he resigned one of the positions a year or so ago, was both Democratic national committeeman from the State and

chairman of the State democratic committee. He had held those offices for some time. He is a very fine gentleman. I think he is perfectly conscientious. In my judgment he is trying to do the best he can, particularly for his party.

I have received a great many letter from persons whom I know in Fremont. Some are Republicans, some are Democrats, and with respect to others I do not know their political affiliations. Many persons have written me, and many of them have seen me in my office, in regard to this appointment.

I think I was somewhat interested in the matter because originally Mr. Fuhlrodt was appointed to office, and reappointed afterward, at the suggestion of a Member of the House from that district for whom I had an extremely high regard, although we were not of the same political party. I knew him and his family well. I was well acquainted with his wife. The man to whom I refer is now dead. I received a letter from his wife asking that Mr. Fuhlrodt be reappointed.

I have received so many letters in regard to the matter from persons of influence and standing that I felt it was my duty to write to the Post Office Department and tell the Department how I felt, not particularly about this post-office matter, but about any post-office matter. I think Mr. Farley, the head of the Post Office Department, knew my attitude. I told him that I was a warm supporter of the law which we enacted at the last session of Congress providing for eventually getting post-office positions out of politics, and that I had done everything I could to obtain favorable consideration of the measure by the committee and to bring about its passage; that while I was not satisfied with the results of it I thought it was a wonderful step in the right direction, and that in time it would put the Post Office Department practically on a merit basis. That time would come when all the then postmasters should have served out their terms of office, and appointments should have been made under the new law. That law provided for the appointment of postmasters for an unnamed term, practically an appointment for life, after civil-service examination and as to post offices in which the positions were already filled at the time of the enactment of the law, it was provided that when the terms of the incumbents expired the Post Office Department might do one of two things. First, it might give the postmaster holding office a noncompetitive examination, and then, if he passed the examination, appoint him under the new law without term. If the Department did not want to follow that practice, the law gave it the right to hold competitive examinations, as had been done before, and provided that an appointment then should be made of one of the three highest persons on the list.

I should have liked the law better if the latter part of it had been stricken out; but it brought about eventually, in 4 years' time, a complete reorganization of the Post Office Department, and took it out of politics, as I understood; and I wrote to the Postmaster General to that effect. I had written the same thing, in substance, in other cases which had been brought to my attention in such a way that it seemed to me I had to do something in regard to them.

I think, although I do not know this—but the result came out that way—that Mr. Farley followed the advice of the Democratic National Committeeman of Nebraska. He wrote me about the matter, and when he was in the city he came to see me about it. He was very strongly in favor of the appointment of the man whose name has been sent in. While I told him in substance what I have now told the Senate, and wrote in substance to a great many persons who had written me about the matter that I thought the Department ought to take the course of holding noncompetitive examinations, that that was the real spirit of the law as I construed it, I said the law specifically gave the Department the right to pursue the course they pursued in this instance.

Since the appointment was made I received letters from the same persons who were friendly to Mr. Fuhlrodt, and I then said I would not have done what Mr. Farley has done. I would not have taken that course, and I frankly said so. I still think so. I think the right way to carry out the spirit of the law would be to hold noncompetitive examinations. I have always believed in it; and there are no exceptions, as far as I know, in my case. Whenever it has seemed proper for me to express that opinion I have expressed it in one way or another, as best I could. I said, however, "The Post Office Department has done what the laws of Congress specifically provide it may do. It may take a course that will not result in holding a noncompetitive examination, and hold the old kind of an examination, and then select one from the three highest persons on the list."

That is what the Post Office Department did. If I had been conducting the Post Office Department, I would not have done that, but I concede that they had a right to do what they did; and they made this selection. They have appointed a good man. So far as I know, he is perfectly qualified for the place. If the rejection of this nomination would automatically bring about the appointment of the other man, I should feel more like voting to reject the nomination; but if we should do that it would not put Mr. Fuhlrodt into office. Every time we create a feeling, here or elsewhere, that we have taken certain action because the Departments have not followed the suggestion of some Senator, it gives rise to friction; and it is doubtful in my mind whether the Department would reappoint Mr. Fuhlrodt if we should reject this nomination. I have no knowledge whatever on that subject; but the more excited and worked up about it we get, the more apt the Department would be to drift away from him.

As a Senator, when an appointment is made, I have felt that it is not a sufficient reason for me to vote against the confirmation of the appointment, because I would have appointed somebody else instead of the man who has been named. If the appointee fills the bill, if the law has been complied with in making the appointment, and he is efficient, I consider it my duty as a Senator to vote for his confirmation, without regard to either one of the great political parties and without regard to all this falderal that you Democrats and the Republicans also, when they were in power, always had about politics. You do not recommend the top man on the list if he is not your friend. The Senators on this side of the Chamber did not do it. I would not have done it if I had had an opportunity. It is human nature to put in office somebody who will help you when you need help; and this idea of having three persons on the list was just a method by which you let politics get into the appointment of postmasters.

I understand that for a time, at least, under Woodrow Wilson, the top man was appointed. That rule, I think, was set aside by President Harding.

Mr. McKELLAR. It was.

Mr. NORRIS. He said, "Appoint from the three highest." What does that mean? Every Senator knows what it means. We all know what it means. We all know what you Democrats right here, listening to me, have done under that rule. My colleague [Mr. BURKE] did the same thing. I do not find fault with him for it. That is your business—not mine. You have not followed the rule of appointing the top man. You followed the rule, as a general thing—I do not say that it is always done; I do not mean to say that you disregard qualifications, or anything else—but, everybody being qualified, you pick the fellow who is the best friend to you. That is human nature. That is natural. It always has been true, and if you make that kind of a rule it always will be true.

We in the Senate cannot appoint anybody. We cannot name a postmaster. What some Senators want, it seems to me, if they are consistent, is to change the Constitution of the United States and turn over the appointment of postmasters to Senators. That might be an improvement. I do not think it would be, but when I hear the argument made as it always is made every time this question comes up, I know there are many persons who think it would be an improvement to take the power of appointment away from the President, and let Representatives or Senators have the obligation and the duty of appointing postmasters. If you ever did, you would not stay here more than one or two terms, anyway, because in my judgment the patronage that you have and which you love so well has defeated more good men for office, more Members of the House and more Senators,

than any other one thing connected with the Government service.

I do not mean to be harsh. I think I am telling the truth. I think it will be admitted that I am.

I am responsible only for my own vote, but I feel that when an appointment is made, whether I like it or not, if the appointee possesses the qualifications for the office, I am honor bound to vote for his confirmation, especially in view of the theory that if I vote against confirmation I will get someone else who, I think, should have been appointed put into the office. I think that is illogical. It seems to me to be wrong. As I see it, it is not the duty of a Senator or Member of the House of Representatives to take that kind of a position, because the Constitution of the United States places the power of appointment somewhere else, and the man in whom it is placed we all know cannot give consideration to individual cases.

I do not know that the President of the United States now knows that there is a vacancy in the office of postmaster at Fremont. Perhaps he knows all about it, but I am inclined to think he does not know anything about it. Mr. Farley was handling the matter and I suppose he followed the advice of a man for whom I have a very high regard, the Democratic national committeeman at Valentine, Nebr., and he made this recommendation.

I told this national committee just exactly how I felt about a matter that I did not think the right course was taken by the Post Office Department, but I admitted they had a right to take it, and they have taken it, and, so far as I am concerned, I deem it my duty to vote for the confirmation of this appointee, not because I would have appointed him—because I would not have done so if I had had the power—but because it is admitted that he is qualified and competent, and because if I should succeed in having him rejected I would not get the man I think they should have originally appointed.

Mr. BARKLEY. Mr. President, I do not wish to detain the Senate at this late hour in discussing this postmastership. I have not talked to anyone in the Post Office Department about it, I have not talked to the President about it. I do not know anything about what the President's views are in the matter, or whether he has any with regard to it, or whether he knows anything about it. Postmasters usually are appointed by the President, and a mimeographed list of those who have been picked by the Department is sent to the Senate.

Mr. BURKE. I think we could go even further than the statement which has been made in absolving the President. I would be willing to say that not only does he not know that there is any controversy at Fremont between Mr. Fuhlrodt and Mr. Perkins, but I should be willing to say that, except for the fact that the President is a great biographer, I would even doubt that he knows there is a town of Fremont, Nebr. Certainly nothing I have said would indicate that I thought the President knows anything about this controversy at all, and I am sure he does not.

Mr. BARKLEY. I assume that to be true. I would not even mention the matter except that it has been brought to my attention by a man in Nebraska upon whose recommendation I suppose the appointment was made—Judge Quigley.

Mr. NORRIS. I suppose that is true.

Mr. BARKLEY. I presume that is the case. He is the national committeeman, and has been for a long time, and was for years chairman of the State Democratic Committee. I know him very well, and I have a very high regard for him. I recall that 6 years ago I was campaigning in Nebraska, and I was happy to do it for what little service I could render the junior Senator from Nebraska, who was then a candidate. Judge Quigley was very active in the campaign on behalf of the Senator from Nebraska. I presume in the recent campaign the Senator from Nebraska and the national committeeman differed. Judge Quigley—he was a judge out there for a good many years—is a very high-class man. No one doubts that. He is a very loyal administration Democrat. I do not think anyone can dispute that.

When this matter arose I presume—and I get this only by inference—that the Department, it may have been Mr. Farley, it may have been Mr. Howes, or someone else, asked Judge Quigley for his recommendation. I am merely assuming that; I do not know it to be so.

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

Mr. BARKLEY. I yield.

Mr. BURKE. On January 3, 1940, when I returned to Washington, one of the first matters that required my attention was the notification by the Post Office Department that the term of the Fremont postmaster would expire some 60 days after that, and suggesting in the regular form that if I desired to have the incumbent reappointed, that could be done by a noncompetitive examination, but that if an examination was to be held, a request be made for it. I at once wrote to the Department, recommending that Mr. Fuhlrodt be reappointed.

The primary in Nebraska came on the 7th of April, and sometime between January and the 7th of April it had been decided that the recommendations I made were not to be considered. I not only assumed Mr. Quigley made the recommendation, but I had a letter from Mr. Donaldson stating that Mr. Quigley was the man to whom they were looking in these matters.

Mr. BARKLEY. Reference has already been made to a former Representative, Dan V. Stephens, who lived in Fremont. I served in the House of Representatives with Representative Stephens, we were on the same committee, and I think he and I enjoyed an intimate friendship that was as close as the friendship enjoyed between me and any other Member of the House of Representatives. He finally retired, I think voluntarily, and until his death a year or so ago he and I kept up more or less frequent correspondence, so that I had great respect for anything that Dan Stephens did or recommended, because he was a very high class man.

I speak of the situation only because it has been brought to my attention. I have a letter here addressed jointly to the Senator from Tennessee [Mr. McKELLAR], chairman of the Committee on Post Offices and Post Roads, and to me, in which Judge Quigley points out the situation in this case. It seems to me that, as the senior Senator from Nebraska [Mr. NORRIS] has emphasized, and as I have intimated in an inquiry of mine a little earlier, the only point before us really is whether this appointee is a man of character and intelligence and is qualified for the office.

I have no information about what would happen, as to who would be appointed, if we should reject this appointee, but I suppose that if the Department was not willing to reappoint the present postmaster in the first instance, we would not have any particular right to assume that it would be more anxious to do so later.

There is nothing in this letter that is offensive to the Senator from Nebraska, and in order that Senators may have the picture just as Judge Quigley sees it, if the Senator from Nebraska has no objection, I think the letter should be read.

Mr. BURKE. The Senator was kind enough to let me see the letter, I have read it, and while I may comment upon it, I have no objection to it being read.

Mr. BARKLEY. I ask that the clerk read the letter at the desk in order that the man who made the recommendation, and upon whom reliance is had by the Department as their adviser, may state the situation as he sees it, for the benefit of the Senate.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

DEMOCRATIC NATIONAL COMMITTEE,
*Valentine, Nebr., September 26, 1940.*

Hon. ALBEN W. BARKLEY,
*United States Senate, Washington, D. C.*

Hon. KENNETH McKELLAR,
*Chairman, Post Office Committee, United States Senate, Washington, D. C.*

Re: Fremont, Nebr., post office.

MY DEAR AND ESTEEMED FRIENDS: The Nebraska press reports that Senator BURKE intends to demand a separate vote on the nomination of the Presidential nominee, Frank S. Perkins, as postmaster at Fremont, Nebr. The press reports and quotes Senator BURKE as saying that he intends to make an issue of this nomination, that is,

that he will not personally object to confirmation but he is going to speak upon the violation of the intent of the present law appointing postmasters.

Obviously, his intent to attack the party leaders of Nebraska on that score is to furnish campaign ammunition for his present bedmates. Since his repudiation by the democracy of Nebraska last spring, he has become more bitter than ever toward the President, the Democratic policies, and the Democratic leadership of this State. All that he now wants to do in the few remaining months of his public career is to use his high office to hurt his former party and those of us who made it possible for him to be in the United States Senate. It is a regrettable situation. With great ability and much courage, if Ed could have seen the light or restrained his bitterness, voted as he pleased without hatred, he might have been a Senator for many years. I have only personal sorrow, since in a humble and small way I was somewhat responsible for his political career.

If he makes the speech that the press says he is going to make, there should be an answer. I wish to give you some facts that can easily be corroborated by inquiry at the Post Office Department. If it is now wrong to recommend a No. 2 eligible or if it has always been wrong to ask for open, competitive examinations, then Mr. BURKE is just as guilty as I am, save in this Fremont post-office matter. For several years we worked in harmony. My files and records disclose, and they are provable at the Post Office Department, that we often joined in recommending open competitive examinations, and that we often recommended another than the No. 1 eligible. The instances are too numerous to recount or mention, but the most recent case might be of some value now if a reply is made to his speech based upon his new convictions.

SOUTH SIOUX CITY, NEBR., POST OFFICE

In July 1939 the Senator requested an open competitive examination. The result was announced in May 1940. The No. 3 eligible was Ralph P. Kilzer. The No. 1 eligible was Ransler M. Hefner, the postmaster. The Senator recommended Kilzer. His nomination was submitted to the Senate in August 1940 and some time during the last week of August 1940 it was confirmed.

While the Kilzer nomination was awaiting confirmation, or perhaps on the very day of confirmation, on August 26 the Senator wrote a letter to Mr. Perkins at Fremont stating that he was qualified to be postmaster, that he had much personal affection for him, but that he was making it a rule and guide to stand by and recommend a No. 1 eligible. This letter was given to the press of Nebraska during the very week that he was promoting the confirmation of Mr. Kilzer.

Do you suppose that this recent conversion of the Senator to this new point of view and the fact that he has announced to the Nebraska people that he is going to speak upon the subject is influenced by his advocacy of the Republican ticket? It might be so construed. All men should be consistent, even Senators of the United States. I cannot help but view with suspicion this sudden change of attitude on the part of Mr. BURKE. The intent of any law is as expressed therein. The law has been carefully and properly followed. In all things, those who give should be able to take.

Assuring you of my continued esteem, and with all good wishes, I am,

Most sincerely yours,

JAMES C. QUIGLEY,
*National Committeeman.*

Mr. BURKE. Mr. President——

Mr. BARKLEY. Mr. President, before the Senator speaks I wish to make a statement with respect to another phase of the matter, namely, the operation of the civil-service law in the appointment of postmasters. I realize the force of what the Senator from Nebraska [Mr. NORRIS], the Senator from Tennessee [Mr. MCKELLAR], and others have said in support of the theory that the No. 1 man on the list should always be appointed without exception, but that rule has not applied in the appointment of any other civil-service employees of the Government of the United States. It is true that President Wilson during his Presidency issued an Executive order requiring examination and that the No. 1 eligible be appointed. It is entirely likely that under that order Mr. Fuhlrodt was appointed by President Wilson during his Presidency, though I am not certain about that; but as we know, the order was changed later to require that the examination should be held, but that any one of the three on the eligible list might be appointed. That is the rule which applies in connection with all Government employees in the civil service. If there is a vacancy of a clerkship or a stenographic position in a department, the Civil Service Commission certifies three eligibles, and any one of those three may be appointed.

It was natural that Congress in framing the law governing the appointment of postmasters should do the same thing, that is, provide for the appointment of any one of the three on the list. I suppose most of us have recommended others than the first one on the eligible list. I know I have, and I know others have. It may be wrong that we should be talked to about it, or receive any letters or recommendations with respect to it, but from time immemorial under all administrations the courtesy has been accorded to Members of the House to be consulted in the matter of the appointment of postmasters if they were members of the party in power, and that has been true regardless of party.

In a district in any State where there is no Representative who is a member of the party in power, the Senators have been consulted, if they happened to be of the party in power, and that applies to all parties in all administrations. I suppose all of us, in looking over lists of three, have undertaken to inquire among the people of the community and our friends, or if we had knowledge, have consulted our own knowledge, to determine which one of the three would be the most desirable postmaster. I know that in my rather infrequent consultations with respect to postmasters in my State—there being only one district which is not represented by a Democrat—I have now and then been asked to make a recommendation, and I have made it. I have not stuck to the rule of recommending the first one on the list. There are frequently reasons why that should not be done. I do not think we are bound to do so, and I do not think it was intended that we should be bound to do so. Otherwise we would not have provided that a recommendation could be made of any one of the first three on the list.

In the present case we have the nomination of a man against whom no one can say anything regarding his character or his qualifications, and regardless of the disappointment which may be caused the Senator from Nebraska and, no doubt, to the postmaster himself over his failure to be reappointed, the Senate should confirm the nomination of Mr. Perkins.

Mr. BURKE. Mr. President, let me assure the Senator from Kentucky that it will not be a matter of personal disappointment to me whatever action the Senate may take in the matter. I have no interest whatever in the Fremont, Nebr., post office, political or otherwise, and I am doing here today what it clearly seemed my duty to do, to call to the attention of the Senate, in as short a time as I could, the essential facts as they exist at Fremont.

I should like in a word to clear up the apparent misunderstanding under which the Senator from Kentucky is laboring, and also Judge Quigley, as is apparent from his letter. I do not take my stand here now and say that the Senate must confirm only the No. 1 man on the eligible list. As the Senator from Tennessee pointed out, and I agree with him, I think that would be real civil service; but that is not the law, and it is not upon that ground at all that I take my stand here.

I mention the fact that Mr. Fuhlrodt was No. 1 on the list only as further corroborative evidence of the contention I was making that he lives up to the statement made about him by the postal inspector, as being an outstanding postmaster whose office is held up in all the territory as being a model of efficiency. I do not mean to say that any Senator who has sometimes selected the No. 2 or No. 3 man on the list is subject to any criticism because of that fact, for when the reasons seemed to justify it I have done that myself.

In the letter from Judge Quigley, which I was very glad to have read, although it seemed to me it did not further the cause of the position taken by the majority leader, I noted that he stated that a man in public life ought to be consistent. I could refer him to the Senator from Arizona [Mr. ASHURST] for an argument on that point; but, in any event, we would all agree that a man who makes a statement in a letter addressed, as this was, to the majority leader of the Senate, ought to know the facts.

It is not a matter of great importance, and I cite it only to show how much credence should be placed on anything in it; but in his letter Judge Quigley says that I wrote a letter to Mr. Perkins, and in it I justified my position in not supporting

him on the ground that he was not No. 1 man on the list, and that I felt I ought to support the No. 1 man on the list, and then he goes on to point out the case in which I was inconsistent. The only letter I have written to Mr. Perkins I read in full here a moment ago, and anyone who heard it will recall that I said nothing of that kind whatever. I read the letter completely, from start to finish. I told Mr. Perkins that, good citizen as I thought he was, I felt that Mr. Fuhlrodt should be reappointed, because that was the only way to carry out the spirit of the civil service—to keep on the job a good man, who has been giving good service, and not at all because he was No. 1 on the list.

So long as the political element has been brought into this matter by bringing in the national committeeman and his letter, I should like to read a short news items from the Omaha World-Herald of February 11, 1940:

FREMONT IN TANGLE OVER POSTMASTER—VETERAN REPUBLICAN, DEMOCRATIC CHOSEN, MAY BE SUPPLANTED

Fremont Democratic leaders are stymied over the appointment of a postmaster.

They've been in a stew over it for weeks, but their troubles came to a head Friday when National Committeeman James C. Quigley told County Chairman Arthur C. Sidner flatly that the appointment will have to go to a Democrat—or else.

"I'd be violating the confidence of every Democrat in the State as well as the party trust," Quigley was quoted here as having told Sidner.

Sidner is the Democratic county chairman, who recommended the appointment of Mr. Fuhlrodt this year, as well as 4 years ago, joining with former Democratic Representative Dan Stephens.

Here's what the Fremonters are up against: Some time ago the county central committee recommended Frank W. Fuhlrodt, who received his first appointment from Democratic President Woodrow Wilson, but has always been registered as a Republican.

He stayed on through the Harding, Coolidge, Hoover, and Roosevelt administrations.

"SERVICE OR POLITICS?"

"It's just a case of merit, qualification, and satisfactory service being given consideration over ward politics," Sidner explained today.

"The people of Fremont, Democrats and Republicans alike, think Fuhlrodt deserves to continue as postmaster."

As a matter of practical politics, Sidner added, some local party leaders believe the party will gain in public confidence and popularity if qualifications and service are given first consideration.

The same question was raised over recommendation of Fuhlrodt 4 years ago. It was made an issue in the selection of the county central committee. Fuhlrodt's supporters won a vote of confidence then, so felt they were justified in recommending him again.

BURKE BACKS REPUBLICAN

The recommendation was submitted some time ago to Senator EDWARD R. BURKE, who has put his okeh on the county committee's election, forwarded it to Postmaster General Farley.

But, Sidner explains, it seems that National Committeeman Quigley's endorsement also is required by the Postmaster General before a name is submitted for Senate approval.

Friday, Sidner came to Omaha to go over the problem again with Quigley. With "no" for an answer he returned to Fremont, where today he said a new poll may be taken of the county central committee members.

"If they figure there's no use trying to buck Quigley, they may decide to throw the whole thing open to an examination of applicants," he explained today.

However, they did not decide to do so.

I read also a short editorial, following the news item by a few days. The editorial appeared in the Omaha World-Herald of February 13. I read this for the particular edification of my distinguished colleague [Mr. NORRIS], whose stand upon this matter is a great disappointment to me, as I am sure it will be to every lover of civil service in the entire country when his position is known.

FREMONT'S POSTMASTER

Sometime the politicians will have to decide whether postal employees are chosen for their ability to carry the mail or carry a torch.

A lot of people up in Fremont would like to know.

Frank Fuhlrodt has been their postmaster since the Wilson administration. Although nominally a Republican, he was appointed by a Democratic President and has served since under both Democrats and Republicans.

When his term expired recently the county Democratic committee recommended his reappointment. So did Senator BURKE. But National Committeeman Quigley, whose approval also is necessary, said no. He said Mr. Fuhlrodt's record didn't have anything to do with it. He said the appointment would have to go to a practicing Democrat, and that's all there was to it.

Now the whole thing is up in the air and nobody knows whether the job will go to a man who knows how to run the post office or somebody who knows which ballot to ask for on a certain Tuesday morning. The deadlock might go on for years and for all we know the folks in Fremont eventually may have to buy their stamps in Hooper.

Mr. President, one argument has been made which seems to me to be wholly lacking in merit. It was indicated by the Senator from Kentucky [Mr. BARKLEY] and by my colleague [Mr. NORRIS] and others. They see no reason for voting against Mr. Perkins because they say that such a course would not insure that Mr. Fuhlrodt would continue on the job. At least my colleague, as I understood him, said that if he could be sure that by rejecting Mr. Perkins, Mr. Fuhlrodt would be continued as postmaster, he might vote to reject the nomination.

We argued that question a few moments ago. It seems to me as clear as clear can be that Senate action rejecting the nomination of Mr. Perkins would mean exactly that. Certainly Mr. Fuhlrodt would continue to serve as postmaster until some other name might be submitted later; but since it has been made clear that no one is objecting to Mr. Perkins on the ground of lack of qualifications, the clear issue before the nominating authorities would be whether or not they wanted to respect the opinion of the Senate that efficiency and merit should be the sole test in determining what should be done. I have not the slightest doubt in the world that if the Senate today or tomorrow should reject the nomination of Mr. Perkins, when Congress should return in November it would have before it the name of Mr. Fuhlrodt for confirmation.

Let me say to the Senator from Indiana [Mr. MINTON] and others Senators who may be primarily interested in the political aspect of the matter that I think there would be no better way to stick a dagger in the back—if I may use a famous expression—of those who want to be the friends of this administration and give it credit for speaking the truth when it advocates civil service than to vote, in the light of the facts presented here, to confirm Mr. Perkins. A vote to confirm Mr. Perkins cannot be dissociated from a vote to oust Mr. Fuhlrodt. Any Senator who votes to confirm Mr. Perkins by the same token will be voting to oust a man who the chief post-office inspector says has been a model postmaster for more than 20 years, a man who is now rated, as the result of examination, at almost 100 percent, and whose reappointment and continuance in office are desired by the overwhelming majority of the patrons of that office.

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Frank S. Perkins to be postmaster at Fremont, Nebr.? (Putting the question): The Chair is in doubt. Those in favor of confirming the nomination will rise and be counted. [A pause.] Those opposed will rise and be counted.

Mr. BURKE. I ask for the yeas and nays; and, preliminary to that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The nomination is confirmed.

Mr. BARKLEY. Mr. President, I have no desire to produce a quorum at this late hour. We will let the matter go over until tomorrow if that is satisfactory to the Senator from Nebraska.

Mr. BURKE. Certainly.

Mr. BARKLEY. I suggest that we let the matter go over until tomorrow. We will try to have it disposed of the first thing.

Mr. AUSTIN. Mr. President, a parliamentary inquiry. Was the suggestion of the Senator from Kentucky acted upon that this matter go over until tomorrow? I could not hear the ruling of the Chair.

Mr. BARKLEY. I inquire of the Chair what the parliamentary inquiry was.

Mr. AUSTIN. The inquiry was whether the Chair ruled upon the request of the Senator from Kentucky that this matter go over until tomorrow.

Mr. BARKLEY. It was not a matter of unanimous consent. The matter may go over, and will go over unless we act on it today.

Mr. BURKE. I have suggested the absence of a quorum; but I am perfectly willing to withhold that suggestion if the matter may go over.

Mr. BARKLEY. The Senator from Nebraska suggested the absence of a quorum. I did not want to put the Senate to the trouble of having a quorum at this late hour this afternoon, so I suggested that it go over.

The PRESIDING OFFICER. The present occupant of the chair will state that he did not hear the request of the Senator from Kentucky. He put the question as to the confirmation. The vote was counted, and the Chair announced that the nomination was confirmed.

Mr. BURKE. Mr. President, before any announcement was made from the Chair——

Mr. BARKLEY. I did not hear the Chair's announcement.

Mr. BURKE. Before any announcement was made, I asked for the yeas and nays, and suggested the absence of a quorum.

Mr. BARKLEY. It is entirely agreeable to have the matter go over until tomorrow.

The PRESIDING OFFICER. The Chair did not hear the Senator from Nebraska, and had not the faintest idea that he made that sort of a request.

Mr. BARKLEY. It is not necessary to ask unanimous consent. I could dispose of the whole matter by moving to take a recess now; but there are one or two other things which would go over if we should not pass on them today. In view of the situation and the lateness of the hour, and the fact that the Senator from Nebraska wants a quorum and a roll call, I think the nomination had better go over.

Mr. CONNALLY. Mr. President, a parliamentary inquiry: Is it not true that since the point of no quorum has been made, the Senate cannot proceed with any other business unless it is agreed that the Senator from Nebraska may withdraw the point of no quorum?

Mr. BURKE. I am willing to withdraw it.

Mr. BARKLEY. I suggest that the Senator withdraw it.

Mr. BURKE. I shall be very glad to withdraw it; but I should like an understanding about the statement made by the Chair that the question was put, and confirmation was ordered.

Mr. BARKLEY. I did not hear the announcement. If it was so announced, I ask that the announcement be vacated, in order that we may have a yea-and-nay vote on the nomination tomorrow.

Mr. KING. I desire to say that I counted the votes, too.

The PRESIDING OFFICER. The Senator from Kentucky asks that the announcement be vacated, and that the matter go over until tomorrow. Without objection, it is so ordered.

Mr. BURKE. I now withdraw the request for a quorum.

Mr. BARKLEY. Does that complete the Executive Calendar?

The PRESIDING OFFICER. It does.

IN THE ARMY

Mr. MINTON. Mr. President, earlier in the day the senior Senator from Texas [Mr. SHEPPARD] reported favorably, from the Committee on Military Affairs, sundry nominations for promotion or transfer in the Regular Army. These nominations are of routine character and because of the large number and the large amount of printing involved, I ask unanimous consent for their present consideration and confirmation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana? The Chair hears none. Without objection, the nominations are confirmed.

Mr. MINTON. Mr. President, I ask unanimous consent that the President be at once advised of these confirmations, and that the names of the persons confirmed be not again printed, but that proper reference be made to the pages of the CONGRESSIONAL RECORD on which their nominations appear.

The PRESIDING OFFICER. Without objection, that will be done, and the President will be notified.

Mr. BYRD. Mr. President, I ask the Senator from Indiana whether his request includes the Reserve officers as well as the Regular Army officers.

Mr. MINTON. As I understand, these are only nominations in the Regular Army.

SUSPENSION OF CIVIL LIABILITIES OF CERTAIN PERSONS IN THE ARMED FORCES

Mr. OVERTON. Mr. President, as in legislative session, I submit the conference report on Senate bill 4270, and ask unanimous consent for its immediate consideration.

Mr. AUSTIN. Mr. President, what is the bill on which the report is submitted?

Mr. OVERTON. This is the conference report on the soldiers' and sailors' civil relief bill, on which the Senator from Vermont was a conferee. There was very little difference between the bills passed by the Senate and by the House, and such differences as there were have been adjusted by unanimous agreement on the part of the conferees.

Mr. AUSTIN. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this Act may be cited as the Soldiers' and Sailors' Civil Relief Act of 1940.

"ARTICLE I—GENERAL PROVISIONS

"SEC. 100. In order to provide for, strengthen, and expedite the national defense under the emergent conditions which are threatening the peace and security of the United States and to enable the United States the more successfully to fulfill the requirements of the national defense, provision is hereby made to suspend enforcement of civil liabilities, in certain cases, of persons in the military service of the United States in order to enable such persons to devote their entire energy to the defense needs of the Nation, and to this end the following provisions are made for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service during the period herein specified over which this act remains in force.

"SEC. 101. (1) The term 'persons in military service' and the term 'persons in the military service of the United States,' as used in this Act, shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. The term 'military service', as used in this Act, shall signify Federal service on active duty with any branch of service heretofore referred to or mentioned as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms 'active service' or 'active duty' shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

"(2) The term 'period of military service', as used in this Act, shall include the time between the following dates: For persons in active service at the date of the approval of this Act it shall begin with the date of approval of this Act; for persons entering active service after the date of this Act, with the date of entering active service. It shall terminate with the date of discharge from active service or death while in active service, but in no case later than the date when this Act ceases to be in force.

"(3) The term 'person', when used in this Act with reference to the holder of any right alleged to exist against a person in military service or against a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other forms of business association.

"(4) The term 'court', as used in this Act, shall include any court of competent jurisdiction of the United States or of any State, whether or not a court of record.

"SEC. 102. (1) The provisions of this Act shall apply to the United States, the several States and Territories, the District of Columbia, and all territory subject to the jurisdiction of the United States, including the Philippine Islands while under the

sovereignty of the United States, and to proceedings commenced in any court therein, and shall be enforced through the usual forms of procedure obtaining in such courts or under such regulations as may be by them prescribed.

"(2) When under this Act any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court.

"SEC. 103. (1) Whenever pursuant to any of the provisions of this Act the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension may, in the discretion of the court, likewise be granted to sureties, guarantors, endorsers, and others subject to the obligation or liability, the performance or enforcement of which is stayed, postponed, or suspended.

"(2) When a judgment or decree is vacated or set aside in whole or in part, as provided in this Act, the same may, in the discretion of the court, likewise be set aside and vacated as to any surety guarantor, endorser, or other person liable upon the contract or liability for the enforcement of which the judgment or decree was entered.

"ARTICLE II—GENERAL RELIEF

"SEC. 200. (1) In any action or proceeding commenced in any court, if there shall be a default of any appearance by the defendant, the plaintiff, before entering judgment shall file in the court an affidavit setting forth facts showing that the defendant is not in military service. If unable to file such affidavit plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the military service or that plaintiff is not able to determine whether or not defendant is in such service. If an affidavit is not filed showing that the defendant is not in the military service, no judgment shall be entered without first securing an order of court directing such entry, and no such order shall be made if the defendant is in such service until after the court shall have appointed an attorney to represent defendant and protect his interest, and the court shall on application make such appointment. Unless it appears that the defendant is not in such service the court may require, as a condition before judgment is entered, that the plaintiff file a bond approved by the court conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. And the court may make such other and further order or enter such judgment as in its opinion may be necessary to protect the rights of the defendant under this Act.

"(2) Any person who shall make or use an affidavit required under this section, knowing it to be false, shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by fine not to exceed $1,000, or both.

"(3) In any action or proceeding in which a person in military service is a party if such party does not personally appear therein or is not represented by an authorized attorney, the court may appoint an attorney to represent him; and in such case a like bond may be required and an order made to protect the rights of such person. But no attorney appointed under this Act to protect a person in military service shall have power to waive any right of the person for whom he is appointed or bind him by his acts.

"(4) If any judgment shall be rendered in any action or proceeding governed by this section against any person in military service during the period of such service or within thirty days thereafter, and it appears that such person was prejudiced by reason of his military service in making his defense thereto, such judgment may, upon application, made by such person or his legal representative, not later than ninety days after the termination of such service, be opened by the court rendering the same and such defendant or his legal representative let in to defend; provided it is made to appear that the defendant has a meritorious or legal defense to the action or some part thereof. Vacating, setting aside, or reversing any judgment because of any of the provisions of this Act shall not impair any right or title acquired by any bona fide purchaser for value under such judgment.

"SEC. 201. At any stage thereof any action or proceeding in any court in which a person in military service is involved, either as plaintiff or defendant, during the period of such service or within sixty days thereafter may, in the discretion of the court in which it is pending, on its own motion, and shall, on application to it by such person or some person on his behalf, be stayed as provided in this Act, unless, in the opinion of the court, the ability of plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of his military service.

"SEC. 202. When an action for compliance with the terms of any contract is stayed pursuant to this Act no fine or penalty shall accrue by reason of failure to comply with the terms of such contract during the period of such stay, and in any case where a person fails to perform any obligation and a fine or penalty for such nonperformance is incurred a court may, on such terms as may be just, relieve against the enforcement of such fine or penalty if it shall appear that the person who would suffer by such fine or penalty was in the military service when the penalty was incurred and that by reason of such service the ability of such person to pay or perform was thereby materially impaired.

"SEC. 203. In any action or proceeding commenced in any court against a person in military service, before or during the period of such service, or within 60 days thereafter, the court may, in its discretion, on its own motion, or on application to it by such person or some person on his behalf shall, unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of his military service—

"(a) Stay the execution of any judgment or order entered against such person, as provided in this Act; and

"(b) Vacate or stay any attachment or garnishment of property, money, or debts in the hands of another, whether before or after judgment as provided in this Act.

"SEC. 204. Any stay of any action, proceeding, attachment, or execution, ordered by any court under the provisions of this Act may, except as otherwise provided, be ordered for the period of military service and 3 months thereafter or any part of such period, and subject to such terms as may be just, whether as to payment in installments of such amounts and at such times as the court may fix or otherwise. Where the person in military service is a codefendant with others the plaintiff may nevertheless by leave of court proceed against the others.

"SEC. 205. The period of military service shall not be included in computing any period now or hereafter to be limited by any law for the bringing of any action by or against any person in military service or by or against his heirs, executors, administrators, or assigns, whether such cause of action shall have accrued prior to or during the period of such service.

"ARTICLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES

"SEC. 300. (1) No eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed $80 per month, occupied chiefly for dwelling purposes by the wife, children, or other dependents of a person in military service, except upon leave of court granted upon application therefor or granted in an action or proceeding affecting the right of possession.

"(2) On any such application or in any such action the court may, in its discretion, on its own motion, and shall, on application, unless in the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than 3 months, as provided in this Act, or it may make such other order as may be just.

"(3) Any person who shall knowingly take part in any eviction or distress otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed 1 year or by fine not to exceed $1,000, or both.

"(4) The Secretary of War, the Secretary of the Navy, or the Secretary of the Treasury with respect to the Coast Guard, as the case may be, is hereby empowered, subject to such regulations as he may prescribe, to order an allotment of the pay of a person in military service in reasonable proportion to discharge the rent of premises occupied for dwelling purposes by the wife, children, or other dependents of such person.

"SEC. 301. (1) No person who prior to the date of approval of this Act has received, or whose assignor has received, under a contract for the purchase of real or personal property, or of lease or bailment with a view to purchase of such property, a deposit or installment of the purchase price from a person or from the assignor of a person who, after the date of payment of such deposit or installment, has entered military service, shall exercise any right or option under such contract to rescind or terminate the contract or resume possession of the property for nonpayment of any installment falling due during the period of such military service, except by action in a court of competent jurisdiction: *Provided*, That nothing contained in this section shall prevent the modification, termination, or cancelation of any such contract, or prevent the repossession or retention of property purchased or received under such contract, pursuant to a mutual agreement of the parties thereto, or their assignees, if such agreement is executed in writing subsequent to the making of such contract and during or after the period of military service of the person concerned.

"(2) Any person who shall knowingly resume possession of property which is the subject of this section otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed $1,000, or both.

"(3) Upon the hearing of such action the court may order the repayment of prior installments or deposits or any part thereof, as a condition of terminating the contract and resuming possession of the property, or may, in its discretion, on its own motion, and shall, except as provided in section 303, on application to it by such person in military service or some person on his behalf, order a stay of proceedings as provided in this Act unless, in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service; or it may make such other disposition of the case as may be equitable to conserve the interests of all parties.

"SEC. 302. (1) The provisions of this section shall apply only to obligations originating prior to the date of approval of this Act and secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by a person in military service at the commencement of the period of the military service and still so owned by him.

"(2) In any proceeding commenced in any court during the period of military service to enforce such obligation arising out of nonpayment of any sum thereunder due or out of any other

breach of the terms thereof occurring prior to or during the period of such service the court may, after hearing, in its discretion, on its own motion, and shall, except as provided in section 303, on application to it by such person in military service or some person on his behalf, unless in the opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of his military service—

"(a) stay the proceedings as provided in this Act; or

"(b) make such other disposition of the case as may be equitable to conserve the interests of all parties.

"(3) No sale under a power of sale or under a judgment entered upon warrant of attorney to confess judgment contained in any such obligation shall be valid if made during the period of military service or within three months thereafter, unless upon an order of sale previously granted by the court and a return thereto made and approved by the court.

"SEC. 303. No court shall stay a proceeding to resume possession of a motor vehicle, tractor, or the accessories of either, or for an order of sale thereof, where said motor vehicle, tractor, or accessories are encumbered by a purchase money mortgage, conditional sales contract, or a lease or bailment with a view to purchase, unless the court shall find that 50 per centum or more of the purchase price of said property has been paid, but in any such proceeding the court may, before entering an order or judgment, require the plaintiff to file a bond, approved by the court, conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any such judgment or order should the judgment or order be set aside in whole or in part.

"ARTICLE IV—INSURANCE

"SEC. 400. In this article the term "policy' shall include any contract of life insurance on the level premium or legal reserve plan. It shall also include any benefit in the nature of life insurance arising out of membership in any fraternal or beneficial association; the term 'premium' shall include membership dues or assessments in such association, and the date of issuance of policy as herein limited shall refer to the date of admission to membership in such association; the term 'insured' shall include any person who is the holder of a policy as defined in this article; the term 'insurer' shall include any corporation, partnership, or other form of association which secures or provides insurance under any policy as defined in this article.

"SEC. 401. (1) The benefits of this article shall apply to any person in military service who is the holder of a policy of life insurance, when such holder shall apply for such benefits on a form prepared in accordance with regulations which shall be prescribed by the Administrator of Veterans' Affairs. Such form shall set forth particularly that the application therein made is a consent to such modification of the terms of the original contract of insurance as are made necessary by the provisions of this article and by receiving and filing the same the insurer shall be deemed to have assented thereto, to the extent, if any, to which the policy on which the application is made is within the provisions of this article. The original of such application shall be sent by the insured to the insurer, and a copy thereof to the Veterans' Administration.

"(2) The Veterans' Administration shall issue through suitable military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article and shall furnish forms to be distributed to those desiring to make application for its benefits.

"SEC. 402. The benefits of this Act shall be available to any person in military service in respect of contracts of insurance in force under their terms up to but not exceeding a face value of $5,000, irrespective of the number of policies held by such person whether in one or more companies, when such contracts were made and a premium was paid thereon before the date of approval of this Act or not less than thirty days before entry into the military service; but in no event shall the provisions of this article apply to any policy on which premiums are due and unpaid for a period of more than one year at the time when application for the benefits of this article is made or in respect of any policy on which there is outstanding a policy loan or other indebtedness equal to or greater than 50 per centum of the cash surrender value of the policy.

"SEC. 403. The Veterans' Administration shall, subject to regulations, which shall be prescribed by the Administrator of Veterans' Affairs, compile and maintain a list of such persons in military service as have made application for the benefits of this article, and shall (1) reject any application for such benefits made by persons who are not persons in military service; (2) reject any applications for such benefits in excess of the amount permitted by section 402; and (3) reject any applications in respect of contracts of insurance otherwise not entitled to the benefits of this article. Said Administration shall immediately notify the insurer and the insured in writing of every rejection or approval.

"SEC. 404. When one or more applications are made under this article by any one person in military service in respect of insurance exceeding a total face value of $5,000, whether on one or more policies or in one or more companies, and the insured shall not in his application indicate an order of preference, the Veterans' Administration shall reject such policies as have the inferior cash surrender value, so as to reduce the total benefits conferred within the face value of $5,000, and where necessary for this purpose shall direct the insurer to divide any policy into two separate policies. The said Administration shall immediately notify the insurer and the insured in writing of such selection.

"SEC. 405. No policy which has not lapsed for the nonpayment of premium before the commencement of the period of military service of the insured, and which has been brought within the benefits of this article, shall lapse or be forfeited for the nonpayment of premium during the period of such service or during one year after the expiration of such period: *Provided*, That in no case shall this prohibition extend for more than one year after the date when this Act ceases to be in force.

"SEC. 406. Within the first fifteen days of each calendar month after the date of approval of this Act until the expiration of one year after the date when this Act ceases to be in force every insurance corporation or association to which application has been made as herein provided, for the benefits of this article, shall render to the Veterans' Administration a report, duly verified, setting forth the following facts:

"First. The names of the persons who have applied for such benefits, and the face value of the policies in respect of which such benefits have been applied for by such persons, during the preceding calendar month.

"Second. A list as far as practicable of the premiums in respect of policies entitled to the benefits of this article, which remain unpaid on the last day of the preceding calendar month, which day is at least thirty-one days after the due date of the premiums, provided such premiums have not previously been so reported as in default.

"Third. A list of premiums which, having been previously reported as in default, have been paid by the policyholder or someone on his behalf in whole or in part during the preceding calendar month.

"Fourth. A computation of the difference between the total amount of defaulted premiums therein reported and the total amount of premiums paid as therein reported, after having been previously reported as in default. From this sum shall be deducted the total sum of any premiums previously reported as in default, upon policies in respect of which the Veterans' Administration has, since the date of such report, rejected an application for the benefits of this article. The final sum so arrived at shall be denominated the monthly difference.

"SEC. 407. The Administrator of Veterans' Affairs shall verify the computation of monthly difference reported by each insurer and shall, within ten days thereafter, deliver each month to the proper officer of such insurer, a certificate in the amount of the monthly difference certified in respect of each insurer. Such certificate shall be signed by said Administrator in the name of the United States, shall be in such form as the Administrator shall determine, shall be payable to the insurer within sixty days after the approval of the statement of account, as provided in section 411 hereof, and shall bear interest at a rate to be prescribed by the Secretary of the Treasury, payable with the principal. Such certificate shall not be transferred except with the approval of said Administrator and shall remain with the insurer until settlement is made in accordance with this article.

"SEC. 408. The certificate so delivered shall be held by the respective insurers as security for the payment of the defaulted premiums with interest. To indemnify it against loss the United States shall have a first lien upon any policy receiving the benefits of this article, subject only to any lien existing at the time the policy became subject to this Act, and no loan or settlement or payment of dividend shall be made by the insurer on such policy which may prejudice the security of such lien. Before any dividend is paid or any loan or settlement is made the written consent of the Veterans' Administration must be obtained.

"SEC. 409. In the event that the military service of any person being the holder of a policy receiving the benefits of this article shall be terminated by death, the amount of any unpaid premiums, with interest at the rate provided for in the policy for policy loans, shall be deducted from the proceeds of the policy and shall be included in the next monthly report of the insurer as premiums paid.

"SEC. 410. If the insured does not within one year after the termination of his period of military service pay to the insurer all past due premiums with interest thereon from their several due dates at the rate provided in the policy for policy loans, the policy shall at the end of such year immediately lapse and become void, and the insurer shall thereupon become liable to pay the cash surrender value thereof, if any: *Provided*, That if the insured is in the military service when this Act ceases to be in force, such lapse shall occur and surrender value be payable at the expiration of one year after the date when this Act ceases to be in force.

"SEC. 411. At the expiration of one year after the date when this Act ceases to be in force there shall be an account stated between each insurer and the United States, in which there shall be credited to the insurer the total amount of the certificates held as security under this article, together with accrued interest to the date of the account, and in which there shall be credited to the United States the amount of the cash surrender value of each policy lapsed or forfeited as provided in section 410, but not in any case a greater amount on any policy than the total of the unpaid premiums with interest thereon at the rate provided for in the policy for policy loans.

"SEC. 412. The balance in favor of the insurer in each case shall be certified by the Administrator of Veterans' Affairs to the Secretary of the Treasury, who shall pay to the insurer the amount thereof, which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, upon the surrender by the insurer of the certificates delivered to it from time

to time by the Administrator of Veterans' Affairs under the provisions of this article.

"SEC. 413. This article shall not apply to any policy which is void or which may at the option of the insured be voidable, if the insured is in military service, either in this country or abroad, nor to any policy which as a result of being in military service, either in this country or abroad, provides for the payment of any sum less than the face thereof or for the payment of an additional amount as premium.

"SEC. 414. This article shall apply only to insurance companies or associations which are required by the law under which they are organized or doing business to maintain a reserve, or, which if not so required, have made or shall make provision for the collection from all those insured in such insurer of a premium to cover the special war risk of those insured persons who are in military service.

"ARTICLE V—TAXES AND PUBLIC LANDS

"SEC. 500. (1) The provisions of this section shall apply when any taxes or assessments, whether general or special, falling due during the period of military service in respect of real property owned and occupied for dwelling, agricultural, or business purposes by a person in military service or his dependents at the commencement of his period of military service and still so occupied by his dependents or employees are not paid.

"(2) When any person in military service, or any person in his behalf, shall file with the collector of taxes, or other officer whose duty it is to enforce the collection of taxes or assessments, an affidavit showing (a) that a tax or assessment has been assessed upon property which is the subject of this section, (b) that such tax or assessment is unpaid, and (c) that by reason of such military service the ability of such person to pay such tax or assessment is materially affected, no sale of such property shall be made to enforce the collection of such tax or assessment, or any proceeding or action for such purpose commenced, except upon leave of court granted upon an application made therefor by such collector or other officer. The court thereupon may stay such proceedings or such sale, as provided in this Act, for a period extending not more than six months after the termination of the period of military service of such person.

"(3) When by law such property may be sold or forfeited to enforce the collection of such tax or assessment, such person in military service shall have the right to redeem or commence an action to redeem such property, at any time not later than six months after the termination of such service, but in no case later than six months after the date when this Act ceases to be in force; but this shall not be taken to shorten any period, now or hereafter provided by the laws of any State or Territory for such redemption.

"(4) Whenever any tax or assessment shall not be paid when due, such tax or assessment due and unpaid shall bear interest until paid at the rate of 6 per centum per annum, and no other penalty or interest shall be incurred by reason of such nonpayment. Any lien for such unpaid taxes or assessment shall also include such interest thereon.

"(5) The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury shall make provision in such manner as each may deem appropriate for his respective department, to insure the giving of notice to persons in the military service under their respective jurisdictions, of the benefits accorded by this section and the action made necessary to claim those benefits in each case.

"SEC. 501. (1) No right to any lands owned or controlled by the United States initiated or acquired under any laws of the United States including the mining and mineral leasing laws, by any person prior to entering military service shall during the period of such service be forfeited or prejudiced by reason of his absence from the land or his failure to perform any work or make any improvements thereon or his failure to do any other act required by or under such laws.

"(2) If a permittee or licensee under the Act of June 28, 1934 (48 Stat. 1269), enters military service, he may elect to suspend his permit or license for the period of his military service and six months thereafter, and the Secretary of the Interior by regulations shall provide for such suspension of permits and licenses and for the remission, reduction, or refund of grazing fees during such suspension.

"(3) This section shall not be construed to control specific requirements contained in this article.

"SEC. 502. If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed, after such entry or application enters military service, or if any person who has a valid settlement claim enters military service, the Department of the Interior shall construe his military service to be equivalent to residence and cultivation upon the tract entered or settled upon for the period of such service. From the effective date of this Act no contest shall be initiated on the ground of abandonment and no allegation of abandonment shall be sustained against any such person, unless it shall be alleged in the preliminary affidavit or affidavits of contest and proved at the hearing in cases initiated subsequent to the effective date of this Act that the alleged absence from the land was not due to such military service. If such person is discharged on account of wounds received or disability incurred in the line of duty, the term of his enlistment and any period of hospitalization due to such wounds or disability shall be deducted from the required length of residence, without reference to the time of actual service. No patent shall issue to any such person who has not resided upon, improved, and cultivated his homestead for a period of at least one year.

"SEC. 503. (1) If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed or who has a valid settlement claim dies while in military service or as a result of such service, his widow, if unmarried, or in the case of her death or marriage, his minor children, or his or their legal representatives, may proceed forthwith to make final proof upon such entry or upon an application which is allowed after the applicant's death, or upon a homestead application thereafter allowed based on a valid settlement claim, and shall be entitled to receive a patent for such land. The death of such person while in military service or as a result of such service shall be construed to be equivalent to a performance of all requirements as to residence and cultivation upon such homestead or claim, notwithstanding the provisions of section 502 of this Act.

"(2) If such person is honorably discharged and because of physical incapacities due to such service is unable to return to the land, he may make final proof without further residence, improvement, or cultivation, at such time and place as the Secretary of the Interior may authorize, and receive a patent to the land entered.

"(3) The Act of July 28, 1917 (40 Stat. 248), is hereby repealed.

"SEC. 504. (1) No desert-land entry made or held under the desert-land laws prior to the entrance of the entryman or his successor in interest into military service shall be subject to contest or cancelation for failure to make or expend the sum of $1 per acre per year in improvements upon the claim or to effect the reclamation of the claim during the period the entryman or his successor in interest is engaged in military service or during a period of six months thereafter or during any period of hospitalization because of wounds or disability incurred in the line of duty. The time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land shall be exclusive of his period of service and the six-months' period and any such period of hospitalization.

"(2) If such entryman or claimant is honorably discharged and because of physical incapacities due to such service is unable to accomplish reclamation of, and payment for, the land, he may make proof without further reclamation or payments under such rules as the Secretary of the Interior may prescribe and receive patent for the land entered or claimed.

"(3) In order to obtain the benefits of this section, such entryman or claimant shall, within six months after the effective date of this Act or within six months after his entrance into military service, file or cause to be filed in the land office of the district in which his claim is situated a notice that he has entered military service and that he desires to hold the desert claim under this section.

"SEC. 505. (1) The provisions of section 2324 of the Revised Statutes of the United States, which require that on each mining claim located after May 10, 1872, and until patent has been issued therefor not less than $100 worth of labor shall be performed or improvements made during each year, shall not apply during the period of his service, or until six months after the termination of such service, or during any period of hospitalization because of wounds or disability incurred in line of duty, to claims or interests in claims which are owned by a person in military service and which have been regularly located and recorded. No mining claim or any interest in a claim which is owned by such a person and which has been regularly located and recorded shall be subject to forfeiture by nonperformance of the annual assessments during the period of such military service, or until six months after the termination of such service or of such hospitalization.

"(2) In order to obtain the benefits of this section, the claimant of any mining location shall, before the expiration of the assessment year during which he enters military service, file or cause to be filed in the office where the location notice or certificate is recorded a notice that he has entered such service and that he desires to hold his mining claim under this section.

"SEC. 506. (1) Any person holding a permit or lease on the public domain under the Federal mineral leasing laws who enters military service may, at his election, suspend all operations under his permit or lease for a period of time equivalent to the period of his military service and six months thereafter. The term of the permit or lease shall not run during such period of suspension nor shall any rentals or royalties be charged against the permit or lease during the period of suspension.

"(2) In order to obtain the benefit of this section, such permittee or lessee shall, within six months after the effective date of this Act or six months after his entrance into military service, notify the General Land Office by registered mail of his entrance into such service and of his desire to avail himself of the benefits of this section.

"(3) This section shall not be construed to supersede the terms of any contract for operation of a permit or lease.

"SEC. 507. Nothing in this article shall be construed to limit or affect the right of a person in military service to take any action during his period of service which may be authorized by law or the regulations of the Department of the Interior for the perfection, defense, or further assertion of rights initiated or acquired prior to the date of entering military service. It shall be lawful for any person while in such service to make any affidavit or submit any proof which may be required by law or the practice or regulations of the General Land Office in connection with the entry, perfection, defense, or further assertion of any rights initiated or acquired prior to entering such service, before the officer in immediate command

and holding a commission in the branch of the service in which the person is engaged. Such affidavits shall be as binding in law and with like penalties as if taken before a register of a United States land office. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of sections 501 to 512, inclusive.

"SEC. 508. The Secretary of the Interior is hereby authorized, in his discretion, to suspend as to persons in military service during the period while this Act remains in force and for a period of six months thereafter or during any period of hospitalization because of wounds or disability incurred in line of duty that provision of the act known as the 'Reclamation Act' requiring residence upon lands in private ownership or within the neighborhood for securing water for the irrigation of the same, and he is authorized to permit the use of available water thereon upon such terms and conditions as he may deem proper.

"SEC. 509. The Secretary of the Interior shall issue through appropriate military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article except as to section 500 hereof and shall furnish forms to be distributed in like manner to those desiring to make application for its benefits, except as to said section.

"Ses. 510. (1) During the pendency of any war in which the United States may be engaged while this Act remains in force any homestead entryman shall be entitled to a leave of absence from his entry for the purpose of performing farm labor. The time actually spent in farm labor shall be counted as constructive residence, if within fifteen days after leaving his entry to engage in such labor the entryman files a notice of absence in the land office of the district in which his entry is situated, and if at the expiration of the calendar year the entryman files in that office a written statement under oath and corroborated by two witnesses giving the date or dates when he left his entry, the date or dates of his return, and the place where and person for whom he was engaged in farm labor during such period or periods of absence.

"(2) Nothing in this section shall excuse any homestead entryman from making improvements or performing the cultivation upon his entry required by law. The provisions of this section shall apply only to persons whose applications have been allowed or filed prior to the effective date of this Act.

"SEC. 511. Any person under the age of twenty-one who serves in the military service while this Act remains in force shall be entitled to the same rights under the laws relating to lands owned or controlled by the United States, including the mining and mineral leasing laws, as those over twenty-one now possess under such laws. Any requirements as to establishment of residence within a limited time shall be suspended as to entry by such person until six months after his discharge from military service. Applications for entry may be verified before any officer in the United States or any foreign country authorized to administer oaths by the laws of the State or Territory in which the land may be situated.

"SEC. 512. Citizens of the United States who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which the United States engages while this Act remains in force shall be entitled to the relief and benefits afforded by this article, if such service is similar to military service as defined in this Act, and if they are honorably discharged and resume United States citizenship or die in the service of the allied forces or as a result of such service.

"SEC. 513. The collection from any person in the military service of any tax on the income of such person, whether falling due prior to or during his period of military service, shall be deferred for a period extending not more than six months after the termination of his period of military service if such person's ability to pay such tax is materially impaired by reason of such service. No interest on any amount of tax, collection of which is deferred for any period under this section, and no penalty for nonpayment of such amount during such period, shall accrue for such period of deferment by reason of such nonpayment. The running of any statute of limitations against the collection of such tax by distraint or otherwise shall be suspended for the period of military service of any individual the collection of whose tax is deferred under this section, and for an additional period of nine months beginning with the day following the period of military service. The provisions of this section shall not apply to the income tax on employees imposed by section 1400 of the Federal Insurance Contributions Act.

"ARTICLE VI—ADMINISTRATIVE REMEDIES

"SEC. 600. Where in any proceeding to enforce a civil right in any court it is made to appear to the satisfaction of the court that any interest, property, or contract has since the date of the approval of this Act been transferred or acquired with intent to delay the just enforcement of such right by taking advantage of this Act, the court shall enter such judgment or make such order as might lawfully be entered or made, the provisions of this Act to the contrary notwithstanding.

"SEC. 601. (1) In any proceeding under this Act a certificate signed by The Adjutant General of the Army as to persons in the Army or in any branch of the United States service while serving pursuant to law with the Army of the United States, signed by the Chief of the Bureau of Navigation of the Navy Department as to persons in the United States Navy or in any other branch of the United States service while serving pursuant to law with the United States Navy, and signed by the Major General Commandant, United States Marine Corps, as to persons in the Marine Corps, or in any other branch of the United States service while serving pursuant to law with the Marine Corps, or signed by an officer designated by any of them, respectively, for the purpose, shall when produced be prima facie evidence as to any of the following facts stated in such certificate:

"That a person named has not been, or is, or has been in military service; the time when and the place where such person entered military service, his residence at that time, and the rank, branch, and unit of such service that he entered, the dates within which he was in military service, the monthly pay received by such person at the date of issuing the certificate, the time when and the place where such person died in or was discharged from such service.

"(2) It shall be the duty of the foregoing officers to furnish such certificate on application, and any such certificate when purporting to be signed by any one of such officers or by any person purporting upon the face of the certificates to have been so authorized shall be prima facie evidence of its contents and of the authority of the signer to issue the same.

"(3) Where a person in military service has been reported missing he shall be presumed to continue in the service until accounted for, and no period herein limited which begins or ends with the death of such person shall begin or end until the death of such person is in fact reported to or found by the Department of War or Navy, or any court or board thereof, or until such death is found by a court of competent jurisdiction: *Provided*, That no period herein limited which begins or ends with the death of such person shall be extended hereby beyond a period of six months after the time when this Act ceases to be in force.

"SEC. 602. Any interlocutory order made by any court under the provisions of this Act may, upon the court's own motion or otherwise, be revoked, modified, or extended by it upon such notice to the parties affected as it may require.

"SEC. 603. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"SEC. 604. This Act shall remain in force until May 15, 1945: *Provided*, That should the United States be then engaged in a war, this Act shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter: *Provided further*, That wherever under any section or provision of this Act a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed prior to the date herein fixed for the termination of this Act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

"SEC. 605. The provisions of section 4 of the Joint Resolution approved August 27, 1940 (Public Resolution Numbered 96, Seventy-sixth Congress), and the provisions of section 13 of the Selective Training and Service Act of 1940, shall not be applicable with respect to any military service performed after the date of enactment of this Act."

And the House agree to the same.

ELBERT D. THOMAS,
JOHN H. OVERTON,
WARREN R. AUSTIN,
CHAN GURNEY,
*Managers on the part of the Senate.*

A. J. MAY,
R. E. THOMASON,
JOHN M. COSTELLO,
L. C. ARENDS,
FOREST A. HARNESS,
*Managers on the part of the House.*

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

LANDS OF THE AGUA CALIENTE OR PALM SPRINGS RESERVATION, CALIF.

The PRESIDING OFFICER, as in legislative session, laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7738) to amend the act entitled "An act to authorize the Secretary of the Interior to lease or sell certain lands of the Agua Caliente or Palm Springs Reservation, Calif., for public airport use, and for other purposes," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BARKLEY. On behalf of the Senator from Oklahoma [Mr. THOMAS], I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. THOMAS of Oklahoma, Mr. WHEELER, and Mr. FRAZIER conferees on the part of the Senate.

EXTENSION OF CLASSIFIED CIVIL SERVICE

The PRESIDING OFFICER, as in legislative session, laid before the Senate the action of the House of Representatives insisting upon its disagreement to the amendments of the Senate to the bill (H. R. 960) extending the classified executive civil service of the United States, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BARKLEY. Mr. President, in view of the message brought over from the House a little while ago announcing the rejection of the conference report on House bill 960, the civil-service bill, on behalf of the Senator from New York [Mr. MEAD], I move that the Senate further insist upon its amendments, agree to the request of the House for a further conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MEAD, Mr. BULOW, Mr. GEORGE, Mr. WHITE, and Mr. FRAZIER conferees on the part of the Senate at the further conference.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 30 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, October 8, 1940, at 12 o'clock meridian.

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## NOMINATIONS

*Executive nominations received by the Senate October 7 (legislative day of September 18), 1940*

APPOINTMENTS IN THE REGULAR ARMY

TO BE SECOND LIEUTENANTS WITH RANK FROM DATE OF APPOINTMENT

*Cavalry*

Second Lt. William Michael Delaney, Infantry Reserve.

*Field Artillery*

Second Lt. William Trabue, Field Artillery Reserve.

First Lt. Carl Kenneth Warren, Jr., Field Artillery Reserve.

*Coast Artillery Corps*

First Lt. John Bangs Corbett, Coast Artillery Reserve.

First Lt. Richard Greenwood Thomas, Infantry Reserve.

*Infantry*

First Lt. Robert Emmet Kennington, Infantry Reserve.

Second Lt. Rollo Clayton Andross, Corps of Engineers Reserve.

Second Lt. Denman Fowler, National Guard of the United States.

Second Lt. William Love Latta, Jr., Signal Corps Reserve.

Second Lt. Alfred Martin, Infantry Reserve.

First Lt. John Barwick Strahan, Infantry Reserve.

Sgt. Francis M. Smith, Medical Department, Regular Army.

POSTMASTERS

ALABAMA

James F. Creen, Jr., to be postmaster at Blue Mountain, Ala. Office became Presidential July 1, 1940.

Zell G. Pope to be postmaster at Bolling, Ala. Office became Presidential July 1, 1940.

ARKANSAS

Franklin Eugene Burks to be postmaster at Levy, Ark. Office became Presidential July 1, 1940.

Robert L. Cummings to be postmaster at Magazine, Ark., in place of T. W. Moore. Incumbent's commission expired July 1, 1940.

CALIFORNIA

William Budd to be postmaster at Buellton, Calif. Office became Presidential July 1, 1940.

Clarence W. Aldrich to be postmaster at El Portal, Calif. Office became Presidential July 1, 1939.

Gilbert R. Van Dyke to be postmaster at Fall Brook, Calif., in place of F. L. Williams, removed.

COLORADO

Wesley A. Simmer to be postmaster at Blanca, Colo. Office became Presidential July 1, 1940.

FLORIDA

Frank M. Walrath, Jr., to be postmaster at Keystone Heights, Fla. Office became Presidential July 1, 1940.

GEORGIA

Annie L. Pound to be postmaster at Woodland, Ga. Office became Presidential July 1, 1940.

HAWAII

Richard M. Imai to be postmaster at Olaa, Hawaii, in place of R. E. Lee, removed.

ILLINOIS

Coila C. Saunders to be postmaster at Palos Park, Ill. Office became Presidential July 1, 1940.

INDIANA

Grace A. Adrion to be postmaster at Dublin, Ind. Office became Presidential July 1, 1940.

Louis Kolb to be postmaster at Wadesville, Ind. Office became Presidential July 1, 1940.

IOWA

George Glawe to be postmaster at Farmersburg, Iowa. Office became Presidential July 1, 1939.

Edna Mulvihill to be postmaster at Salix, Iowa. Office became Presidential July 1, 1940.

Harry De Jong to be postmaster at Sully, Iowa. Office became Presidential July 1, 1940.

KANSAS

Vernon L. Miller to be postmaster at Bethel, Kans. Office became Presidential July 1, 1940.

William R. Jones to be postmaster at Reading, Kans. Office became Presidential July 1, 1940.

LOUISIANA

William N. Nelson to be postmaster at Burrwood, La. Office became Presidential July 1, 1940.

MASSACHUSETTS

Daniel Ottinger to be postmaster at North Amherst, Mass. Office became Presidential July 1, 1940.

MICHIGAN

Kathryn I. Stanley to be postmaster at Morrice, Mich. Office became Presidential July 1, 1940.

Leo L. Malcomson to be postmaster at Prudenville, Mich. Office became Presidential July 1, 1940.

MISSOURI

John W. Johnson to be postmaster at Fisk, Mo. Office became Presidential July 1, 1940.

Guy D. Maxwell to be postmaster at Irondale, Mo. Office became Presidential July 1, 1940.

Mattie E. Christie to be postmaster at Qulin, Mo. Office become Presidential July 1, 1940.

MONTANA

William M. Chapman to be postmaster at Wyola, Mont. Office became Presidential July 1, 1940.

NEBRASKA

Mina E. Anderson to be postmaster at Bristow, Nebr. Office became Presidential July 1, 1940.

NEVADA

Virginia Castillo to be postmaster at Beatty, Nev. Office became Presidential July 1, 1940.

Helen C. Thrasher to be postmaster at Gerlach, Nev. Office became Presidential July 1, 1940.

NEW JERSEY

William F. Ohnsman to be postmaster at Laurence Harbor, N. J. Office became Presidential July 1, 1940.

NEW YORK

Mildred I. Morey to be postmaster at White Lake, N. Y. Office became Presidential July 1, 1940.

NORTH CAROLINA

Bascombe N. Allen to be postmaster at Blue Ridge, N. C. Office became Presidential July 1, 1940.

Emily T. Walkingstick to be postmaster at Cherokee, N. C. Office became Presidential July 1, 1940.

Jasper J. Smith to be postmaster at Pink Hill, N. C. Office became Presidential July 1, 1940.

Dewey E. Edwards to be postmaster at Pisgah Forest, N. C. Office became Presidential July 1, 1940.

NORTH DAKOTA

Iver D. Thue to be postmaster at Stanton, N. Dak., in place of T. G. Bohrer, removed.

OHIO

Adolph E. Baker to be postmaster at West Manchester, Ohio. Office became Presidential July 1, 1940.

OREGON

Walter F. Petersen to be postmaster at Lapine, Oreg. Office became Presidential July 1, 1940.

PENNSYLVANIA

Roy D. Zimmerman to be postmaster at Cleona, Pa. Office became Presidential July 1, 1940.

Helen K. Kurtz to be postmaster at Vintage, Pa. Office became Presidential July 1, 1940.

SOUTH DAKOTA

Ruth I. Kern to be postmaster at Lake Andes, S. Dak., in place of R. C. Baker. Incumbent's commission expired June 16, 1940.

Ambrose H. Manion to be postmaster at Rosebud, S. Dak. Office became Presidential July 1, 1940.

TENNESSEE

Lucile Brown to be postmaster at Cornersville, Tenn. Office became Presidential July 1, 1940.

Lawrence Gordon Gill to be postmaster at Decherd, Tenn., in place of R. M. Austin, resigned.

TEXAS

Cora G. Tidwell to be postmaster at Avoca, Tex. Office became Presidential July 1, 1940.

VIRGINIA

Gerdena S. Pettit to be postmaster at Fredericks Hall, Va. Office became Presidential July 1, 1940.

Robert C. Smith to be postmaster at Haymarket, Va. Office became Presidential July 1, 1940.

John S. Hinegardner to be postmaster at Weyers Cave, Va. Office became Presidential July 1, 1940.

WASHINGTON

Ethel L. Baker to be postmaster at Des Moines, Wash. Office became Presidential July 1, 1940.

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## CONFIRMATIONS

*Executive nominations confirmed by the Senate October 7 (legislative day of September 18), 1940*

UNITED STATES CIRCUIT COURT OF APPEALS

Harvey M. Johnsen to be judge of the United States Circuit Court of Appeals for the Eighth Circuit.

UNITED STATES DISTRICT JUDGE

William J. Campbell to be United States district judge for the northern district of Illinois.

UNITED STATES ATTORNEY

J. Albert Woll to be United States attorney for the northern district of Illinois.

PROMOTIONS AND APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

(NOTE.—The names of the persons whose nominations for promotion, or transfer, in the Regular Army were today confirmed by the Senate will be found, under the caption "Nominations," in the CONGRESSIONAL RECORD of October 4, 1940, beginning on p. 13217.)

# HOUSE OF REPRESENTATIVES

MONDAY, OCTOBER 7, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord God, we wait at the altar of prayer. As we recall Thy love and mercy, let these moments be the soul's sublimest mood and its most eloquent speech. O Man of Galilee, Be Thou our teacher, our happy guest, and our quiet visitor today, always the same in heart and purpose. The wise plans which we took up with so much ardor and enthusiasm, may they not be cast aside. Those high hopes, cherished and born by such fond ambitions, those resolutions so sincerely formed, those vows which we made on bended knee, grant dear Lord that they may not be neglected, while the world holds sway round about us and they become life's sorrowing retrospect. With the spirit of a seraph, open our ears to the melodies of Nature and our eyes to catch the beatific vision: "The heavens declare the glory of God and the firmament showeth His handiwork." Every star is aflame with glory; every bush, like that at Horeb, is a tongue of fire, and the sound of many waters is the voice of the Lord. Heavenly Father, this human life, throbbing, eager, and feverish with its mingled lights and shadows, joys and sorrows, dreams and disillusions; with its pathos and laughter, is out of harmony with the divine will. O Thou who knowest the human heart, still its noblest passions until its emotions are resolved into the deeds of the Christ life. In His holy name. Amen.

The Journal of the proceedings of Friday, October 4, 1940, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On September 13, 1940 (1 p. m., eastern standard time):

H. J. Res. 602. Joint resolution to authorize Jesse H. Jones, Federal Loan Administrator, to be appointed to, and to perform the duties of, the office of Secretary of Commerce.

On September 24, 1940:

H. R. 4031. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim or claims of the Recording & Computing Machines Co., of Dayton, Ohio;

H. R. 8551. An act for the relief of Xenophon George Panos;

H. R. 10026. An act to provide for the disposition of certain photographed records of the United States Government, and for other purposes;

H. R. 10176. An act authorizing the Secretary of the Interior to issue patents for lands held under color of title;

H. R. 10438. An act to extend the age limits for applicants for appointment as midshipmen at the United States Naval Academy;

H. J. Res. 596. Joint resolution to authorize Commander Howard L. Vickery to hold the office of a member of the United States Maritime Commission;

H. J. Res. 445. Joint resolution to establish a Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson; and

H. J. Res. 607. Joint resolution making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1941.

On September 26, 1940:

H. R. 10361. An act to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes.

On October 4, 1940:

H. R. 532. An act for the relief of W. J. Hance;

H. R. 5771. An act for the relief of Louis St. Jacques;

H. R. 6230. An act for the relief of James Murphy, Sr.;

H. R. 6605. An act for the relief of Louis A. Charland;

H. R. 9688. An act to provide for the advancement on the retired list of any officer of the Navy or Marine Corps retired pursuant to the provisions of section 13 or 15 (e) of the act of June 23, 1938;

H. R. 9898. An act to further amend section 13a of the National Defense Act so as to authorize officers detailed for training and duty as aircraft observers to be so rated, and for other purposes; and

H. R. 10036. An act for the relief of John A. Kames.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 9654. An act to extend for an additional year the provisions of the Sugar Act of 1937 and the taxes with respect to sugar; and

H. R. 10518. An act granting the consent of Congress to the department of highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Whetstone Diversion Channel at or near Ortonville, Minn.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2753. An act to amend part I of the Interstate Commerce Act, as amended, with respect to the use of refrigerator cars; and

S. 4249. An act for the relief of the widows of the late George A. Meffan and John Glenn.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10539) entitled "An act making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10094) entitled "An act to require the registration of certain organizations carrying on activities within the United States, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 9972) entitled "An act authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. SHEPPARD, and Mr. JOHNSON of California to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10412) entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CONNALLY, Mr. TRUMAN, and Mr. HALE to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 844. An act to simplify the accounts of the Treasurer of the United States, and for other purposes.

THE LATE HONORABLE HEARTSILL RAGON

Mr. TERRY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. TERRY. Mr. Speaker, it is with profound regret that I rise to announce to my colleagues the sudden death on September 15, 1940, of Judge Heartsill Ragon, of Fort Smith, Ark., a former member of this body and my predecessor as Representative from the Fifth Arkansas District.

Heartsill Ragon was born in Logan County, Ark., in 1885; was educated at Clarksville High School, College of the Ozarks, University of Arkansas, and Washington and Lee University. He began the practice of law at Clarksville immediately after his graduation from Washington and Lee. He represented Johnson County in the State legislature for two terms, 1911 to 1913, and he was elected district attorney for the fifth judicial district of Arkansas for two terms, 1916 to 1920.

He was elected to the Sixty-eighth, Sixty-ninth, Seventieth, Seventy-first, Seventy-second, and Seventy-third Congresses. While in the House he served on the Ways and Means Committee, ranking next to Chairman DOUGHTON, and I am informed that he was one of the leading members of that committee and wielded a powerful influence in the formation of its policies.

In the spring of 1933, Mr. Ragon resigned from Congress to accept an appointment from President Roosevelt as judge of the Federal court for the western district of Arkansas. During his 7 years' service on the bench he made an outstanding record for his knowledge of the law, and his fair and impartial handling of all litigation in his court.

I am informed that at the time of his death Judge Ragon was being favorably considered for promotion to the Circuit Court of Appeals for the Eighth United States Circuit to fill a vacancy in that court.

In 1916, Judge Ragon married Miss Mattie Smith, of Dumas, Ark., one son, Heartsill Ragon, Jr., being born to the union.

Judge Ragon was a brilliant speaker, a keen debater, and a strong advocate of whatever cause he espoused. I am informed that he had the confidence and friendship of all Members on both sides of the aisle, and it was freely predicted that his leadership qualities would have carried him far in the event he had chosen to remain in the Congress.

His family life was ideal and he was a valuable citizen in the community wherein he lived. Having been a poor boy himself and having come up the hard way, he was always untiring in his efforts to help the youth of his community. He was very active in promoting a boys' club for the underprivileged boys in Fort Smith and was mainly instrumental in the success of the drive for funds for its construction.

In the death of Judge Ragon the State of Arkansas lost a fine citizen and the United States an able judge. I am sure that the House joins with the Arkansas delegation in expressing to the members of his family its sorrow at the untimely passing of this good and great man.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. Mr. Speaker, I join with the Arkansas delegation in expressing keen regret in the death of our late friend and former colleague, Judge Heartsill Ragon.

It was my pleasure as a new Member of the House 12 years ago to have an office next door to the late Judge Ragon. During the several years he was in Congress, after my election to this body, he took a very close personal interest in me, and between us there developed a strong friendship, one that I regret to see terminated by the early and unfortunate death of my late friend.

My late friend was one of the outstanding Members of this body, one of the strongest members of the Ways and Means Committee, one who loved his membership in this body, and one who made his mark in the Halls of Congress. It is with great regret that I learned of the death of my late friend, and I know that all Members in this body who served with the late Judge Ragon join with the distinguished gentleman from Arkansas [Mr. TERRY] and myself in expressing our keen regrets upon his death, and in conveying to Mrs. Ragon and to his relatives our sincere feelings of sympathy in their great loss and sorrow.

[Here the gavel fell.]

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TREADWAY. Mr. Speaker, I wish to add a few words, on behalf of the Republican minority of the Ways and Means Committee, in tribute to the memory of the late Heartsill Ragon, of Arkansas, who was formerly an honored and valuable member of our committee.

Judge Ragon was loved and respected by all who knew him. He was a conscientious legislator, a profound student of government, and he served his country with fidelity and industry. Above all, he was a true gentleman.

Our late colleague became a member of the Ways and Means Committee at the opening of the second session of the Seventieth Congress in December 1928 and soon distinguished himself as an expert in the difficult science of taxation. When, in 1933, he resigned his seat in the House to accept appointment as a Federal judge he was one of the ranking members on the Democratic side of the committee. Had he continued in the service of this body he would be next in line for the chairmanship of that great committee and perhaps might have received even higher honors at the hands of his Democratic colleagues.

I am sure I speak for every member of the Republican minority, both of the Ways and Means Committee and of the House, when I say we are saddened by the untimely death of our late colleague, whom we had learned to love so well.

[Here the gavel fell.]

Mr. COOPER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The Speaker. Without objection, it is so ordered.

There was no objection.

Mr. COOPER. Mr. Speaker, it is a privilege to me to join with the members of the Arkansas delegation and other colleagues in raising my voice in brief tribute to the life, character, and public service of the late Honorable Heartsill Ragon, of Arkansas. It was my privilege to serve with him here for several years before his voluntary retirement, and also to be a member of the Ways and Means Committee during part of his period of service there.

He was a man who possessed the highest attributes of Christian character, all of the sterling qualities of manhood; a man of great ability, of demonstrated devotion to public service, a very accomplished legislator; a man who made an outstanding record as a Member of the House of Representatives and who later distinguished himself as an eminent jurist. I feel confident that all Members of this body join in the expression of very deep regret at his untimely passing and convey heartfelt sympathy to his widow and the members of his family.

It is with regret that our distinguished chairman the gentleman from North Carolina [Mr. DOUGHTON] is unavoidably detained and not permitted to be present at this time, as I am confident that he would like to pay tribute to Mr. Ragon and will doubtless do so at a later date.

[Here the gavel fell.]

Mr. NORRELL. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. NORRELL]?

There was no objection.

Mr. NORRELL. Mr. Speaker, I was too much of a friend of Judge Ragon in his lifetime to permit this opportunity to pass without adding something to what has already been said. In addition to being a great judge, a very able lawyer, one of the outstanding Congressmen in the Nation when he was a Member of this body, and in addition to being one of the finest Federal judges of the Nation, soon in line for promotion, he was a Christian gentleman; and I have lost a very fine friend.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. BOEHNE asked and was given permission to extend his own remarks in the RECORD.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a communication from Mr. Bledsoe, a resident of Mississippi to the dean of the department of agriculture of the University of Wisconsin.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement entitled "Some Observations on the Farm Program."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McKEOGH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein some valid and patriotic reasons why President Roosevelt should be elected for a third term.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a newspaper article.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include in my remarks a recent ruling of the Comptroller General regarding longevity pay of the National Guard.

[Mrs. ROGERS of Massachusetts addressed the House. Her remarks appear in the Appendix of the RECORD.]

REGISTRATION OF CERTAIN ORGANIZATIONS

Mr. HOBBS. Mr. Speaker, I file a conference report and statement on the bill (H. R. 10094) to require registration of certain organizations carrying on activities within the United States, and for other purposes, for printing under the rule.

TRANSFER OF ARLINGTON FARM

Mr. JONES of Texas. Mr. Speaker, I file a conference report and statement on the bill (S. 4107) to transfer the jurisdiction of the Arlington Farm, Va., to the jurisdictions of the War Department and the Department of the Interior, and for other purposes, for printing under the rule.

EXTENSION OF REMARKS

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a Nation-wide broadcast on the subject, The Midwest and the National Defense Program, which I made from Washington, D. C., over the blue network of the National Broadcasting Co., on Saturday night, October 5, 1940.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AN INVITATION TO COLORADO

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I wish to use this minute to invite you and your friends to visit the Rocky Mountain National Park in Colorado. Colorado is the highest State in the Union, having 70 mountain peaks over 14,000 feet; skiing in winter, trout fishing and snowballing in the summer; hotel rates and cabins to suit everyone's purse.

This park was visited by 628,000 people this year, and 183,585 automobiles had checked through the park when the season closed. You can reach the park and go through, attaining elevations of 12,000 feet on hard-surfaced roads, without shifting gears.

The village of Estes Park is the principal port of entrance from the east. It has a chamber of commerce of whom Mr. L. H. Kittell is secretary. Write him to obtain literature and I am sure you will visit us.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. WOODRUFF of Michigan addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. BOLLES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein some letters and an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KEAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article from the Atlantic City Press.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TERRY. Mr. Speaker, I ask unanimous consent that the Members of the Arkansas delegation may have 5 days within which to extend their remarks on the life, character, and public service of Judge Heartsill Ragon.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on three different subjects.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. KELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KELLER. Mr. Speaker, I simply want to call the attention of the House for a moment to the fact that I am putting in the RECORD of today's date my ideas concerning the Bridges case. I call attention to it because I am one of the few who voted against the resolution to banish Bridges. I am setting out in these extensions my personal feelings and opinions in the matter. I am doing the best I can with the aid of two splendid young lawyers in the Government service to present the legal side which I believe deserves the attention of every lawyer here, and I hope the moral support of all those who are not lawyers.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. ROUTZOHN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. ROUTZOHN]?

There was no objection.

[Mr. ROUTZOHN addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in two particulars, first on the subject of drydocks in New York, and second, on the subject of the colored race.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CELLER]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. ANDERSON]?

There was no objection.

[Mr. ANDERSON of Missouri addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short article from La Follette's Progressive magazine by Richard N. Newberger in reference to Wendell Willkie and public power.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. LEAVY]?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD on two different subjects.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?

There was no objection.

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include an article from the Chicago Journal of Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. GILLIE]?

There was no objection.

Mr. GEHRMANN asked and was given permission to extend his own remarks in the RECORD.

WENDELL WILLKIE AND THE STATE OF PENNSYLVANIA

Mr. GROSS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to extend my own remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. GROSS]?

There was no objection.

Mr. GROSS. Mr. Speaker, Wendell Willkie has been through Pennsylvania and the crowds could only be estimated by the acre, but is there any wonder? Under the conscription law the President now has absolute control of the Army and Navy, absolute control of the currency and the value thereof, and control of the $22,000,000,000 of gold at Fort Knox, and the absolute control of industry. He can take over the industry of every political enemy of the New Deal without notice or court procedure. I am afraid that law is going to be enforced like the income-tax law, only on political enemies. Wallace is a still more dangerous man. Where will the President stop? Now he is calling on the people to purge Congress of all Members who do not blow through his whistle. I want to tell you that the way the people are coming out and following Wendell Willkie is evidence of how this country feels with reference to the way the President is acting. Considering or comparing the above-named powers with those of Stalin, Hitler, or Mussolini, I am asking this House what is the difference? The dictators annihilate those who have the courage to disagree. The President eliminates by the purge. When will he change his ways or his mind? [Applause.]

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks at this point in the RECORD.

The SPEAKER. The gentleman from Michigan [Mr. HOFFMAN] asks unanimous consent to speak for 1 minute and to revise and extend his remarks in the RECORD. Is there objection?

Mr. HOFFMAN. Mr. Speaker, the only reason I made that request was to get a definite ruling on it. I know they have been doing it all morning.

The SPEAKER. Gentlemen who speak with reference to deceased Members are the only ones who are granted that permission.

Mr. HOFFMAN. No; I did not mean that, Mr. Speaker.

The SPEAKER. No one has made that request and received that permission this morning that the Chair knows anything about. At least, if he did, his voice was so weak that the Chair did not hear him, or else the Chair would have made the same ruling he makes in the case of the gentleman from Michigan.

Mr. HOFFMAN. I am not complaining of any discrimination at all, but I just understood the gentleman from Illinois

[Mr. KELLER] to get by with that kind of a request just a moment ago.

Mr. KELLER. What request?

Mr. HOFFMAN. Extending his own remarks in the RECORD.

The SPEAKER. He did, but not "at this point."

Mr. HOFFMAN. "At this point"?

Mr. KELLER. No.

The SPEAKER. Does the gentleman from Michigan desire to address the House for 1 minute?

Mr. HOFFMAN. No. I will put it in the RECORD later in the day.

EXTENSION OF REMARKS

Mr. JENKINS of Ohio, Mr. BENDER, and Mr. SHANLEY asked and were given permission to extend their own remarks in the RECORD.

Mr. RISK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech delivered by the gentleman from Rhode Island [Mr. SANDAGER].

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. LECOMPTE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article from the Coast Guard magazine.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by me before the local lodge of the National Grange at Lowville, N. Y.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in two different instances on the same subject.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein several brief quotations supporting my statements.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

REPUBLICAN CONFERENCE

Mr. WOODRUFF of Michigan. 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 Michigan?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, I wish to announce that immediately following the adjournment of the House this afternoon a Republican conference will be held in this Chamber, and I hope everyone can be present.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Mr. Speaker, the gentleman from Michigan [Mr. WOODRUFF], chairman of the Republican caucus, has just given notice that a Republican conference or caucus—I think a caucus—will be held this afternoon. To show that I am not unfriendly to my Republican colleagues, may I suggest to them that they consider bringing before the people the accomplishments of the Republican Party under Harding, Coolidge, and Hoover. [Applause.]

REPUBLICAN ACCOMPLISHMENTS 1921–33

I appreciate your applause. That encourages me, unless you may prefer the people of this Nation to forget, to relate some of the outstanding accomplishments during the administration of Presidents Harding, Coolidge, and Hoover. I want to recall that unforgettable period, 1921–33, when you Republicans had in your power the reigns of this Government, and the fate of our people. Those were days of the festive Harding, of silent Cal, and of the great engineer.

Here, then, are some of your Republican achievements:

First. Taxes were reduced for all burdened with incomes of $50,000 per year or more.

Second. More than $3,000,000,000 of income tax was refunded those oppressed with inordinate riches, like the Mellons, du Ponts, Rockefellers, monopolistic corporations, and others.

Third. The Smoot-Hawley tariff bill was enacted to favor home industry. Its effect was to reduce our foreign markets almost to nothing; it estranged our friends throughout South America; it disrupted the economy of continental Europe and helped bring to power Mussolini and Hitler; it bolstered our pride and brought upon us, and the world, the severest depression of all time.

Fourth. The League of Nations was wrecked. That statesman Borah and his abetters thought their wisdom of foreign affairs supreme. Unlike the insect which knows enough to emerge from its cocoon, to fulfill its destiny in this world, they cajoled us back into our shell.

Fifth. The Kellogg treaty was ratified and $100,000,000 worth of warships scrapped. The little yellow man who struts laughed and strutted bigger.

Sixth. The merchant marine, our second line of naval defense, was relegated to the scrap heap.

Seventh. Surplus naval oil was trafficked away during significant night cabals of Daugherty, Fall, and others in the little green house in Washington for the contents of a certain black bag.

Eighth. The stock exchange was encouraged to issue unheard amounts of watered paper. The wizards of finance were given governmental benediction. Like Midas, by touch, the Mellons, Whitneys, Insulls, Willkies, and their kind turned every scrap into gold certificates.

Ninth. The masses were invited into sacred fellowship of Wall Street. With camaraderie of bandits they were traded worthless engravings for savings. There was to be no end of profits—on paper.

Tenth. It was a new golden era. The abundant life flourished everywhere. Business was dying off, jobs rapidly were growing fewer. But Hoover promised a chicken for every pot and two cars for each garage.

Eleventh. The deficit was only $7,000,000,000.

Twelfth. Then the bubble broke and leadership abdicated.

Thirteenth. The financial wizards lost their heads; banks lost their assets; insurance companies lost their hautier; big business lost its arrogance; millions lost their jobs and other millions their savings; wheat, corn, and other agricultural products, cattle and hogs sold for one-fourth their present-day price, potatoes in carloads were not worth their freight; veterans were chased from Washington with bayonets; homes lost their values, soup-kitchens and bread lines became the style.

Fourteenth. And, Mr. Hoover announced:

> The emergencies of unemployment have been met by action in many directions * * * the time is ripe for forward action to expedite recovery.

He decided to—

> put some steel beams in the foundations of our credit structure

Albeit—

> we do not require more money or working capital

Because—

> our currency and bank deposits are protected by the greatest gold reserve in history * * *.

Yet, 9,000 banks were found insolvent before Mr. Hoover vacated the national ruin.

Fifteenth. Under such conditions Mr. Roosevelt took over to perform a Herculean task.

Up to now, my Republican friends have said very little about that 12-year record under Presidents Harding, Coolidge, and Hoover, but have devoted themselves to childish fault-finding with President Roosevelt's humanitarian policies. However, I must not ignore the fact that many of you gentlemen have voted for most of them, and that even your candidate for the Presidency, Wendell Willkie, has endorsed nearly all of them. However, lacking issues he has become so provoked that now he has descended to use of vulgar epithets unbecoming a Presidential candidate, and I feel it would stand him much better to stop arousing resentment on the part of the American people.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein a short letter typical of many I am receiving.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ANNIVERSARY OF THE BATTLES OF SARATOGA AND KINGS MOUNTAIN

Mr. RANKIN. 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 Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, during this time of partisan strife and international turmoil I believe it is not out of place to call the attention of the House to the fact that today is one of the most important anniversaries in the history of this country. It is the one hundred and sixty-third anniversary of the Battle of Saratoga and the one hundred and sixtieth anniversary of the Battle of Kings Mountain.

On October 7, 1777, the Battle of Saratoga was fought. It resulted in one of the greatest victories achieved by our forces in the Revolutionary War. Strange as it may seem, the hero of that battle was Benedict Arnold, who later turned traitor to the American cause.

On October 7, 1780, exactly 160 years ago today, another great victory was won by our troops at the Battle of Kings Mountain, in which the Americans subdued the British forces under General Ferguson.

This success gave renewed hope to Washington and his followers and contributed greatly to the termination of the war at Yorktown a year later and the bringing forth upon this continent a new nation "conceived in liberty" and dedicated to the proposition that government derives its just powers from the consent of the governed. [Applause.]

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, you have heard the statement made by the gentleman from Mississippi as to what has happened in the past.

A BENEDICT ARNOLD

Now, if we have a break-down of that traditional ideal of the American people that two terms are enough for any one President of the United States, we will not only have a third term for a President of the United States, but a fourth term, a fifth term, and maybe a sixth term. Eventually it will mean dictatorship. We do not want any "Heil Roosevelt" in America. We want a constitutional form of government here, the kind that our forefathers established; and if we have that, it will be the grandest thing that ever happened—a continuation of our form of government—freedom of speech, freedom of the press, freedom of religion. We will keep out of war. We want State rights. We want a job for all in industry. We want Willkie. Everybody wants a sound, sensible, sane, honest, business administration of the affairs of our great country, and they know it will take a man like Mr. Willkie to give us such an administration. [Applause.]

EXTENSION OF REMARKS

Mr. RANKIN asked and was given permission to revise and extend his own remarks in the RECORD.

CONTRACTS OF THE NAVY DEPARTMENT

Mr. VINSON of Georgia. Mr. Speaker, I call up a privileged report (H. Res. 614) and ask unanimous consent that the letter of the Secretary of the Navy be read in lieu of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
*Washington, October 1, 1940.*

The CHAIRMAN,
*Committee on Naval Affairs, House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: House Resolution 614, requesting certain information from the Secretary of the Navy, was referred to the Navy Department by your committee with the request that the information called for in the resolution, if compatible with public interest, be furnished.

The resolution propounds five questions to the Secretary of the Navy. For purposes of clarity these questions are set forth in full herein, with the answer to each immediately following it:

(1) Has the Navy Department, or any official or representative thereof, entered into any contract for the construction of anything to be used in connection with our national-defense program, and especially contracts for the production of munitions of war, tanks, aircraft, artillery, including antiaircraft guns, warships, camps, cantonments, buildings, or structures of any kind, or furnishings for the same, which provides in substance, or is to the effect, that only members of a union are to be employed on such work?

The answer to this question is "No."

(2) Under any contract let by the Navy Department for any of the foregoing purposes, has any contractor or subcontractor, entered into any contract which in substance provides for the employment of only those men who belong to a designated organization?

The Navy Department knows of one such case. There are probably more, and in order to make a complete answer to this question it would be necessary to obtain information from every contractor and subcontractor of the Navy Department. The categorical answer to this question is "Yes."

(3) On any of the work above designated, has any contractor or subcontractor refused employment to any man otherwise qualified for the reason that he did, or did not, belong to a union?

(4) If, in answering the foregoing questions, it appears that men who are not members of a union have been denied employment because they were not members of a union, when they applied for work on any defense project or in any manufacturing industry which was engaged in making materials for the national defense, give three instances where men, for the reasons stated, were denied employment.

(5) If in any instance a demand has been made that only union men be employed on the work hereinbefore referred to, by whom was such demand made, and if the information is available, was the demand the result of a vote of the membership of the union, or of some official or officials of the union?

The Navy Department is unable to answer these three questions without getting in touch with every inspector on every contract.

In view of the urgency of this report there has been insufficient time to submit it to the Bureau of the Budget.

Sincerely yours,

FRANK KNOX.

Mr. VINSON of Georgia. Mr. Speaker, in view of the fact that the letter of the Secretary of the Navy gives the House the information that is now available in the Navy Department, I move that the resolution be laid on the table.

Mr. HOFFMAN. Mr. Speaker, will the gentleman withhold that a moment?

Mr. VINSON of Georgia. I withhold my motion in order to yield for a question.

Mr. HOFFMAN. This resolution asked for certain information which the House should have.

Mr. VINSON of Georgia. That is correct.

Mr. HOFFMAN. There is no question about that, is there, I will ask the chairman of the committee.

Mr. VINSON of Georgia. Not a bit. I have no objection and neither has the Navy Department, and the letter states positively that it is impossible to get the information right now. I will try to help the gentleman get the information in a more orderly time than the 7 days in which the resolution required a report.

Mr. HOFFMAN. Then I hope the gentleman will give some support to the resolution which I have introduced for the appointment of a committee to get this information because——

Mr. VINSON of Georgia. We will cross that bridge when we come to it. For the time being we have given all the information we can, and I have no objection to the Navy Department furnishing the gentleman and the House the information called for, and I think it is important information. So, therefore, Mr. Speaker, I move that the resolution be laid on the table.

The motion was agreed to.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the resolution which was just put on the table was a resolution which called for very vital and necessary information. The chairman of the committee agrees with that. The Navy cannot supply it at this particular time. The information that I asked for was whether or not American citizens are being denied an opportunity to work on the national-defense program simply because they have not paid and will not pay, a fee to some union organizer.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. VINSON of Georgia. The Secretary answered that "No." That is the very first question in the resolution that the Secretary answered.

Mr. HOFFMAN. The gentleman is in error. That was the answer to the first question, but the second question was whether they were being denied that opportunity by any subcontractor or contractors, and the Navy does not have that information. The request is broader than the first question and the answer is not "No"; it is that the Navy cannot answer—cannot give the information—and we should have it.

Mr. VINSON of Georgia. I am sure the gentleman can recognize that it is impossible for the Navy Department to get that and——

Mr. HOFFMAN. That is right.

Mr. VINSON of Georgia. We will try to cooperate with the gentleman to get that information.

Mr. HOFFMAN. But that does not do away with the necessity of that information being given to the House.

[Here the gavel fell.]

BATTLE OF SARATOGA AND KINGS MOUNTAIN

Mr. BOLLES. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BOLLES. Mr. Speaker, I was very much interested in the remarks of the gentleman from Mississippi [Mr. RANKIN] in speaking of the Battle of Saratoga, which really won the Revolutionary War and the Battle of Kings Mountain which will stand out as one of the greatest battles and one of the finest of victories. Those victories were won by coon-skin capped soldiers, men from the fields and from the woods, and not one of them was conscripted. Every one was a volunteer. He volunteered for America to fight America's battles. [Applause.] It was not necessary, Mr. Speaker, to have a conscription law to win these historical, decisive conflicts. [Applause.]

[Here the gave fell.]

COMPENSATION OF MASTERS AT ARMS AND GUARDS AT NAVY YARDS—VETO MESSAGE OF THE PRESIDENT OF THE UNITED STATES

The Speaker laid before the House the following veto message from the President of the United States, which was read by the Clerk:

*To the House of Representatives:*

I return herewith, without my approval, H. R. 10405, Seventy-sixth Congress, entitled "An act to provide for adjusting the compensation of persons employed as masters at arms, and guards at navy yards and stations, and for other purposes." This bill proposes to raise the salaries of guard forces of the Naval Establishment by the method of allocating them by law to grades 5 to 10 in the Custodial Service in the Classification Act of 1923, as amended.

This bill is fundamentally objectionable for the following reasons:

First. It requires an increase in the rates of pay of the guard force in one branch of the Government service without applying the same increase to the guard forces in the other branches of the service.

Second. It requires the payment of increased rates of pay for one group of employees whose positions fall under the Custodial Service of the Classification Act without taking into consideration the effect of such increase upon the rates of pay for other groups of employees falling in the same category, notably the crafts and maintenance groups.

Third. The allocations to grades made mandatory by the bill do not follow the statutory grade definitions previously established by Congress in the Classification Act of 1923, as amended, but at the same time, the bill does not amend them so as to permit the Civil Service Commission in the departmental service or the departments generally in the field service to comply with the fundamental mandate of the Classification Act that equal pay scales shall be established for equal work. The bill leaves the existing grade definitions still applicable to all groups other than those coming within the scope of the bill.

Fourth. By means of allocating positions to grades by legislative action, notwithstanding the discrepancy between such allocations and the statutory grade definitions, the bill seeks to raise pay scales for a particular group. This is an undesirable method of salary scale revision. If the salary scales for guards are too low, a direct method should be followed of raising the pay scales associated with the various grade definitions in the Custodial Service of the Classification Act.

Fifth. On a number of cases I have expressed myself as not being in favor of salary legislation which would give preferential treatment to a single group of employees. Legislation of this type simply discriminates against other equally deserving groups.

For the foregoing reasons, I am constrained to withhold my approval of this measure.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *October 4, 1940.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. VINSON of Georgia. Mr. Speaker, I move that the bill and message be referred to the Committee on Naval Affairs and ordered to be printed.

The motion was agreed to.

BATTLE OF EUTAW SPRINGS

Mr. HARE. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARE. Mr. Speaker, supplementing the statements made by the gentleman from Mississippi [Mr. RANKIN] and the gentleman from Wisconsin [Mr. BOLLES], with reference to the Battles of Saratoga and Kings Mountain, I want to say that I would not be placed in the position of disparaging in any way the patriotism, valor and heroism displayed at those two battlegrounds. But I want to say that in determining the valor of our Revolutionary heroes there was no greater

patriotism and no greater determination demonstrated in any battle of this country than that of Eutaw Springs in my State. When we read the history of this battle and see how men fought with munitions, fought with the stocks and barrels of their guns and rifles after munitions were exhausted, fought with swords, knives, and sticks when all other implements had been exhausted, and then to have General Greene say that he saw men come out of that battle as naked as they were born, proves to me that they were men who knew what liberty meant and were willing to fight for it to the last with no further hope of reward than to gain for themselves and to posterity those rights and liberties later incorporated in our Constitution. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. RABAUT, by unanimous consent, was granted permission to revise and extend his own remarks.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

PASSAMAQUODDY BAY TIDAL POWER

The Clerk called the first business on the Consent Calendar, Senate Joint Resolution 57, authorizing the Secretary of War to cause a completion of surveys, test borings, and foundation investigations to be made to determine the advisability and cost of putting in a small experimental plant for development of tidal power in the waters in and about Passamaquoddy Bay, the cost thereof to be paid from appropriations heretofore or hereafter made for such examinations.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution?

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that this joint resolution be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS THE MISSOURI RIVER AT FLORENCE STATION IN OMAHA

The Clerk called the next bill, H. R. 7069, authorizing Douglas County, Nebr., to construct, maintain, and operate a toll bridge across the Missouri River at or near Florence Station, in the city of Omaha, Nebr.

The SPEAKER pro tempore (Mr. WOODRUM of Virginia). Is there objection to the present consideration of the bill?

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

CROP-LOAN LAW

The Clerk called the next bill, H. R. 7878, to amend the crop-loan law relating to the lien imposed thereunder, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

COMPENSATION OF SPECIAL COUNSEL FOR THE UNITED STATES

The Clerk called the next bill, H. R. 4366, to authorize the payment of additional compensation to special assistants to the Attorney General in the case of United States against Doheny executors.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

TIME OF APPOINTMENT OF PRESIDENTIAL ELECTORS

The Clerk called the next bill, H. R. 8700, to change the time of the appointment of Presidential electors and the election of Senators and Representatives in Congress.

The SPEAKER pro tempore. Is there objection?



Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EDMUND BURKE MEMORIAL COMMISSION

The Clerk called the next business, House Joint Resolution 307, to provide for the printing of the speeches and writings of Edmund Burke as a House document.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this joint resolution be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

BIOGRAPHICAL DIRECTORY OF THE AMERICAN CONGRESS

The Clerk called the next business, House Concurrent Resolution 54, authorizing the printing of a revised edition of the Biographical Directory of the American Congress.

The SPEAKER pro tempore. Is there objection?

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this concurrent resolution be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

DESIGNATING THE PERSON TO ACT AS PRESIDENT UNDER CERTAIN CIRCUMSTANCES

The Clerk called the next bill, H. R. 9462, designating the person who shall act as President if a President shall not have been chosen before the time fixed for the beginning of his term, or when neither a President-elect nor a Vice President-elect shall have qualified.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRIBAL AGREEMENTS WITH CERTAIN ENROLLED INDIANS

The Clerk called the next bill, H. R. 5944, to carry out certain obligations to certain enrolled Indians under tribal agreement.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

OLYMPIC NATIONAL PARK

The Clerk called the next bill, H. R. 6559, to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Olympic National Park, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FRED B. WOODWARD

The Clerk called the next bill, H. R. 9432, to limit the operation of sections 109 and 113 of the Criminal Code, and section 190 of the Revised Statutes of the United States with respect to certain counsel.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CONFINEMENT IN PENITENTIARIES

The Clerk called the next bill, H. R. 9954, to amend section 7 of the act of May 14, 1930 (46 Stat. 326; U. S. C., title 18, sec. 753f), relating to places of confinement and transfers of persons convicted of an offense against the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MONUMENT TO GEN. ANDREW PICKENS

The Clerk called the next business, House Joint Resolution 369, to provide for the erection of a shrine or monument to the memory of Gen. Andrew Pickens.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this joint resolution may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

KELLEY HOMESTEAD, ELK RIVER, MINN.

The Clerk called the next business, House Joint Resolution 376, authorizing the Secretary of Agriculture to accept from the National Grange a lease of the Kelley homestead near Elk River, Minn., and providing for its development and maintenance.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this joint resolution may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

VESSELS FOR STATE NAUTICAL SCHOOLS

The Clerk called the next bill, H. R. 10315, to authorize the United States Maritime Commission to furnish suitable vessels for the benefit of certain State nautical schools, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MINERAL CLAIMS IN ALASKA

The Clerk called the next bill, H. R. 2747, relative to annual labor on mineral claims in the Territory of Alaska.

Mr. CHURCH. Mr. Speaker, reserving the right to object, I understand the bill now is in order for passage and that no amendment will be presented today such as was presented last week.

Mr. DIMOND. Mr. Speaker, last week the gentleman from Arizona [Mr. MURDOCK] offered an amendment which greatly enlarged the scope of the bill. He has assured me he will not propose an amendment today, and to the best of my knowledge the only amendment to be offered is the committee amendment.

Mr. CHURCH. Mr. Speaker, with the gentleman's assurance that no amendment but the committee amendment will be offered I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That in the Territory of Alaska a survey for patent purposes made by a United States mineral surveyor under order of the United States Cadastral Engineer, may be credited upon annual labor required by law to be performed upon or for the benefit of the claim or claims for the year in which such survey is made, but in no case shall the credit for the cost of such survey and its attendant expense exceed the amount of the annual labor required for 1 year as to the claim or claims so surveyed.

With the following committee amendment:

Page 2, line 1, after the word "surveyed", strike out the period and insert a colon in lieu thereof, and after said colon the following: "*Provided*, That the cost of such survey shall not be credited in determining the value of the labor or improvements required under section 2325, Revised Statutes (U. S. C., title 30, ch. 2, sec. 29)."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEASING OF COAL AND ASPHALT DEPOSITS OF CHOCTAW AND CHICKASAW NATIONS OF OKLAHOMA

The Clerk called the next bill, H. R. 2617, to authorize the leasing of the undeveloped coal and asphalt deposits of the Choctaw and Chickasaw Nations of Oklahoma.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized to lease any of the unsold and undeveloped coal and asphalt deposits of the Choctaw and Chickasaw Nations in Oklahoma, in accordance with the terms of the act of April 21, 1932 (47 Stat. 88), except as otherwise provided herein, and under such rules and regulations as he may prescribe. Leases made under this act may be for any term not to exceed 15 years. All acts or parts of acts authorizing the sale of said coal and asphalt deposits are hereby repealed.

SEC. 2. That the rate of royalty in coal leases made under this act shall not be less than 10 cents per ton on all coal mined, including what is commonly known as slack: *Provided*, That such leases shall require the mining of a minimum of 1,000 tons each year the first and second years after approval of the lease, 3,000 tons the third year, 5,000 tons the fourth year, and 15,000 tons the fifth and each succeeding year thereafter, or the payment of royalty thereon the same as if the coal had actually been mined: *Provided further*, That the lessee shall pay as advance royalty on each lease the sum of $100 each year for the first and second years, $300 for the third year, and $5.00 for the fourth and each year thereafter. The advance royalty paid for any year may be credited on the royalty becoming due on coal mined during the year for which said advance royalty has been paid, but shall not be credited on royalty on coal mined in any previous or subsequent year.

SEC. 3. That the rate of royalty in asphalt leases made under this act shall not be less than 15 cents per ton on all crude asphalt mined: *Provided*, That such leases shall require the mining of a minimum of 10,000 tons the first year after approval of the lease and 15,000 tons each year thereafter, or the payment of royalty thereon the same as if the asphalt had been mined: *Provided further*, That the lessee shall pay as advance royalty on each lease the sum of $500 in advance for each year. The advance royalty paid for any year may be credited on the royalty becoming due on asphalt mined during the year for which said advance royalty had been paid but shall not be credited on royalty on asphalt mined in any previous or subsequent year.

SEC. 4. That the act of April 21, 1932 (47 Stat. 88), is hereby amended to provide that leases made thereunder may be for any term not to exceed 15 years.

With the following committee amendments:

Page 1, line 4, after the word "lease", insert "to the highest responsible competitive bidder."

Page 2, line 20, after the word "year", insert a colon and the following: "*Provided further*, That for the purposes of this act that where qualified Indians are available employment preference shall be given to them in mining operations by the lessee on Indian lands."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MIAMI INDIANS OF INDIANA

The Clerk called the next bill, H. R. 2306, conferring jurisdiction upon the Court of Claims, with right of appeal to the Supreme Court of the United States, to hear, examine, adjudicate, and enter judgment in all claims which the Miami Indians of Indiana, who are organized and incorporated as the Miami Nation of Indians of Indiana, may have against the United States, and for other purposes.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr. COCHRAN]?

There was no objection.

AMENDING SECTION 204 OF THE TRANSPORTATION ACT OF 1920

The Clerk called the next bill, H. R. 10098, to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920.

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey [Mr. KEAN]?

There was no objection.

RESIDENCE REQUIREMENTS FOR CERTAIN POSTMASTERS

The Clerk called the next bill, H. R. 10012, to amend the act of June 25, 1938, extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

Mr. RAMSPECK. Mr. Speaker, I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Messrs. WOLCOTT, TABER, CHURCH, and KEAN objected.

AMENDMENT OF ACT RELATING TO RENTALS IN CERTAIN OIL AND GAS LEASES APPROVED JULY 8, 1940

The Clerk called the next bill, H. R. 10402, to amend the act relating to rentals in certain oil and gas leases.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. COSTELLO]?

There was no objection.

CALIFORNIA INDIANS

The Clerk called the next bill, H. R. 3765, to amend the act entitled "An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California," approved May 18, 1928 (45 Stat. 602).

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

REPEALING OBSOLETE STATUTES AND IMPROVING THE UNITED STATES CODE

The Clerk called the next bill, H. R. 9947, to repeal obsolete statutes and to improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

Mr. KEOGH. Mr. Speaker, reserving the right to object, I hope the gentleman from Michigan will permit me again to state that, with respect to Calendar Nos. 946, 947, and 948, all we seek to do by these bills is to obtain legislative authority to omit from the United States Code the sections enumerated in the bills. All of those sections have been included in the Internal Revenue Code or have been repealed by their omission from the Internal Revenue Code.

This Congress in January of last year by the enactment of the Internal Revenue Code has confined those laws to that code, which is title XXVI of the United States Code. We make absolutely no change in the substantive law that has not already been made by prior acts of the Congress. As I have stated on other occasions, all we seek to obtain is legislative authority to omit the sections set forth in the bills from the forthcoming 1940 edition of the United States Code.

These bills have all been submitted to the Joint Committee on Internal Revenue Taxation; they have been gone over very carefully and very thoroughly by that committee; and that committee has interposed no objection to their passage. I hope the gentleman will reconsider his request.

Mr. ROUTZOHN. Will the gentleman yield?

Mr. KEOGH. I yield to the gentleman from Ohio.

Mr. ROUTZOHN. Has the gentleman stated how much time and effort has been put forth by his committee?

Mr. KEOGH. Yes. As I stated 1 week ago today, these bills have been the subject of study and research for many years.

Mr. WOLCOTT. Mr. Speaker, in view of the statement I made last week when these bills were called, I am constrained to insist upon my unanimous-consent request that this bill go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

REPEALING OBSOLETE STATUTES AND IMPROVING THE UNITED STATES CODE

The Clerk called the next bill, H. R. 9773, to repeal obsolete statutes and to improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

REPEALING OBSOLETE STATUTES AND IMPROVING THE UNITED STATES CODE

The Clerk called the next bill, H. R. 9882, to repeal obsolete statutes and to improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

REPEALING OBSOLETE STATUTES AND IMPROVING THE UNITED STATES CODE

The Clerk called the next bill, H. R. 10131, to repeal obsolete statutes and improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

REPEALING OBSOLETE STATUTES AND IMPROVING THE UNITED STATES CODE

The Clerk called the next bill, H. R. 10123, to repeal obsolete statutes and to improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. KEOGH. Reserving the right to object, Mr. Speaker, may I say with reference to this bill, which is No. 950 on the calendar, that we have included in the bill only those sections which by their very terms expire on the passage of time. They have fallen of their own weight. They are no longer in effect. However, we cannot omit them from the Code without this legislative authority. We are not seeking to repeal any laws that have not already been repealed by the action of the Congress.

Mr. WOLCOTT. In view of that situation, is there any particular need for this legislation? It bears out the fact that we should have some discussion of these bills. I do not know that I would be opposed to these bills after a discussion of them on the floor. As I said last week, it seems to me it is not advisable to repeal by unanimous consent perhaps hundreds of statutes without going into them a little more thoroughly than we can go into them here on the Consent Calendar. That is my principal objective in asking that these bills be passed over without prejudice.

Mr. Speaker, in that connection, may I have it understood that when I ask unanimous consent that these bills be passed over without prejudice, those which appear on the calendar as 946, 947, 948, 949, 950, and 951, I do not want the action of the House understood as waiving points of order on these bills. So that there will be no question about the status of

the bills, I reserve points of order on the bills I have just mentioned.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

REPEALING OBSOLETE STATUTES AND IMPROVING UNITED STATES CODE

The Clerk called the next bill, H. R. 10411, to repeal obsolete statutes and to improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

NATIONAL GUARD OF THE UNITED STATES

The Clerk called the next bill, S. 3619, relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, etc.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Reserving the right to object, Mr. Speaker, may I say that I objected to this bill being considered about 2 weeks ago. Then the gentleman from California [Mr. COSTELLO] asked that the bill be recommitted to the committee. The bill went back to the committee. My objection was based solely on the proviso on page 3, and that is the only feature of the bill I knew anything about at the time. The bill comes back now with the proviso I objected to eliminated.

I have not made a thorough study of this bill but it has a unanimous report, as I understand, from the committee. Therefore, if I can receive the assurance of the Committee on Military Affairs that that committee will insist upon their amendment and this objectionable proviso will be kept out of the bill, I will not object to its consideration at this time. This proviso not only relieves all disbursing officers of the National Guard of disallowances in the past but provides that in the future when payments shall be disallowed the disbursing officers would likewise be relieved. Such a proviso is foolish on the face of it. It gives the spending agency control over its own expenditures whereas this should stay in the General Accounting Office. I do not believe we should legislate in advance for disbursing officers to be relieved of disallowances in the future by the General Accounting Office. If anyone on the committee can give me assurance that the House will insist upon its amendment, I am willing to let the bill be considered.

Mr. COSTELLO. Mr. Speaker, I may say to the gentleman that I do believe the committee will insist upon that amendment remaining as the House has put it. It was reported out of the House Committee on Military Affairs, and I agree thoroughly with the gentleman that it was an authority that should not be granted to a department, namely, to have disbursing officers sit as final and conclusive judges of their own accounts. This should be left in the hands of the Comptroller General. I am quite certain the committee when the bill does go to conference would insist upon the amendment; in fact, I am inclined to think the Senate would accept the House amendment without any objection.

Mr. COCHRAN. In view of what the gentleman from California [Mr. COSTELLO], who is a member of the committee, has said, I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,*

AMENDMENTS TO NATIONAL DEFENSE ACT

SECTION 1. That section 90 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

"SEC. 90. That funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for animals owned or hired by any State, Territory, District of Columbia, or National Guard organization, not exceeding the number of animals authorized by Federal law for such organization and used solely for military purposes, and for the compensation of competent help for the care of material, animals, armament, and equipment of organizations of all kinds, under such regulations as the Secretary of War may prescribe.

"The compensation paid to caretakers who belong to the National Guard, as herein authorized, shall be in addition to any compensation authorized for members of the National Guard under any of the provisions of the National Defense Act.

"Under such regulations as the Secretary of War shall prescribe, the material, animals, armament, and equipment, or any part thereof, of the National Guard of any State, Territory, or the District of Columbia, or organizations thereof, may be put into a common pool for care, maintenance, and storage; and the employment of caretakers therefor, not to exceed 15 for any one pool, is hereby authorized.

"Commissioned officers of the National Guard shall not be employed as caretakers except that, under such regulations as the Secretary of War shall prescribe, one such officer not above the grade of captain for each heavier-than-air squadron, and one such officer not above the grade of captain for each pool, may be employed. Either enlisted men or civilians may be employed as caretakers, but if there are as many as two caretakers in any unit, one of them shall be an enlisted man.

"Funds hereafter appropriated under the provisions of the National Defense Act, as amended, for the support of the National Guard of the several States, Territories, and the District of Columbia, shall be supplemental to moneys appropriated by the several States, Territories, and the District of Columbia, for the support of the National Guard, and shall be available for the hire of caretakers and clerks: *Provided*, That the Secretary of War shall, by regulations, fix the salaries of all caretakers and clerks hereby authorized to be employed, and shall also designate by whom they shall be employed: *And provided further*, That payments heretofore made which now stand disallowed or would hereafter be disallowed but for this act, are hereby ratified and validated as to the disbursing officers making the same, in such amounts as the Secretary of War may determine have been actually expended in the administration, supply, maintenance, and training of the National Guard, and the determination of the Secretary of War shall be final and conclusive; and the Comptroller General of the United States is hereby directed to allow credit in the accounts of said disbursing officers for and on account of such payments in said amounts."

SEC. 2. That section 92 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

"SEC. 92. Training of the National Guard: Under such regulations as the Secretary of War shall prescribe, each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than 48 times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least 15 days in training each year, including target practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War: *Provided*, That an assembly for drill and instruction may consist of a single duly ordered formation of a company, troop, battery, or detachment, or, when so authorized by the Secretary of War, of a series of duly ordered formations of subdivisions or parts thereof, but in the latter case the series of formations of subdivisions or groups must comprehend and include the entire organization, and must be included within the time limit of 7 consecutive days within a calendar month. The sum total of the attendance at all the separate consecutive formations announced as constituting that assembly shall be counted as the attendance at the actual military assembly for the required period of time; but no officer, warrant officer, or enlisted man shall be counted more than once, nor receive credit for more than one required period of actual military attendance even though he may have attended more than one of the formations which constitute the assembly for the required period of time: *Provided further*, That credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by the President, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each assembly at which he shall be credited as having been present shall be of at least 1½ hours' duration and the character of training such as may be prescribed by the Secretary of War: *Provided further*, That any flight ordered by competent authority and performed by an appropriately rated Air Corps officer or enlisted man of the National Guard assigned to an Air Corps unit thereof, or so performed by an officer or enlisted man of the Medical Department of the said National Guard regularly attached to an Air Corps unit of the National Guard by appropriate authority, may be credited for the same purpose and to the same extent as attendance at drill: *Provided further*, That in performing the flight so ordered the officer or enlisted man is prevented, by the making of such flight, from attending a regularly scheduled drill formation of his unit or the unit with which the said officer or enlisted man is required to drill."

SEC. 3. That section 109 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

"SEC. 109. Pay for the National Guard Officers: Under such regulations as the Secretary of War may prescribe, officers and warrant officers of the National Guard, except general officers, shall receive compensation at the rate of one-thirtieth of the monthly base pay prescribed for them in sections 3 and 9 of the Pay Readjustment Act of June 10, 1922, for each regular drill, period of appropriate duty, or other equivalent period of training, authorized by the Secretary of War, not exceeding 8 in any one calendar month and

not exceeding 60 in any one fiscal year, at which they shall have been engaged for the entire period of not less than 1½ hours: *Provided*, That such pay shall be in addition to compensation for attendance at field- or coast-defense instruction or maneuvers, and that nothing in this act shall operate to reduce the present pay of majors and lieutenant colonels. General officers shall receive $500 a year in addition to compensation for attendance at field- or coast-defense instruction or maneuvers, for satisfactory performance of their appropriate duties. In addition to pay hereinbefore provided officers commanding organizations less than a brigade and having administrative functions connected therewith shall, whether or not such officers belong to such organizations, receive not more than $240 a year for the faithful performance of such administrative functions under such regulations as the Secretary of War may prescribe; and for the purpose of determining how much shall be paid to such officers so performing such functions, the Secretary of War may, from time to time, divide them into classes and fix the amount payable to the officers in each class. Pay under the provisions of this section shall not accrue to any officer during a period when he shall be entitled, under any provision of law, to the full rate of his base pay prescribed in section 3 or section 9, as the case may be, of the Pay Readjustment Act of June 10, 1922: *Provided further*, That section 9 of the act entitled 'An act amending the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917', approved August 31, 1918, shall also apply to the purchase of uniforms, accouterments, and equipment for cash by officers of the active and inactive National Guard, whether in State or Federal service, on proper identification and under such rules and regulations as the Secretary of War may prescribe."

SEC. 4. That section 3618, Revised Statutes, as amended, be, and the same is hereby, amended by adding the following additional language: "That, under such regulations as the Secretary of War may prescribe, the commanding officers of mounted units of the National Guard may sell all stable refuse and empty grain sacks and containers at public or private sale and apply the proceeds derived therefrom to the purchase of feed, supplementing the regular allowance and issue for the animals of the said units, and for the purchase of stable equipment, and horseshoers', saddlers', blacksmiths', and wagoners' tools not an article of issue to such organizations."

SEC. 5. That the act of July 15, 1939 (53 Stat. 1042), be, and the same is hereby, repealed and reenacted to read as follows:

"That neither of the provisions of the Act of June 15, 1936 (49 Stat. 1507), nor any other law of the United States shall be construed as limiting the power and authority of the Secretary of War, under such regulations as he may prescribe, to require hospitalization, medical, and surgical treatment and domiciliary care so long as any or all are necessary of persons in the active military service or on active duty, or in training, under the provisions of sections 92, 94, 97, 99, and 113 of the National Defense Act of June 3, 1916, as amended, and to incur obligations with respect thereto, without reference to their line-of-duty status: *Provided*, That this act shall not include those individuals who are on an armory-drill status except officers, warrant officers, and enlisted men of the National Guard who suffer personal injury (as distinguished from disease) when participating in aerial flights prescribed under the provisions of section 92: *And provided further*, That this act shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furloughs or leaves of absence in excess of 24 hours."

With the following committee amendment:

Page 3, line 19, after "employed", strike out the remainder of page 3, and page 4 down to and including line 5.

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BENEFITS FOR CERTAIN AIR CORPS RESERVE OFFICERS

The Clerk called the next bill, S. 3266, to provide pensions, compensation, retirement pay, and hospital benefits to certain Reserve officers of the Army of the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Reserving the right to object, Mr. Speaker, I notice that this bill provides pensions, compensation, retirement pay, and hospital benefits for certain Air Corps Reserve officers who were disabled while on active duty with the Regular Army. In view of the words "were disabled" I ask those in charge of this bill whether Elliott Roosevelt, the 30-year-old multimillionaire son of our multimillionaire New Deal President, who dodged the draft by coming to Washington and walking into General Arnold's office and walking out with a captain's commission in the Army Air Corps and an assignment to a soft swivel-chair job in the aviation purchasing department at Wright Field, Ohio, will come under the provisions of this act. I do not want to support a bill under which Elliott Roosevelt, this swivel-chair tin-soldier captain, might receive a pension, compensation, retirement pay, or hospital care for gastritis or some other stomach disorder caused by eating caviar, hors d'oeuvre, turtle soup, or pâté de foie gras or drinking champagne at some New Deal "gold coast" tea party.

Mr. COSTELLO. I may say to the gentleman that this does not refer to the present personnel of the Air Corps, it simply includes 23 former officers of the Air Corps who were disabled.

Mr. SCHAFER of Wisconsin. Since this bill will not include any tin soldiers like Capt. Elliott Roosevelt, the swivel-chair Army Air Corps officer who dodged the draft and received his commission under a short-cut, unusual, strange, and indefensible procedure and since it only applies to 23 former officers of the Army Air Corps who rendered real service as soldiers I shall not object to the consideration of the bill at this time.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That all Reserve officers of the Air Corps of the Army of the United States, who were called or ordered into the active military service with the Air Corps, Regular Army, by the Federal Government for extended military service in excess of 30 days, on or subsequent to July 1, 1928, and who suffered disability in line of duty from injury while so employed shall be deemed to have been in the active military service during such period and shall be in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for officers of corresponding grades and length of service of the Regular Army.

SEC. 2. That the duties, powers, and functions incident to the administration and payment of the benefits herein provided are hereby vested in the Veterans' Administration: *Provided*, That in the administration of the retirement provisions provided herein, the determination whether disability exists and whether such disability was incurred in line of duty shall be made by the Secretary of War, or by someone designated by him in the War Department, in the manner, and in accordance with the standards provided by law or regulations for the Regular Army personnel: *And provided further*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MONEY ALLOWANCE FOR QUARTERS TO CERTAIN NONCOMMISSIONED OFFICERS OF THE ARMY

The Clerk called the next bill, H. R. 10527, to provide for an extension of the conditions under which a money allowance for quarters may be paid to certain noncommissioned officers of the Army of the United States.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That each enlisted man of the first, second, or third grade of the Army of the United States in the active military service of the United States, having a dependent as defined in sections 8 and 8a, title 37, United States Code, shall, under such regulations as the President may prescribe, be entitled to receive, for any period during which public quarters are not provided for his dependent, the money allowance for quarters authorized by law to be granted to each enlisted man not furnished quarters in kind.

With the following committee amendment:

Page 1, line 9, after the word "provided", insert the words "and available."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INCREASING THE NUMBERS OF WARRANT OFFICERS AND ENLISTED MEN IN THE ARMY MINE PLANTER SERVICE

The Clerk called the next bill, H. R. 10391, to increase the authorized numbers of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That hereafter the authorized personnel of the Army Mine Planter Service shall comprise, for each Army mine planter in service or under construction, one master, one first mate, one second mate, one chief engineer, one assistant engineer, and one second assistant engineer, who shall be warrant officers appointed by and holding their offices at the discretion of the Secretary of War, and such enlisted men of the Coast Artillery Corps as the Secretary of War shall prescribe from time to time: *Provided*, That the maximum authorized numbers of warrant officers and enlisted men of the Coast Artillery Corps are hereby increased by the numbers of additional warrant officers and enlisted men

authorized by this section: *Provided further*, That when the number of Army mine planters in service and under construction exceeds 14, the Secretary of War may, in his discretion, and to such extent as he may deem proper, make temporary appointments of the additional warrant officers required for the additional mine planters: *Provided further*, That members of the Army Mine Planter Service appointed as temporary warrant officers shall, while serving as such have the rank, pay, allowances, and retirement privileges of the grade and ratings to which they are temporarily appointed, and upon termination of their temporary appointments as warrant officers shall revert to the grades from which they were appointed, without loss of seniority, credit for continuous service, or any other right or privilege, by reason of their service as temporary warrant officers: *And provided further*, That the relative rank, pay, and allowances of warrant officers of the Army Mine Planter Service shall be as now prescribed by law, and warrant officer second assistant engineers shall receive pay and allowances, and be entitled to other privileges as now prescribed by law for warrant officer second mates, and while aboard their vessels shall take rank immediately below warrant officer second mates.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. TABER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and in connection therewith to insert several tables I have prepared myself.

The SPEAKER pro tempore (Mr. WOODRUM of Virginia). Is there objection to the request of the gentleman from New York?

There was no objection.

THE CONSENT CALENDAR

CLAIMS OF THE CHOCTAW INDIANS OF THE STATE OF MISSISSIPPI

The Clerk called the next bill, S. 3524, conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi.

Mr. COCHRAN. Mr. Speaker, the report on this bill—and I may say a bill somewhat similar to this was vetoed by the President on one occasion—does not contain the report of the Attorney General who is charged with the responsibility of defending the Government in the Court of Claims in such jurisdictional cases. I have received a letter from the Attorney General giving his views on this measure. In view of this letter from the Attorney General and the objections he has offered I ask unanimous consent that it may be placed in the RECORD at this point. I hope all Members will read this letter and then determine if I am justified in my opposition to this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The letter referred to follows:

OFFICE OF THE ATTORNEY GENERAL,
*Washington, D. C., October 2, 1940.*

Hon. JOHN J. COCHRAN,
*Chairman, Committee on Expenditures in the Executive Departments, House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This acknowledges your request of October 1, 1940, for my views relative to a bill (S. 3524) to confer jurisdiction on the Court of Claims over the claims of the Choctaw Indians of the State of Mississippi.

The text of the bill indicates that the claims to which it refers are not tribal claims, but those of individual Indians who assert that they were improperly denied the right to share in the distribution of certain tribal properties. The measure under consideration would permit these individual Indians to sue the United States as a band. The provisions of this bill are virtually the same as those of S. 1478, Seventy-fifth Congress, which was passed by the Congress but vetoed by the President. See CONGRESSIONAL RECORD, volume 83, part 8, page 9620.

By the treaty of Dancing Rabbit Creek of September 27, 1830 (7 Stat. 333), the Choctaw Nation ceded its lands east of the Mississippi River and received in exchange therefor a large area in what is now Oklahoma. By article XIV of that treaty such Choctaws as chose to do so were permitted to remain in Mississippi, receive their allotments there, and eventually become cititzens of that State. The article further provided that such persons should not lose the "privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." A controversy thereafter arose between the Indians who had removed to Oklahoma and those who had remained in Mississippi as to the right of the latter to share in the allotment of the property assigned to the Choctaw Nation in Oklahoma.

A commission, known as the Dawes Commission, established by the act of March 3, 1893 (27 Stat. 645), prepared a complete membership roll of the Choctaw Nation, and by virtue of subsequent authorizations prepared two rolls of the Mississippi Choctaws entitled to enrollment. It appears that in 1899 there was submitted a roll of 1,923 Mississippi Choctaws, known as the McKennon roll, and in 1902 the Commission prepared a roll of 2,534 persons who had been identified out of more than 25,000 applicants for identification as Mississippi Choctaws. The latter roll was approved by the Secretary of the Interior on February 14, 1903, but the earlier and so-called McKennon roll was disapproved on March 1, 1907. After identification is was necessary for the Indians identified to remove to Oklahoma and perform certain other acts before being enrolled as members of the Choctaw Nation. Of the 2,534 identified and listed on the final roll, 1,578 removed to the Choctaw country in Oklahoma and 956 apparently remained in Mississippi.

The proposed legislation would authorize the adjudication of the claims of the Mississippi Choctaws for compensation for the loss of their interests in the lands and other property of the Choctaw Nation. It would appear that these claims would be divided into three classes: (1) The claims of those Indians who were identified, but who failed to remove to Oklahoma and receive their allotments because of the alleged failure of the Government to assist them; (2) the claims of those listed on the McKennon roll which was disapproved by the Secretary of the Interior, allegedly without examination into the merits of their claims; and (3) the claims of those who were not identified or listed on any roll because of the alleged failure of the Government to advise them as to their rights.

If these Indians had received the property to which they claim to have been entitled, it would have been a share in the property of the Choctaw Nation. Nevertheless the present bill, instead of seeking to permit the Indians to secure an award against the tribe or its individual members, in effect proposes that the Government should assume the tribal liability and should pay to the claimants the value of the share that they might have received on a distribution of the tribal property. Since it has been estimated that the value of one distributive share in the Choctaw tribal property exceeded the sum of $4,000, the enactment of this legislation might result in an assumption of a liability by the Government, aggregating nearly $4,000,000, with respect to the claims of the 956 identified Indians alone. There might also be assumed an even greater liability in connection with the claims of those listed on the McKennon roll and the several thousand not identified on any roll. I am not aware of any reason why in equity and good conscience this burden should be borne by the Government rather than by the other members of the tribe.

Moreover, the effect of this legislation would be to reopen certain matters that were settled by a quasi-judicial commission more than 30 years ago. It does not appear to be desirable to take this action after such a long lapse of time, when much of the pertinent evidence is no longer available.

In view of the foregoing considerations, I am unable to recommend the enactment of the bill.

Sincerely,

ROBERT H. JACKSON,
*Attorney General.*

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, so as to give the membership of the House an opportunity to read this letter and thus understand just exactly what is in the bill.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, the members of the Committee on Indian Affairs of the House spent about 4 hours considering this bill. The bill is not identical with the bill which was vetoed.

Mr. COCHRAN. I said, "somewhat."

Mr. SCHAFER of Wisconsin. It is not "somewhat" identical—it differs radically. The points raised against the bill in the veto message clearly reveal that the President was not correctly informed as to the true facts of the case by somebody. If the Government of the United States made it possible through actions of Government representatives for one portion of the Choctaw Indian tribe to obtain funds which properly should have gone to the Mississippi Choctaw Indians, then the Government of the United States is responsible. This bill is a clear-cut Court of Claims proposition. It is not an appropriation bill dressed up in Court of Claims clothes. This bill simply gives these Mississippi Choctaw Indians the opportunity of having their day in court and presenting their claims on the questions of law. In view of the testimony presented the Committee on Indian Affairs after careful and intensive consideration of the entire membership of that committee who were present voted to favorably report the bill. The bill only gives these Choctaw Indians of Mississippi their day in court. And, by the way, a representative from the Indian Bureau appeared before our

committee at that hearing and said that in his judgment they appear to have valid claims which they should have an opportunity to present to the Court of Claims. I assure the gentleman that if this was anything else but a clear-cut Court of Claims bill, which gives these original Americans, the Choctaw Mississippi Indians, a day in court to present their claims, I would not have voted for it in committee and I would not have pleaded with him on the floor of the House to let this bill be considered today.

Let us extend justice to these real original Americans, our American Indians, when they have valid claims which they desire to present to the Court of Claims. This Congress, which has been very liberal in handing many millions of dollars to people in foreign lands, should not deny these Choctaw Mississippi Indians an opportunity to present their valid claims against the Government of the United States to the Court of Claims of the United States.

Mr. COCHRAN. Does the gentleman from Wisconsin know that a commission 30 years ago considered this matter?

Mr. SCHAFER of Wisconsin. Oh, yes. We understand commissions. Under the Constitution commissions do not legislate. Commissions do not have authority to permit claimants to have a day in court. This is one of the most meritorious bills which has been presented to the Committee on Indian Affairs. I know that the gentleman from Missouri wants to guard the Treasury and prevent unwarranted raids on it. I helped him with reference to the California Indian raid bill. I objected to that potential $100,000,000 raid on the United States Treasury the other day and I will oppose it today. These original Americans, these Mississippi Choctaw Indians, have a valid claim, and I ask the gentleman to permit them to have their day in the Court of Claims, which is the only thing which this bill does.

[Here the gavel fell.]

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

The SPEAKER pro tempore. The Clerk will call the next bill.

Mr. WOLCOTT. Mr. Speaker, there seems to be some confusion as to what happened to the last bill.

The SPEAKER pro tempore. It was passed over without prejudice.

Mr. WOLCOTT. I understood the gentleman from Wisconsin [Mr. SCHAFER] to object.

Mr. SCHAFER of Wisconsin. I objected. My voice was not loud enough, I guess. [Laughter.]

The SPEAKER pro tempore. The Chair did not understand the gentleman.

Mr. COCHRAN. Mr. Speaker, I object to the consideration of the bill.

The SPEAKER pro tempore. Objection is heard, and the bill goes over. The Clerk will report the next bill.

PROFESSIONAL EXAMINATIONS FOR PROMOTION IN MEDICAL, DENTAL, AND VETERINARY CORPS OF THE REGULAR ARMY

The Clerk called the next bill, H. R. 10278, to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps during time of war or emergency declared by Congress.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I think it is the intent and purpose of every Member of Congress to lean over backward in enacting a defense program, but it seems to me that we have leaned over backward so far on this bill that we are about to bump our heads.

If I understand this bill correctly it authorizes the promotion of commissioned-officer personnel in the Medical, Dental, and Veterinary Corps without examination. If a second lieutenant in the line is promoted to a first lieutenancy he at least has to go through the motions of some kind of an examination, or merit that promotion by some outstanding service. To distinguish between medical, dental, or veterinary officers and a line officer seems to me such a discrimination between those services that we had better give more consideration to what we are doing before we pass this bill.

You cannot get a commission without a very rigid examination, either in the line or in the services mentioned in this bill. So it seems to me that we should not get panicky to the point where we authorize favoritism within the armed forces such as this bill would allow.

Until we find out more about this bill I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. COSTELLO. Mr. Speaker, reserving the right to object, the main purpose of the bill is to let the Department grant these promotions either during a time of war or actual emergency. During normal times such a request would not be asked. At the present time, due to the great expansion in the Army camps that is contemplated, it is necessary to assign officers of the War Department in the Medical Division to these different camps, and in order to give them the rank in keeping with the positions to which they are being assigned it is desired to grant these promotions. If it is necessary first to hold a medical examination of the character which is ordinarily given, it will entail a great deal of delay and will place a great burden upon the Medical Corps. It is because of that fact that the War Department has asked for this relief.

I do not think there is any question as to the caliber of men who would receive promotions. First, they would have to have taken the original examination for admission to the War Department.

Mr. WOLCOTT. I agree with the gentleman. There is no reflection upon the ability or the standing of these officers and I do not intend my discussion to reflect upon them whatsoever. I know these are gentlemen of the highest type in their profession and are doing a splendid job.

It seems to me we are doing one or two things here to which we had better give more consideration. In the first place we are discriminating between these officers and other officers; and then by inference we are recognizing the existence of an emergency for the first time. When I say "we" I mean the Congress. Up to the present time, the President has, without any authority of law, determined that a limited emergency existed. What the President means by "limited emergency" I do not know. He was given the power, I understand, to declare an emergency. It kind of looks to me as though he just wanted to singe his fingers a little without burning them too badly, so he declared a limited emergency to exist. The President has not declared an emergency to exist under the law. I think it must be understood by the Congress that the President under the power that has been granted to him has never declared that an emergency exists.

There have been repeated efforts during the last few months to get this Congress to declare an emergency by implication. I am therefore a little fearful that if this bill is passed by unanimous consent it will be said that the Congress has put its stamp of approval on the existence of an emergency. If an emergency does exist we should clarify the situation by explaining what the emergency is, whether it is economic, financial, or whether it goes to the point where it involves the lives of our citizens. Until we are ready to be courageous enough to say to the people that an emergency does or does not exist, we should not by implication recognize an emergency which the President has not as yet seen fit to declare.

Mr. COSTELLO. Mr. Speaker, I may state to the gentleman that the language of the bill provides that these promotions shall take place only in the event of war or an emergency declared by the President. It does not state that the Congress is declaring an emergency. The President is given this power only if and when an emergency is declared or war is declared.

I may also state to the gentleman that we have already provided for the temporary promotion of the line officers. This legislation would therefore be in keeping with the legislation already passed on a similar subject, for it would give

the same right to the medical, dental, and veterinary officers that we have granted to the other branches of the armed services.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. CRAWFORD. I agree with practically all the gentleman has said, but this thought occurs to me, that insofar as the men are concerned who are to be served by these dental and medical officers in particular there will be an emergency for these men. If the Medical Corps and the Dental Corps are insufficiently large to take care of the men, then an emergency does exist so far as the men are concerned. The bill appeals to me from that standpoint.

Mr. WOLCOTT. I might say to the gentleman from Michigan that this does not increase the number of the personnel of these different branches, it merely makes it possible for the President to promote them on the ground that an emergency exists. He has not yet declared an emergency to exist.

Mr. CRAWFORD. I understand that, but I assume that if this bill were passed and the President should declare an emergency that the personnel would be immediately enlarged.

Mr. BENDER. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Is there objection to the consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BENDER. Mr. Speaker, I object.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WOLCOTT. I object to the consideration of the bill.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. PFEIFER].

HOMING PIGEONS

Mr. PFEIFER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7813) to safeguard the homing pigeon.

Mr. MICHENER. Mr. Speaker, reserving the right to object, is this the gentleman's contribution to national defense?

Mr. PFEIFER. I hope so.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That in order to safeguard and promote the breeding and training of the Antwerp or homing pigeon for use as a means of communication in time of war or national emergency, it shall be unlawful for any person to hunt, shoot, or to attempt to hunt or shoot, or for any person other than the lawful owner thereof to pursue, capture, or kill, or to attempt to pursue, capture, or kill, any Antwerp or homing pigeon having the name of the owner stamped upon its wing or tail, or wearing a ring or seamless leg band with the registered number of such pigeon stamped thereon.

SEC. 2. It shall be unlawful for any person other than the lawful owner thereof or his authorized agent to remove or alter any stamp, leg band, ring, or other mark of identification attached to any Antwerp or homing pigeon.

SEC. 3. Any person violating any of the provisions of this act shall, upon conviction thereof, be subject to a fine of not more than $500.

Mr. PFEIFER. Mr. Speaker, this bill (H. R. 7813) is to safeguard the homing pigeon. This bird is well known to the world at large. Its faithful service is referred to in the Bible, when it carried Noah's message at the time of the flood. This humble, feathered bird, derivative of the dove family, through years of experimentation and careful breeding, has developed into such an intelligent and fast messenger that the warring nations resorted to their services in the last World War. Their services have proven so valuable that the deeds of some will go down in the annals of our history. They have proven to be the only means of communication when all other means have failed. They flew through areas where men never came through alive. Due to their intelligence and the speed with which they flew, the messages in the capsules on their legs have saved many lives, caused many towns and villages to be captured, scouts and espionage contacts made, and survivors in doomed ships and planes were rescued.

Ninety-five percent of the messages sent were delivered by using birds of selected breeding for ship-to-shore messages on trawlers and mine sweepers in the vicinity of the British Isles. One pigeon completed 172 active service patrols.

Excerpts from our own War Department relate the following:

First, Cher Ami, one of our outstanding pigeon heroes of the World War, although shot in flight, nevertheless came through with the message hanging from its dangling leg; was instrumental in saving one "lost battalion" in the Argonne Forest. The Smithsonian Institution displays this now stuffed and humble mounted bird, which bears the Distinguished Service Cross.

Again we read of numerous savings at sea, men from downed planes or sinking boats, due to messages brought ashore by these birds.

Outstanding service has been rendered by Spike, Locker, Blanchette, Poilu, and many others.

The services of these birds have been proven so valuable that the Army and the Navy during the last World War have requested the American pigeon fanciers to give all aid possible. This appeal was answered immediately. Entire lofts were voluntarily contributed, and all aid was carried on throughout the period of the World War.

Nations realizing the true value of these messengers, not only in time of war but also in time of peace as well, appreciated these messengers as part of their armed forces. Great Britain has several hundred thousand of these messengers, while we have less than 10,000.

Only the other day one daily press pictured the services that these birds are rendering in the present world conflict, a copy of which I hold in my hand.

Mr. Speaker and gentlemen of the House, I personally believe that the homing pigeon is an intricate part of our armed forces, and as such is entitled to the protection of our Government.

The War Department agrees that this legislation is necessity for our national defense. It does not call for any appropriation of any money but simply sees that these birds are given the protection that they so rightfully deserve. It prevents them from becoming mutilated, so that when the time comes for the call to service, the Nation will find a ready, healthy pigeon service.

Thousands of these valuable birds are lost annually and scores of these birds have returned to their home lofts suffering from bird-shot wounds. Many of them are bred from famous World War pigeons which were returned to our shores after the 1918 armistice. Therefore, Mr. Speaker and Members of the House, let us not delay this bill any longer; let us pass it immediately, for in doing so you are not only acting in the name of national defense at this time but preserving this valuable messenger for the protection of our future welfare. It certainly would be a stimulus to the homing-pigeon fanciers of this Nation to perpetuate the superior breed of pigeon messengers, so they may be ever ready to render the highest type of service to the armed forces of our Nation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF THE CIVIL SERVICE

Mr. RAMSPECK. Mr. Speaker, I call up the conference report on the bill (H. R. 960) extending the classified civil service of the United States, and ask unanimous consent that the statement be read in lieu of the report.

CALL OF THE HOUSE

Mr. NICHOLS. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. NICHOLS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 224]

| | | | |
|---|---|---|---|
| Allen, Pa. | Douglas | Kilburn | Shafer, Mich. |
| Anderson, Calif. | Dworshak | Kirwan | Sheppard |
| Andresen, A. H. | Elliott | Kleberg | Sheridan |
| Andrews | Ellis | Knutson | Short |
| Arnold | Evans | Kocialkowski | Smith, Wash. |
| Barton, N. Y. | Faddis | Kunkel | Smith, W. Va. |
| Bates, Ky. | Fish | Lemke | Starnes, Ala. |
| Bates, Mass. | Fitzpatrick | McGranery | Steagall |
| Bell | Flannery | McLeod | Stearns, N. H. |
| Boland | Folger | McMillan, John | Sullivan |
| Brewster | Ford, Leland M. | Magnuson | Sweeney |
| Brooks | Ford, Thomas F. | Marcantonio | Thill |
| Burch | Fries | May | Thomas, N. J. |
| Byron | Gibbs | Mills, La. | Thorkelson |
| Caldwell | Gifford | Mott | Tinkham |
| Cartwright | Gilchrist | Murdock, Utah | Tolan |
| Casey, Mass. | Green | Nelson | Wadsworth |
| Cluett | Hall, Edwin A. | O'Day | Wallgren |
| Coffee, Wash. | Hall, Leonard W. | Osmers | Warren |
| Collins | Harrington | Patman | Whelchel |
| Creal | Havenner | Patton | White, Ohio |
| Cullen | Healey | Reece, Tenn. | Wigglesworth |
| Darden, Va. | Hook | Richards | Williams, Mo. |
| Darrow | Houston | Robsion, Ky. | Winter |
| DeRouen | Izac | Rockefeller | Wood |
| Dies | Jacobsen | Romjue | |
| Dirksen | Jenks, N. H. | Schaefer, Ill. | |
| Doughton | Jennings | Scrugham | |

The SPEAKER. On this roll call 322 Members have answered to their names. A quorum is present.

On motion of Mr. RAMSPECK, further proceedings under the call were dispensed with.

THE LATE LINCOLN LOY M'CANDLESS

Mr. KING. Mr. Speaker, I ask unanimous consent to speak for 1 minute.

The SPEAKER. Is there objection to the request of the Delegate from Hawaii?

There was no objection.

Mr. KING. Mr. Speaker, a wire from Honolulu informs me that my predecessor here in Congress, the Honorable Lincoln Loy McCandless, died yesterday in Honolulu, soon after celebrating his eighty-first birthday.

His death is a loss to our community, where he has taken an important part in business and civic affairs for nearly 60 years, and to the Democratic Party of Hawaii, of which he was a leading spirit and for which he fought valiantly.

Mr. McCandless was born in the town of Indiana, Pa., September 18, 1859, was educated in the public schools of West Virginia, and arrived in Hawaii as a young man, in his twenties, on February 15, 1882. Together with his brothers he became one of the pioneer builders of our community and helped develop our agricultural and ranching industries.

He was a representative in the legislature of the former Republic of Hawaii; was one of the band of patriotic Americans who worked unceasingly to bring Hawaii under the American flag, and after the annexation of Hawaii served as a member of the Senate of the Territorial Legislature. In 1932 he was elected the Delegate in Congress from Hawaii, serving in the Seventy-third Congress.

We were opponents in politics, but I wish to pay my respects to his sincere patriotism, his great contributions to Hawaii, his adopted home, and his indomitable spirit, which carried him through an active and full life to the end. To the memory of a fighter who never gave up until the last call, and to his family, aloha.

AUTHORIZING SECRETARY OF INTERIOR TO LEASE OR SELL CERTAIN LANDS IN PALM SPRINGS RESERVATION

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H. R. 7738, an act to amend the act entitled "An act to authorize the Secretary of the Interior to lease or sell certain lands of the Agua Caliente or Palm Springs Reservation, Calif., for public airport use, and for other purposes," with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. ROGERS]?

There was no objection, and the Speaker appointed the following conferees on the part of the House: Messrs. ROGERS of Oklahoma, CARTWRIGHT, and BURDICK.

EXEMPTING CERTAIN INDIANS AND INDIAN TRIBES FROM THE PROVISIONS OF THE ACT OF JUNE 18, 1934

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 2103) to exempt certain Indians and Indian tribes from the provisions of the act of June 18, 1934 (48 Stat. 984), as amended, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. ROGERS]?

There was no objection, and the Chair appointed the following conferees on the part of the House: Messrs. ROGERS of Oklahoma, HILL, and SCHAFER of Wisconsin.

EXTENSION OF REMARKS

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from the Secretary of War, together with two breakdowns showing the construction of tent camps and wood army camps.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. ENGEL]?

There was no objection.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article from the Gaelic American entitled "Is the United States To Be Incorporated in the British Empire?"

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. TINKHAM]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to extend my own remarks in the RECORD.

The SPEAKER. The Chair cannot recognize the gentleman for that purpose at this time.

Mr. HOFFMAN. Then, Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today after the disposition of all legislative business in order for the day and at the conclusion of any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

EXTENDING THE CLASSIFIED CIVIL SERVICE OF THE UNITED STATES

Mr. RAMSPECK. Mr. Speaker, I call up the conference report on the bill (H. R. 960) extending the classified civil service of the United States, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 960); extending the classified civil service of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 8, 11, 12, 24, 30, and 32.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, and 31, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the

following: "or to any position to which appointtments are made by the President by and with the advice and consent of the Senate, or to positions of assistant United States district attorney"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: *"And provided further,* That the Civil Service Commission may require the submission of fingerprints of applicants for competitive or noncompetitive examinations ordered or conducted by the Commission, but may not require the submission of a photograph of any applicant"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) That from and after the effective date of this Act any person who shall have served for four years as a secretary, clerk or assistant clerk to a Senator, Representative, Delegate or Resident Commissioner, or as a clerk or assistant clerk to a standing committee of the Senate or House of Representatives or as a clerical employee of the Senate or House of Representatives and whose separation from the service is involuntary and without prejudice shall acquire, upon passing such suitable noncompetitive examination as the Civil Service Commission may prescribe, a classified civil service status for transfer to a position in the classified civil service notwithstanding any contrary provisions of the civil service laws or regulations: *Provided,* That any individual who may hold such a position in the legislative branch must obtain such transfer within one year from the date of separation, and nothing in this Act shall be construed to impair any right of retransfer provided for under civil service laws or regulations made thereunder."

And the Senate agree to the same.

ROBERT RAMSPECK,
JENNINGS RANDOLPH,
FRANK FRIES,
*Managers on the part of the House.*

W. J. BULOW,
JAS. M. MEAD,
WALLACE H. WHITE, Jr.,
LYNN J. FRAZIER,
*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 960) extending the classified civil service of the United States, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommend in the accompanying conference report:

(1) Senate amendment No. 1 excluded the offices or positions in the Tennessee Valley Authority, and the House conferees have agreed to this.

(2) As the bill passed the House it excluded "any positions in or connected with the Work Projects Administration." The Senate struck out the words "or connected with". The reason for this was that considerable doubt has arisen about employees working in other agencies of the government paid from relief funds. It was feared that such employees might be excluded from the provisions of the Act, and that was not intended.

(3) The Senate adopted an amendment excluding positions filled by appointment by the President and confirmed by the Senate, positions of Assistant United States District Attorney, Deputy United States Marshal, and Deputy Collector of Internal Revenue. The House conferees have receded so far as the Presidential appointments and Assistant district attorneys are concerned, but Deputy Marshals and Deputy Collectors of Internal Revenue will come under the provision (provisions) of the bill as agreed to.

(4) Senate amendment No. 4 sought to make the bill apply to people who have been furloughed. The Senate conferees receded from this.

(5) Senate amendment No. 5 provided that only one noncompetitive examination should be given to persons classified under this Act. The House conferees receded from this.

(6) The House receded from this amendment. This is merely a correction in the text.

(7) Senate amendment No. 7 provided for the abolition of the use of photographs by the applicants and permitted the use of fingerprints. The House conferees agreed to a rewriting of this amendment, which results in the same meaning.

(8) The Senate amendment No. 8 defined the term "incumbent" to include persons on furlough. This was not necessary if amendment No. 4 went out, and the Senate receded.

(9) Senate amendment No. 9 struck out what was referred to in the House as the Keller-Nichols quota amendment. The House conferees have receded on this amendment. The Senate conferees contended that overwhelming evidence was presented that this provision would be practically unworkable and would result in upsetting many of the agencies.

(10) Senate amendment No. 10 is the provision relating to employees of the House and Senate. The House has receded, but the section was rewritten. It provides that secretaries and clerks to Senators, Representatives, Delegates, and Resident Commissioners, clerks and assistant clerks to standing committees, and clerical employees of the House and Senate, who have served four years and are involuntarily separated without prejudice, may acquire a status for transfer to a civil service position upon passing a suitable examination prescribed by the Civil Service Commission. This provision would apply to such employees for one year from the date of their separations.

(11) Senate amendment No. 11 proposed to give anyone who had served fifteen years or longer a civil service status. The Senate receded from this.

(12) Senate amendment No. 12 proposed to give a classified status to the temporary employees of the Bureau of the Census. We were informed that more than half of the 8,000 temporary Census employees came from over-quota states and the District of Columbia. They definitely understood this employment would be temporary. Their names were drawn from civil service registers, and in many cases without regard to their standing on such registers, because people from distant places would not come to Washington to take temporary employment. Their names still remain on the registers for consideration for permanent appointment, and many of these employees have gotten regular probational appointments.

(13) Senate amendments 13 through 22, are corrections of the text and have no effect on the bill.

(23) Senate amendment No. 23 provided that in putting the provisions of the Classification Act of 1923 into effect under this bill, there should be no discrimination on account of race, creed, or color. The House receded from this, because the Constitution of the United States provides that there shall be no such discrimination.

(24) Senate amendment No. 24 provided that there should be no discrimination against any person under this Act on account of the place of his or her residence. Since the House receded on the Keller-Nichols amendment, this was no longer necessary, and the Senate receded.

(25) Senate amendment No. 25 struck out the language adopted by the House which would have prevented the lowering of salaries of people whose grades were lowered under the provisions of this Act. The House conferees receded from this.

(26) The House bill provided that Boards of Review should be set up for employees dissatisfied with efficiency ratings, composed of three or more members, the Chairman to be designated by the Civil Service Commission, and the other members to be designated by the head of the department concerned. Senate amendments Numbers 26, 27, and 28 changed this to limit such Boards to three members, the Chairman to be appointed by the Civil Service Commission, one member to be designated by the head of the department concerned, and the third member to be designated by the employees of the department concerned. The House conferees receded from these amendments.

(29) Senate amendment No. 29 provided that at hearings by these Boards of Review the complaining employee, his representative, and representatives of the department concerned, should be afforded an opportunity to submit orally or in writing any information deemed pertinent by the Board, and the parties to the proceeding should have the right to examine and reply to such information. The House conferees receded from this amendment, because it is no more than is usually allowed in connection with all such hearings.

(30) Senate amendment No. 30 provided that in appointing or fixing requirements for appointment to any governmental position, there should be no discrimination on account of persons being graduated from a particular school, or from schools accredited or rated by any association, organization, or group, or on account of membership or nonmembership of any professional, technical, or other society or association. The Senate receded from this amendment, because the Senate had already passed a bill with the same purport, and such bill has been favorably reported to the House and a rule granted for its consideration. The conferees felt that the legislation should be taken up separately and considered on its merits and not injected into this bill.

(31) Senate amendment No. 31 provided that the compensation of the Civil Service Commissioners should be $10,000.00 per year, and the compensation of the Executive Director and Chief Examiner of the Civil Service Commission should be $9,500.00 per year. The House receded from this amendment, because it appears that the Commissioners now receive a salary of $8,500.00 per year,, and this amendment will bring them in line with other officials of the Government in comparable positions.

(32) Senate amendment No. 32 made the effective date of this Act, April 15, 1941. The Senate conferees receded from this.

ROBERT RAMSPECK,
JENNINGS RANDOLPH,
FRANK FRIES,
*Managers on the part of the House.*

Mr. RAMSPECK. Mr. Speaker, if the Members of the House will give me their attention I want to attempt to explain to them just what changes have been made in this bill. As the conferees have agreed on the bill the changes in the bill, title I, are the exemption of the Tennessee Valley employees, the exemption of all positions for which the President makes appointment and the Senate confirms, and the exemp-

tion of assistant United States attorneys. With the exception of those exemptions and the employees of the Work Projects Administration, this bill gives the President authority to cover into the civil service by noncompetitive examinations every position in the Government service.

The Senate conferees eliminated the Keller-Nichols amendment, and I understand there is to be some controversy about that. The Senate committee took testimony on that matter and it developed that the Keller-Nichols amendment was unworkable. As a matter of fact, the quota system is very little understood. I have in my hand statement of the quota as it stands at the present time and it shows that a great many of the States now are over their quota, which means that the States under quota get the positions that become vacant under the civil-service law where the quota system applies, which, of course, is only in the departmental service in the District of Columbia.

I have had Members come to me within the last hour and say they intend to vote against this report because the Keller-Nichols amendment was deleted. If they do that, they are not helping the States that are under quota. The positions with which this bill deals are now filled. If you defeat this bill you do not vacate any of these positions and therefore you have no chance to fill them. You do not put them under the quota system if you defeat this conference report, and therefore you have no opportunity to give them to the States that are under quota. But, if you pass this conference report and the President brings 200,000 people under this bill, 20 percent of them, on the average, will fail to pass either the mental or the physical tests and their positions will be vacated and will go to the States that are under quota. Whenever a position is vacant which is under the quota system, the Civil Service Commission does not certify for that vacancy eligibles from States that are over quota. That is all I am going to say about that at the present time, except to say that we did persuade the Senate conferees to recede on an amendment placing temporary employees of the Census Bureau on a permanent status. There are more than 8,000 of those employees, and over 50 percent of them come from over-quota States and the District of Columbia; so we did save those jobs for you.

We accepted a Senate amendment which gives your secretaries, and clerks of committees and clerical employees of the House an opportunity to qualify for civil-service status after serving for 4 years, provided they pass a noncompetitive examination.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Illinois.

Mr. MASON. Do they have to be separated from the service as secretaries before they can apply?

Mr. RAMSPECK. Yes; they must be involuntarily separated without prejudice. This was done, I may say, for the protection of the membership as well as the service, because otherwise we would have found our offices a channel for people seeking employment.

Mr. LUTHER A. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. I notice the last sentence in the conference report relates to the situation the gentleman has just mentioned, that secretaries being separated from the service involuntarily may be admitted to the civil service by a noncompetitive examination. The last sentence reads as follows:

> Nothing in this act shall be construed to impair any right of retransfer provided for under civil-service laws or regulations made thereunder.

What is the meaning and significance of that sentence?

Mr. RAMSPECK. The meaning of that is that if they secure an appointment under this provision then they shall have the same right to transfer as any other employee who came into the civil service through competitive sources. It is a protection to them, I may say to the gentleman.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Of course, as far as the secretaries and clerks are concerned, we are really blanketing them in, we are not creating positions in the civil service. This is really not a civil-service measure.

Mr. RAMSPECK. That is true; but I do not believe the gentlewoman objects to that, does she?

Mrs. ROGERS of Massachusetts. I should like to have them have it, but I wish to bring out my argument that most of this is really not civil service.

Mr. PEARSON. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Tennessee.

Mr. PEARSON. I should like to ask the gentleman the purpose of Senate amendment number 7, which deals with the question of submission of photographs of the various parties blanketed in under the provisions of this bill.

Mr. RAMSPECK. I may say to the gentleman that I happened to be on the Senate floor when that amendment was offered by a distinguished Member of the other body. He said that in part it was to protect these people from racial discrimination. It was also alleged that photographs sometimes militated against others who were referred to as being homely in appearance.

Mr. PEARSON. Is there any valid reason why an applicant for a civil-service position should not be required to submit a photograph of himself or herself, as the case may be?

Mr. RAMSPECK. I do not know of a valid reason; no.

Mr. PEARSON. Has it always been the custom of the Civil Service Commission to require photographs to be submitted where parties were applying for civil-service positions?

Mr. RAMSPECK. I cannot say that it has always been the custom, although it has been so for some years; but it is simply a rule of the Commission. There is no law regarding it. Of course, the gentleman would agree with me, I am quite sure, that the Constitution states there shall be no discrimination. If it has been used for that purpose, it has been used in violation of the Constitution.

Mr. PEARSON. What might be a discrimination from an administrative standpoint might not be one from a legislative standpoint. May I ask the gentleman whether or not doing away with the submission of photographs will affect only those who are affected by the provisions of this bill, or will it affect any applicant for a civil-service position outside the provisions of this bill?

Mr. RAMSPECK. It applies to all future applications for civil-service positions.

Mr. PEARSON. To any civil-service position?

Mr. RAMSPECK. Yes.

Mr. PEARSON. I thank the gentleman.

Mr. RAMSPECK. Frankly, I do not believe it makes any difference, because the appointing officers, of course, have a right to interview the applicants.

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Kentucky.

Mr. SPENCE. May temporary employees working under the emergency appropriation be blanketed in under this bill by Executive order?

Mr. RAMSPECK. Yes; except for the Work Projects Administration.

Mr. SPENCE. There are a certain number of such employees in the Treasury Department. Do they come under this bill?

Mr. RAMSPECK. It is the intention to cover all the employees of that character, if I understand the character of employees the gentleman has in mind, who get their pay from funds appropriated in what we call the relief bill but who are not employed by the Work Projects Administration.

Mr. SPENCE. It is the intention of the framers of the bill to cover those people?

Mr. RAMSPECK. Yes.

Mr. LEWIS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. What about the employees of the Public Works Administration?

Mr. RAMSPECK. Those that are still on the rolls will be covered by this bill. Of course, those that are on furlough will not be covered.

Mr. LEWIS of Colorado. They will not be covered?

Mr. RAMSPECK. No.

I reserve the balance of my time, Mr. Speaker.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I will yield for a question, but not for an observation because the gentlewoman from Massachusetts is going to have time.

Mrs. ROGERS of Massachusetts. Yes; but very little.

Mr. RAMSPECK. I am not going to yield for an observation, but if the gentlewoman wants to ask me a question I will yield.

Mrs. ROGERS of Massachusetts. I understand that, strictly speaking, the civil-service workers should make a violent protest about the people who are paid from W. P. A. funds who are doing the same work that they are doing. If they make a protest against that they will probably win their point because, I understand, it is not legal to pay people from W. P. A. funds where they should be civil-service jobs.

Mr. RAMSPECK. Nobody paid by the W. P. A. comes under this bill.

Mrs. ROGERS of Massachusetts. Yes; I understand it is an illegal thing, but it has been done in many instances.

Mr. RAMSPECK. I do not know anything about that and, of course, that has nothing to do with this bill.

Mrs. ROGERS of Massachusetts. It concerns the bill because they should not be blanketed in.

Mr. RAMSPECK. We are not blanketing in any W. P. A. people.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to my colleague from Georgia.

Mr. PACE. Will the gentleman just state the employees that are not covered by this bill?

Mr. RAMSPECK. It does not cover the Work Projects Administration employees; it does not cover the Tennessee Valley Authority employees; it does not cover any position to which the President appoints, by and with the advice and consent of the Senate; and it does not cover assistant United States attorneys.

Mr. PACE. That is all?

Mr. RAMSPECK. Those are all the exemptions.

Mr. HARTER of New York. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I am sorry, but I shall have to reserve the balance of my time, because I want to yield gentlemen some time.

Mr. Speaker, I yield 10 minutes to the gentlewoman from Massachusetts.

Mr. NICHOLS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. THOMASON). The gentleman will state it.

Mr. NICHOLS. If the House desired to instruct its conferees as to particular provisions in this conference report, it would first be necessary to vote down the conference report, and after the conference report was voted down, then such motions to instruct them would be in order. Is that correct?

The SPEAKER pro tempore. The gentleman from Oklahoma is correct.

The gentlewoman from Massachusetts is recognized for 10 minutes.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I am a firm believer in the merit system for civil service and always live up to it myself, and make my appointments accordingly. This is a mock civil-service bill. I believe many of the provisions of the conference report will not be acceptable to the Members of the House. Several people are going to speak regarding the quota provision or the elimination of the Nichols amendment; others may speak also of barring those who are doing the census work at the present time. I want to remind the House that the workers at the Census Bureau are those who have taken and passed civil-service examinations and yet those people will be debarred from the provisions of this bill. In other words, if it were a real merit bill, why leave out those who are working in the Census, the only ones who won their spurs and passed an open competitive examination? They are now on the eligible rolls of the civil service.

I want to call the attention of the House again to the fact that the President at the present time, in fact for the past 7½ years, could have blanketed into the civil service 40,000 or 50,000 of these workers or could have required an open competitive civil-service examination to be held. I ask you, in the name of common sense, if the administration wanted a merit bill or wanted the merit system or a real civil-service system, in the beginning when these measures passed the House they would have required that the people going into these Departments pass open competitive examinations, but instead they eliminated the civil-service provisions. I want to remind the House that many of these people could not pass an open competitive test, as was brought out by the Commissioner of Civil Service, both before the House and Senate committees. The hearings will show that in an open competitive examination, even after 7½ years of experience, only 20 percent probably could pass such an examination. I ask you, Mr. Speaker, if you feel it is fair to have 1,000,000 eligibles now on the civil-service list, to blanket these persons in by noncompetitive tests. We all know what noncompetitive tests mean. These people are not only blanketed into the civil service, but they go ahead of those on the civil-service eligible list of today.

In other words, these 1,000,000 people will have to wait until these other people are taken care of, not only now but in the years to come, because these people who are blanketed in will be on the list for reemployment and will take precedence over those on the present eligible list.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the very able and distinguished gentlewoman from Massachusetts yield at this point?

Mrs. ROGERS of Massachusetts. I shall be very glad to yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. And those political-spoils-system appointees who are blanketed into the civil service for lifetime jobs under this bill will be blanketed in if they only make a passing grade of 70 in the noncompetitive examinations while among those millions now on the civil-service eligible list who have taken civil-service examinations, there are many, many thousands who have made grades as high as 95 or 98 percent in competitive civil-service examinations.

Mrs. ROGERS of Massachusetts. Oh, yes; many hundreds of thousands, and it is manifestly unfair.

Mr. SCHAFER of Wisconsin. And therefore, in view of that fact, this bill is not a merit-system bill in any manner whatsover.

Mrs. ROGERS of Massachusetts. No; it is a trick bill, and I doubt very much if it pleases even the people who are supposed to be taken in under its provisions.

I wish to call the attention of the House also to the fact that Commissioner Fleming has stated several times before the Appropriations Committee that he did not have the funds to examine applicants, so far as character goes. We know what happened in Detroit—the throwing out of a window by an R. F. C. employee of a waste-paper basket and other things. I do not mean to imply that all these political appointees are like that, but there are many employees in the Government today who have communistic tendencies. Do you realize that those people may be blanketed in without a proper character test and with no proper examination?

Mr. Speaker, I should like to reserve the balance of my time.

Mr. RAMSPECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. THOMASON). The gentleman will state it.

Mr. RAMSPECK. When time has been yielded to a Member by the person in charge of a conference report, can that Member reserve part of the time?

The SPEAKER pro tempore. Of course, the gentleman has control of the time.

Mr. RAMSPECK. I yielded 10 minutes to the gentlewoman from Massachusetts. She now wishes to reserve part of her time.

The SPEAKER pro tempore. The gentlewoman from Massachusetts cannot do that.

Mrs. ROGERS of Massachusetts. How much time have I consumed, Mr. Speaker?

The SPEAKER pro tempore. The gentlewoman has consumed 5 minutes.

Mrs. ROGERS of Massachusetts. If I cannot reserve part of my time I will proceed.

The SPEAKER pro tempore. The gentlewoman from Massachusetts is recognized.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I wish to bring to the attention of the House the matter of W. P. A. workers who are connected with the W. P. A., who are paid from W. P. A. funds, working side by side, doing the same kind of work, with regular civil-service employees. For instance, in some of the departments a man at one desk has civil-service status. The man on the next desk is paid for with W. P. A. money, but does not have a civil-service status for that position. All those men will be blanketed into the civil service and during all this time if the civil-service workers had wanted to make a protest, I understand that those people could not have been paid with W. P. A. funds, and their positions could only have been filled by civil-service workers.

This is manifestly an unfair provision, and I ask the chairman of the committee if he knows how many people will be taken in under this provision?

Mr. RAMSPECK. Not any. The W. P. A. is exempted.

Mrs. ROGERS of Massachusetts. But those connected with the W. P. A.

Mr. RAMSPECK. There are not any connected with the W. P. A.

Mrs. ROGERS of Massachusetts. They are paid from W. P. A. funds. In order to clarify this, I quote from item 2 of the statement of the managers on the part of the House. It follows, and it speaks for itself:

(2) As the bill passed the House it excluded "any positions in or connected with the Work Projects Administration." The Senate struck out the words "or connected with." The reason for this was that considerable doubt has arisen about employees working in other agencies of the Government paid from relief funds. It was feared that such employees might be excluded from the provisions of the act, and that was not intended.

Mr. RAMSPECK. I will say to the gentlewoman from Massachusetts that some years back it was true that that money was appropriated to the W. P. A. and then allocated to other agencies. That is not true any more. They are paid now by money that is appropriated in the same appropriation bill.

Mrs. ROGERS of Massachusetts. But those who are connected with the W. P. A. will be blanketed in.

Mr. RAMSPECK. I do not construe that they are connected with it simply because they get their money out of the same appropriation bill. The Treasury Department and the Post Office Department are covered in the same bill, but I would not say that the Post Office Department is connected with the Treasury Department.

Mrs. ROGERS of Massachusetts. I am told it is an illegal provision. Will the gentleman tell me how many will be blanketed in in that way?

Mr. RAMSPECK. I do not have any idea how many there are.

Mrs. ROGERS of Massachusetts. I have tried to get those figures, without success.

Mr. RAMSPECK. There are some in the Treasury Department, the General Accounting Office, and various places.

Mrs. ROGERS of Massachusetts. I believe that many of the political appointees will be disappointed in their noncompetitive examinations, because it is the easiest thing in the world for a noncompetitive examination to be given so that the person whom the department desires to pass will pass and those whom the department wants to fail will fail.

Mr. REES of Kansas. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. I will be glad to yield to the gentleman from Kansas.

Mr. REES of Kansas. I think it was admitted in the committee hearings before the Senate that if there were a competitive examination, possibly 75 percent of those now holding jobs would lose their positions. Is that not correct?

Mrs. ROGERS of Massachusetts. That is correct. That was brought out by the chairman of the Civil Service Commission, who testified before our committee.

Mr. REES of Kansas. Even with an examination of 70 percent, noncompetitive, they admitted about 20 or 25 percent would lose their jobs. Is that not correct?

Mrs. ROGERS of Massachusetts. Yes. In other words, they are saying that they would like to take into the Government service permanently people who are not capable of doing the work.

Mr. REES of Kansas. Is this not a time when we ought to be tightening up on propositions like this rather than loosening up?

Mrs. ROGERS of Massachusetts. I think the gentleman is correct. Particularly in these times of stress, when we have many enemies without our gates, and within the Government itself.

Mr. REES of Kansas. I think the gentlewoman had a letter this morning from someone who told her that this bill was a part of the national-defense program. Does the gentlewoman have time to connect the two together, or can she tell us how the civil service, which has been in operation since 1883, can be connected up with the national-defense program?

Mrs. ROGERS of Massachusetts. This is a very dangerous measure so far as national defense is concerned. There are 44,390 people, for instance, employed in the War Department today who might be frozen in under this bill. Imagine taking those persons, perhaps some of them Communists or members of the Bund, into civil service by noncompetitive examinations, freezing them in. I declare, this is all wrong. [Applause.]

Following is a letter I have received from the Civil Service Commission, giving the latest available figures concerning the classified and unclassified positions:

UNITED STATES CIVIL SERVICE COMMISSION,
*Washington, D. C., October 3, 1940.*

Hon. EDITH NOURSE ROGERS,
*House of Representatives.*

DEAR MRS. ROGERS: In response to your personal request yesterday the Commission advises you that the latest figures compiled showing the number of classified civil-service positions and the number of unclassified civil-service positions in the Federal Government are as of December 1939; the June 30, 1940, figures will not be available for some time.

In December 1939 there were 660,594 classified positions and 271,711 unclassified positions, a total of 932,305. Among the number of nonclassified positions are from 40,000 to 50,000 in what is known as schedules A and B of the civil-service rules which positions may be classified by the President whether or not H. R. 960 becomes law. Of the remaining number of unclassified positions so many of them are intermittent, part time, seasonal, or cooperative that the Commission believes the number likely to be brought into the classified service if H. R. 960 becomes law would be from 125,000 to 150,000.

You will note from the third column of figures in the attached table that the departments and establishments in which the greatest number of nonclassified persons are employed are:

| | |
|---|---|
| Treasury Department | 20,556 |
| War Department | 44,390 |
| Justice Department | 5,007 |
| Post Office Department | 3,894 |
| Navy Department | 7,284 |
| Interior Department | 26,986 |
| Agriculture Department | 53,106 |
| Federal Loan Agency | 19,739 |
| Federal Security Agency | 4,433 |
| Federal Works Agency | 38,021 |
| Panama Canal | 14,867 |
| Tennessee Valley Authority | 14,597 |

Although the State Department in December 1939 had 4,792 unclassified positions the greater number of these were in the Foreign Service of the Department subject to the merit system established by the Rogers Act.

Very sincerely yours,

L. A. MOYER,
*Executive Director and Chief Examiner.*

TABLE 2.—*Civil employment in the executive branch of the U. S. Government by classification status of positions and place of employment December 1939* [1]

| Department or independent establishment | Entire service | | | In the District of Columbia | | | Outside the District of Columbia | | |
|---|---|---|---|---|---|---|---|---|---|
| | Total | Classified | Unclassified [2] | Total | Classified | Unclassified [2] | Total | Classified | Unclassified [2] |
| Office of the President: | | | | | | | | | |
| Executive staff | 753 | 147 | 606 | 529 | 147 | 382 | 224 | | 224 |
| Maintenance force | 141 | | 141 | 141 | | 141 | | | |
| Executive departments: | | | | | | | | | |
| State | 6,249 | 1,457 | 4,792 | 1,076 | 907 | 169 | 5,173 | 550 | 4,623 |
| Treasury | 60,216 | 39,660 | 20,556 | 19,054 | 15,655 | 3,399 | 41,162 | 24,005 | 17,157 |
| War | 123,624 | 79,234 | 44,390 | 6,470 | 4,972 | 1,498 | 117,154 | 74,262 | 42,892 |
| Justice | 10,075 | 5,068 | 5,007 | 3,009 | 1,445 | 1,564 | 7,066 | 3,623 | 3,443 |
| Post Office [1] | 291,114 | 287,220 | 3,894 | 4,476 | 4,327 | 149 | 286,638 | 282,893 | 3,745 |
| Navy | 99,024 | 91,740 | 7,284 | 12,845 | 12,219 | 626 | 86,179 | 79,521 | 6,658 |
| Interior | 45,844 | 18,858 | 26,986 | 6,881 | 5,147 | 1,734 | 38,963 | 13,711 | 25,252 |
| Agriculture [3] | 86,250 | 33,144 | 53,106 | 12,165 | 7,883 | 4,282 | 74,085 | 25,261 | 48,824 |
| Commerce | 8,535 | 6,952 | 1,583 | 5,803 | 5,344 | 459 | 2,732 | 1,608 | 1,124 |
| Labor | 6,759 | 6,239 | 520 | 2,243 | 1,991 | 252 | 4,516 | 4,284 | 268 |
| Independent establishments: | | | | | | | | | |
| Alley Dwelling Authority | 44 | 40 | 4 | 44 | 40 | 4 | | | |
| American Battle Monuments Commission | 87 | 8 | 79 | 9 | 8 | 1 | 78 | | 78 |
| Board of Governors, Federal Reserve System | 434 | | 434 | 412 | | 412 | 22 | | 22 |
| Board of Tax Appeals | 128 | 67 | 61 | 128 | 67 | 61 | | | |
| Civil Aeronautics Authority | 4,934 | 4,450 | 484 | 1,236 | 1,089 | 147 | 3,698 | 3,361 | 337 |
| Civil Service Commission | 1,829 | 1,796 | 33 | 1,417 | 1,384 | 33 | 412 | 412 | |
| Employees' Compensation Commission | 520 | 514 | 6 | 464 | 458 | 6 | 56 | 56 | |
| Farm Credit Administration | 3,171 | 1,463 | 1,708 | 1,286 | 1,126 | 160 | 1,885 | 337 | 1,548 |
| Federal Communications Commission | 624 | 596 | 28 | 429 | 401 | 28 | 195 | 195 | |
| Federal Deposit Insurance Corporation | 1,388 | 537 | 851 | 483 | 384 | 99 | 905 | 153 | 752 |
| Federal Loan Agency | 19,894 | 155 | 19,739 | 4,500 | 64 | 4,436 | 15,394 | 91 | 15,303 |
| Federal Power Commission | 790 | 489 | 301 | 521 | 354 | 167 | 269 | 135 | 134 |
| Federal Security Agency | 20,819 | 16,386 | 4,433 | 4,406 | 3,841 | 565 | 16,413 | 12,545 | 3,868 |
| Federal Trade Commission | 660 | 327 | 333 | 573 | 301 | 272 | 87 | 26 | 61 |
| Federal Works Agency | 46,659 | 8,638 | 38,021 | 12,166 | 4,517 | 7,649 | 34,493 | 4,121 | 30,372 |
| General Accounting Office | 5,109 | 2,237 | 2,872 | 5,109 | 2,237 | 2,872 | | | |
| Golden Gate International Exposition Commission | 25 | | 25 | 3 | | 3 | 22 | | 22 |
| Government Printing Office | 5,874 | 5,600 | 274 | 5,874 | 5,600 | 274 | | | |
| Interstate Commerce Commission | 2,661 | 2,645 | 16 | 1,853 | 1,844 | 9 | 808 | 801 | 7 |
| Maritime Commission | 1,581 | 1,469 | 112 | 929 | 828 | 101 | 652 | 641 | 11 |
| Maritime Labor Board | 34 | 31 | 3 | 32 | 29 | 3 | 2 | 2 | |
| Mount Rushmore National Memorial Commission | 47 | | 47 | 2 | | 2 | 45 | | 45 |
| National Advisory Committee for Aeronautics | 715 | 681 | 34 | 62 | 61 | 1 | 653 | 620 | 33 |
| National Archives | 353 | 352 | 1 | 353 | 352 | 1 | | | |
| National Capital Park and Planning Commission | 28 | 12 | 16 | 28 | 12 | 16 | | | |
| National Labor Relations Board | 874 | 449 | 425 | 480 | 262 | 218 | 394 | 187 | 207 |
| National Mediation Board | 73 | 33 | 40 | 25 | 17 | 8 | 48 | 16 | 32 |
| New York World's Fair Commission | 14 | | 14 | | | | 14 | | 14 |
| Panama Canal | 16,505 | 1,638 | 14,867 | 126 | 126 | | 16,379 | 1,512 | 14,867 |
| Railroad Retirement Board | 2,352 | 2,317 | 35 | 1,383 | 1,348 | 35 | 969 | 969 | |
| Securities and Exchange Commission | 1,616 | 907 | 709 | 1,282 | 780 | 502 | 334 | 127 | 207 |
| Smithsonian Institution | 486 | 355 | 131 | 486 | 355 | 131 | | | |
| Tariff Commission | 303 | 290 | 13 | 295 | 282 | 13 | 8 | 8 | |
| Tennessee Valley Authority | 14,597 | | 14,597 | 10 | | 10 | 14,587 | | 14,587 |
| Veterans' Administration | 38,493 | 36,393 | 2,100 | 5,247 | 5,188 | 59 | 33,246 | 31,205 | 2,041 |
| Total | 932,305 | 660,594 | 271,711 | 126,345 | 93,392 | 32,953 | 805,960 | 567,202 | 238,758 |

[1] Exclusive of temporary employees in substitute grades of the Post Office Department consisting of 1,061 in the District of Columbia and 53,376 outside the District of Columbia who were included in the monthly report of employment and pay rolls for December 1939.

[2] The unclassified positions which are excepted from the competitive requirements of the Civil Service Act and rules in the several departments and independent establishments include all unclassified positions regardless of whether financed by regular or emergency funds. They also include unclassified positions where the employees occupying these positions have civil-service status and unskilled laborers who are appointed in accordance with the provisions of the labor regulations promulgated by the President.

[3] Includes employees hired under special letters of authorization.

Mr. RAMSPECK. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. KELLER].

Mr. KELLER. I will not take the 5 minutes; I will not take 1 minute.

Mr. Speaker, I have been against the acts of the Civil Service Commission for many years because they have not been fair in allocating the jobs among the several States. The present Commission, however, has been doing a lot better than its predecessors. I have their assurance, and I believe it is true, that they will as a matter of fact from now on obey the law strictly and specifically in that regard and give to the States that are under their quota the number that is coming to them. For this reason I am going to vote for the conference report.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Illinois yields back 4 minutes.

Mr. RAMSPECK. Mr. Speaker, I yield 10 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Speaker, I am opposed to the adoption of the conference report and am against the passage of this bill. Let it be understood that I am very strongly in favor of a fair, competitive civil-service merit system. I am in favor of doing everything possible to strengthen and improve our civil-service laws. I believe the positions involved in this bill should be under civil service. As a matter of fact, they should have been under civil service when they were created. But the method provided in this bill is not fair and there is no justification for trying to correct a wrong already committed, by the backhanded method which you are using under the guise of civil service.

I am opposed to this bill because it does not provide for fair, open, competitive examinations for these positions that are to be under civil service. In substance, this bill says approximately 250,000 or more political appointees will be blanketed into civil service and permitted to hold their jobs during life tenure, provided only that they are able to make a grade of at least 70 percent on a noncompetitive basis. This chosen group will then acquire the same status and have the same privileges granted to those who earned their positions on a competitive basis, including retirement benefits and annuities.

It has always been my understanding that open and free competition for positions in Government work is in line with the principles of a democratic form of government. When you adopt this conference report and pass the bill, you are going to give some 250,000 politically selected employees the protection of noncompetitive examinations. You are going to eliminate one of the most important factors in the civil-service system—the right of an individual to open competition for Government positions. I just do not see how Members of this Congress can sidestep that principle. Regardless of which party is in power, whether it be Republican or Democratic, political preference does not belong in a merit system.

There are about 4,000,000 young men and women of this country—college and high-school graduates—who do not have permanent positions. Under this measure you close the door to 250,000 jobs which you are bringing under civil service and you tell these young people they cannot compete for them.

Mr. Speaker, there are approximately 800,000 qualified men and women who have successfully passed competitive civil-service examinations. Their names are on the eligible registers. Under this bill, you bring more than 250,000 jobs under civil service, and then turn right square around and tell these 800,000 applicants that even though they may be qualified for part or all of these jobs, they have no right to compete for them. Political patronage has already filled the jobs, and by this bill you are "freezing-in" those job holders. The only exception would be, of course, if some of the appointees received less than a 70-percent grade on the noncompetitive basis.

I have before me an article which appeared in the press a few days ago. It estimates that if competitive tests were required, the mortality among the incumbents on these jobs may reach as high as 70 percent. But even if 50 percent or half of them would fail a competitive examination, why should we permit them to hold their jobs when we have thousands on the eligible registers who have shown themselves to be better qualified to do the work. Government officials admit that under the easy method provided in this bill that approximately 20 percent will not be able to make even a grade of 70 percent. Tell me why a man or woman who has taken an examination in good faith and received a grade of 80 percent or 90 percent should stand aside for somebody who happens to hold the job and can get a grade of 70 percent without competition. I do not want these people to lose their jobs any more than you do. I would be willing to allow them some credit for their experience but do think they should be willing to compete with the fellow on the outside.

Mr. Speaker, the people who hold these jobs receive substantial salaries. Their working hours are not long—the maximum in most cases is 39 hours per week. They are allowed retirement benefits and annuities, as well as vacations and sick leave. They are employees of the people of this country. In turn, the people supporting this Government and paying these salaries are entitled to the very highest quality of efficiency and industry. I do not maintain that the present incumbents are not qualified—not for a moment. But I do believe they should be willing and glad to meet the standards of a real civil-service system, on a fair competitive basis.

Mr. Speaker, about 2 years ago the chairman of our committee submitted legislation to bring these jobs under civil service by open, competitive examinations. This bill provided for open competitive examinations. Hearings were held. The legislation was approved by many groups, including the American Federation of Government Employees. Col. Charles I. Stengle, as president of that organization, said:

> It also happens that this bill embodies to a very large extent one of the outstanding planks in our legislative program. We are happy to know it is not only in conformity with our program but it seems there is a harmony—a most unusual harmony—between the President's program, your program, and our program.

In these hearings concerning H. R. 2700 Mr. Kaplan, representing the Civil Service Reform League, said:

> The Ramspeck bill now before you for consideration is a proposal that our national league has advocated for a long time.

That bill, as I have said before, provided for competitive civil-service examinations.

I am informed these groups have more or less decided that if they cannot have that original bill providing for competitive examinations, they are willing to accept the noncompetitive provisions rather than have nothing at all. That is my understanding of it. That bill, which I favored, was not voted upon by the committee. We were informed the President's reorganization plan did not favor competitive examinations for these positions. This bill, H. R. 960, was reported instead.

Mr. Speaker, when these 250,000 jobs were created during the past 6 or 7 years, Congress deliberately and intentionally, and in the name of emergency, exempted them from the civil-service merit system. It was a mistake, and you know it.

But this is not the way to rectify it. The way to correct that mistake is to take a little more time and use the democratic method of open competitive examinations. Make these jobs civil service in fact as well as in name. It has been decided all at once that it is for the best interests of the country to put these politically appointed employees under civil service. We are still, or again, in an emergency—in a great hurry to get this done. Although, as I said before, we have waited 5, 6, or 7 years to get around to it.

Something has been said about previous administrations having covered in Government positions without competitive examinations. I do not approve such action by either party. But, never in the history of our country has there been such a wholesale covering-in of jobs as is being done this afternoon. As a matter of fact, this administration has already included in civil service by Executive order some 60,000 or 70,000 jobs, without competitive examination.

Mr. Speaker, in March 1933 there were approximately 560,000 Federal employees outside the Army and Navy. Eighty-three percent of them were under civil service. In January 1940 that number had grown to an all-time high of 920,000, with only 66 percent under civil service. At the end of July 1940 the number was increased to an unprecedented figure of 1,023,341 and is increasing by the thousands every week. We have added Government workers to our pay roll during the last 2 years at the rate of 10,000 or 12,000 per month. The annual pay roll for their salaries is more than one and one-half billion dollars.

The question you are to decide this afternoon is whether you want to maintain one of the greatest principles of democracy—and that is to give every man and woman who is qualified, a fair and even chance to seek a position in this Government of ours, on the basis of qualifications and ability. That is the merit system. This bill does not follow such a principle. It is a subterfuge for the protection—for the "freezing in" of a select group of persons who may or may not be qualified for their jobs, and who got them by political patronage—which is the antithesis of a fair, democratic merit system. Members of the House—I am not concerned about the Democrats or the Republicans in the consideration of this measure. But I am deeply concerned about securing the very highest type of service to be obtained for the departments of our Government—and the best way to secure the highest class of efficient service is through fair, competitive examinations, and likewise adhere to the democratic method of permitting all qualified persons, regardless of party, to have a chance for the job.

Mr. Speaker, this House adopted an apportionment amendment, intended to stop the abuse of our present law providing that civil-service jobs shall be distributed among the several States and the District of Columbia in accordance with their population. For example, the District of Columbia is entitled to approximately 200 employees and has between 8,000 and 9,000. Some of our Eastern States have twice the number to which they are entitled. This amendment should go back into this bill.

Mr. Speaker, we have done so many things in the name of emergency during the past 7 years. There is no emergency about this measure. I think it is for the best interests of our people that the bill be turned down and the Committee on the Civil Service requested to report a measure bringing these jobs under civil service and giving everyone who is qualified a fair chance to compete for them in an open, competitive examination. You would then have a real merit system. If I thought this was a real civil-service bill I would gladly support it. It is not civil service. It is lip service. [Applause.]

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. I yield to the distinguished gentleman from Michigan.

Mr. MICHENER. Did I understand the gentleman to say that 20 percent of the people holding these political appointment will not be able to pass an examination to continue in their present jobs? Every law creating New

Deal agencies from A. A. A. up or down exempted these new positions from the civil-service law, and now all those 200,000 jobs are to be covered into the civil service without competitive examination.

Mr. REES of Kansas. The testimony before the committee was to the effect that about 20 percent would fail in the noncompetitive examinations. That was an estimate.

I understand from an article put out by those who favor civil service, it is estimated that 70 percent of the present non-civil-service employees would fail in a competitive examination. But if the number were only 50 percent, why withhold these jobs from those who could or have passed competitive examinations?

We are faced with conflicting statements. On the one hand they say it blankets the jobs into civil service and on the other hand it says it blankets the holders of the jobs under civil service. Certainly it cannot be called a merit system when the individuals are blanketed in without a proper examination.

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. I yield to the distinguished Member from Ohio.

Mr. VORYS of Ohio. Is it not true that the difference between those who would pass under a competitive examination as compared with those who would pass under a noncompetitive examination is about 175,000? And if this is so this bill will result in the retaining in office of 175,000 people who are not qualified.

Mr. REES of Kansas. That is approximately correct; yes. Not as well qualified as they should be.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. REES of Kansas. I am glad to yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. The gentleman made a very fine statement about the quota system. I wish he would tell the House about that. I know there is great interest among Members who have spoken to me about that. It would be very bad to eliminate the quota system.

Mr. REES of Kansas. I believe the gentleman from Oklahoma [Mr. NICHOLS] will give us a pretty good discussion of that. I would like to suggest, however, that I do not see how advocates of a merit system could support legislation that does not adhere to a fair-quota system.

Mr. RAMSPECK. Mr. Speaker, I yield 8 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Speaker, my position with regard to the present functioning of the civil-service law is well known. I have many times said it was not a merit system, and I repeat that statement. May I say to you today that unless you stop such things as are proposed by the provisions of this act the civil service, as we know it today, will soon become an octopus that will suck the lifeblood out of your Government. [Applause.]

Let us talk about the Keller-Nichols amendment, for which my distinguished colleague the gentleman from Illinois [Mr. KELLER] has now lost affection. This does not apply to me. I was convinced at the time this bill was under consideration that, since this is a democracy, the law which says that civil-service employees should be selected upon a quota based upon population was a good law. I have been laboring under the opinion that my people in Oklahoma, the people of Texas, the people of Illinois, and other parts of the United States—fine American citizens all—are as much entitled to this cloak of protection that the Government furnishes, called civil service, as are the people from Maryland, Virginia, the District of Columbia, New York, and other States.

I will now call this the Nichols amendment since the gentleman from Illinois [Mr. KELLER] has withdrawn his support. The terrible thing about the Nichols amendment is that it says to our neighbors in Maryland, who are 295 percent above their quota, and to the District of Columbia, with their 4,000 percent above their quota, "You just wait with your 295 and 4,000 percent until the rest of the States get what the law says they are entitled to." It does not say to our friends in Maryland, "You fire somebody and let us catch up." Is that a terrible situation? Why, the Marylanders themselves will not object. There is Virginia with 192 percent above its quota. We do not want any of their boys and girls who are under civil service to lose their jobs. We do not want them to even wait until we catch up with them. We just want them to wait until we in Oklahoma and 32 other States in the United States get the number of people under civil service that the law says we are entitled to.

Let me read you the States that are under quota:

California, Alaska, Texas, Louisiana, Michigan, Arizona, South Carolina, Arkansas, Alabama, Mississippi, Ohio, New Jersey, Georgia, Kentucky, North Carolina, New Mexico, Oklahoma, Tennessee, Nevada, Illinois, Wisconsin, Indiana, Connecticut, Vermont, Florida, Rhode Island, North Dakota, and Kansas—

Thirty-two in all.

The distinguished chairman of the committee says that the Civil Service Commission has reformed; that it promises us they are going to be good boys after this, and they are going to pay some attention to the law. They have not in the past, but from now on they are going to make the quotas apply. Yes? Well, there was a joker in the Census Act. I did not know it was in there, and I doubt that many of you did. It had a provision that those employees should be taken under civil service without regard to the quota system.

Here is what happened, and I read now from a statement by George Riley appearing in one of the Washington newspapers:

There have gone into the census for duty in Washington 8,151 temporary employees as of August 31. The distribution by States is interesting. The District of Columbia has supplied 16 percent of the 8,000. New York comes first with 22 percent, 1,803.

In other words, 38 percent of the 8,000 employees which were recently given civil-service employment and employed in the Census Bureau came from the District of Columbia and New York State. That is 38 percent, and no one dares gainsay that.

There are 30 States in this Union of States with fewer than 100 employees in the 8,000 civil-service employees taken into the Census Bureau. Eleven States have between 100 and 200. Seven States have more than 200. Is that distribution? No; I for one am not willing to trust the Civil Service Commission to do equity now that they have failed to do in the past. [Applause.]

I am against this conference report in toto, but certainly if you are to remain fair and honest and true to the trust of your constituents, if you come from a State that is underquotaed, you will be compelled to vote against this conference report in order that you can support a motion I will then make to instruct the conferees to insist on the Nichols amendment.

Do you know that there was not a roll call on that amendment when it passed this House before? It passed on a division vote, and, as I recall, it was 151 for and only 40 against. To the managers on the part of the House let me say from whom do you get your instructions but from this body? By an overwhelming majority they laid down to you a trust, an order, and a command that you insist that this amendment stay in the bill, and you come back here now with no opposition, no one has said they opposed taking it out in the conference. Do you know why? Mr. Mitchell, of the Civil Service Commission, says it just cannot be done, it will not work. Let me say this to Mr. Mitchell and to the other members of the Civil Service Commission—if their intelligence is not such that they can by the manipulation of figures find out what a State is entitled to and give that State what it is entitled to before other States get more than they are entitled to, then we ought to get a new Civil Service Commission. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Speaker, in answer to the gentleman from Oklahoma who has just taken his seat, may I say that the Civil Service Commission had nothing to do with the fact that the employees of the Census Bureau were not

under the quota system, just as they have nothing to do with the fact that the employees with whom we are dealing in this bill are not under the quota system because Congress exempted them when they took them out from under civil service.

The gentleman criticizes the Civil Service Commission. This present Commission went into office in 1933. At that time the gentleman's own State, Oklahoma, had 196 positions in the District of Columbia in the apportioned service under the quota system. Today the State of Oklahoma has 732 positions, which shows that the Civil Service Commission has done its duty and has given preference to Oklahoma citizens in apportioned or quota positions. The record also shows that during that same period the District of Columbia has lost 2,000 positions in the apportioned service here in the District of Columbia. So the statement made by the gentleman from Oklahoma is based upon a lack of knowledge of the facts, and it is not the fact. The Commission is rapidly adjusting the quota system and doing it just as rapidly as it can under the law.

Mr. COLE of Maryland. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Maryland.

Mr. COLE of Maryland. I should like to know, from the gentleman's intimate study of this problem, if the fact that the State of Maryland has today so many beyond her quota is not due largely—and everybody who knows anything about this subject concedes this, I believe, to be true—that many people from other States receiving employment with the Government in Washington, move across the line into Maryland and, while they are charged to their respective States, relatives and members of their families land jobs through their efforts, and are charged to Maryland—their new home. Obviously, it is not fair to say that Maryland is so much beyond its quota under those circumstances. We should not be penalized because residents of other States, once residing in Maryland, find it ideal as a permanent home.

Mr. RAMSPECK. There is something in what the gentleman says, but primarily the maladjustment of the quota system grew up during the World War when the Commission had to take people from wherever they could get them to fill the positions.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Texas.

Mr. MAHON. Is it not true that when one goes into the civil service from a certain State he remains in the service as from that State, whether he lives in Virginia, Maryland, or anywhere else?

Mr. RAMSPECK. I believe the gentleman is correct about that.

May I say before I take my seat again that there are some 16 States that are overquotaed, including the large States of Pennsylvania, New York, and other States close by, who have furnished a great many eligibles on the present list. This means that the underquotaed States will rise very rapidly. I have the record here on each State to show anyone who questions that statement. I cannot go down the line and enumerate them here in the limited time I have, but I may say that the Commission is adjusting this situation very rapidly.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. SASSCER].

Mr. SASSCER. Mr. Speaker, from listening to the debate and following the consideration of the bill now under discussion, it is very apparent that the primary purpose of the bill is to protect employees who are in office, some of them technical employees, many of them serving in important positions for which they have been specially trained since joining the Government service. A lot of these employees have had their positions for some years. Some have passed middle age. On that premise, and with the realization that the idea of the bill is to get away from the plunder system and to protect faithful Government employees, it certainly seems to me that an effort to vote down this conference report would be a vote to accomplish the very opposite purpose, because it has been very openly stated that the purpose of attempting to get this conference report voted down is that in blanketing in these employees who come from overquota States. Instead of protecting the people the bill aimed to protect we would throw them into a plunder system and pull out of employment in the departments at a critical time men and women who are particularly fitted for their jobs. And for what purpose? For the sole and express purpose of making political plunder and getting away from the basic idea of protection of Government employees. I trust, therefore, that the conference report will be adopted. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GOSSETT].

Mr. GOSSETT. Mr. Speaker, I want to state that I have supported this so-called Ramspeck civil-service bill from its inception to date. I admire the able, sincere, and distinguished chairman of the Civil Service Committee. This conference report upon which we must now act has greatly changed the original Ramspeck bill.

I rise now to call your attention to the "sight unseen" or "catch as catch can" amendment to this bill—that is amendment No. 7. This amendment will set up an entirely new policy within the Civil Service Commission. This amendment eliminates the attaching of pictures to civil-service job applications. If this amendment is adopted, there is no way of knowing whether the prospective employee is black or white. If this amendment becomes law, employees must be chosen with no idea of their appearance or physical characteristics. These facts are not disclosed by the civil-service papers except through photographs, which some persons now want to eliminate primarily as a sop to Negro voters.

I want to call your attention to the fact that there is a vast difference between racial distinction and racial discrimination. Under this amendment, the employer who wanted to secure a colored stenographer might secure a white one instead, and vice versa.

I have in mind the experience of a friend of mine who has charge of an office in this city which is under the civil service. Some time ago he was authorized to employ a badly needed stenographer in his own office. He sent for an eligible list, which was delivered to him by the Civil Service Commission. All three eligibles on this list were Negro girls.

There may be other objections to this report. But certainly amendment No. 7 makes this report, to my mind, untenable. I think that most, if not all, of us are sincerely in favor of a merit system, but when I observe some of the things that are being done under the guise of merit and when I read this report I am inclined to exclaim: "O merit, merit, what crimes are committed in thy name." [Applause.]

Mr. RAMSPECK. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MOSER].

Mr. NICHOLS. Mr. Speaker, will the gentleman yield to me for a unanimous-consent request?

Mr. MOSER. I yield.

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include a report from the Civil Service Commission of September 30, 1940, to show the quota of States as now outlined.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MOSER. Mr. Speaker, I regret the necessity of my opposition to the conference report, because it restricts the House in its effort to instruct the conferees to return and insist upon the House amendment.

My opposition to this bill goes back to the days when I first qualified for a civil-service job. I was a pretty young country school teacher, only 18 years of age, but I sent in a picture to the Civil Service Commission to let them know what I looked like, and according to all precedents ever since then, so far as I know, people have been submitting their photographs, and I can find no reason why we should feel that there was any discrimination ever made of any appointive officer or

civil-service executive because the person was required to submit his photograph.

I am opposed to this philosophy because I am a firm believer and advocate of the principle of merit in determining efficiency in taking an examination or qualifying for a position within the classified civil service. We are all good Americans here and we have taken an oath to support the Constitution of the United States, and even when I was in the classified civil service, time after time, in addition to that oath, I was obliged to take oath that I would also abstain from anything prohibited by its laws and prevent its being done by another. I still cling to that type of oath under the Constitution, but over on the cornice of the Supreme Court Building we have a motto which is something for us to look upon: "Equal Justice Under Law." We have a law that governs the civil service that has been in operation since 1883. It is the same law under which I qualified to enter the civil service 36 years ago, and the same law that has not been changed since that time. However, for the determination of merit in the application of the law, I want to point out to the membership of the House that we have in the Civil Service Commission certain administrative officials who have been in it a long time, and some of them I knew in the days of my experience in the classified service. They tell us that a part of this law that applies to the apportionment to the different States cannot be operated or administered, and yet at the same time these officials of the Civil Service Commission who confess their inability to administer a law that is charged to them as a responsibility, have conveniently added to this bill since it passed the House, by amendment in another body, a salary raiser whereby we are to reward them for their own admitted incompetence to administer the law as it is to be applied.

Take the executive director of the Civil Service Commission, a perfectly affable and likeable fellow, who tells you they cannot administer and enforce the apportionment law but wants you to promote him; and the chief examiner of the Civil Service Commission, one of the most likeable and sociable fellows I ever knew, tells us we cannot go out and conduct examinations like they had when you and I took them because young people are no longer trained in the schools the way they were in the past and, therefore, could not pass the examinations and we must lower the standards of merit. I do not believe this is the time to reward men with salary raises, but you will find that in the bill.

I would also like briefly to address myself to that amendment striking out three little words from this bill, "or connected with" Work Projects Administration. Having served on the Committee on Civil Service of the House for sometime, I was very much in favor of H. R. 2700 because it provided for open, competitive examinations, but I was opposed to H. R. 960 because it provided for noncompetitive examinations. We had that bill tied up in the committee pretty tight, and our distinguished chairman and all the members of the Civil Service Committee know that an agreement was entered into whereby the Work Projects Administration was excluded from the provisions of the bill.

Having thus been excluded from the bill, the bill was reported out. Now, people who are on the rolls who were originally placed on pay rolls as a consequence of appropriations, through the W. P. A., are in those administrative agencies of government who came before committees of the House and Senate for years seeking increased appropriations. To get them they went on relief for large amounts, and there they are; and, by the enactment of this bill, will be classified noncompetitively and remain, however prejudicially selected, to the exclusion of our constituencies qualifying competitively. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. HARTER].

Mr. HARTER of New York. Mr. Speaker, I know this has been pretty well presented to you up to this time, but I do want to drive home to the Members who may not have been on the floor of the House when the debate started that here you are bringing into the merit system, by blanketing in with noncompetitive examinations, somewhere between 200,000 and 250,000. Whereas we used to add a few at a time under the civil-service law, now we are asked to "freeze in" 200,000 or 250,000 at one fell swoop. Frankly, such a method is going to be the uprooting of the merit system rather than building it up.

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. HARTER of New York. I yield.

Mr. VORYS of Ohio. As I understand it, the reason we are urged to blanket these in is that they are indispensable to the national defense at this time. How many indispensable men are there in Washington at this time?

Mr. HARTER of New York. Frankly, when this was before the committee, there was no discussion about indispensability. This came up, as I understand it, in 1938. Then the committee would not have anything to do with it. In 1939 and now again in 1940 the leadership has decided that we should blanket in all these employees, most of whom received their appointments through political influence.

Mr. REES of Kansas. Will the gentleman yield?

Mr. HARTER of New York. I yield.

Mr. REES of Kansas. In 1938 this committee did have a bill.

Mr. HARTER of New York. Yes.

Mr. REES of Kansas. It was H. R. 2700. The committee held hearings on it and after holding hearings on it for a while there came along a document known as the President's reorganization measure. Under the recommendations of that reorganization bill, this H. R. 2700 was ditched. We quit right there. We did not even vote on it in the committee. I think probably the gentleman was not a member of the committee at that time, but I thought he should be advised of that situation. So that the committee did not have a chance to vote on H. R. 2700, which provided for a competitive civil-service examination.

Mr. HARTER of New York. That is my understanding.

Mr. REES of Kansas. By the way, you know there is a committee that was called the Reed committee which was supposed to report on the whole problem and bring its report back to the House. That committee has not yet reported.

Mr. HARTER of New York. Mr. Speaker, improvement of the merit system cannot be accomplished by passing over thousands on the civil-service list—there through the hard way, by open, competitive examinations. If this bill becomes a law as it now is drawn, those now holding the jobs will receive only a qualifying examination when actually they should be called upon to qualify by open competitive examinations, with some possible credit allowed for their service as experience. I say to the Members of this House that this "freezing in" of 200,00 persons, appointed largely through influence with the powers that be in Washington, will do much toward breaking down the merit system, which I am sure most of us want to make stronger.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. RAMSPECK. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. SMITH].

Mr. SMITH of Illinois. Mr. Speaker, in spite of personal grievances of some, party prejudices of others, and racial prejudices galore, we are now about to commit ourselves upon one of the most important bills that has come before the Congress this session. We are, I hope, about to extend, as all civilized countries have extended, and in the only way in which it can be done either by Republicans or Democrats, the merit principle to Federal employment throughout. Disingenuous indeed are those who praise the end and dispraise the means. The way we propose to do it was the only way we could do it under Harding, under Hoover, or under Coolidge; and it is the only way we can do it now. Truth to tell, this administration has made some advance; for heretofore the "blanketing in," to which some profess to object, was done without examinations at all, whereas we do propose noncompetitive examinations.

If we want to do it without prejudice and in the full spirit of justice we shall have to do it by fingerprinting as identifica-

tion rather than by photographing. Let me draw for you the moral of Carl Sandburg's stagecoach driver. Seeing his coach stalled, this driver put his head through the window and shouted: "First-class passengers, keep your seats; second-class passengers, get out and walk; third-class passengers, get out and shove." [Laughter.]

Is this a nation of first-class, second-class, and third-class passengers? If it is, keep the photograph in to discriminate against women, to discriminate against Jews, to discriminate against Negroes, and to discriminate against anybody else whose physiognomy you do not like. But I am under the impression that this is a nation in which we are all first-class citizens. I do not like the imputation of second- and third-class citizens in a nation sworn to equal justice under law. If all are first-class citizens, then we shall vote this change to fingerprinting for the sake of plain, simple justice—justice in which Democrats and Republicans alike are interested.

If we do not do ourselves the elemental justice of removing the initial opportunity for prejudice to do its dirty work, we can hardly wonder at some national disunity as the result of our provocation. It was a Negro poet, Paul Lawrence Dunbar, who put so neatly the way one should feel toward a neighbor who is nice in words and nasty in discrimination:

I know there is a heaven, for day by day the upward yearning of my soul doth tell me so.
I know, too, there is a hell, for if there were not, pray, where would my neighbors go?

It is the good fortune of America and the glory of the Negro race that as yet Negroes reply to overt and obvious discrimination with good humor, even if wryly. They deserve for all their long suffering and the forms of fairness until they can appreciate the very fact of fairness. This provision in our conference report would initiate a policy of at least fairness in form. Some of you will not let us do more than this. Many of us, under heaven, cannot do less than this and keep our own self-respect. [Applause.]

[Here the gavel fell.]

The SPEAKER. The gentleman from Georgia has 3 minutes remaining.

Mr. RAMSPECK. Mr. Speaker, there is some sincere opposition to this conference report. That opposition, however, is largely on the Republican side, due to the fact that this is a Democratic administration. I welcome the votes of my friends on the Republican side who support this bill in their vote and compliment them upon rising above party prejudices.

The Republican Party has not used even the competitive examination to extend the civil service except on one occasion.

The opposition of my friend, the gentleman from Oklahoma, is not for the contents of the conference report because he voted against the bill with his own amendment in it. He is against it because he is against civil service. He is against the Civil Service Commission, although they have given his State almost four times as many positions as the State had before this Commission came into power.

We have here today the opportunity for the first time in the History of America to make the Government service almost 100-percent merit. Are we going to turn it down because of a little prejudice toward the Negroes? Are we going to turn it down because of misinformation about the quota system? Or are we going to rise above those things and give the President of the United States the authority to extend the civil service which he has asked for time and time again and which many of us on both sides of the Capitol voted for in the reorganization bill last year? That is the question at issue here today. It is a question of whether or not you want to make the Federal service one of merit. We give you the opportunity to place these 200,000 people under the merit system. If the averages carry out this time as they have under the previous noncompetitive examinations given by this Commission, about 40,000 of these positions will be vacated through failure of the present holders to pass the examination or the physical test, and those positions will go to the States that are under quota. I call your attention to the fact that the only chance you have, even underquota States, to get a single one of these positions is to vote for this conference report, because if you vote it down the positions will continue to be occupied by the present incumbents and will not come under the quota system.

Mr. Speaker, I move the previous question on the adoption of the conference report.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. The time of the gentleman from Georgia has expired.

The gentleman from Georgia moves the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 181, not voting 116, as follows:

[Roll No. 225]

YEAS—132

| | | | |
|---|---|---|---|
| Alexander | Duncan | Larrabee | Powers |
| Andersen, H. Carl | Dunn | Leavy | Ramspeck |
| Angell | Durham | Lewis, Colo. | Randolph |
| Barnes | Edelstein | Ludlow | Robertson |
| Barry | Evans | Lynch | Rogers, Okla. |
| Beam | Fay | McAndrews | Routzohn |
| Bland | Ferguson | McCormack | Ryan |
| Bloom | Flaherty | McGranery | Sabath |
| Boykin | Flannagan | McKeough | Sacks |
| Bradley, Pa. | Gavagan | McLaughlin | Sasscer |
| Brown, Ga. | Gehrmann | McMillan, John L. | Satterfield |
| Bryson | Geyer, Calif. | Maas | Schuetz |
| Buckler, Minn. | Gregory | Maciejewski | Schulte |
| Burdick | Hart | Maloney | Schwert |
| Burgin | Harter, Ohio | Martin, Ill. | Secrest |
| Byrne, N. Y. | Hartley | Mason | Shannon |
| Camp | Hill | Merritt | Smith, Conn. |
| Chapman | Hobbs | Miller | Smith, Ill. |
| Church | Hunter | Mitchell | Smith, Maine |
| Clason | Johnson, Lyndon | Monroney | Smith, Va. |
| Claypool | Johnson, Okla. | Murdock, Utah | Smith, W. Va. |
| Cochran | Johnson, W. Va. | Myers | Spence |
| Coffee, Wash. | Kean | Norton | Taylor |
| Cole, Md. | Kee | O'Connor | Thomas, Tex. |
| Connery | Keller | O'Leary | Thomason |
| Costello | Kelly | Oliver | Vinson, Ga. |
| Crosser | Kennedy, Martin | O'Neal | Voorhis, Calif. |
| D'Alesandro | Kennedy, Md. | O'Toole | Walter |
| Delaney | Kennedy, Michael | Patrick | Ward |
| Dempsey | Keogh | Pfeifer | Welch |
| Dickstein | Kerr | Pierce | White, Idaho |
| Dingell | Kilday | Pittenger | Woodrum, Va. |
| Drewry | Kramer | Polk | Youngdahl |

NAYS—181

| | | | |
|---|---|---|---|
| Allen, La. | Disney | Hennings | Mansfield |
| Andresen, A. H. | Ditter | Hess | Marshall |
| Andrews | Dondero | Hinshaw | Martin, Iowa |
| Arends | Doxey | Hoffman | Martin, Mass. |
| Austin | Eaton | Holmes | Massingale |
| Ball | Eberharter | Hope | Michener |
| Beckworth | Edmiston | Horton | Mills, Ark. |
| Bender | Elston | Hull | Monkiewicz |
| Blackney | Engel | Jarman | Moser |
| Boehne | Englebright | Jarrett | Mouton |
| Bolles | Fenton | Jeffries | Mundt |
| Bolton | Ford, Miss. | Jenkins, Ohio | Murray |
| Bradley, Mich. | Fulmer | Jensen | Nichols |
| Brown, Ohio | Gamble | Johns | Norrell |
| Buck | Garrett | Johnson, Ill. | O'Brien |
| Bulwinkle | Gartner | Johnson, Ind. | Pace |
| Byrns, Tenn. | Gathings | Johnson, Luther A. | Pearson |
| Carlson | Gearhart | Jones, Ohio | Peterson, Fla. |
| Carter | Gerlach | Jonkman | Plumley |
| Case, S. Dak. | Gillie | Keefe | Poage |
| Chiperfield | Goodwin | Kefauver | Rabaut |
| Clark | Gore | Kinzer | Rankin |
| Clevenger | Gossett | Kitchens | Reed, Ill. |
| Coffee, Nebr. | Graham | Lambertson | Reed, N. Y. |
| Cole, N. Y. | Grant, Ala. | Landis | Rees, Kans. |
| Colmer | Grant, Ind. | Lanham | Rich |
| Cooley | Griffith | Lea | Risk |
| Cooper | Gross | LeCompte | Rodgers, Pa. |
| Corbett | Guyer, Kans. | Lesinski | Rogers, Mass. |
| Courtney | Gwynne | Lewis, Ohio | Rutherford |
| Cox | Hall, Leonard W. | Luce | Sandager |
| Cravens | Halleck | McArdle | Schafer, Wis. |
| Crawford | Hancock | McDowell | Schiffler |
| Crowe | Hare | McGehee | Seccombe |
| Crowther | Harness | McGregor | Shafer, Mich. |
| Culkin | Harter, N. Y. | McLean | Simpson |
| Curtis | Hawks | McMillan, Clara | Smith, Ohio |
| Davis | Hendricks | Mahon | South |

| | | | |
|---|---|---|---|
| Sparkman | Taber | Vincent, Ky. | Williams, Del. |
| Springer | Tarver | Vorys, Ohio | Wolcott |
| Stearns, N. H. | Tenerowicz | Vreeland | Wolverton, N. J. |
| Stefan | Terry | West | Woodruff, Mich. |
| Sumner, Ill. | Tibbott | Wheat | Zimmerman |
| Sumners, Tex. | Tinkham | Whelchel | |
| Sutphin | Treadway | Whittington | |
| Sweet | Van Zandt | Wigglesworth | |

NOT VOTING—116

| | | | |
|---|---|---|---|
| Allen, Ill. | Darrow | Jacobsen | Rockefeller |
| Allen, Pa. | DeRouen | Jenks, N. H. | Romjue |
| Anderson, Calif. | Dies | Jennings | Schaefer, Ill. |
| Anderson, Mo. | Dirksen | Jones, Tex. | Scrugham |
| Arnold | Doughton | Kilburn | Shanley |
| Barden, N. C. | Douglas | Kirwan | Sheppard |
| Barton, N. Y. | Dworshak | Kleberg | Sheridan |
| Bates, Ky. | Elliott | Knutson | Short |
| Bates, Mass. | Ellis | Kocialkowski | Smith, Wash. |
| Bell | Faddis | Kunkel | Snyder |
| Boland | Fernandez | Lemke | Somers, N. Y. |
| Boren | Fish | McLeod | Starnes, Ala. |
| Brewster | Fitzpatrick | Magnuson | Steagall |
| Brooks | Flannery | Marcantonio | Sullivan |
| Buckley, N. Y. | Folger | May | Sweeney |
| Burch | Ford, Leland M. | Mills, La. | Talle |
| Byron | Ford, Thomas F. | Mott | Thill |
| Caldwell | Fries | Murdock, Ariz. | Thomas, N. J. |
| Cannon, Fla. | Gibbs | Nelson | Thorkelson |
| Cannon, Mo. | Gifford | O'Day | Tolan |
| Cartwright | Gilchrist | Osmers | Wadsworth |
| Casey, Mass. | Green | Parsons | Wallgren |
| Celler | Hall, Edwin A. | Patman | Warren |
| Cluett | Harrington | Patton | Weaver |
| Collins | Havenner | Peterson, Ga. | White, Ohio |
| Creal | Healey | Reece, Tenn. | Williams, Mo. |
| Cullen | Hook | Richards | Winter |
| Cummings | Houston | Robinson, Utah | Wolfenden, Pa. |
| Darden, Va. | Izac | Robsion, Ky. | Wood |

So the conference report was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Byron (for) with Mr. Short (against).
Mr. Harrington (for) with Mr. Wolfenden of Pennsylvania (against).
Mr. Boland (for) with Mr. Wadsworth (against).
Mr. Shanley (for) with Mr. Thill (against).
Mr. Kocialkowski (for) with Mr. Robsion of Kentucky (against).
Mrs. O'Day (for) with Mr. Kilburn (against).
Mr. Cullen (for) with Mr. Jennings (against).
Mr. Kunkel (for) with Mr. Edwin A. Hall (against).
Mr. Sullivan (for) with Mr. Reece of Tennessee (against).
Mr. Havenner (for) with Mr. Osmers (against).
Mr. Knutson (for) with Mr. Gifford (against).
Mr. Weaver (for) with Mr. Douglas (against).
Mr. Burch (for) with Mr. Allen of Illinois (against).
Mr. Fitzpatrick (for) with Mr. Dworshak (against).
Mr. Cartwright (for) with Mr. Gilchrist (against).
Mr. Buckley of New York (for) with Mr. Rockefeller (against).
Mr. Lemke (for) with Mr. Jenks of New Hampshire (against).
Mr. Somers of New York (for) with Mr. Talle (against).
Mr. Darden of Virginia (for) with Mr. Thomas of New Jersey (against).
Mr. Celler (for) with Mr. Mott (against).
Mr. Allen of Pennsylvania (for) with Mr. McLeod (against).

Until further notice:

Until further notice:
Mr. Warren with Mr. Dirksen.
Mr. Creal with Mr. Winter.
Mr. May with Mr. Anderson of California.
Mr. Patton with Mr. Cluett.
Mr. Kleberg with Mr. Barton of New York.
Mr. Steagall with Mr. White of Ohio.
Mr. Richards with Mr. Thorkelson.
Mr. Patman with Mr. Brewster.
Mr. Starnes of Alabama with Mr. Fish.
Mr. Barden of North Carolina with Mr. Darrow.
Mr. Cannon of Florida with Mr. Leland M. Ford.
Mr. Doughton with Mr. Bates of Massachusetts.
Mr. Ellis with Mr. Marcantonio.
Mr. Folger with Mr. Smith of Washington.
Mr. Magnuson with Mr. Anderson of Missouri.
Mr. Parsons with Mr. Casey of Massachuetts.
Mr. Murdock of Arizona with Mr. Faddis.
Mr. Romjue with Mr. Cannon of Missouri.
Mr. Mills of Louisiana with Mr. Bates of Kentucky.
Mr. Nelson with Mr. Elliott.
Mr. Fries with Mr. Jacobsen.
Mr. Wood with Mr. Fernandez.
Mr. Robinson of Utah with Mr. Brooks.
Mr. Peterson of Georgia with Mr. Dies.
Mr. Flannery with Mr. Wallgren.
Mr. Hook with Mr. Kirwan.
Mr. Green with Mr. Houston.
Mr. Gibbs with Mr. Bell.
Mr. Arnold with Mr. Schaefer of Illinois.
Mr. Tolan with Mr. Sheridan.
Mr. Sheppard with Mr. Healey.
Mr. Scrugham with Mr. Boren.
Mr. Cummings with Mr. Izac.
Mr. Jones of Texas with Mr. Caldwell.
Mr. Snyder with Mr. Sweeney.
Mr. Williams of Missouri with Mr. DeRouen.

The result of the vote was announced as above recorded.

Mr. RAMSPECK and Mrs. ROGERS of Massachusetts rose.

The SPEAKER. The Chair recognizes the gentleman from Georgia.

Mr. RAMSPECK. Mr. Speaker, I move that the House further insist upon its disagreement to the amendments of the Senate to the bill (H. R. 960) extending the classified civil service of the United States and appoint conferees.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. If the motion made by the gentleman from Georgia prevails, then the bill will be back in the same position it was before this procedure. Is this correct?

The SPEAKER. If the motion prevails, the bill goes back to conference.

Mr. MICHENER. And if the motion does not prevail, the bill will not be in conference and very likely will not be disposed of this session.

The SPEAKER. It will be on the Speaker's table.

Mr. NICHOLS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NICHOLS. If the motion made by the gentleman from Georgia is agreed to, will it then be in order to move to instruct the conferees?

The SPEAKER. The gentleman is correct. One motion to instruct conferees will be in order.

The question is on the motion of the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. RAMSPECK) there were—ayes 123, noes 110.

So the motion was agreed to.

Mr. NICHOLS. Mr. Speaker, I offer a motion, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. NICHOLS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H. R. 960 be instructed not to agree to Senate amendment No. 9.

Mr. NICHOLS. Mr. Speaker, I do not intend to use anywhere near the amount of time that I would be entitled to under this motion. My distinguished friend, the chairman of the Civil Service Committee, made certain observations a minute ago that I think I should be entitled to answer, or some Member of the House should answer. For instance, the gentleman from Georgia pointed out that Oklahoma had made certain gains since 1933 in the number of people employed by the civil service. Of course, they have, and so, also, I hope has every State in the Union, because since 1933 the civil-service employees of this Government have doubled and, of course, every State, no doubt, has increased in number over what they had in 1933. But that does not mean the quota system is going to prevail and is going to be put into operation by the Civil Service Commission.

Mr. Speaker, the gentleman from Georgia [Mr. RAMSPECK] pointed out that the only way that we could hope to get the quota system to work is to agree to this conference report. That was a startling statement to make. Why, the terms of this amendment would give positive orders to the Civil Service Commission as to what it could and could not do. The gentleman from Georgia [Mr. RAMSPECK] certainly does not mean to flout in the face of the Members of the House of Representatives the fact that the Civil Service Commission is not going to comply with the law. It has not complied with it under the quota system in the past. But this is positive and certain in its demands. Certainly the gentleman from Georgia [Mr. RAMSPECK] does not mean to say that we who have the intestinal fortitude to oppose the powerful Civil Service Commission are going to be punished by the Civil Service Commission. I am not afraid of that. I do not think the gentleman from Georgia [Mr. RAMSPECK] meant exactly what he said.

I say there is no chance of getting the quota system observed unless this amendment is agreed to, which is just

exactly opposite to the statement made by my friend from Georgia. There is no use in debating this any further. I think everyone has his mind made up. I simply want you to know that there are 32 States in the United States that are below their quotas, and I have read the list heretofore. If you are interested in your State getting what the law now says it is entitled to, you will support the motion now pending on the Speaker's desk to instruct the conferees to not agree with the Senate amendment which took out of the bill the Keller-Nichols amendment.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma [Mr. NICHOLS].

The question was taken; and on a division (demanded by Mr. COLE of Maryland), there were—ayes 164, noes 42.

Mr. MARTIN J. KENNEDY. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were refused.

So the motion was agreed to, and the Chair appointed the following conferees on the part of the House: Mr. RAMSPECK, Mr. RANDOLPH, Mr. FRIES, Mrs. ROGERS of Massachussetts, and Mr. REES of Kansas.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that when the report is filed on this bill, it may be taken up notwithstanding the rules of the House.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 4561. An act for the relief of Mrs. George C. Hamilton and Nanette Anderson; and

H. R. 9972. An act authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes.

The message also announced that the Senate had ordered that Mr. GREEN be appointed as conferee vice Mr. TRUMAN on the part of the Senate to the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10412) entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes."

IMPROVEMENT OF CERTAIN RIVERS AND HARBORS IN THE INTEREST OF NATIONAL DEFENSE

Mr. MANSFIELD submitted the following conference report on the bill (H. R. 9972), authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes.

Mr. Speaker, I call up the conference report on the bill H. R. 9972, authorizing the improvement of certain rivers and harbors in the interest of national defense, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. MANSFIELD]?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9972) authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5 and 6, and agree to the same.

J. J. MANSFIELD,
CLAUDE V. PARSONS,
ALBERT E. CARTER,
GEO. A. DONDERO,
*Managers on the part of the House.*

JOSIAH W. BAILEY,
MORRIS SHEPPARD,
HIRAM W. JOHNSON,
*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two houses on the amendments of the Senate to the bill (H. R. 9972) authorizing the improvement of certain rivers and harbors in the interest of national defense, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendment No. 1: This amendment strikes out the House authorization for improvement of Thames River, Conn., at an estimated cost of $120,000. Since the passage of the bill by the House this project has, on account of its urgency, been undertaken by the Navy Department.

House conferees recede.

Amendment No. 2: This amendment modifies the project for the construction of local works for the protection of East Hartford, Conn., authorized in the Flood Control Act approved June 28, 1938, so as to provide for protecting a larger area than was originally contemplated. This change in the plans increases the cost of the work to the United States $1,640,000. As far as your conferees are advised no communications from any of the Executive Departments, recommending this project as being in the interest of national defense, have been submitted to the Congress.

Senate recedes.

Amendment No. 3: This amendment adopts a project, recommended by the Chief of Engineers in House Document 683, 76th Congress, for enlarging the anchorage areas in Norfolk Harbor, Va., at a cost of $182,000. This improvement is also recommended by the Chief of the Bureau of Yards and Docks, Navy Department, as will appear from a letter printed in the CONGRESSIONAL RECORD of Oct. 4, 1940, page 19879.

House conferees recede.

Amendment No. 4: This amendment authorizes a modification of the existing project for the Sabine and Neches Waterway, Texas. The proposed improvement is described and recommended in the following letter from Maj. Gen. J. L. Schley, Chief of Engineers, to Hon. JOSIAH W. BAILEY, Chairman of the Senate Committee on Commerce:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
WASHINGTON, *September 23, 1940.*

Honorable JOSIAH W. BAILEY,
*Chairman, Committee on Commerce, United States Senate, Washington, D. C.*

MY DEAR SENATOR BAILEY: I have received your letter dated September 21 in reference to an amendment to H. R. 7972, intended to be proposed by Senator SHEPPARD, relative to the improvement of the Sabine-Neches Waterway at Orange, Texas.

The proposed improvement is described in a review report forwarded to this office by the Division Engineer, Gulf of Mexico Division, on August 28, 1940, pursuant to a resolution adopted February 14, 1940, by the Committee on Commerce of the United States Senate. This report, which is now pending before the Board of Engineers for Rivers and Harbors, recommends "that the existing project for the Sabine-Neches Waterway, Texas, be modified to provide for

a. Abandonment of the Orange turning basin.

b. Dredging a channel 25 feet deep and 150 feet wide, suitably widened on bends, through the turning basin area and continuing upstream to the highway bridge, a distance of about 8,230 feet above the upper limit of the present project.

c. Dredging a cut-off channel 25 feet deep, 200 feet wide, and approximately 2,400 feet long,

all as shown on plate 2 accompanying the basic report, at an estimated cost of $137,000 for initial dredging with no increase in the annual cost of maintenance, provided:

(1) That no dredging shall be done by the United States within 50 feet of existing pierheads or established pierhead lines.

(2) That local interests shall furnish, free of cost to the United States, all necessary rights-of-way and suitable areas for the disposal of material excavated in the modification of the project and in its future maintenance, as and when required.

(3) That local interests shall hold and save the United States free from any damages that may result from the construction and maintenance of the modified project.

(4) That before any work shall be undertaken by the United States toward modification of the project the local interests shall give assurances satisfactory to the Secretary of War that they have secured contracts for the construction of Government ships required by the defense program and that they are ready to proceed with the construction of the necessary shipyards and ship ways.

With reference to provision (4) above, the Navy Department, on September 20, 1940, informed me that a contract has been awarded the Consolidated Steel Corporation for the construction of twelve (12) 2100-ton destroyers at their Orange plant, and that a channel 25 feet deep from just above this plant to the present ship channel is essential.

A copy of the letter from the Navy Department is enclosed.

Sincerely yours,

J. L. SCHLEY,
*Major General, Chief of Engineers.*

One enclosure: Copy of letter from Navy Dept., Sept. 20, 1940.

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NAVY DEPARTMENT,
BUREAU OF SHIPS,
*Washington, D. C., September 20, 1940.*

Maj. Gen. JULIAN L. SCHLEY, U. S. A.,
*Chief of Engineers,*
*War Department, Washington, D. C.*

SIR: The Navy Department has awarded a contract to the Consolidated Steel Corporation for the construction of twelve (12) 2100-ton Destroyers at their plant at Orange, Texas. A channel from just above this plant to the present ship channel, of approximately twenty-five feet (25') in depth, is essential to this National Defense project.

Respectfully,

S. M. ROBINSON,
*Rear Admiral, U. S. Navy, Chief, Bureau of Ships.*

The House conferees recede.

Amendment No. 5: This amendment makes verbal change perfecting the language in the House provision.

House conferees recede.

Amendment No. 6: This amendment makes verbal change perfecting the language in the House provision for Los Angelus and Long Beach Harbors, Calif. It also provides for the extension of the breakwater at Long Beach from 7,920 feet, as authorized in the House provision, to 21,000 feet. This extension will provide the secure anchorage desired for the increased fleet; also, the Department has secured funds and is about to undertake the construction of fleet facilities on Terminal Island for the supply and docking of ships, antisubmarine net storage, and other fleet facilities. Letters from the War and Navy Departments, recommending this modification, are printed in Senate Report 2072, of this session, pages 2 and 3.

House conferees recede.

Amendment No. 7: This amendment authorizes appropriations for the Missouri River Basin flood control project of such sums as may be necessary to prosecute the construction of a dam and reservoir on the Republican River at the Harlan County site, instead of at the Milford site, as provided for in the Flood Control Act of June 28, 1938. The estimated cost of nine reservoirs included in this project for the Missouri River Basin is over $145,000,000, but only $9,000,000 was authorized to be appropriated in the 1938 Flood Control Act to initiate this work. This sum of $9,000,000 is to be expended in prosecuting the construction of the Kanopolis Reservoir on Smoky Hill River, Kans. The estimated cost of constructing the reservoir on the Harlan County site is $20,078,098. As far as your conferees are advised no communications from any of the Executive Departments recommending this project as being in the interest of national defense have been submitted to the Congress.

Senate recedes.

J. J. MANSFIELD,
CLAUDE V. PARSONS,
ALBERT E. CARTER,
GEO. A. DONDERO,
*Managers on the part of the House.*

Mr. MANSFIELD. Mr. Speaker, the bill before us is one that was instituted last spring in the interest of national defense. If you will recall, a general river and harbor bill was passed during the present year and vetoed by the President upon the ground principally that the money to be expended would be more needed for purposes of national defense than for internal improvement. The President stated in his message, however, that there were many projects in the bill which he would be glad to approve if a separate bill could be brought in embracing them.

Following this message, the Committee on Rivers and Harbors passed a resolution calling upon the engineers of the War Department to submit a list of projects that would come within the scope of the President's message. They did so, and I immediately introduced a bill just as it was offered by the Chief of Engineers. I was not present at the hearings upon the bill, because I was taken to the hospital and remained there many weeks. In the hearings which followed, a new bill was introduced simply for the purpose of including one or two amendments which were considered advisable.

The bill as it passed the House carried a total authorization of $24,823,000. As amended by the Senate and as agreed upon by the conferees, it carries $35,622,000. The conferees on the part of the House rejected two rather large amendments put into the bill by the Senate. One was a flood-control project on the Republican River in the States of Nebraska and Kansas, amounting to $20,078,098.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Nebraska.

Mr. CURTIS. The gentleman is referring now to the amendment offered by Senator NORRIS of Nebraska?

Mr. MANSFIELD. Correct.

Mr. CURTIS. That is a very meritorious item for which I have worked for 2 years and it is a needed project. I wonder if the gentleman will state just what was in the minds of the conferees that it was rejected. It is a project that has been approved by the district and division engineers and the Chief of Engineers of the Army.

Mr. MANSFIELD. I may state to the gentleman from Nebraska that as far as engineering reports are concerned, as far as I am advised, the project is very meritorious as a flood-control project for peacetime consideration. The House conferees decided against it on two grounds. One was that we did not want a flood-control project in this river and harbor bill, which is introduced exclusively for the purpose of national defense. The other was that we thought that when we have hundreds of flood-control projects one is no more entitled to consideration in a river and harbor bill than the others.

Mr. CURTIS. Do I correctly understand that everything the conferees agreed upon are projects which have been certified as essential to national defense?

Mr. MANSFIELD. As far as I know.

Mr. CURTIS. That was the object of it?

Mr. MANSFIELD. That was the primary object; yes.

Mr. McLAUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Nebraska.

Mr. McLAUGHLIN. I take it that the action the gentleman has described in taking this particular project out of the bill does not mean that this project will not be regarded favorably and that it may not later be acted upon favorably? Is that a correct statement?

Mr. MANSFIELD. I may say to the gentleman that I see no reason in the world why it should not be favorably considered in the first flood-control bill to come before the House.

Mr. McLAUGHLIN. I thank the gentleman for that assurance.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. For the information of the gentleman from Nebraska [Mr. McLAUGHLIN], and as is well known by the gentleman from Nebraska [Mr. CURTIS], a member of the Committee on Flood Control, there is pending now and has been pending in the House since the 7th of May 1940 a flood-control bill which includes the project referred to and makes an authorization of $5,000,000 for the initiation of the project. As I understand, this flood-control project was objected to by the conferees on the part of the House and it has been stricken from the conference report.

Mr. MANSFIELD. It has, and the Senate has approved the conference report today.

Mr. McKEOUGH. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Illinois.

Mr. McKEOUGH. As I understand, the War Department Corps of Engineers failed to recommend the development at this time for defense purposes of the Calumet River–Great-Lakes-to-the-Gulf waterway development.

Mr. MANSFIELD. They have made no such recommendation for that and many other waterways where a contention has been made that the projects possess elements of national defense.

Mr. McKEOUGH. In view of the fact that this development will connect the Great Lakes with the Gulf, is it the judgment of the chairman of the committee, who has had wide experience in these matters that the War Department might have, with propriety, recommended this as a war-defense project, since the Mississippi Valley has been selected for the purpose of locating munitions plants and other de-

fense activities between the Allegheny and the Rocky Mountains, from a standpoint of protection?

Mr. MANSFIELD. I may say to the gentleman from Illinois that, in my judgment, almost every river and harbor project, and almost every flood-control project, embraces features of national defense to a certain degree but, in the opinion of the Engineers of the War Department, this project of which the gentleman speaks, together with a hundred others that might be considered, was not recommended as of urgent importance, just at this time, for that purpose.

Mr. McKEOUGH. Will the gentleman add that in connection with the new river and harbor bill he will extend the same favorable consideration to that bill as the chairman of that committee?

Mr. MANSFIELD. I may state to the gentleman that I favored that measure before he was born politically.

Mr. CURTIS. Mr. Speaker, will the gentleman yield further?

Mr. MANSFIELD. I yield to the gentleman from Nebraska.

Mr. CURTIS. Does the gentleman know whether or not this conference report has been acted upon by the Senate?

Mr. MANSFIELD. It has been acted upon and approved in the Senate, and the message was read here a while ago.

Mr. CURTIS. What was done in reference to the Norris amendment?

Mr. MANSFIELD. They approved its elimination from the bill.

Mr. CURTIS. Was it withdrawn or was a vote taken, does the gentleman know?

Mr. MANSFIELD. I was not present on the floor of the Senate but I have been advised that those who had it placed in the bill agreed to its elimination at the present time.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. I have not been able to find a printed list of what the gentleman says has been approved. Does the gentleman have such a list or is he going to read us a list of what is included?

Mr. MANSFIELD. It is in the conference report, which is at the Clerk's desk. I do not have it before me now. However, I may say that only three amendments that were not in the bill as it passed the House unanimously last spring were agreed upon. The major item was the increase in the length of the breakwater at Los Angeles and Long Beach, Calif. That was put in by the Senate at the urgent request of the Navy Department. They say it is absolutely necessary for the great shipbuilding operations that are being carried on there and for the ships that will be used on the Pacific Ocean.

Mr. JENKINS of Ohio. Are we to understand that you took out a good many items that were passed on by the House, but put in only three items that were not included?

Mr. MANSFIELD. We did not take out any items, except one, a very small item for the Thames River, up in Massachusetts, amounting to $182,000, which was taken out because the Navy Department has already done the work.

Mr. GEYER of California. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from California.

Mr. GEYER of California. What was the amount for the breakwater at Los Angeles Harbor?

Mr. MANSFIELD. The amount as approved by the House for the breakwater was $7,074,000. The Senate increased it to $17,674,000, an increase of $10,600,000.

Then there is a project on the border of Louisiana and Texas where 21 ships are now being built for the Navy Department. That cost is only $137,000.

Then at the Norfolk Harbor in Virginia, at the request of the Navy Department, there was secured in the Senate an amendment for dredging additional anchorage there to cost $182,000.

These are the only additions to the bill that the conferees agreed to. I do not know of anything further I may say and I now yield to the gentleman from California [Mr. CARTER].

Mr. CARTER. Mr. Speaker, this is a unanimous report of the conferees and, as has been stated by the gentleman from Texas [Mr. MANSFIELD], this is substantially the bill that passed the House here some months ago by a unanimous vote, with the addition of two or three items put in by the Senate.

The river and harbor projects in this bill have been approved as tending to aid national defense, and we believe that the conference report should be adopted at this time.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I yield.

Mr. PITTENGER. As a matter of fact, the War Department has asked for all of these amendments.

Mr. CARTER. The War Department or the Navy Department has asked for these river and harbor developments and improvements.

Mr. PITTENGER. And this is a part of the national defense program?

Mr. CARTER. As a part of the national-defense program, yes.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Speaker, I doubt if there is anything I can contribute to what has been presented except perhaps one thing. I think the membership of the House is interested in knowing that the projects in this river and harbor bill circle the United States, so to speak, and are all located on the Atlantic seaboard, the Gulf of Mexico, and the Pacific coast; none are inland. All of them are intended to improve and advance our national defense. We carried out the message and the recommendation of the President in that regard. May I say that no one could have been more diligent or alert in representing their constituency than the gentleman from Nebraska [Mr. CURTIS] and the gentleman from Connecticut [Mr. MILLER] in regard to the two projects which were stricken from the bill as it came back from the Senate. Both of them are flood-control projects, and both of them will be considered at another time, but they had no place in a river and harbor bill, and not because they are without merit. There are many extenuating circumstances in connection with the project in the State of Connecticut.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Connecticut.

Mr. MILLER. I simply want to compliment the members of the Rivers and Harbors Committee for the interest they showed in what was admittedly a flood-control project, but the session is drawing to a close and that amendment was of vital importance. The chairman of the Flood Control Committee has taken an active interest in it, and I understand an agreement has been reached and the bill will be considered tomorrow as a separate bill, and everybody will be happy.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. I agree with the statement that has been made by the gentleman, as well as by the chairman of the committee, the gentleman from Texas [Mr. MANSFIELD] and the gentleman from California [Mr. CARTER], that there are flood-control projects, of which the East Hartford project is one, which are just as important to national defense as many river and harbor projects, and I want to say that the East Hartford project was embraced in the flood-control bill that has been reported at this session of Congress and had it not been known that that bill would receive the same fate that was accorded to the larger river and harbor bill, it would have been brought up for consideration. It is the purpose of the Committee on Flood Control at the earliest practicable date in the next session of Congress, if not before, to bring up the emergency flood-control projects that are necessary in national defense and otherwise in the country, and I may

say that the East Hartford project, in my view, is just as essential as some of the river and harbor projects that have been embraced in the pending bill, and I think it should be brought up before the adjournment of the House, under a unanimous-consent agreement, and I propose to bring it up tomorrow morning.

Mr. DONDERO. I just want to close by saying that this report comes in with the unanimous approval of the House conferees, and the Senate has receded, therefore, the report ought to be adopted unanimously.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

ORDER OF BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that on tomorrow it may be in order for the Speaker to recognize Members to move to suspend the rules.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Ramspeck bill and to include a letter and a chart from Mr. Moyer, of the civil service.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

The SPEAKER. The Chair desires to make a statement. It is desired to get through by 4:30 o'clock. There are two other conference reports that we would like very much to agree to this afternoon.

AUTHORIZING SPECIAL AGENTS OF DIVISION OF INVESTIGATION OF THE DEPARTMENT OF THE INTERIOR TO ADMINISTER OATHS

Mr. O'CONNOR. Mr. Speaker, at the request of the chairman of the Committee on Public Lands, I call up the conference report on the bill (S. 2627) to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties, and I ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2627) to empower and authorize special agents of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments.

RENÉ L. DEROUEN,
J. W. ROBINSON,
HARRY L. ENGLEBRIGHT,
*Managers on the part of the House.*

ALVA B. ADAMS,
HENRY F. ASHURST,
KEY PITTMAN,
GERALD P. NYE,
CHAN GURNEY,
*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2627) to empower and authorize special agents of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties, submit the following written statement explaining the effect of the action agreed on:

That the House recede from its amendment (which struck out the verbiage "and such other employees") and agree to the original language as contained in the bill as it passed the Senate.

RENÉ L. DEROUEN,
J. W. ROBINSON,
HARRY L. ENGLEBRIGHT,
*Managers on the part of the House.*

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. RICH. What is that language as it passed the Senate?

Mr. O'CONNOR. The bill passed the Senate and was reported out unanimously by the Committee on the Public Lands of the House. It was objected to on the Consent Calendar, and the gentleman from Utah [Mr. ROBINSON] proposed this amendment in line 3, on page 1 of the bill:

Strike out the words "and such other employees."

The bill as amended went back to the Senate and they would not agree to it and conferees were appointed. The conferees wrote into the report the identical language that was in the bill originally.

Mr. RICH. What does that do to the bill?

Mr. O'CONNOR. It simply does this: May I say this bill is for the purpose of authorizing special agents, and such other employees of the Department of the Interior as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties; "and such other employees" broadens the authority to administer oaths; that is the House plan now stricken out in the House. This phrase is now restored to the bill. Does that answer the gentleman's question?

Mr. RICH. Yes.

Mr. TABER. Will the gentleman yield to me?

Mr. O'CONNOR. I yield.

Mr. TABER. This bill came on the floor of the House and I objected to it. I objected to it because these special agents in different departments where they have had this power have abused it. Because I felt that that power should not be generally given I objected, and at the earnest solicitation of the gentleman from Utah [Mr. ROBINSON] I agreed that if he would strike out those other words I would let the bill go through. Now the bill comes back from the Senate with those words written in that were stricken out. The only thing I have got to say is that I will know what to do when another bill comes up. That is all.

Mr. O'CONNOR. Mr. Speaker, the language that the gentleman objected to could not be compromised upon by the conferees. The conferees either had to take it all or leave it. Consequently they were absolutely powerless with reference to getting any sort of a compromise upon the language.

As a matter of fact, precedent is found for this very bill in the Department of Naturalization Service, the Coast Guard, Internal Revenue, Department of Agriculture, Veterans' Administration, Navy Department, customs officers, inspectors or officers or vessels, bank examiners, bankruptcy proceedings, post-office inspectors, Civil Service Commission, Interstate Commerce Commission. The language in the bill affecting the Department of Agriculture of this Government, which has been upon the statute books for 15 years, is much broader than this. It reads:

Such officers, agents, or employees of the Department of Agriculture of the United States as are designated by the Secretary of Agriculture for the purpose are authorized and empowered to administer oaths.

In this bill persons authorized to administer oaths are limited to the Division of Investigation and again limited to those persons who are empowered by the Secretary of the Interior.

Secondly, it will be of great advantage to the western country. For instance, in public territories like parks, where sometimes crimes are committed, it will enable the officers who are authorized to administer oaths, to collect and assemble the necessary evidence. As to investigators it will enable those who are making the investigation to reduce to sworn affidavits the statements of the people concerned.

Mr. LEAVY. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr LEAVY. As a matter of fact all this language does is to permit employees of the Department of the Interior who conduct investigations to administer oaths, rather than having to bring a notary public from a distance to administer these oaths, a practice indulged in by all the departments.

Mr. O'CONNOR. Exactly, and in this connection let me say that we live in a country of magnificent distances where one sometimes has to go a long ways for a notary public.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. SCHAFER of Wisconsin. I have a great deal of respect for the very able, diligent, and distinguished gentleman from Montana who serves with me on the Committee on Indian Affairs. The gentleman has so effectively presented his case that there should be no opposition to the conference report on his bill. May I therefore respectfully submit that the distinguished gentleman from Montana should ask for a vote at this time.

Mr. O'CONNOR. I thank the gentleman. He is always very fair.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

HOUSING IN CONNECTION WITH NATIONAL DEFENSE

Mr. LANHAM submitted a conference report and statement on the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes, for printing under the rule.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

Mr. THOMASON submitted the following conference report on the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard, for printing under the rule.

Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this Act may be cited as the Soldiers' and Sailors' Civil Relief Act of 1940.

"ARTICLE I—GENERAL PROVISIONS

"SEC. 100. In order to provide for, strengthen, and expedite the national defense under the emergent conditions which are threatening the peace and security of the United States and to enable the United States the more successfully to fulfill the requirements of the national defense, provision is hereby made to suspend enforcement of civil liabilities, in certain cases, of persons in the military service of the United States in order to enable such persons to devote their entire energy to the defense needs of the Nation, and to this end the following provisions are made for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service during the period herein specified over which this act remains in force.

"SEC. 101. (1) The term 'persons in military service' and the term 'persons in the military service of the United States,' as used in this Act, shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. The term 'military service', as used in this Act, shall signify Federal service on active duty with any branch of service heretofore referred to or mentioned as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms 'active service' or 'active duy' shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

"(2) The term 'period of military service', as used in this Act, shall include the time between the following dates: For persons in active service at the date of the approval of this Act it shall begin with the date of approval of this Act; for persons entering active service after the date of this Act, with the date of entering active service. It shall terminate with the date of discharge from active service or death while in active service, but in no case later than the date when this Act ceases to be in force.

"(3) The term 'person', when used in this Act with reference to the holder of any right alleged to exist against a person in military service or against a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other forms of business association.

"(4) The term 'court', as used in this Act, shall include any court of competent jurisdiction of the United States or of any State, whether or not a court of record.

"SEC. 102. (1) The provisions of this Act shall apply to the United States, the several States and Territories, the District of Columbia, and all territory subject to the jurisdiction of the United States, including the Philippine Islands while under the sovereignty of the United States, and to proceedings commenced in any court therein, and shall be enforced through the usual forms of procedure obtaining in such courts or under such regulations as may be by them prescribed.

"(2) When under this Act any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court.

"SEC. 103. (1) Whenever pursuant to any of the provisions of this Act the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension may, in the discretion of the court, likewise be granted to sureties, guarantors, endorsers, and others subject to the obligation or liability, the performance or enforcement of which is stayed, postponed, or suspended.

"(2) When a judgment or decree is vacated or set aside in whole or in part, as provided in this Act, the same may, in the discretion of the court, likewise be set aside and vacated as to any surety, guarantor, endorser, or other person liable upon the contract or liability for the enforcement of which the judgment or decree was entered.

"ARTICLE II—GENERAL RELIEF

"SEC. 200. (1) In any action or proceeding commenced in any court, if there shall be a default of any appearance by the defendant, the plaintiff, before entering judgment shall file in the court an affidavit setting forth facts showing that the defendant is not in military service. If unable to file such affidavit plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the military service or that plaintiff is not able to determine whether or not defendant is in such service. If an affidavit is not filed showing that the defendant is not in the military service, no judgment shall be entered without first securing an order of court directing such entry, and no such order shall be made if the defendant is in such service until after the court shall have appointed an attorney to represent defendant and protect his interest, and the court shall on application make such appointment. Unless it appears that the defendant is not in such service the court may require, as a condition before judgment is entered, that the plaintiff file a bond approved by the court conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. And the court may make such other and further order or enter such judgment as in its opinion may be necessary to protect the rights of the defendant under this Act.

"(2) Any person who shall make or use an affidavit required under this section, knowing it to be false, shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by fine not to exceed $1,000, or both.

"(3) In any action or proceeding in which a person in military service is a party if such party does not personally appear therein or is not represented by an authorized attorney, the court may appoint an attorney to represent him; and in such case a like bond may be required and an order made to protect the rights of such person. But no attorney appointed under this Act to protect a person in military service shall have power to waive any right of the person for whom he is appointed or bind him by his acts.

"(4) If any judgment shall be rendered in any action or proceeding governed by this section against any person in military service during the period of such service or within thirty days thereafter, and it appears that such person was prejudiced by reason of his military service in making his defense thereto, such judgment may, upon application, made by such person or his legal representative, not later than ninety days after the termination of such service, be opened by the court rendering the same and such

defendant or his legal representative let in to defend; provided it is made to appear that the defendant has a meritorious or legal defense to the action or some part thereof. Vacating, setting aside, or reversing any judgment because of any of the provisions of this Act shall not impair any right or title acquired by any bona fide purchaser for value under such judgment.

"SEC. 201. At any stage thereof any action or proceeding in any court in which a person in military service is involved, either as plaintiff or defendant, during the period of such service or within sixty days thereafter may, in the discretion of the court in which it is pending, on its own motion, and shall, on application to it by such person or some person on his behalf, be stayed as provided in this Act, unless, in the opinion of the court, the ability of plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of his military service.

"SEC. 202. When an action for compliance with the terms of any contract is stayed pursuant to this Act no fine or penalty shall accrue by reason of failure to comply with the terms of such contract during the period of such stay, and in any case where a person fails to perform any obligation and a fine or penalty for such nonperformance is incurred a court may, on such terms as may be just, relieve against the enforcement of such fine or penalty if it shall appear that the person who would suffer by such fine or penalty was in the military service when the penalty was incurred and that by reason of such service the ability of such person to pay or perform was thereby materially impaired.

"SEC. 203. In any action or proceeding commenced in any court against a person in military service, before or during the period of such service, or within 60 days thereafter, the court may, in its discretion, on its own motion, or on application to it by such person or some person on his behalf shall, unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of his military service—

"(a) Stay the execution of any judgment or order entered against such person, as provided in this Act; and

"(b) Vacate or stay any attachment or garnishment of property, money, or debts in the hands of another, whether before or after judgment as provided in this Act.

"SEC. 204. Any stay of any action, proceeding, attachment, or execution, ordered by any court under the provisions of this Act may, except as otherwise provided, be ordered for the period of military service and 3 months thereafter or any part of such period, and subject to such terms as may be just, whether as to payment in installments of such amounts and at such times as the court may fix or otherwise. Where the person in military service is a codefendant with others the plaintiff may nevertheless by leave of court proceed against the others.

"SEC. 205. The period of military service shall not be included in computing any period now or hereafter to be limited by any law for the bringing of any action by or against any person in military service or by or against his heirs, executors, administrators, or assigns, whether such cause of action shall have accrued prior to or during the period of such service.

"ARTICLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES

"SEC. 300. (1) No eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed $80 per month, occupied chiefly for dwelling purposes by the wife, children, or other dependents of a person in military service, except upon leave of court granted upon application therefor or granted in an action or proceeding affecting the right of possession.

"(2) On any such application or in any such action the court may, in its discretion, on its own motion, and shall, on application, unless in the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than 3 months, as provided in this Act, or it may make such other order as may be just.

"(3) Any person who shall knowingly take part in any eviction or distress otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed 1 year or by fine not to exceed $1,000, or both.

"(4) The Secretary of War, the Secretary of the Navy, or the Secretary of the Treasury with respect to the Coast Guard, as the case may be, is hereby empowered, subject to such regulations as he may prescribe, to order an allotment of the pay of a person in military service in reasonable proportion to discharge the rent of premises occupied for dwelling purposes by the wife, children, or other dependents of such person.

"SEC. 301. (1) No person who prior to the date of approval of this Act has received, or whose assignor has received, under a contract for the purchase of real or personal property, or of lease or bailment with a view to purchase of such property, a deposit or installment of the purchase price from a person or from the assignor of a person who, after the date of payment of such deposit or installment, has entered military service, shall exercise any right or option under such contract to rescind or terminate the contract or resume possession of the property for nonpayment of any installment falling due during the period of such military service, except by action in a court of competent jurisdiction: *Provided*, That nothing contained in this section shall prevent the modification, termination, or cancelation of any such contract, or prevent the repossession or retention of property purchased or received under such contract, pursuant to a mutual agreement of the parties thereto, or their assignees, if such agreement is executed in writing subsequent to the making of such contract and during or after the period of military service of the person concerned.

"(2) Any person who shall knowingly resume possession of property which is the subject of this section otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed $1,000, or both.

"(3) Upon the hearing of such action the court may order the repayment of prior installments or deposits or any part thereof, as a condition of terminating the contract and resuming possession of the property, or may, in its discretion, on its own motion, and shall, except as provided in section 303, on application to it by such person in military service or some person on his behalf, order a stay of proceedings as provided in this Act unless, in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service; or it may make such other disposition of the case as may be equitable to conserve the interests of all parties.

"SEC. 302. (1) The provisions of this section shall apply only to obligations originating prior to the date of approval of this Act and secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by a person in military service at the commencement of the period of the military service and still so owned by him.

"(2) In any proceeding commenced in any court during the period of military service to enforce such obligation arising out of nonpayment of any sum thereunder due or out of any other breach of the terms thereof occurring prior to or during the period of such service the court may, after hearing, in its discretion, on its own motion, and shall, except as provided in section 303, on application to it by such person in military service or some person on his behalf, unless in the opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of his military service—

"(a) stay the proceedings as provided in this Act; or

"(b) make such other disposition of the case as may be equitable to conserve the interests of all parties.

"(3) No sale under a power of sale or under a judgment entered upon warrant of attorney to confess judgment contained in any such obligation shall be valid if made during the period of military service or within three months thereafter, unless upon an order of sale previously granted by the court and a return thereto made and approved by the court.

"SEC. 303. No court shall stay a proceeding to resume possession of a motor vehicle, tractor, or the accessories of either, or for an order of sale thereof, where said motor vehicle, tractor, or accessories are encumbered by a purchase money mortgage, conditional sales contract, or a lease or bailment with a view to purchase, unless the court shall find that 50 per centum or more of the purchase price of said property has been paid, but in any such proceeding the court may, before entering an order or judgment, require the plaintiff to file a bond, approved by the court, conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any such judgment or order should the judgment or order be set aside in whole or in part.

"ARTICLE IV—INSURANCE

"SEC. 400. In this article the term 'policy' shall include any contract of life insurance on the level premium or legal reserve plan. It shall also include any benefit in the nature of life insurance arising out of membership in any fraternal or beneficial association; the term 'premium' shall include membership dues or assessments in such association, and the date of issuance of policy as herein limited shall refer to the date of admission to membership in such association; the term 'insured' shall include any person who is the holder of a policy as defined in this article; the term 'insurer' shall include any corporation, partnership, or other form of association which secures or provides insurance under any policy as defined in this article.

"SEC. 401. (1) The benefits of this article shall apply to any person in military service who is the holder of a policy of life insurance, when such holder shall apply for such benefits on a form prepared in accordance with regulations which shall be prescribed by the Administrator of Veterans' Affairs. Such form shall set forth particularly that the application therein made is a consent to such modification of the terms of the original contract of insurance as are made necessary by the provisions of this article and by receiving and filing the same the insurer shall be deemed to have assented thereto, to the extent, if any, to which the policy on which the application is made is within the provisions of this article. The original of such application shall be sent by the insured to the insurer, and a copy thereof to the Veterans' Administration.

"(2) The Veterans' Administration shall issue through suitable military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article and shall furnish forms to be distributed to those desiring to make application for its benefits.

"SEC. 402. The benefits of this Act shall be available to any person in military service in respect of contracts of insurance in force under their terms up to but not exceeding a face value of $5,000, irrespective of the number of policies held by such person whether in one or more companies, when such contracts were made and a premium was paid thereon before the date of approval of this Act or not less than thirty days before entry into the military service;

but in no event shall the provisions of this article apply to any policy on which premiums are due and unpaid for a period of more than one year at the time when application for the benefits of this article is made or in respect of any policy on which there is outstanding a policy loan or other indebtedness equal to or greater than 50 per centum of the cash surrender value of the policy.

"SEC. 403. The Veterans' Administration shall, subject to regulations, which shall be prescribed by the Administrator of Veterans' Affairs, compile and maintain a list of such persons in military service as have made application for the benefits of this article, and shall (1) reject any application for such benefits made by persons who are not persons in military service; (2) reject any applications for such benefits in excess of the amount permitted by section 402; and (3) reject any applications in respect of contracts of insurance otherwise not entitled to the benefits of this article. Said Administration shall immediately notify the insurer and the insured in writing of every rejection or approval.

"SEC. 404. When one or more applications are made under this article by any one person in military service in respect of insurance exceeding a total face value of $5,000, whether on one or more policies or in one or more companies, and the insured shall not in his application indicate an order of preference, the Veterans' Administration shall reject such policies as have the inferior cash surrender value, so as to reduce the total benefits conferred within the face value of $5,000, and where necessary for this purpose shall direct the insurer to divide any policy into two separate policies. The said Administration shall immediately notify the insurer and the insured in writing of such selection.

"SEC. 405. No policy which has not lapsed for the nonpayment of premium before the commencement of the period of military service of the insured, and which has been brought within the benefits of this article, shall lapse or be forfeited for the nonpayment of premium during the period of such service or during one year after the expiration of such period: *Provided,* That in no case shall this prohibition extend for more than one year after the date when this Act ceases to be in force.

"SEC. 406. Within the first fifteen days of each calendar month after the date approval of this Act until the expiration of one year after the date when this Act ceases to be in force every insurance corporation or association to which application has been made as herein provided, for the benefits of this article, shall render to the Veterans' Administration a report, duly verified, setting forth the following facts:

"First. The names of the persons who have applied for such benefits, and the face value of the policies in respect of which such benefits have been applied for by such persons, during the preceding calendar month.

"Second. A list as far as practicable of the premiums in respect of policies entitled to the benefits of this article, which remain unpaid on the last day of the preceding calendar month, which day is at least thirty-one days after the due date of the premiums, provided such premiums have not previously been so reported as in default.

"Third. A list of premiums which, having been previously reported as in default, have been paid by the policyholder or someone on his behalf in whole or in part during the preceding calendar month.

"Fourth. A computation of the difference between the total amount of defaulted premiums therein reported and the total amount of premiums paid as therein reported, after having been previously reported as in default. From this sum shall be deducted the total sum of any premiums previously reported as in default, upon policies in respect of which the Veterans' Administration has, since the date of such report, rejected an application for the benefits of this article. The final sum so arrived at shall be denominated the monthly difference.

"SEC. 407. The Administrator of Veterans' Affairs shall verify the computation of monthly difference reported by each insurer and shall, within ten days thereafter, deliver each month to the proper officer of such insurer, a certificate in the amount of the monthly difference certified in respect of each insurer. Such certificate shall be signed by said Administrator in the name of the United States, shall be in such form as the Administrator shall determine, shall be payable to the insurer within sixty days after the approval of the statement of account, as provided in section 411 hereof, and shall bear interest at a rate to be prescribed by the Secretary of the Treasury, payable with the principal. Such certificate shall not be transferred except with the approval of said Administrator and shall remain with the insurer until settlement is made in accordance with this article.

"SEC. 408. The certificate so delivered shall be held by the respective insurers as security for the payment of the defaulted premiums with interest. To indemnify it against loss the United States shall have a first lien upon any policy receiving the benefits of this article, subject only to any lien existing at the time the policy became subject to this Act, and no loan or settlement or payment of dividend shall be made by the insurer on such policy which may prejudice the security of such lien. Before any dividend is paid or any loan or settlement is made the written consent of the Veterans' Administration must be obtained.

"SEC. 409. In the event that the military service of any person being the holder of a policy receiving the benefits of this article shall be terminated by death, the amount of any unpaid premiums, with interest at the rate provided for in the policy for policy loans, shall be deducted from the proceeds of the policy and shall be included in the next monthly report of the insurer as premiums paid.

"SEC. 410. If the insured does not within one year after the termination of his period of military service pay to the insurer all past due premiums with interest thereon from their several due dates at the rate provided in the policy for policy loans, the policy shall at the end of such year immediately lapse and become void, and the insurer shall thereupon become liable to pay the cash surrender value thereof, if any: *Provided,* That if the insured is in the military service when this Act ceases to be in force, such lapse shall occur and surrender value be payable at the expiration of one year after the date when this Act ceases to be in force.

"SEC. 411. At the expiration of one year after the date when this Act ceases to be in force there shall be an account stated between each insurer and the United States, in which there shall be credited to the insurer the total amount of the certificates held as security under this article, together with accrued interest to the date of the account, and in which there shall be credited to the United States the amount of the cash surrender value of each policy lapsed or forfeited as provided in section 410, but not in any case a greater amount on any policy than the total of the unpaid premiums with interest thereon at the rate provided for in the policy for policy loans.

"SEC. 412. The balance in favor of the insurer in each case shall be certified by the Administrator of Veterans' Affairs to the Secretary of the Treasury, who shall pay to the insurer the amount thereof, which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, upon the surrender by the insurer of the certificates delivered to it from time to time by the Administrator of Veterans' Affairs under the provisions of this article.

SEC. 413. This article shall not apply to any policy which is void or which may at the option of the insured be voidable, if the insured is in military service, either in this country or abroad, nor to any policy which as a result of being in military service, either in this country or abroad, provides for the payment of any sum less than the face thereof or for the payment of an additional amount as premium.

"SEC. 414. This article shall apply only to insurance companies or associations which are required by the law under which they are organized or doing business to maintain a reserve, or, which if not so required, have made or shall make provision for the collection from all those insured in such insurer of a premium to cover the special war risk of those insured persons who are in military service.

"ARTICLE V—TAXES AND PUBLIC LANDS

"SEC. 500. (1) The provisions of this section shall apply when any taxes or assessments, whether general or special, falling due during the period of military service in respect of real property owned and occupied for dwelling, agricultural, or business purposes by a person in military service or his dependents at the commencement of his period of military service and still so occupied by his dependents or employees are not paid.

"(2) When any person in military service, or any person in his behalf, shall file with the collector of taxes, or other officer whose duty it is to enforce the collection of taxes or assessments, an affidavit showing (a) that a tax or assessment has been assessed upon property which is the subject of this section, (b) that such tax or assessment is unpaid, and (c) that by reason of such military service the ability of such person to pay such tax or assessment is materially affected, no sale of such property shall be made to enforce the collection of such tax or assessment, or any proceeding or action for such purpose commenced, except upon leave of court granted upon an application made therefor by such collector or other officer. The court thereupon may stay such proceedings or such sale, as provided in this Act, for a period extending not more than six months after the termination of the period of military service of such person.

"(3) When by law such property may be sold or forfeited to enforce the collection of such tax or assessment, such person in military service shall have the right to redeem or commence an action to redeem such property, at any time not later than six months after the termination of such service, but in no case later than six months after the date when this Act ceases to be in force; but this shall not be taken to shorten any period, now or hereafter provided by the laws of any State or Territory for such redemption.

"(4) Whenever any tax or assessment shall not be paid when due, such tax or assessment due and unpaid shall bear interest until paid at the rate of 6 per centum per annum, and no other penalty or interest shall be incurred by reason of such nonpayment. Any lien for such unpaid taxes or assessment shall also include such interest thereon.

"(5) The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury shall make provision in such manner as each may deem appropriate for his respective department, to insure the giving of notice to persons in the military service under their respective jurisdictions, of the benefits accorded by this section and the action made necessary to claim those benefits in each case.

"SEC. 501. (1) No right to any lands owned or controlled by the United States initiated or acquired under any laws of the United States, including the mining and mineral leasing laws, by any person prior to entering military service shall during the period of such service be forfeited or prejudiced by reason of his absence from the land or his failure to perform any work or make any improvements thereon or his failure to do any other act required by or under such laws.

"(2) If a permittee or licensee under the Act of June 28, 1934 (48 Stat. 1269), enters military service, he may elect to suspend his permit or license for the period of his military service and six months thereafter, and the Secretary of the Interior by regulations

shall provide for such suspension of permits and licenses and for the remission, reduction, or refund of grazing fees during such suspension.

"(3) This section shall not be construed to control specific requirements contained in this article.

"SEC. 502. If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed, after such entry or application enters military service, or if any person who has a valid settlement claim enters military service, the Department of the Interior shall construe his military service to be equivalent to residence and cultivation upon the tract entered or settled upon for the period of such service. From the effective date of this Act no contest shall be initiated on the ground of abandonment and no allegation of abandonment shall be sustained against any such person, unless it shall be alleged in the preliminary affidavit or affidavits of contest and proved at the hearing in cases initiated subsequent to the effective date of this Act that the alleged absence from the land was not due to such military service. If such person is discharged on account of wounds received or disability incurred in the line of duty, the term of his enlistment and any period of hospitalization due to such wounds or disability shall be deducted from the required length of residence, without reference to the time of actual service. No patent shall issue to any such person who has not resided upon, improved, and cultivated his homestead for a period of at least one year.

"SEC. 503. (1) If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed or who has a valid settlement claim dies while in military service or as a result of such service, his widow, if unmarried, or in the case of her death or marriage, his minor children, or his or their legal representatives, may proceed forthwith to make final proof upon such entry or upon an application which is allowed after the applicant's death, or upon a homestead application thereafter allowed based on a valid settlement claim, and shall be entitled to receive a patent for such land. The death of such person while in military service or as a result of such service shall be construed to be equivalent to a performance of all requirements as to residence and cultivation upon such homestead or claim, notwithstanding the provisions of section 502 of this Act.

"(2) If such person is honorably discharged and because of physical incapacities due to such service is unable to return to the land, he may make final proof without further residence, improvement, or cultivation, at such time and place as the Secretary of the Interior may authorize, and receive a patent to the land entered.

"(3) The Act of July 28, 1917 (40 Stat. 248), is hereby repealed.

"SEC. 504. (1) No desert-land entry made or held under the desert-land laws prior to the entrance of the entryman or his successor in interest into military service shall be subject to contest or cancelation for failure to make or expend the sum of $1 per acre per year in improvements upon the claim or to effect the reclamation of the claim during the period the entryman or his successor in interest is engaged in military service or during a period of six months thereafter or during any period of hospitalization because of wounds or disability incurred in the line of duty. The time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land shall be exclusive of his period of service and the six-months' period and any such period of hospitalization.

"(2) If such entryman or claimant is honorably discharged and because of physical incapacities due to such service is unable to accomplish reclamation of, and payment for, the land, he may make proof without further reclamation or payments under such rules as the Secretary of the Interior may prescribe and receive patent for the land entered or claimed.

"(3) In order to obtain the benefits of this section, such entryman or claimant shall, within six months after the effective date of this Act or within six months after his entrance into military service, file or cause to be filed in the land office of the district in which his claim is situated a notice that he has entered military service and that he desires to hold the desert claim under this section.

"SEC. 505. (1) The provisions of section 2324 of the Revised Statutes of the United States, which require that on each mining claim located after May 10, 1872, and until patent has been issued therefor not less than $100 worth of labor shall be performed or improvements made during each year, shall not apply during the period of his service, or until six months after the termination of such service, or during any period of hospitalization because of wounds or disability incurred in line of duty, to claims or interests in claims which are owned by a person in military service and which have been regularly located and recorded. No mining claim or any interest in a claim which is owned by such a person and which has been regularly located and recorded shall be subject to forfeiture by nonperformance of the annual assessments during the period of such military service, or until six months after the termination of such service or of such hospitalization.

"(2) In order to obtain the benefits of this section, the claimant of any mining location shall, before the expiration of the assessment year during which he enters military service, file or cause to be filed in the office where the location notice or certificate is recorded a notice that he has entered such service and that he desires to hold his mining claim under this section.

"SEC. 506. (1) Any person holding a permit or lease on the public domain under the Federal mineral leasing laws who enters military service may, at his election, suspend all operations under his permit or lease for a period of time equivalent to the period of his military service and six months thereafter. The term of the permit or lease shall not run during such period of suspension nor shall any rentals or royalties be charged against the permit or lease during the period of suspension.

"(2) In order to obtain the benefit of this section, such permittee or lessee shall, within six months after the effective date of this Act or six months after his entrance into military service, notify the General Land Office by registered mail of his entrance into such service and of his desire to avail himself of the benefits of this section.

"(3) This section shall not be construed to supersede the terms of any contract for operation of a permit or lease.

"SEC. 507. Nothing in this article shall be construed to limit or affect the right of a person in military service to take any action during his period of service which may be authorized by law or the regulations of the Department of the Interior for the perfection, defense, or further assertion of rights initiated or acquired prior to the date of entering military service. It shall be lawful for any person while in such service to make any affidavit or submit any proof which may be required by law or the practice or regulations of the General Land Office in connection with the entry, perfection, defense, or further assertion of any rights initiated or acquired prior to entering such service, before the officer in immediate command and holding a commission in the branch of the service in which the person is engaged. Such affidavits shall be as binding in law and with like penalties as if taken before a register of a United States land office. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of sections 501 to 512, inclusive.

"SEC. 508. The Secretary of the Interior is hereby authorized, in his discretion, to suspend as to persons in military service during the period while this Act remains in force and for a period of six months thereafter or during any period of hospitalization because of wounds or disability incurred in line of duty that provision of the act known as the 'Reclamation Act' requiring residence upon lands in private ownership or within the neighborhood for securing water for the irrigation of the same, and he is authorized to permit the use of available water thereon upon such terms and conditions as he may deem proper.

"SEC. 509. The Secretary of the Interior shall issue through appropriate military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article except as to section 500 hereof and shall furnish forms to be distributed in like manner to those desiring to make application for its benefits, except as to said section.

"SEC. 510. (1) During the pendency of any war in which the United States may be engaged while this Act remains in force any homestead entryman shall be entitled to a leave of absence from his entry for the purpose of performing farm labor. The time actually spent in farm labor shall be counted as constructive residence, if within fifteen days after leaving his entry to engage in such labor the entryman files a notice of absence in the land office of the district in which his entry is situated, and if at the expiration of the calendar year the entryman files in that office a written statement under oath and corroborated by two witnesses giving the date or dates when he left his entry, the date or dates of his return, and the place where and person for whom he was engaged in farm labor during such period or periods of absence.

"(2) Nothing in this section shall excuse any homestead entryman from making improvements or performing the cultivation upon his entry required by law. The provisions of this section shall apply only to persons whose applications have been allowed or filed prior to the effective date of this Act.

"SEC. 511. Any person under the age of twenty-one who serves in the military service while this Act remains in force shall be entitled to the same rights under the laws relating to lands owned or controlled by the United States, including the mining and mineral leasing laws, as those over twenty-one now possess under such laws. Any requirements as to establishment of residence within a limited time shall be suspended as to entry by such person until six months after his discharge from military service. Applications for entry may be verified before any officer in the United States or any foreign country authorized to administer oaths by the laws of the State or Territory in which the land may be situated.

"SEC. 512. Citizens of the United States who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which the United States engages while this Act remains in force shall be entitled to the relief and benefits afforded by this article, if such service is similar to military service as defined in this Act, and if they are honorably discharged and resume United States citizenship or die in the service of the allied forces or as a result of such service.

"SEC. 513. The collection from any person in the military service of any tax on the income of such person, whether falling due prior to or during his period of military service, shall be deferred for a period extending not more than six months after the termination of his period of military service if such person's ability to pay such tax is materially impaired by reason of such service. No interest on any amount of tax, collection of which is deferred for any period under this section, and no penalty for nonpayment of such amount during such period, shall accrue for such period of deferment by reason of such nonpayment. The running of any statute of limitations against the collection of such tax by distraint or otherwise shall be suspended for the period of military service of any individual the collection of whose tax is deferred under this section, and for an additional period of nine months beginning with the day following the period of military service. The provisions of

this section shall not apply to the income tax on employees imposed by section 1400 of the Federal Insurance Contributions Act.

"ARTICLE VI—ADMINISTRATIVE REMEDIES

"SEC. 600. Where in any proceeding to enforce a civil right in any court it is made to appear to the satisfaction of the court that any interest, property, or contract has since the date of the approval of this Act been transferred or acquired with intent to delay the just enforcement of such right by taking advantage of this Act, the court shall enter such judgment or make such order as might lawfully be entered or made, the provisions of this Act to the contrary notwithstanding.

"SEC. 601. (1) In any proceeding under this Act a certificate signed by The Adjutant General of the Army as to persons in the Army or in any branch of the United States service while serving pursuant to law with the Army of the United States, signed by the Chief of the Bureau of Navigation of the Navy Department as to persons in the United States Navy or in any other branch of the United States service while serving pursuant to law with the United States Navy, and signed by the Major General Commandant, United States Marine Corps, as to persons in the Marine Corps, or in any other branch of the United States service while serving pursuant to law with the Marine Corps, or signed by an officer designated by any of them, respectively, for the purpose, shall when produced be prima facie evidence as to any of the following facts stated in such certificate:

"That a person named has not been, or is, or has been in military service; the time when and the place where such person entered military service, his residence at that time, and the rank, branch, and unit of such service that he entered, the dates within which he was in military service, the monthly pay received by such person at the date of issuing the certificate, the time when and the place where such person died in or was discharged from such service.

"(2) It shall be the duty of the foregoing officers to furnish such certificate on application, and any such certificate when purporting to be signed by any one of such officers or by any person purporting upon the face of the certificates to have been so authorized shall be prima facie evidence of its contents and of the authority of the signer to issue the same.

"(3) Where a person in military service has been reported missing he shall be presumed to continue in the service until accounted for, and no period herein limited which begins or ends with the death of such person shall begin or end until the death of such person is in fact reported to or found by the Department of War or Navy, or any court or board thereof, or until such death is found by a court of competent jurisdiction: *Provided*, That no period herein limited which begins or ends with the death of such person shall be extended hereby beyond a period of six months after the time when this Act ceases to be in force.

"SEC. 602. Any interlocutory order made by any court under the provisions of this Act may, upon the court's own motion or otherwise, be revoked, modified, or extended by it upon such notice to the parties affected as it may require.

"SEC. 603. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"SEC. 604. This Act shall remain in force until May 15, 1945: *Provided*, That should the United States be then engaged in a war, this Act shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter: *Provided further*, That wherever under any section or provision of this Act a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed prior to the date herein fixed for the termination of this Act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

"SEC. 605. The provisions of section 4 of the Joint Resolution approved August 27, 1940 (Public Resolution Numbered 96, Seventy-sixth Congress), and the provisions of section 13 of the Selective Training and Service Act of 1940, shall not be applicable with respect to any military service performed after the date of enactment of this Act."

And the House agree to the same.

A. J. MAY,
R. E. THOMASON,
JOHN M. COSTELLO,
L. C. ARENDS,
FOREST A. HARNESS,
*Managers on the part of the House.*

ELBERT D. THOMAS,
JOHN H. OVERTON,
WARREN R. AUSTIN,
CHAN GURNEY,
*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Most of the provisions of the Senate bill and the House amendment were identical. While there were a number of minor differences of a clerical nature between the Senate bill and the House amendment, there were few substantive differences. The substantive differences between the Senate bill, the House amendment, and the conference agreement are discussed below.

Section 301 of the Senate bill and section 301 of the House amendment both provided that no person who has received, under a contract for the purchase of property or for the lease or bailment of property with a view to its purchase, a deposit or installment of the purchase price from a person who enters military service should terminate or rescind the contract or repossess the property for nonpayment of any installment falling due during the period of such military service, except by action of a court of competent jurisdiction. The Senate bill also contained a proviso to the effect that nothing in the section should prevent the modification, termination, or cancelation of any such contract, or prevent the repossession or retention of property purchased or received under such contract, pursuant to a mutual agreement of the parties, if such agreement is executed in writing subsequent of the making of the contract and during or after the period of military service. The comparable provision in the House amendment provided that the contract might be terminated or canceled by mutual consent of the parties thereto, executed in writing, and possession of the property resumed. The conference agreement follows the provision of the Senate bill. The conference agreement also restricts the application of this section to those cases in which an installment or deposit has been received prior to the date of approval of the act. The Senate bill also provided in this section that the court in which the action is brought should stay the proceedings upon application by or on behalf of the person in military service. Under the House bill the granting of a stay would be discretionary with the court. The conference agreement follows the Senate bill with a modification making it clear that the court is not to be required to grant a stay in conflict with the provisions of section 303. The conference agreement also makes a clarifying change in section 302 in order to make it clear that a stay is not to be granted under that section in conflict with section 303.

Section 303 of the House amendment contained provisions not in the Senate bill. This section provided that no court should stay a proceeding to resume possession of a motor vehicle, tractor, or the accessories of either, or for an order of sale thereof, unless the court found that 50 per centum or more of the purchase price had been paid. The conference agreement retains this section.

The conference agreement modifies the provisions in section 500 (2) relating to the manner of stays of proceedings or sales for the collection of taxes, so as to provide that no such stay shall extend for a period of more than 6 months after the termination of the period of military service of the person concerned.

The House amendment contained a provision (sec. 500 (6)) providing for the deferment of income taxes on the income of any person in military service if such person's ability to pay such taxes is impaired by reason of such service. This provision is retained in the conference agreement (sec. 513) with certain modifications and clarifying changes. Under the provision as it is contained in the conference agreement the collection of income taxes is to be deferred for a period extending not more than 6 months after the termination of the period of military service, and is to be deferred only if the taxpayer's ability to pay the tax is materially impaired by reason of such service. No interest or penalty is to accrue on account of nonpayment of the tax during the period of deferment. The running of any statute of limitations against the collection of tax is to be suspended during the period of military service and for 9 months thereafter. The deferment provisions are not to be applicable with respect to the Social Security taxes payable under section 1400 of the Federal Insurance Contributions Act.

Sections 502 and 503 extend certain relief in the case of homestead entrymen who entered the military service. Under the House amendment this relief was extended to persons having a valid settlement claim. The conference agreement follows the House amendment in this respect.

The Senate bill contained a separability provision, which was not in the House amendment. This provision is retained in the conference agreement.

The termination date provided for was May 15, 1945, in the Senate bill, and June 30, 1945, in the House amendment. The conference agreement provides for termination on May 15, 1945, which is also the termination date for the Selective Training and Service Act of 1940.

Both the Senate bill and the House amendment contained savings clauses for the purpose of providing that the termination of the act should not prevent the exercise or enjoyment of a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction authorized or provided on account of events occurring prior to the date fixed for such termination. While these clauses have the same purpose there was some difference in language. The conference agreement follows substantially the House amendment with a modification which makes it clear that the savings clause is to be effective only for the purpose of preserving proceedings, remedies, privileges, stays, limitations, accountings, and other transactions arising out of or connected with military service performed prior to the date fixed for termination of the act.

The Senate bill provided that the provisions of section 4 of Public Resolution Numbered 96, Seventy-sixth Congress, and of section 13 of the Selective Training and Service Act of 1940 (extending certain of the benefits of the Soldiers' and Sailors' Civil Relief Act of 1918 to members of the Reserve components of the military and naval forces on active duty and to persons inducted under the Selective Training and Service Act) should not be applicable with respect to any military service performed after the date of enactment of this act. The House amendment repealed these two sections. The conference agreement follows the provisions of the Senate bill.

A. J. MAY,
R. E. THOMASON,
JOHN M. COSTELLO,
L. C. ARENDS,
FOREST A. HARNESS,
*Managers on the part of the House.*

Mr. THOMASON. Mr. Speaker, I may say that there is substantially no difference whatever between the report and the bill as it passed the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

FRANK HALL

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7283) for the relief of Frank Hall, with a Senate amendment and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "$5,844.29" and insert "$3,700."

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

REGISTRATION OF CERTAIN ORGANIZATIONS REQUIRED

Mr. HOBBS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 10094) to require the registration of certain organizations carrying on activities within the United States, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HOBBS. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House may be read in lieu of the report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10094) to require the registration of certain organizations carrying on activities within the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6, 9, 10, 11, 12, 13, 15 and 17.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 14 and 16, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: Strike out ", and a copy of the minutes or journal of every such meeting" as proposed by the Senate amendment, and strike out the word "such" on page 5, line 21, and the Senate agree to the same.

HATTON W. SUMNERS,
SAM HOBBS,
U. S. GUYER,
C. E. HANCOCK,
*Managers on the part of the House.*

TOM CONNALLY,
EDWARD R. BURKE,
JOHN A. DANAHER,
*Managers on the part of the Senate.*

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10094) to require the registration of certain organizations carrying on activities within the United States, and for other purposes, submit the following explanation of the effect of the action agreed upon in conference, and recommended in the accompanying conference report:

Amendments numbered 4, 5, 6, 9, 10, 11, 12, 13, 15 and 17 proposed to insert the word "known" at various places in the bill. The managers on the part of the House were of the opinion that the inclusion in the Act of the word "known" in the several instances would have required that the organizations in filing the required information be charged with knowledge of the existence of the branch or chapter and this would place an unnecessary burden of proof upon the Government in a prosecution. The Senate recedes from these several amendments.

Amendment numbered 1 offered a substitute definition for the term "organization" and removed the language granting discretion to the Attorney General to make determinations. The House agrees to the amendment.

Amendment numbered 2 offered a substitute definition for the term "political activity", defining it to mean any activity the purpose or aim of which, or one of the purposes or aims of which is the control by force, or overthrow of the government of the United States or a political subdivision thereof or any State or political subdivision thereof. The House bill defined "political activity" as any activity the purpose or aim of which, or one of the purposes or aims of which is the establishment, control, conduct, seizure or overthrow of a government or political subdivision thereof. The House agrees to the amendment.

Amendment numbered 3 merely clarifies by specific exemption any nationally recognized organization of persons who are veterans of the armed forces of the United States or affiliates, from the operation of the Act. The House agrees to the amendment.

Amendment numbered 7 merely adds the word "and" to perfect the grammar. The House agrees to the amendment.

Amendment numbered 8 removed the requirement of the filing of copies of the minutes or journal of every meeting of organizations required to register. The House agrees to the amendment with a minor grammatical correction striking out the word "such" on page 5 in line 21.

Amendment numbered 14 would require the furnishing of the name of the author and name and address of the publisher of the literature of organizations required to register. The House agrees to the amendment.

Amendment number 16 strikes out, on page 7, lines 7 and 8, the words "and of each branch, chapter, and affiliate of the organization". The House agrees to the amendment.

HATTON W. SUMNERS,
SAM HOBBS,
U. S. GUYER,
C. E. HANCOCK,
*Managers on the part of the House.*

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

TOBACCO CLASSIFICATION

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4374) to amend the Agricultural Adjustment Act of 1938, which is on the Speaker's desk.

The Clerk read the title of the bill.

Mr. FLANNAGAN. Mr. Speaker, if the Chair will indulge me, I may say that this bill was called up last week, but because it had not been formally acted upon by the House committee it was objected to. The committee met this morning and unanimously reported the bill. I have had the matter up with the gentleman from Kansas [Mr. HOPE].

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. SECCOMBE. Mr. Speaker, I object.

EXTENSION OF REMARKS

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two topics and in one to include a letter written to me by the chairman of the House Committee on Ways and Means.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my remarks on two subjects and to insert two editorials.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include an article and an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a table from the Farm Credit Administration.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

A THIRD TERM—EVEN IF A WAR BE NECESSARY TO GET IT

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, Roosevelt, seeking a third term, knowing our people do not want to repeat their experience of 1917 and would vote against the man who frankly announced his purpose of involving us in war, made the statement, "I hate war." His sincerity should be judged in the light of previous statements and of his conduct.

Many times he told us that, unless we lived within our income, our Nation would be bankrupt, but without exception each year of the 7 during which he has been in power, we have gone, on an average, more than $3,000,000,000 in debt. He may hate bankruptcy, but he is giving it to us. Said one thing—did the opposite.

Roosevelt told us that he would reduce expenses, lessen the number of Federal employees; that such was the only safe course. For 7 years he has been increasing expenses, adding to the number of Federal employees. Announced a good policy—refused to follow it.

Many, many other instances might be cited and it should not be forgotten that, from the time of his "aggressor" speech at Chicago, he has been consistently and continuously doing those things which bring war to a nation.

Now, having lost faith in the American way of doing things, he tells us in substance that there is no man other than himself—no; not even in the Democratic Party nor for that matter, in his New Deal official family—who is honest enough, intelligent enough, patriotic enough to take up and carry on the duties of the Presidency; that he alone has the ability and patriotism to be President. His thought is an insult to every American boy who aspires to be President or to high official position.

He said he was willing to sacrifice himself and, although he does not want the office, if we insist he will again accept it. Why? Because, forsooth, no other man is qualified. Rot and nonsense. The same thought was in the mind of every king or emperor of bygone days. Presumably, Roosevelt will die sometime. If his theory is correct, what will this Nation do when he is gone?

"I hate war," says Candidate Roosevelt. But for more than a year he has been proceeding, and he is now driving, toward war. Do you doubt it? Stop and think. You know he is.

SAFE IN A SWIVEL CHAIR

But who is going to fight this war? Not the President; not the President's sons. Jimmie and Elliott, in spite of the President's statement that we must have conscription and that voluntary enlistment was not the democratic way to get an army, have both enlisted. No; they did not enlist as privates at $21 to $30 a month. They got in by special favor—two of the privileged few. They landed as captains in swivel-chair jobs at a comparatively fat salary. They, too, hate war, and, in their present positions, will see none of it except that part which has to do with attending military balls, wearing gold-braid uniforms, and dancing with entertaining partners. While Wendell Willkie was fighting as a soldier in the last war, Franklin D. Roosevelt held down a swivel-chair job in the Navy Department at Washington.

AN EMERGENCY CAN BE USED IN THE CAMPAIGN FOR A THIRD TERM

We all hate war, but the difference between most of us and Candidate Roosevelt is that we really want to stay out of it while he really wants us in it. The threat of war, the danger of war, is his latest emergency. He will keep it going at least until after election; then he may find another, or by that time he may have us in war.

IT IS BETTER TO BE SAFE THAN SORRY

Just remember that if you wake up the morning after election and find that Franklin the indispensable has been reelected and he involves us in war, you will have 4 more years of it and of him. You can't do as the English did with Chamberlain—call for an election and kick him out. With all his waste, with all his extravagance, with all his desire to meddle in foreign affairs, you reelect him November 5 and you have him and his new dealers and political racketeers for 4 years more. And during that 4 years he will complete the job, which Wallace said should be done, of remaking America.

If the American people want 4 more years of unemployment, of depression, of spending and waste—we have had almost 8—and on top of it 4 years of wear, it is their privilege and they can get it by voting for Roosevelt. But we should not forget that, if we vote for it, we should take what follows without whimpering. But—

"DO NOT SEND A BOY TO MILL"

An old saying from pioneer days, when many a family depended upon the grist brought home from the neighborhood mill. Menfolk being busy, some families entrusted the taking of the precious sack of grain and the return of the ground flour or meal to a minor son of the family, who usually traveled on horseback. All too often the young man, distracted by hunting, fishing, or wayside gossip, failed to return the precious flour; then the family found itself lacking a necessity of life. So came the admonition, "Don't send a boy to mill." As a Nation we have reached the point where we, too, no longer can safely "send a boy to mill."

Because of the world-wide depression following the first World War, we threw out Hoover; elected Roosevelt, who promised to end unemployment, return prosperity, bring about domestic peace.

Unfortunately for us, like the boy on his way to the mill, Roosevelt's attention was distracted. He forgot his mission. He listened to those who told him our way of life was all a mistake; that our forefathers lacked wisdom; that work, sacrifice, and thrift were unnecessary; that we should go on a joy ride on borrowed money.

Forgetting his grist, the mill, the return home, the need of the Nation, Roosevelt has indulged in experiment after experiment. He has failed to solve the question of unemployment; to keep the solemn promises he so glibly made. He has pushed us along the road toward national bankruptcy; by his bellicose statements and unneutral acts, incurred the ill will of all but one of the powerful nations of the world. Contrary to Washington's advice, he has involved us in foreign entanglements and now seeks, through a third and no doubt a fourth and subsequent terms, to establish himself as a dictator.

It is time, if this Nation is to be saved, that the playboy—Roosevelt—no longer be entrusted with the destiny of our Nation. Whether we have peace or war, as our leader we should select one who believes in our form of government, who has faith in us, who will not seek to remake America, who will turn as he has turned a deaf ear to the Communists—Roosevelt accepted their support—who has behind him a record of achievement, a man who believes in God and in country, a man who keeps his promises, a man who will give us efficient preparation for national defense, and if the worst comes, sound, sensible, productive leadership in war, a man who does things—Wendell Willkie—rather than a Roosevelt, who talks about doing things, who wastes other people's money, who is more interested in world politics than he is in the well-being of his own country.

If we reelect Roosevelt for a third term, he will have reason to believe that he is indispensable, will consider the election results as a mandate to carry on a "total" war in Great Britain's behalf against the rest of the world. He will send American men and American ships wherever he may think they should go and, without a friendly powerful ally in the whole wide world, we, peace-loving America, will

be carrying on with the faltering aid of Great Britain a world-wide war. And for what?

True, the American people have a rendezvous with destiny. It is at the polls on election day, November 5, when once for all this Nation should unmistakably declare that no man is indispensable, that it does not need and will not have a dictator, that it will choose, rather, a man of the people, a typical American, and continue under a constitutional government, where every man will have equal opportunity, where every man will be free, equal before the law, and able to live under a government of laws rather than of one man.

EXTENSION OF REMARKS

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article in today's News by Hugh S. Johnson.

The SPEAKER. Is there objection to the request of the the gentleman from Wyoming [Mr. HORTON]?

There was no objection.

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks on the river and harbor bill.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CULKIN]?

There was no objection.

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter I have received from World War veterans of the United States merchant marine and also to extend my remarks in the RECORD on the subject of the importation of alien labor by the Bata Shoe Co., of Belcamp, Md.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. CONNERY]?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a speech made by our distinguished colleague the gentleman from Connecticut [Mr. SMITH].

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia [Mr. RANDOLPH] is recognized for 15 minutes.

THE GROWTH AND IMPORTANCE OF AMERICAN NEWSPAPERS

Mr. RANDOLPH. Mr. Speaker, from October 1 to 8 we have been having the observance of National Newspaper Week in the United States of America. There are many newspapermen, former editors and former reporters, who are in this body and some who still are actively engaged in various fields of journalism.

Mr. Speaker, the newspaper is one of the most important agencies in the world for the weaving of the fabric of thought and action. It is my belief that present-day newspapers are justifying their importance and power. For the most part, the dailies and weeklies scattered throughout our land, are giving to the people intelligent editorial comment and unbiased news reporting. [Applause.]

I think that we should look at the contrast between the first American newspaper and the modern metropolitan weekly and daily as they exist today.

FIRST NEWSPAPER IN 1704

It was in 1704 in the back room of a little Boston, Mass., book store that the first journal was conceived and printed in this country. There were just a few hundred copies of the meager news which had to be gathered from a reservoir of several days. Now, we have the modern daily newspaper, in from 1 to 10 editions, carrying a complete and accurate story of events which have happened not only in our own country but throughout the world just a few minutes and a few hours previously. If this were not a daily occurrence, we would not believe that in this country for a few pennies we could have delivered to our door each morning and evening, and to our places of business, the modern newspaper filled with its recording of events from every corner of the world. Carried therein are its market reports, its comics, its editorials, its political comment, features of every kind, augmented by proper and interesting advertising.

POETRY OF THE PRESS

I am thinking now of the poetry of the newspaper as it has been graphically expressed by Sprague, who said:

Turn to the press—its teeming sheets survey,
Big with the wonders of each passing day;
Births, deaths, and weddings, forgeries, fires, and wrecks,
Harangues and hailstones, brawls, and broken necks.
Trade hardly deems the busy day begun,
Till his keen eye along the sheet has run;
The blooming daughter throws her needle by
And reads her schoolmate's marriage with a sigh.
While the grave mother puts her glasses on
And sheds a tear for some old crony gone.
The preacher, too, his Sunday theme lays down
To see what last new folly fills the town;
Lively or sad, life's meanest, mightiest things
The fate of fighting cocks, or fighting kings.

[Applause.]

Mr. Speaker, the early colonists in this country felt the need for some type of journal. Five hundred copies was considered a large issue. Today even the smallest country weekly runs into several thousand copies. There were no common carriers in that day except an inefficient post service, and a journal was limited by the bounds of the community. There were not enough events that could be gathered to furnish the news, and editors were fearful to voice their opinions and receive the reaction of their readers. Once a courageous printer of that day made certain stirring comment. He was thrown into jail and suffered the suspension of his newspaper.

As we come to 1750—and carrying over to the first of the American Revolution—we find that there was a new note in the make-up of our newspapers. There was a note of independence and self-reliance, and a growing political discontent. Editorials were written in strong language. Thus we had the laying of a Democratic foundation for the future America.

BECAME POLITICAL ORGANS

Coming to the days of the nineteenth century, the newspapers became potent as organs of political parties. Men not engaged in actual newspaper work wrote the editorials. Individuals from other professions acted as editors. Men like Thomas Jefferson and James Madison filled newspapers with their political essays. There were few good editors. News gathering was not stressed. Advertisements were hard to get. The newspaper then was looked upon as more or less of a charitable institution which should be supported.

Then came the transitional period in the history of our American newspaper life. We found the influx of the intelligent thinkers and writers. The personal tone came into dominance. There was Charles A. Dana, of the old New York Sun; there was Joseph Medill, of the old Chicago Tribune; there was Horace Greeley; there was George D. Prentice; there was "Marse" Henry Watterson.

BENNETT LED THE WAY

Then came the rise of the modern newspaper with up-to-date methods of gathering news and disseminating it. I think it might be well for us to reflect a moment on the fact that it was James Gordon Bennett, of the old New York Herald, who for the first time in the history of this country brought trained reporters into a newspaper organization. He gave for the first time in America the quotations of Wall Street, the news of club and society activities, coverage of sports, and reviews of one type or another which shocked the staid newspaper producers of that day, but soon they saw he was on the right track and adopted his methods.

LEADERS PRAISE THE PRESS

In the last few weeks we have had the Presidential nominees of both the Democratic and the Republican Parties pay tribute to the present-day strength of the American press, and rightly have they given recognition to the newspapers of America. Wendell Phillips said in his day, in speaking of the newspaper—

It is parent, school, college, pulpit, theater, example, counselor, all in one. Let me make the newspaper and I care not who makes the laws.

Daniel Webster said:

In popular government the free press is the most important of all agencies and instruments.

William Jennings Bryan said:

The lawyer can serve his country only occasionally, but the journalist every day. The minister's message gets itself uttered once in 7 days, but the journalist's seven times, line upon line, precept upon precept.

As I bring this short address to a close, I know that in the past years there have been many charges that the newspapers of this country lean toward "yellow" and sensational journalism. Perhaps the criticism is well-founded in some instances, but I believe the great majority of the newspapers of the country attempt to stress the good rather than the bad and at the same time desire to give the people of the Nation the news of the day. There was a time when a Democratic newspaper would be called a traitor if it admitted a Democratic defeat, or visa versa, but today our newspapers on the editorial pages take one position, and on the news pages give accurate, straight, informational reporting. That is a healthy condition. No coercion exists.

NO DICTATORIAL JOURNALISM

The American people can be proud of that type of free press in the United States of America, and we can well pause for just a moment to think of the contrast of our press with the press as we find it in many European countries, where not a single line written can be read by the people until it has had the okay of the dictatorial government in power in that particular country.

Let us remember that the American press is the friend, is the counselor, is the educator, is the molder of public opinion. Although as Members of this body we do not always agree or find favor with what is done in the newspaper field, let us be happy that we live in a country where the press of the Nation is free, and for the most part is honest and independent, and is a reflection of all that is progressive, right, and good in this democracy of yours and mine. [Applause.]

PUBLIC HEALTH SERVICE HOSPITALS

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the bill (H. R. 10574) to provide for free treatment in Public Health Service hospitals of certain persons engaged in maritime employment, which was referred to the Committee on Interstate and Foreign Commerce, be instead referred to the Committee on Merchant Marine and Fisheries. This request is made with the consent of the chairman of the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

THE LATE JUSTICE OLIVER WENDELL HOLMES

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 258) to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes. This is the bill which relates to the memorial in honor of the late Justice Oliver Wendell Holmes.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. TREADWAY. Reserving the right to object, Mr. Speaker, I hope no objection will be raised to the consideration of this measure. It was originally brought to the attention of the Committee on the Library and a board was set up to see what could be done in relation to the legacy left by the late Justice Holmes to the Federal Government. The Board which was set up, of which the gentleman from Massachusetts [Mr. McCORMACK] and the gentleman from Massachusetts [Mr. WIGGLESWORTH] were members, has brought in this report. Certainly the Congress ought to adopt it unanimously.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.



The Clerk read the joint resolution, as follows:

*Resolved, etc.*, That the committee selected pursuant to section 3 of Public Resolution No. 124, Seventy-fifth Congress, approved June 22, 1938, to make recommendations to the Congress concerning the use of the bequest and devise made to the United States by Oliver Wendell Holmes, late an Associate Justice of the Supreme Court of the United States, is authorized to execute the functions vested in it by this joint resolution. Any vacancy occurring in the membership of such committee (hereinafter referred to as the "committee") shall be filled by the selection of a person selected in the same manner as his predecessor was selected. In carrying out the provisions of this joint resolution, the committee is authorized to utilize voluntary and uncompensated services and, with the consent of any Federal agency, to utilize the facilities and personnel of such agency. The committee is authorized to make any additional recommendations to the Congress which it deems desirable. Upon the completion of its work, the committee shall transmit a final report to the Congress and shall thereupon cease to exist.

SEC. 2. The committee shall prepare for publication a memorial volume designed to perpetuate the memory of Justice Holmes and to make readily available to the public the best expressions of his thought. Such volume shall contain such of the writings of Justice Holmes as are selected by the committee, and shall contain such additional matter and such illustrations as the committee may determine. The Librarian of Congress shall make available to the committee the facilities of, and the services of the personnel of, the Library of Congress to assist the committee in the preparation of such volume.

SEC. 3. The Public Printer is authorized and directed to cause to be printed and bound in the Government Printing Office, in a manner and form approved by the committee, such number of copies of the memorial volume prepared by the committee as the committee shall determine. The Superintendent of Documents shall distribute free of cost copies of such volume to such libraries, institutions, and other organizations and persons as the committee may designate. Copies of such volume which are not distributed free of cost shall be made available by the Superintendent of Documents for sale to the public at a price, notwithstanding any other provision of law, determined by the Public Printer to represent the actual cost of printing, binding, and distribution. The cost of printing and binding all of the copies of such volume shall be paid from money appropriated from the money in the Treasury to the credit of the account "Donations to the United States, Bequest of Oliver Wendell Holmes" (hereinafter referred to as the "Holmes fund"). Receipts from the sales of copies of such volume shall be covered into the Holmes fund so long as that fund is carried on the books of the Treasury, and thereafter such receipts shall be covered into the general fund of the Treasury.

SEC. 4. The Architect of the Capitol is authorized and directed, under the direction of the committee, to acquire on behalf of the United States, by purchase, condemnation, or otherwise, that part of the property in square 759 in the District of Columbia which the Architect of the Capitol, with the approval of the committee, determines will provide a suitable site for the garden to be established pursuant to section 5.

SEC. 5. (a) The Architect of the Capitol, under the direction of the committee, is authorized and directed to establish on the land acquired pursuant to section 4 a memorial garden designed to perpetuate the memory of Justice Holmes and to commemorate the love of beauty and of the quiet open spaces of the city of Washington, to which he often gave expression. The garden so established shall be known as the Oliver Wendell Holmes Garden.

(b) The plans and designs of such garden, including the plans and designs for all grading and landscaping and all structures to be erected and other improvements to be made on the land acquired pursuant to section 4, shall be selected by the Architect of the Capitol, with the approval of the committee and of the National Capital Park and Planning Commission, from plans and designs submitted in open competition. The manner of holding such competition and the amount to be paid for such plans and designs shall be determined by the Architect of the Capitol, with the approval of the committee. Expenditures made for carrying out the provisions of this section shall be made from moneys appropriated from the Holmes fund.

(c) The committee is authorized to make arrangements for appropriate ceremonies for the dedication of such garden upon its completion.

SEC. 6. After the completion and dedication of such garden, it shall be maintained and cared for by the Architect of the Capitol in accordance with the provisions of law applicable with respect to the maintenance and care of the grounds of the United States Supreme Court Building.

SEC. 7. (a) For the purposes of this joint resolution, the Architect of the Capitol is authorized, under the direction of the committee—

(1) To provide for the demolition and removal of any structures on the land acquired pursuant to section 4 and for the sale or other disposition of any materials of which they are constructed.

(2) Pending the demolition of such structures, to lease any of the property so acquired for such periods and under such terms and conditions as he may deem most advantageous to the United States; to provide, out of such appropriations as may be made for such purpose, for the maintenance, repair, and protection of such property; and to incur such expenses as may be necessarily incident to the jurisdiction and control over such property. Any

proceeds received under this paragraph or paragraph (1) shall be covered into the Treasury as miscellaneous receipts. The Architect of the Capitol shall include in his annual report a detailed statement of his activities under this paragraph during the period covered by such report.

(3) To enter into contracts; to purchase materials, supplies, equipment, and accessories in the open market; to employ necessary personnel, including professional services, without regard to other laws relating to the employment or compensation of personnel; and to make such expenditures as may be necessary or appropriate.

(b) All lands within the area determined pursuant to section 4 which are subject to the jurisdiction of the Commissioners of the District of Columbia are transferred to the jurisdiction of the Architect of the Capitol. The Architect of the Capitol is authorized to close any alley within such area and is authorized, with the approval of the committee, to permit any portion of the land acquired pursuant to section 4 to be used as an alley so long as such use is necessary.

(c) All funds expended by the Architect of the Capitol pursuant to this joint resolution shall be disbursed by the Division of Disbursement of the Treasury Department.

SEC. 8 (a) The Commissioner of Public Buildings, in the Federal Works Agency, is authorized and directed, on behalf of the United States, to sell and convey title to the land and improvements thereon known as 1720 Eye Street NW., in the District of Columbia, the former residence of Justice Holmes. Such sale may be made pursuant to advertisement or otherwise upon such terms and conditions, and subject to such covenants with respect to demolition of the building and such other restrictive covenants, as may be approved by the committee. The Commissioner of Public Buildings is authorized to provide, by contract or otherwise and subject to the approval of the committee, for the demolition of the building upon such land prior to the sale of the land.

(b) The costs of any advertisement, appraisal, broker's fee, or commission incident to the sale of such property, and any costs incurred under this section for demolition of the building, shall be paid from the proceeds of the sale; and the funds of the Public Buildings Administration shall be reimbursed from such proceeds for any of such costs which shall have been paid from the funds of such Administration. The balance of the proceeds of the sale shall be covered into the Treasury to the credit of the account of the Holmes fund.

SEC. 9. There are hereby authorized to be appropriated, out of the money in the Treasury to the credit of the Holmes fund, such sums as may be necessary to carry out the provisions of sections 3 and 5 of this joint resolution; and there are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the other provisions of this joint resolution.

SEC. 10. Upon the transmission to the Congress of the final report of the committee, any money in the Treasury to the credit of the account of the Holmes fund shall be covered into the general fund of the Treasury as miscellaneous receipts.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H. J. Res. 550) was laid on the table.

EXTENSION OF REMARKS

Mr. MOSER asked and was given permission to revise and extend his own remarks in the RECORD.

The SPEAKER. Under previous order of the House, the gentleman from Oregon [Mr. ANGELL] is recognized for 30 minutes.

Mr. ANGELL. Mr. Speaker, in view of the fact that my colleagues want to hold a conference and decide what should be done about the coming election, I ask unanimous consent that my special order may go over until tomorrow at the conclusion of the legislative program of the day.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The SPEAKER. Under the previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BROOKS, for 10 days, on account of important business.

To Mr. SHANLEY, for today, on account of nominating convention being held in Connecticut.

To Mr. MAY, indefinitely, on account of sickness in family.

To Mr. SNYDER, for today, on account of attending funeral of his father-in-law.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2753. An act to amend part I of the Interstate Commerce Act, as amended, with respect to the use of refrigerator cars; to the Committee on Interstate and Foreign Commerce.

S. 4249. An act for the relief of the widows of the late George A. Meffan and John Glenn; to the Committee on Claims.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5053. An act for the relief of Verdie Barker and Fred Walter;

H. R. 5937. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of Lamborn and Co.;

H. R. 8621. An act to amend the Civil Service Retirement Act and other retirement acts;

H. R. 9654. An act to extend, for an additional year, the provisions of the Sugar Act of 1937 and the taxes with respect to sugar;

H. R. 9851. An act authorizing special arrangements in the transportation of mail within the Territory of Alaska;

H. R. 9980. An act to revise and codify the nationality laws of the United States into a comprehensive nationality code;

H. R. 10122. An act to amend an act entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," approved August 11, 1939 (53 Stat. 1418), and an act entitled "An act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes," approved August 28, 1937 (50 Stat. 869);

H. R. 10464. An act to assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contracts;

H. R. 10518. An act granting the consent of Congress to the Department of Highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Whetstone Diversion Channel at or near Ortonville, Minn.;

H. R. 10539. An act making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes; and

H. R. 10572. An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 844. An act to simplify the accounts of the Treasurer of the United States, and for other purposes;

S. 3990. An act to transfer the essential language of section 518, title IV, of the Tariff Act of 1930, approved June 17, 1930, into the Judicial Code of the United States and to provide for its reenactment as part of said Judicial Code, to take effect from the date of its passage, including the allowance to the judges of the United States Customs Court for traveling expenses incurred for maintenance while absent from New York on official business and to repeal all acts inconsistent therewith to the extent of such inconsistency, and for other purposes; and

S. J. Res. 225. Joint resolution relating to the conditions for payment with respect to sugarcane harvested from certain plantings in the mainland cane-sugar area.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until tomorrow, Tuesday, October 8, 1940, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

1983. Under clause 2 of rule XXIV a letter from the Acting Secretary of the Interior, transmitting one copy each of the legislation passed by the Municipal Council of St. Croix, was taken from the Speaker's table and referred to the Committee on Insular Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SUMNERS of Texas: Committee of conference on the disagreeing votes of the two Houses. H. R. 10094. A bill to require certain organizations carrying on activities within the United States to register and for other purposes (Rept. No. 3024). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Texas: Committee of conference on the disagreeing votes of the two Houses. S. 4107. A bill to transfer the jurisdiction of the Arlington Farm, Virginia, and for other purposes (Rept. No. 3025). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. Senate Joint Resolution 301. Joint resolution to authorize the acquisition of a suitable frame for the painting of the signing of the Constitution to be used in mounting said painting in the Capitol Building; with amendment (Rept. No. 3027). Referred to the Committee of the Whole House on the state of the Union.

Mr. MANSFIELD: Committee of conference on the disagreeing votes of the two Houses. H. R. 9972. A bill authorizing improvements on certain rivers and harbors in the interest of national defense; and for other purposes (Rept. No. 3028). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANHAM: Committee of conference on the disagreeing votes of the two Houses. H. R. 10412. A bill to expedite the provisions of housing in the interest of national defense (Rept. No. 3029). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee of conference on the disagreeing votes of the two Houses. S. 4270. A bill pertaining to Soldiers' and Sailors' Civil Relief Act of 1940 (Rept. No. 3030). Referred to the Committee of the Whole House on the state of the Union.

## ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. House Resolution 614. Resolution requesting certain information from the Secretary of the Navy (Rept. No. 3026). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DELANEY:

H. R. 10619. A bill for the relief of certain aliens employed at the World's Fair in New York City; to the Committee on Immigration and Naturalization.

By Mr. HILL:

H. R. 10620. A bill to provide for the national defense by directing the making of experiments in the use of chromium trioxide in the making of cement mortar; to the Committee on Interstate and Foreign Commerce.

By Mr. PACE:

H. R. 10621 (by request). A bill to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of regulating interstate and foreign commerce in peanuts, and for other purposes; to the Committee on Agriculture.

By Mr. PIERCE:

H. R. 10622. A bill to safeguard and preserve the public interest in the timber resources of the States of Oregon and Washington through the alleviation of the conditions which are forcing the premature and uneconomic liquidation of such timber resources and thereby are preventing the establishment of sound and permanent forest economy which is vital to the future welfare and security of the two States and of the Nation; to provide for more efficient and better coordinated administration of public forest lands; and for other purposes; to the Committee on Agriculture.

H. R. 10623. A bill for the relief of certain Indians; to the Committee on Indian Affairs.

By Mr. VINSON of Georgia:

H. R. 10624. A bill to extend the provisions of section 6 of the act of June 28, 1940 (Public, No. 671, 76th Cong., 3d sess.), to the Federal Bureau of Investigation of the Department of Justice; to the Committee on Naval Affairs.

By Mr. WHITTINGTON:

H. R. 10625. A bill to authorize a preliminary examination and survey of certain rivers and their tributaries on the islands of St. Croix and St. Thomas, V. I., for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. DONDERO:

H. R. 10626. A bill to provide for the placing of a copy of the Constitution of the United States and of the Declaration of Independence in each United States post office; to the Committee on the Post Office and Post Roads.

By Mr. VAN ZANDT:

H. R. 10627. A bill to amend Public Law No. 783, Seventy-sixth Congress, so as to exempt 3-year Regular Navy, Marine Corps, or Coast Guard members from selective training in service; to the Committee on Military Affairs.

By Mr. SMITH of Virginia:

H. J. Res. 612. Joint resolution staying effect of rulings of agencies of the Government; to the Committee on the Judiciary.

By Mr. GEYER of California:

H. J. Res. 613. Joint resolution to declare the policy of the Government of the United States in regard to tide and submerged lands; to the Committee on the Judiciary.

By Mr. TAYLOR:

H. J. Res. 614. Joint resolution making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes; to the Committee on Appropriations.

By Mr. ANGELL:

H. Res. 621. Resolution directing the Tariff Commission to investigate the production costs of crab meat, crab paste, and crab sauce; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CROSSER:

H. R. 10628. A bill granting a pension to Violet Dodds Roberts Bell; to the Committee on Invalid Pensions.

By Mr. DAVIS:

H. R. 10629. A bill for the relief of Caffey Robertson-Smith, Inc.; 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:

9345. By Mr. MARTIN J. KENNEDY: Petition of the Chamber of Commerce of the State of New York, urging that no steps be taken to carry out the power-development plan of the St. Lawrence Waterway project as a defense measure until it can be proved beyond a reasonable doubt that there is an imperative defense need for such power which could not be met more expeditiously and with greater economic advantage by other existing or potential resources; to the Committee on Interstate and Foreign Commerce.

9346. Also, petition of the Chamber of Commerce of the State of New York, urging prompt enactment of the McCormack bill (H. R. 9669) amending the National Stolen Property Act, or similar legislation, to the end that any property seized in violation of law or confiscated by a foreign government may not be disposed of in the United States; to the Committee on Ways and Means.

9347. By Mr. MERRITT: Resolution of the City Council of the City of Newburgh, N. Y., stating that the City Council of the City of Newburgh, N. Y., requests that a ground aviation mechanic center be established in connection with Stewart Airfield at Newburgh, N. Y., and the United States Military Academy, West Point; to the Committee on Military Affairs.

9348. Also, resolution of the Tax Control League of Queens County, N. Y., urging that legislation be enacted to bring about an investigation of the Inspection Division of the Federal Housing Administration; to the Committee on Rules.

9349. By Mr. COFFEE of Washington: Petition of the Buckley Kiwanis Club, of Buckley, Wash., in form of letter, setting forth that such organization favors the absolute interdiction by the United States of all exports to Japan susceptible of use for military or naval purposes, further urging the passage by Congress of any and all measures designed to advocate such an objective; to the Committee on Foreign Affairs.

# SENATE

## TUESDAY, OCTOBER 8, 1940

*(Legislative day of Wednesday, September 18, 1940)*

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

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty God, who hast revealed Thyself to men through Thy Son, Jesus Christ, and hast hallowed the common ways of life in the breaking of bread: Grant us grace, we beseech Thee, so to see Thy presence and the abiding joy which lies in the little things of home that presently surround us, yet which so oft escape our sight, that, having found Thee in the simple ways of life, we may the better know Thee as Thou art in Thy greater glory. Through the same, Thy Son, Jesus Christ our Lord. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, October 7, 1940, was dispensed with, and the Journal was approved.

### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the bill (S. 2617) to authorize the leasing of the undeveloped coal and asphalt deposits of the Choctaw and Chickasaw Nations in Oklahoma, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3619) relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, etc., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 2747. An act relative to annual labor on mineral claims in the Territory of Alaska;

H. R. 7813. An act to safeguard the homing pigeon;

H. R. 10391. An act to increase the authorized numbers of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes; and

H. R. 10527. An act to provide for an extension of the conditions under which a money allowance for quarters may be paid to certain noncommissioned officers of the Army of the United States.

### CALL OF THE ROLL

Mr. MINTON. 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:

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| Adams | Chavez | Hayden | Reed |
| Andrews | Clark, Idaho | Herring | Russell |
| Ashurst | Clark, Mo. | Holt | Schwartz |
| Austin | Connally | Johnson, Calif. | Schwellenbach |
| Bailey | Danaher | Johnson, Colo. | Shipstead |
| Barbour | Davis | King | Stewart |
| Barkley | Ellender | McKellar | Thomas, Okla. |
| Bone | George | Maloney | Thomas, Utah |
| Bridges | Gerry | Minton | Townsend |
| Bulow | Gibson | Murray | Van Nuys |
| Burke | Gillette | Norris | Wagner |
| Byrd | Glass | O'Mahoney | Walsh |
| Byrnes | Green | Overton | Wheeler |
| Capper | Gurney | Pepper | White |
| Caraway | Harrison | Radcliffe | Wiley |

Mr. MINTON. Mr. President, I announce that the Senator from Kentucky [Mr. CHANDLER] is absent because of illness.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BILBO], the Senator from Michigan [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from New Mexico [Mr. HATCH], the Senator from Alabama [Mr. HILL], the Senator from Delaware [Mr. HUGHES], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. MCCARRAN], the Senator from New York [Mr. MEAD], the Senator from Arkansas [Mr. MILLER], the Senator from West Virginia [Mr. NEELY], the Senator from Nevada [Mr. PITTMAN], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Texas [Mr. SHEPPARD], the Senator from Illinois [Mr. SLATTERY], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Missouri [Mr. TRUMAN], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. MCNARY], the Senator from Michigan [Mr. VANDENBERG], the Senator from North Dakota [Mr. FRAZIER], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], the Senator from Ohio [Mr. TAFT], the Senator from Idaho [Mr. THOMAS], the Senator from New Hampshire [Mr. TOBEY], and the Senator from North Dakota [Mr. NYE] are necessarily absent.

The VICE PRESIDENT. Sixty Senators have answered to their names. A quorum is present.

### PROGRAM TO SAFEGUARD AMERICA—LETTER FROM ARTHUR O. LOVEJOY

Mr. RADCLIFFE. Mr. President, I present for publication in the RECORD and reference to the Committee on Foreign Relations a letter addressed to me by Mr. Arthur O. Lovejoy, chairman of the Maryland Branch of the Committee To Defend America by Aiding the Allies.

The VICE PRESIDENT. Without objection, the letter will be received, printed in the RECORD, and referred to the Committee on Foreign Relations.

The letter is as follows:

COMMITTEE TO DEFEND AMERICA BY AIDING THE ALLIES,
*Baltimore, Md., September 28, 1940.*

HON. GEORGE L. RADCLIFFE,
*Senate Office Building, Washington, D. C.*

MY DEAR SENATOR RADCLIFFE: The CONGRESSIONAL RECORD of September 26 (pp. 19130–19142) and the Baltimore Sun of the following day report speeches and remarks by several Senators in which this committee is attacked, its principles and aims misrepresented, and the motives and good faith of its members are aspersed, and an investigation of its activities is called for. No Member of the Senate appears to have seen fit to reply to this attack or to point out these misrepresentations.