S. 2134. An act to revive and reenact the act entitled "An act authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto, across the St. Marys River, from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada," approved December 16, 1940; and

S. 2222. An act to authorize the Federal Works Administrator to acquire title, on behalf of the United States, to not more than 35 acres of land subject to certain reservations in the grantors.

ADJOURNMENT

Mr. COCHRAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 7 minutes p. m.) the House adjourned until tomorrow, Wednesday, March 18, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds on Wednesday, March 18, 1942, at 10 a. m., for consideration of H. R. 6483. The hearing will be held in room 1304, New House Office Building.

COMMITTEE ON THE JUDICIARY

On Saturday, March 21, 1942, at 10 a. m. hearings will be resumed on H. R. 6444, to provide for the registration of labor organizations, business and trade associations, and so forth, before Subcommittee No. 3 of the Committee on the Judiciary. The hearings will be held in the Judiciary Committee Room, 346 House Office Building.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, April 14, 1942. Business to be considered: Hearings along the line of the Sanders bill, H. R. 5497, and other matters connected with the Federal Communications Commission.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1511. A letter from the Archivist of the United States, transmitting a report on a list of papers recommended to him for disposal by certain agencies of the Federal Government; to the Committee on the Disposition of Executive Papers.

1512. A letter from the Archivist of the United States, transmitting a report on a list of papers recommended to him for disposal by certain agencies of the Federal Government; to the Committee on the Disposition of Executive Papers.

1513. A letter from the Administrator, Federal Security Agency, transmitting the Second Quarterly Report of the United States Commissioner of Education on the Education and Training of Defense Workers, covering the period beginning October 1, 1941, and ending December 31, 1941; to the Committee on Expenditures in the Executive Departments.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. O'NEAL: Committee on Appropriations. H. R. 6802. A bill making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1943, and for other purposes; without amendment (Rept. No. 1905). Referred to the Committee of the Whole House on the state of the Union.

Mr. COSTELLO: Committee on Military Affairs. H. R. 6758. A bill to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, or leaving military areas or zones; with amendment (Rept. No. 1906). Referred to the House Calendar.

Mr. STEAGALL: Committee of conference on the disagreeing votes of the two Houses. S. 2198. An act to provide for the financing of the War Damage Corporation, to amend the Reconstruction Finance Corporation Act, and for other purposes (Rept. No. 1907). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PIERCE:

H. R. 6803. A bill relating to marriage and divorce among members of the Klamath and Modoc Tribes and Yahoo Skin Band of Snake Indians; to the Committee on Indian Affairs.

By Mr RANDOLPH:

H. R. 6804. A bill to amend paragraph 31 of section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, as amended; to the Committee on the District of Columbia.

By Mr. KNUTSON:

H. Res. 458. Resolution ordering the printing as a document of the manuscript entitled "A Digest of State Legislation of 1941"; to the Committee on Printing.

By Mr. BALDWIN:

H. Res. 459. Resolution authorizing the Committee on Labor to investigate the transfer, sale, or other handling of equipment of all types of the Civilian Conservation Corps; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. LESINSKI introduced a bill (H. R. 6805) for the relief of John Damacus, which was referred to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

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

2566. By the SPEAKER: Petition of the women voters of the United States, petitioning consideration of their resolution with reference to joint-income tax be imposed upon husband and wife; to the Committee on Ways and Means.

2567. By Mr. GRANT of Alabama: Petition of C. A. Gaston, of Fairhope, Ala., submitting a plan for all-out support of all-out war; to the Committee on Ways and Means.

2568. By Mr. JENKS of New Hampshire: Resolution of the New Hampshire Good Roads Association, urging that no increase be made in the Federal tax on gasoline and lubricating oil; to the Committee on Ways and Means.

2569. By Mr. TINKHAM: Petition of sundry residents of Boston, favoring House bill 1036, the so-called Townsend bill; to the Committee on Ways and Means.

2570. By the SPEAKER: Petition of the Legislative Committee Auxiliary, No. 3, Park City Ladies Auxiliary, Park City, Utah, petitioning consideration of their resolution with reference to unemployment compensation; to the Committee on Ways and Means.

2571. Also, petition of the secretary, Local 468, I. U. M. M. and D. W., Los Angeles, Calif., petitioning consideration of their resolution with reference to unemployment benefits; to the Committee on Ways and Means.

2572. Also, petition of the mayor, village of Palmetto, Palmetto, La., petitioning consideration of their resolution with reference to cooperation between the Federal and municipal governments; to the Committee on Ways and Means.

2573. Also, petition of the I. W. A. Auxiliary, No. 19, Wauna, Oreg, petitioning consideration of their resolution with reference to unemployment compensation; to the Committee on Ways and Means.

2574. Also, petition of the Lumber and Sawmill Workers, Everett, Wash., petitioning consideration of their resolution with reference to alien enemies and sympathizers; to the Committee on Military Affairs.

SENATE

WEDNESDAY, MARCH 18, 1942

(Legislative day of Thursday, March 5, 1942)

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

The Chaplain, the Very Reverend ZeBarney T. Phillips, D. D., offered the following prayer:

Heavenly Father, who art just and merciful in all Thy dealings with the children of men: Accept, we beseech Thee, our humble prayer in which we lay before Thee our sins and our contrition, imploring Thy forgiveness that, with integrity of purpose, we may rise to meet the exigencies of another day.

Let every citizen of our beloved Country realize that goodness is greater than wealth, that character outweighs intellect, and do Thou help us to return to the simplicities of virtue so absolutely essential to the reclamation of our ideals of the rectitude of personal manhood.

Especially we pray for him who at the moment stands forth as the embodiment of hope and courage, in whose heart burns the heroic flame of the martyrs, that Thou wilt guard him in danger and keep him close to the heart of Thy love. Endue him with wisdom and insight for his great embassy as Commander of the United Forces in our sister commonwealth, and may the fineness of his example as soldier and leader inspire each one of us with the rapture of a high resolve to be all, to do all, and to achieve all, according to Thy will for us, 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 Tuesday, March 17, 1942, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The VICE PRESIDENT. The clerk will call the roll.

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

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

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

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

The Senator from Florida [Mr. ANDREWS], the Senator from Nevada [Mr. BUNKER], the Senator from Rhode Island [Mr. GREEN], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The Senator from Alabama [Mr. HILL], and the Senator from Arizona [Mr. MCFARLAND] are detained on public business.

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

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

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

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

The Senator from Wisconsin [Mr. WILEY] is absent on official business.

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

REPORT ON EDUCATION AND TRAINING OF DEFENSE WORKERS

The VICE PRESIDENT laid before the Senate a letter from the Administrator of the Federal Security Agency, transmitting, pursuant to law, the second quarterly report of the United States Commissioner of Education on the education and training of defense workers, covering the period beginning October 1, 1941, and ended December 31, 1941, which, with the accompanying report, was referred to the Committee on Education and Labor.

PETITIONS

Petitions were presented and referred as indicated:

By Mr. AUSTIN:

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

By Mr. CAPPER:

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

PROHIBITION OF LIQUOR SALES AND SUPPRESSION OF VICE AROUND MILITARY CAMPS—PETITION

Mr. BONE. Mr. President, I send to the desk a petition containing the names of many residents and voters of Walla Walla, in the State of Washington, praying that the sale of intoxicating liquors be stopped around Army camps, as provided in Senate bill 860; and I ask that the petition may be received and, under the rule, appropriately disposed of.

The VICE PRESIDENT. Without objection, the petition presented by the Senator from Washington will be received, noted, and lie on the table.

RESOLUTION OF ASSOCIATED INDUSTRIES OF KANSAS—ECONOMY IN NONDEFENSE EXPENDITURES

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Mr. Gerald Gordon, secretary-treasurer of the Associated Industries of Kansas, with an accompanying resolution adopted by that organization at its annual membership meeting in Topeka, Kans., opposing the enactment of House bill 5993, the so-called omnibus river and harbor bill.

Specifically, the organization objects to the proposed appropriations for construction of the St. Lawrence waterway, the Florida ship canal, the Tombigbee-Tennessee Canal, and several other projects appearing under the guise of national defense projects, when actually they are not defense projects at all.

All I desire to say at the present time on this matter is that I believe the objections to this bill are perfectly valid, and I believe that nearly every Member of the Congress realizes that this is no time for the passage of such "pork barrel" legislation, dragging in a number of projects so scattered over the Nation as to appeal to the cupidity of various sections to enlist support for the proposed measure.

Some of these projects may have merit as part of a post-war public works program, but they certainly are not justified at the present time when appropriations for nondefense purposes should be pared to the bone. I send the letter and resolution to the desk for appropriate reference and printing in the RECORD at this point as part of my remarks.

There being no objection, the letter, with the accompanying resolution, was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

ASSOCIATED INDUSTRIES OF KANSAS, INC.,
Topeka, February 2, 1942.

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

DEAR SENATOR CAPPER: We are enclosing, for your information and study, a copy of a resolution which was adopted at our annual membership meeting on January 28.

I think this resolution expresses the sentiment of a large majority of taxpayers not only in Kansas but in other States as well. The sentiment seems to be very much pronounced toward the elimination of all unnecessary local, State, and governmental expenditures at the present time in order to give full effective attention to the war effort.

The curtailment of civilian production will, no doubt, create a backlog for employment in the post-war period. It would seem that projects, such as the ones mentioned in this resolution, would also be a very sizable contribution for that period if actually needed. This resolution has been given State-wide publicity in Kansas, and we invite your study and comments.

We very much appreciate your cooperation on issues of a national character, and I want to take this opportunity to thank you for your courtesy and good will.

Very truly yours,

GERALD GORDON,
Secretary-treasurer.

Whereas the United States is at war, both in the Atlantic and Pacific, and if this war is to be won the rank and file of the American people will be required to economize in their business and personal life to the utmost degree. Business in the ordinary channels will cease to function as of old, and the manpower of the country, as well as the mineral and other resources of the Nation, will be drawn upon as never before in the history of the Nation to solve the manifold problems of defense; and

Whereas in order to accomplish this result and provide the necessary funds therefor an unusual, excessive, and continually increasing system of taxation will be put into effect by the Government and the taxpayer will be required to pay unheard of, excessive, and monumental taxes to finance the Nation's defense program; and

Whereas it is to the interest of the Government itself that the money thus raised be allocated solely and entirely to the defending of this country at home and abroad; and

Whereas there is a certain bill in Congress known as House bill No. 5993, which provides in its terms for the construction of alleged public works among which are the St. Lawrence waterway to cost $277,056,515; a Florida canal project to cost from $198,000,000 to $350,000,000 depending upon the plan to be finally adopted, and would entail the annual expenditure of approximately $20,000,000 to maintain; a project to create a navigable stream of the Trinity River of Texas at an estimated cost of $116,354,000; the digging of the Tombigbee-Tennessee Canal and channels at the estimated amount of $75,000,000; the digging of a 9-foot channel in the Coosa-Alabama River from its source at Rome, Ga., to the Mobile River for which the sum of $65,000,000 is provided as a starter; the digging of a 12-foot channel in the Connecticut River from Hartford to Holyoke, a distance of 32½ miles, with a power dam at Infield, at an estimated cost of $13,094,000, and an annual upkeep cost of $896,900, and our Con-

gressmen and Senators are being asked to enact this bill into law, and provide for the expenditure of these stupendous sums of money upon purely peacetime projects when our country needs every ounce of manpower and every bit of steel, iron, and other necessary war materials to properly defend this country; and

Whereas none of these projects contained in this bill could be completed or made effective or usable for many years in the future, and in nowise constitute defense measures, but will undoubtedly embarrass the taxpayers and liberty-loving citizens of this country and make it more difficult to raise funds with which to carry on the war:

Now, therefore, the Associated Industries of Kansas, in regular annual meeting assembled in the office of the association in Topeka, Kans., on January 28, 1942, does hereby publicly express their disapproval of and their objection to House bill No. 5993 and all of the provisions therein contained, and denounce the same as being uncalled for and unwarranted at this time and as dangerous to the carrying out of proper defense plans for this country.

We call upon our Congressmen in the National House of Representatives and our Senators in the Senate of the United States and all others who may have votes upon this important piece of legislation to oppose it to the fullest extent of their abilities as being unpatriotic, extravagant, needless, and unjustifiable; and be it further

Resolved, That copies of this resolution be by the secretary of this association forwarded to our Members of Congress and our two Senators for their information without delay.

REPORT OF A COMMITTEE

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (H. R. 6440) to authorize the renewal of the lease of the old naval hospital in the District of Columbia for an additional period of 15 years, reported it without amendment and submitted a report (No. 1174) thereon.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. WALSH, from the Committee on Naval Affairs:

Rear Admirals Frederick J. Horne and Russell Willson to be vice admirals in the Navy for temporary service, to rank from the 10th day of March 1942; and

Capts Freeland A. Daubin and Robert M. Griffin, to be rear admirals in the Navy for temporary service, to rank, respectively, from the 26th day of November 1941 and the 5th day of December 1941.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Several postmasters.

BILLS INTRODUCED

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

By Mr. WALSH:

S. 2381. A bill to provide that certain provisions of law relating to the Navy shall be held applicable to the personnel of the Coast Guard when that service is operating as a part of the Navy; and

S. 2382. A bill to amend the act approved June 24, 1926, entitled "An act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith," so as to provide for the establishment of the designation of naval aviation pilot (airship), and for other purposes; to the Committee on Naval Affairs.

By Mr. CHANDLER:

S. 2383. A bill to relieve the State of Kentucky from liability on account of certain property issued to the Kentucky National Guard; to the Committee on Military Affairs.

By Mr. REYNOLDS:

S. 2384. A bill to authorize the reinstatement of Joe Causey as a member of the Metropolitan Police force of the District of Columbia; to the Committee on the District of Columbia.

By Mr. THOMAS of Oklahoma:

S. 2385 (by request). A bill to provide for the probate and distribution of restricted estates not exceeding $2,500 in value of deceased Indians of the Five Civilized Tribes in Oklahoma; to the Committee on Indian Affairs.

ADDRESS BY HON. JAMES A. FARLEY BEFORE FRIENDLY SONS OF ST. PATRICK

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an address delivered by Hon. James A. Farley before the Friendly Sons of St. Patrick in Philadelphia, Pa., on March 17, 1942, which appears in the Appendix.]

ADDRESS BY SENATOR MEAD BEFORE SCHOOL OF ENGINEERING, MANHATTAN COLLEGE

[Mr. MEAD asked and obtained leave to have printed in the RECORD an address delivered by him at the golden jubilee communion breakfast of the school of engineering, Manhattan College, N. Y., on March 15, 1942, which appears in the Appendix.]

ADDRESS BY JUSTICE BYRNES BEFORE FRIENDLY SONS OF ST. PATRICK

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD an address delivered by Hon. James Francis Byrnes, Associate Justice of the United States Supreme Court, before the Friendly Sons of St. Patrick Society of Washington on March 17, 1942, which appears in the Appendix.]

THE PAPAL CONTRIBUTION TO JURIDICAL INSTITUTIONS OF PEACE—ADDRESS BY DR. BRENDAN F. BROWN

[Mr. MEAD asked and obtained leave to have printed in the RECORD a radio address delivered by Dr. Brendan F. Brown, professor of law, Catholic University of America, on March 14, 1942, on the subject The Papal Contribution to Juridical Institutions of Peace, which appears in the Appendix.]

THE COURAGEOUS ATTITUDE—ADDRESS BY LEONARD HICKS

[Mr. BROOKS asked and obtained leave to have printed in the RECORD an address delivered by Leonard Hicks, of Chicago, entitled "The Courageous Attitude," which appears in the Appendix.]

ADDRESS BY DR. RUTH MILLER STEESE ON AMERICA SUMMONS TO SERVICE

[Mr. DAVIS asked and obtained leave to have printed in the RECORD a radio address on the subject, America Summons to Service, delivered by Dr. Ruth Miller Steese, at Sunbury, Pa., on February 23 1942, which appears in the Appendix.]

STOP PROFITS AND BOOST PRODUCTION

Mr. MURDOCK obtained the floor.

Mr. LEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. MURDOCK. Yesterday I had rather a distinct understanding with the majority leader that I would proceed today. Many inquiries were made of me yesterday as to what happened to the Langer seating. My reply was that nothing was done so far as the Langer seating was concerned, but I certainly was seated for the afternoon. [Laughter.] If the Senator from Oklahoma intends to occupy the floor for only a few minutes, I shall be glad to yield.

Mr. LEE. Mr. President, the Chairman of the War Production Board, Mr. Donald Nelson, performed a great service when he told the Nation that production can be doubled, but I still insist that Mr. Nelson should make a recommendation to Congress for legislation that would speed production.

If Mr. Nelson will do that, I believe Congress will pass such a measure in record time, but unless Mr. Nelson throws the support of his powerful office back of legislation to speed up production, it is difficult to secure quick action, because people are divided as to what type of legislation would best accomplish the purpose desired. Mr. Nelson is in a position to know what measures would accomplish the purpose. Therefore, a recommendation from him to Congress would result in immediate passage.

Mr. President, one of the main planks in my campaign platform was to take the profits out of war. I am more convinced today than ever before that that is necessary.

The thing that has hindered our production program from the very beginning has been the policy of holding on to the profit system under a war situation. That was the system followed during our pre-war defense effort. Those in charge of production were trying to get production through the profit incentive.

Then, under the Office of Production Management, the so-called O. P. M., the policy was still to get production through the incentive of profits, and that is still the policy under the War Production Board.

Such a policy places labor against management, and friction is inevitable. Due to the sheer patriotism of many of the big men in industry and the big men in organized labor, we have been able to step up production and in some cases move ahead of schedule. But the policy of increasing production by the profit incentive is wrong, because such a policy results in a contest between management and labor over the profits.

Therefore, if Mr. Nelson wishes to get maximum production, I recommend that he eliminate entirely the profit system and place everybody on a nonprofit basis. That means no more cost plus 10 percent profit contracts. Why should the Government guarantee management a 10-percent profit or a 7-percent profit when the Government is guaranteeing to pay all costs, which includes every necessary cost of the operation of the plant, replacement, depreciation, breakage, and like factors?

There are those who argue that it is fair that capital be guaranteed a normal profit. If that is true, then we should guarantee all the automobile people who had to close up their business a normal

profit, we should guarantee all the men who sold refrigerators, typewriters, and radios a normal profit, we should guarantee all the automobile-tire salesmen and tire-repair shops a normal profit. If that is correct, we should guarantee every soldier his normal income. Those boys who had jobs paying them $300 a month, and who are today working for a dollar a day and a chance to die, should be guaranteed a normal profit.

Mr. President, I here and now make Donald Nelson a proposition. If he will place management on a nonprofit basis, I will bet that all the laborers who walk out on a strike after that policy has been instituted can be crowded into a telephone booth. The laboring people have more sons in uniform than the managers have.

Now, Mr. President, the Chairman of the War Production Board has the power to do just that. Under the provisions of a law which I helped sponsor he has power to require every manufacturer to manufacture war goods, and if the manufacturer refuses his plant can be seized and he can be fined $50,000 and sent to the penitentiary for a period of 3 years. The law provides that the Government shall pay such a person a fair and reasonable price for his plant.

It is my contention that when we are in a war a fair and reasonable price does not include a profit. Mr. Nelson has the power to act now. In his recent radio speech, one of the reasons which he gave for lagging productior was "the reluctance to increase the number of shifts." He did not say whether that reluctance was on the part of management or labor, but if Mr. Nelson will institute a nonprofit policy I guarantee that if the fault is labor's they will willingly increase the shifts, whereas if the fault is management's he has the power to compel them to increase the shifts.

Furthermore, there is the question of the 40-hour week. Judging from my mail, some are under the impression that provision in the law for a 40-hour week means that workers are not allowed to work more than 40 hours a week, but, of course, that is not the case. There is no prohibition against a laborer working longer than 40 hours. The law requires management to pay the worker time and a half for all the time he works over 40 hours. Therefore, if this law is holding up production, it is very possible that it is because management is unwilling to pay the additional wage. If that is the case, then a no-profit policy would remove that as a cause for friction.

Mr. President, when I was a buck private in World War No. 1 I made up my mind that the only fair policy for any government to follow during war was profits for no one and duty for everyone. I determined then that I would fight war profits with all my energy. I have kept that promise.

There is much being said about an all-out war effort. That is my program exactly. It includes no profi , no strikes, no racketeers either in management or labor, no delays or hindrances in production. During peacetime we are creating wealth. Therefore, the profit system works well and furnishes proper incentive to enterprise.

But during war we are not creating wealth; we are destroying wealth. Every time we fire one of our big guns, thousands of dollars go up in smoke. Every time a city is bombed, wealth is destroyed. We are not increasing wealth. We are not creating wealth. We are destroying wealth. Therefore, if any person comes out of this war with a 10-percent profit or a 1-percent profit, then someone else has had to pay extra in order for that person to have a profit.

Unless every person in the United States comes out of the war with less than he had when we went in, then the burdens of war have not been equally or fairly distributed.

But you say to me, we must have the profit incentive in order to get the maximum production. If that is true with respect to management, then do not talk about limiting wages. If that is true with respect to industry, then do not talk about a price ceiling on agriculture.

Either none should profit or else all should profit. Obviously, all cannot profit. Obviously, if we continue a competitive scramble for profits, we shall lose this war and everything we hold dear.

Mr. President, profits in wartime are wrong. Therefore, why should we sanction them in cost-plus-profit contracts? I am opposed to them. I have been opposed to them and fought them at every opportunity.

I helped pass the law to which I recently referred, giving the Government power to seize a man's factory and send him to the penitentiary if he did not cooperate in our war effort.

I helped sponsor another bill which we passed last year, giving the Government power to requisition property.

Mr. President, my program is an all-out program. The people of my State, led by one of the big newspapers, are demanding that we suspend the 40-hour week and pass legislation preventing all stoppages in industry.

I favor both propositions.

Almost a year ago I advocated these same steps. Now that we are actually in war, I am even more in favor of them, but my program does not stop there; it goes all the way and includes management as well as labor; it includes no profits as well as no strikes.

But I am wondering if those who have been so eager to have Congress suspend the 40-hour week and pass antistrike laws will be just as eager now to take away all profits from industry.

I welcomed their support on the other part of the program, and I here and now invite and welcome their support in stopping war profits, in a move really to make this war a community effort.

OUTLAW LABOR RACKETEERS

Mr. President, early this year there came to my office a complaint about labor racketeers charging for the privilege of working on the powder plant at Chouteau, Okla. I referred this complaint to Lt. Col. H. A. Montgomery, Corps of Engineers, and in charge of construction of that plant. After an investigation, Colonel Montgomery wrote me, in part, as follows:

The information at hand indicates that the complainants have been misinformed or have been the intended victims of some individuals or groups, posing as union officials, since there is no evidence of the existence of a "Tulsa Local No. 154" in any organized craft.

This would indicate that the labor unions are not to blame for everything that has been done in their names.

But I have a number of letters, some from people I know personally, who are telling me of this outrageous practice of charging persons for the privilege of working. The complaints which have come to me recite cases at the Chouteau powder plant, also at the new depot being constructed near Oklahoma City, also on the Cookson Hills training camp near Muskogee. Such a practice is wrong and must be stopped. There is legislation pending before committees of the Senate which will put an end to such racketeering as this.

The dislocation of different businesses in Oklahoma has turned many persons out of their former employment. Naturally, they are trying to get employment in war industries. Many of them do not have the money to make these initial payments. Therefore, they cannot get employment.

But even if they had the money, the principle is wrong. It is un-American. This whole war is to determine whether or not we will have the right to live as free men. Therefore, the bitter irony of this whole situation should speed our committees to action. The very idea of free Americans having to purchase permission to work in a war industry in order to fight a war for liberty. Our people will not stand for this sort of thing. The labor racketeer and the industrial profiteer must both go.

Mr. President, I am a part of an administration which has done more for labor than any other administration in the history of this Government. I have personally battled for the rights and privileges which are so dear to labor. I have not changed in my policy toward labor at all. But now we are in war and we must change to a war status. We must recognize that there is a vast difference between a war economy and a peacetime economy.

Therefore, I urge the leaders of the administration and the labor leaders to join with the people in this all-out program which is absolutely necessary if we are to win the war in the shortest possible time. If the labor leaders and the leaders of the administration will themselves suspend these laws for the duration of the war, it will be much better than to have them swept aside by those who are unfriendly to these social gains.

Unless this is done by friendly hands, instead of these laws being suspended for the duration of the war, many of them will be repealed altogether and many years will elapse before we can replace them.

Mr. President, I have always supported the program of organized labor and collective bargaining. I am for the labor union, but there is another union that is more important, and that is the Union of our 48 States. Unless we can preserve this Union and keep the Stars and Stripes flying above American soil, there will be no labor unions to protect.

There is a difference between repealing a law and suspending it for the duration of the war. There are many rights and privileges which we would die for to preserve in peacetimes that we voluntarily surrender during war. We are fighting for the freedom of the press, but it has long been established that the Government has power to censor the newspapers, and even today the newspapers are operating under a voluntary censorship.

The right of freedom of the press was denied during the World War and at least one person sent to the penitentiary for printing and circulating handbills.

When a soldier is drafted into the service of his country, he surrenders his right to free speech, his right to free press, his liberty; he surrenders his right under the thirteenth amendment, which guarantees that "involuntary servitude shall not exist in the United States," and in thousands of cases he gives up his right to life itself. Therefore, it is idle to oppose an all-out program because it involves certain hardships upon civilians. The war must be won. We cannot dally with the issues of death.

I now wish to quote a few lines from a minister of the Gospel in Oklahoma City:

> The forty-third man from my church is leaving today. These boys are in Iceland and Panama. Some of them were through the battle of Java and are now in Australia. They are officers, privates, noncoms, and in all divisions of the service. I look at their mothers and fathers everytime I stand in my pulpit. There I see one little mother and father who have a son with MacArthur at Bataan, from whom they have never had a word. I can hardly look in their direction at church without tears. They live in mortal suspense. It is hard for them to accept reasonable propositions when they ask "Why isn't something done to relieve the boys out there?"

Let those who feel that it works a hardship on industry to be required to build bombers without a profit explain that hardship to this mother and father. Let those who feel that the suspension of some of their peacetime rights and privileges will work an inconvenience to them explain that inconvenience to these parents. Let those who insist on a cost-plus 10-percent profit explain their right to that profit to the shell-shocked, the maimed, the blind, and the crippled boys who will come back from this war.

Mr. President, my program is whatever it takes we are going to produce and send to the battle fronts, no matter what sacrifice has to be made to do it, and there is going to be no comprise with anyone on this program.

LABOR AND WAR PRODUCTION

Mr. O'DANIEL. Mr. President, with the permission of the Senator from Utah [Mr. MURDOCK], I ask unanimous consent to have printed in the RECORD at this point in my remarks some of the telegrams which I have received from sincere, honest, patriotic citizens making suggestions for legislation which they believe should be enacted by the Congress, and urging the Congress to do something to speed up the production of war materials. I urge the committees in charge of the bills which are intended to speed up war production to use their best efforts to bring the bills to the floor of the Senate at the earliest possible date.

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

STAMFORD, TEX., *March 18, 1942.*

Hon. W. LEE O'DANIEL,
Senator from Texas,
Washington, D. C.:

Urge immediate action on legislation to suspend time-and-one-half and double-pay provisions of labor contracts for duration of war, limit profits on defense work at reasonable levels, abolish Agricultural Adjustment Administration program and prevent further advances in agricultural products, and raise needed revenues with a sales tax.

BARTLETT HOLLAND.
E. F. PRICHARD.

DALLAS, TEX., *March 17, 1942.*

Hon. Senator LEE O'DANIEL,
Washington, D. C.:

Congress should stop coddling labor and losing the war. I am in favor of open shop and the abolition of 40-hour week and extra pay.

BEDFORD SHELMIRE, M. D.

ALTO, TEX., *March 17, 1942.*

Hon. W. LEE O'DANIEL,
United States Senator from Texas:

It is the unanimous opinion this club that you take immediate action abolishing 40-hour week and adopt the "work or fight" policy and enact effective legislation outlawing strikes in war industries.

ALTO LIONS CLUB.

DENTON, TEX., *March 17, 1942.*

W. LEE O'DANIEL,
Care Senate:

At a meeting of the directors of the Denton, Tex., Chamber of Commerce held March 16, 1942, it was unanimously agreed that industrial and labor conditions of the United States require immediate legislation in order to speed up production of war needs; and

Whereas the 40-hour week has not justified President Franklin D Roosevelt's statement or hopes that the United States be the arsenal for democracy, we urge that the 40-hour week be abolished by act of Congress; and

Whereas strikes for more than a year have impeded production of necessary war equipment, it is insisted by this body that labor or industry which refuses to function for the best interest of the allied nations should be immediately inducted into the fighting forces; and

Whereas at present a workman in order to get work in many of the war production factories is compelled to join a union, it is recommended that closed shops be made unlawful: Now, be it

Resolved, That we respectfully urge Members of Congress and President Franklin D. Roosevelt to give immediate support to the enactment of such remedial legislation.

W. C. ORR,
President, Chamber of Commerce.

HOUSTON, TEX., *March 17, 1942.*

Senator O'DANIEL,
Washington, D. C.:

The 53 members of the Houston Executive Association unanimously approved this morning your stand with reference to organized labor being required to make concessions to the national war effort. Keep up the good work. We are all behind you.

HOUSTON EXECUTIVE ASSOCIATION.

CUERO, TEX., *March 17, 1942.*

Senator W. LEE O'DANIEL,
Washington, D. C.:

Cuero people unanimously demanding more aggressive defense activities and more militant measures, such as immediately placing production on 24-hour basis and removing 40-hour labor limit. Our citizens cooperating by furnishing defense funds and valiant sons, and urgently request that Washington carry forward all our program.

CUERO CHAMBER OF COMMERCE.

DALLAS, TEX., *March 17, 1942.*

Senator W. LEE O'DANIEL:

Forget 40 hours. Let's get going. Action, action, more action.

A. J. WILLIAMS,
Dallas Foundry.

DALLAS, TEX., *March 17, 1942.*

Senator W. LEE O'DANIEL:

To hell with Japan and strikers on defense works and 40-hour week.

HUGH B. WILLIAMS.

KARNES CITY, TEX., *March 17, 1942.*

Hon. W. LEE O'DANIEL,
United States Senator:

The time has come when the people expect and demand an all-out effort in this war. At home we are, without murmur, buying our bonds and stamps and paying our taxes. We request you to do all in your power to inaugurate and support all legislation that will outlaw any form of strikes in defense industries and the relaxation or abolishment of limitations of the 40-hour week. From here it appears that winning this war is now the primary task and all else is secondary, including corporation profits, farm blocs, business as usual, high union fees, and lobbyists.

KARNES CITY (TEX.)
CHAMBER OF COMMERCE.

SAN ANTONIO, TEX., *March 17, 1942.*

Senator LEE O'DANIEL:

Repeal 40-hour law. Sponsor anything to speed production.

E. M. SEVENS,
President, San Antonio Association of Automobile Finance Companies.

LONGVIEW, TEX., *March 17, 1942.*

Senator W. LEE O'DANIEL,
Washington, D. C.:

Donald Nelson's radio address tonight sounds good, but it is still necessary to pay tribute to a labor union in order to get a job on a defense project. Texas people are sick of pecksmiffian righteousness.

J. N. SAYE.

HOUSTON, TEX., *March 18, 1942.*

Senator W. LEE O'DANIEL,
Washington, D. C.:

It is the desire of Eastwood Men's Club that Congress pass suitable laws to destroy the methods used to block production or hinder or delay construction of war materials vital to the protection of our American standard of life. Such action should be taken immediately.

EASTWOOD MEN'S CLUB,
C. G. GRIBBLE, *Chairman.*

EDINBURG, TEX., *March 18, 1942.*

Hon. W. LEE O'DANIEL,
Senator, Capitol Station,
Washington, D. C.:

We want action. Why not freeze all employer-employee relation and kill all labor dispute for duration. Raise 40-hour restriction and give all-out aid to war production.

EDINBURG CHAMBER COMMERCE.

SAN ANTONIO, TEX., *March 17, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:
Please support the Smith bill.
J. W. GORMAN.

BEAUMONT, TEX., *March 18, 1942.*
W. LEE O'DANIEL,
Washington, D. C.:
The same interests that destroyed the economic opportunities of this country are running the war. Unless chain-store and monopoly stool pigeons and labor racketeers are gotten rid of you are not going to win.
C. M. MABRY.

CRYSTAL CITY, TEX., *March 18, 1942.*
Senator W. LEE O'DANIEL,
Senate Chamber, Washington, D. C.:
We decided today at regular meeting to let our representatives in Washington know that we approve of more definite constructive action in this crisis by eliminating some of the national sores apparently on the body politic. We would like to see the 40-hour week eliminated, strikes abolished, wages fixed, prices fixed, profits eliminated, and a definite order to go ahead in all defense industry, and stop so much talk, and get down to action. If necessary, conscript all manpower, capital, but, above all, arm the Army and Navy and let's get something done that will contribute more to success than has been done. Maybe you say why don't we do something. You tell us. We are ready.
ALL MEMBERS OF CRYSTAL
CITY ROTARY CLUB.

EDINBURG, TEX., *March 18, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:
The one objective of loyal Americans is to win this war. Anything that hinders or interferes with it should be removed by whatever action is necessary. Edinburg citizens in mass meeting assembled urge repeal of the 40-hour law for duration of war in all defense industries, enactment of legislation to outlaw strikes in those industries, and speeding up by all possible means production of armaments and supplies needed to speedily accomplish this objective. This message is respectfully sent after hearing President's comment on situation today. We do not believe we are misinformed about the fundamentals involved or the imperative necessities of the situation.
SID L. HARDIN, *Chairman.*
A. A. ALDRICH, *Mayor.*

EDINBURG, TEX., *March 18, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:
Stop strikes, draft labor and capital, put strikers on the front lines of our Army at $21 per month. Our boys don't fight 8 hours per day and quit in the middle of a battle because their time is up. No overtime pay for them. We Texans are getting mad and can raise an army of 1,000,000 men to handle strikers if necessary. This is no time for pussyfooting around.
W. P. SMITH.

DALLAS, TEX., *March 17, 1942.*
Senator W. LEE O'DANIEL,
Senate Building,
Washington, D. C.:
Have talked with dozens of people all walks of life past several days, and without exception all demanding Congress and administration take immediate steps speed up defense production by outlawing strikes, eliminating 40-hour week, and curtailing profits. If such legislation is speedily enacted, it will do more to uplift morale of people and give them confidence in Government than anything else. If not, the opposite effect will result. The eyes of Texas are on their representatives in Washington.
R. I. PAYNE.

TYLER, TEX., *March 18, 1942.*
Hon. W. LEE O'DANIEL,
Washington, D. C.:
Both of us have brothers in the Army, and they are working full time. We demand and know you will use every effort to accomplish the following: Suspension of the 40-hour week and overtime for the duration. And why should any American have to pay some labor racketeer money to work in defense plants in the United States?
Mr. and Mrs. MANER GRAHAM.

DALLAS, TEX., *March 18, 1942.*
Messrs. LEE O'DANIEL, TOM CONNALLY, HATTON W. SUMNERS,
Washington Office, Washington, D. C.:
Dallas wants no recess in Congress; no congressional sit-down strikes. Dallas wants record of all votes.
DALLAS COMMITTEE OF INVESTIGATION.

HOUSTON, TEX., *March 18, 1942.*
Senator W. LEE O'DANIEL:
All strikes and overtime should be abolished during war.
LLOYD P. WEBRE.

RUSK, TEX., *March 18, 1942.*
Hon. W. LEE O'DANIEL,
United States Senator,
Washington, D. C.:
Unanimous actions by resolutions this post that you repeal 40-hour workweek; adopt work or fight policy; enact legislation prevent strikes war industries
COLEMAN ISGATE POST, 293,
AMERICAN LEGION.

TYLER, TEX., *March 18, 1942.*
Hon. W. LEE O'DANIEL,
Washington, D. C.:
Suspend 40-hour workweek and overtime and double time. Abolish strikes completely and entirely stop unions from collecting a fee for the privilege of working on defense jobs.
R. L. WOOD.

EL PASO, TEX., *March 18, 1942.*
The Honorable W. LEE O'DANIEL,
Senate Office Building,
Washington, D. C.:
We can and must win this war. Imperative that we brush away every obstacle impeding or slowing down necessary war production facilities. Those in authority should commandeer industry and labor alike, limit profits to industry and business in general, suspend hour-and-wage provisions, and forbid strikes for duration. Put a ceiling price on farm products from producers to middleman and ultimate consumer. Defeat any and all legislation for expenditures for nonwar purposes. Reduce all nonwar agencies to minimum requirements or close activities during emergency. Let's clear our decks for ruthless war and get tough.
Southwestern Wholesalers Distributors Association; Zork Hardware Co.; Darbyshire Harvie Iron & Machine Co.; Crane O'Fallon Co.; E. Meagher, manager, El Paso branch, American Rad. & Std. Sanitary Corporation; Mine & Smelter Supply Co.; Momsen Dunnegan Ryan Co.

AUSTIN, TEX.
Hon. W. LEE O'DANIEL,
Washington, D. C.:
This is a copy of the action of the board of directors of the Austin Chamber of Commerce taken March 16, 1942.
"It is our firm belief that many of the elected servants of 130,000,000 Americans are not clearly expressing the will of the people. There is too much talk and too little real statesmanship and sane action to accomplish what all concede is the paramount issue 'Win this war.' This is no time for political fences, political trades, and social reforms. If we lose this war, what good are politics or our social reform? It is Washington's job to state plainly the feelings and beliefs of the people, and we believe the people want immediate action that will insure results. Each elected servant should devote 100 percent of his time and energy to winning this war. To assure this we demand that legislation to accomplish these six things be enacted by April 1:
"1. Work or fight.
"2. Open shop and no strikes.
"3. No profiteering.
"4. Eliminate 40-hour week.
"5. No labor racketeering.
"6. Definite wage control.
"We are ready and willing to accept any sacrifices to win this war, but an awakened Congress must see that the proper machinery is put into action at once to accomplish this. Our public servants must be more concerned about Jap gains than social gains. They must place the safety of our Nation above the safety of their political future.
"Each Member of the Texas delegation is called upon to answer immediately with a positive statement of his intentions.
"E. B. Moody, president; Clark C. Campbell; Dennis W. Macken; J. R. Allen; Huron W. Mills; J. E. Harrison; E. J. St. John; E. G. Kingsbery; A. B. Spires; T. B. Warden; W. F McNamara; Jim Novy; James J O'Brien, C. S. C.; George C. Quinn; V. P. Patterson; Thurlow B. Weed; G. F. Thornhill; J. L. Rose; John H Fredericvtez."

SHERMAN, TEX., *March 17, 1942.*
Hon. W. LEE O'DANIEL,
United States Senator,
Washington, D. C.:
We earnestly urge immediate action compelling every group, firm, and individual to cooperate in all-out war production without hour-and-wage limitations for the duration. Present crisis demands continuous operation 24-hour day and 7 days every week.
Board of Directors, Sherman Chamber of Commerce: J. Tip Newell, J. B Knight, L. H. Young, Floyd Wallace, A. G. Hopkins, Carroll E Wood, Harry Hudgins, J. Newell Huston, Jess M. Totten, Frank P. Vogt, J. C. Durham, J. A. Alexander, H. G. Tuck, E. B. Chapman.

EDINBURG, TEX., *March 18, 1942.*
Hon. W. LEE O'DANIEL,
Senate Office Building,
Washington, D. C.:
Your talks appealing to mothers and all other patriotic citizens. Keep it up.
B. F. MCKEE.

EL PASO, TEX., *March 18, 1942.*
Hon. W. LEE O'DANIEL,
Senate of United States,
Washington, D. C.:
As group receiving daily calls to service we demand similar call to labor and capital. Twenty-four hour days and 7-day weeks in Army must be matched by defense industry. We call on Senators to sacrifice too. Lives for votes. How about it? Answer Postal Telegraph.
ACTION COMMITTEE,
EL PASO JUNIOR CHAMBER OF COMMERCE.

WESLACO, TEX., *March 18, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:
MacArthur and his men have no 40-hour week. Why should labor? We expect you as

our Senator to support any measure that will insure sufficient war equipment to support our fighting men. We are fed up on labor dictatorship and other selfish pressure groups in Washington delaying the war effort for their own greed.

WESLACO LIONS CLUB.

WESLACO, TEX., *March 18, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:

Forty-hour workweek peacetime measure inappropriate under war conditions. Urge your influence to assure continuous production in war industries. All out for victory.

WESLACO BUSINESS AND PROFESSIONAL WOMEN'S CLUB.

BROWNSVILLE, TEX., *March 17, 1942.*
Hon. W. LEE O'DANIEL,
United States Senate,
Washington, D. C.:

Request you support Smith-Vinson anti-strike bill without any devitalizing amendments.

JOS. C. JORDAN.

DALLAS, TEX., *March 17, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:

This is the time for an all-out effort and sacrifice by every patriotic American. We believe it is your duty to foster repeal of the 40-hour week and antistrike legislation for the duration immediately. Our fighting men need war materials right now, not 6 months off. Increased taxation will take care of excess profits. Put your support behind these movements.

OTTO HEROLD.
ALVIN HEROLD.

LAREDO, TEX., *March 17, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:

We are now engaged in a war that demands full-time duty for everyone. The Laredo Lions Club feels that 40-hour week should be abolished and every opportunity given business and labor to work night and day to win this war. Labor is just as necessary as service on the front and men in uniform do not fight by the hour. We must realize our position. Remove all restrictions. Stop arguments and have some action.

LAREDO LIONS CLUB.

WACO, TEX., *March 17, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:

We respectfully request that immediate steps be taken to abolish the wage-and-hour law and to see that all factories working on defense program are immediately put on a 24-hour basis. Sentiment of all the mothers and fathers is that immediate steps should be taken.

Sam Bates, J. C. Teat, C. W. Neyhard, W. E. Shankle, W. M. Kirkpatrick, E. R. Rickey, Robert M. Gorham, J. W. Simpson, M. L. Bando, B. M. Busy, J. H. Lawless, Dave Termin, H. B. Posey, S. E. Powers, J. F. Connor.

KINGSVILLE, TEX., *March 18, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:

Undersigned request you favor and urge passage of legislation immediately to suspend 40-hour wage law, prohibit strikes in defense industries, and limitation of war profits. We feel boys fighting at front for $21 per month need the unqualified support of everyone at home.

Ben F. Wilson, county judge; J. C. Nolan, mayor; J. H. Kidd, Jr., county attorney; Gus L. Kowalski, attorney; E. W. House, banker; A. L. Kleberg, city commissioner; Clyde M. Allen; F. Fromme; D. A. Barber; Max Cornelius; Otis West; J. C. Chandler, D. D.; Robert Eckhardt, merchant; Charles H. Flato 3d, hardware merchant; C. C. Weller, druggist; H. T. Collins, banker; M. A. Smith, Jr., banker; Mrs. J. A. Demauri, Jr.; J. B. Otto; G. M. Patton; Hill Reese; H. B. Hollyfield; Tom Talty; R. C. Durham, Edwards Food Store; F. R. Kirk, engineer; J. S. Cage; R. K. Cumberland, farmer; Rex Wright, groceryman; Pauline W. Jester, teacher; Marion Chandler, banker; Joe B. Waldman, merchant; Mrs. Mae Demauri; R. W. Jennings, manager Cage Hardware and Implement Co.; G. C. Ellis, druggist; Paul M. Riley, professor A. and I. College; W. A. Donaldson, locomotive engineer; B. B. Woodall, locomotive engineer; H. M. McCormick, merchant; N. M. Harrell, druggist; F. C. Johnson, district manager, Weisman Jewelry Co.; J. J. Weisman; J. H. Weisman; Christ George; G. A. Haag; W. T. Mathis, county commissioner; Raleigh Colston, insurance; W. G. Eubanks, engineer; John D. Finnegan; Dr. Houston Brown; Caesar Kleberg; J. C Yeary; Chamber of Commerce, Kingsville, by E. B. Erard; Alex J. Anderson, boilermaker and welder; M. C. Reese, chairman pro tempore Locomotive Engineers.

TYLER, TEX., *March 18, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:

Attended mass meeting Smith County tonight. I am 100 percent behind resolutions adopted. We want action now, not later. Let us hear from you.

T. L. JOHNSON.

DALLAS, TEX., *March 17, 1942.*
Senator W. LEE O'DANIEL,
Senate Building, Washington, D. C.:

We are all employed in the home office of a theater organization and well know the value of this form of amusement to public in times such as these. We are not in the business of manufacturing vital defense materials, but if we were, certainly would not jeopardize our country's chances by participating in strikes or insisting that a 40-hour week continue. We look to you, our Representatives in Washington, to do everything in your power to enact legislation to outlaw all strikes and eliminate the 40-hour week. Deep in the hearts of we girls, deep in the heart of Texas, is a sincere prayer that you will take action.

Mollie M. Warner, Lillian Skrehot, Blanche B. Boyle, Lee Roy Caffo, Edna Leonard, Margaret Morris, Dorothy Johns, Florence Hughes, Thelma Seaton, Frances McClinton, Marilyn Bragg.

TYLER, TEX., *March 18, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:

Urge repeal 40-hour week. Ask legislation 24-hour day, 7-day week production war material, penal offense labor striking defense plant. Immediate action expected.

M. B. RUDMAN.

BORGER, TEX., *March 17, 1942.*
Hon. W. LEE O'DANIEL,
Senate Office Building,
Washington, D. C.:

Mothers, fathers, wives of Hutchinson County men in service want full industrial defense production immediately. It's up to you, our leaders, to show the same courage and resourcefulness and unselfish devotion to duty as the men and women who offer their lives. Don't beg industry and labor, tell them what to do, like you command our loved ones in uniform to march into the jaws of death. Be our leaders—good ones. Act now.

W. A. SEEGER.

TYLER, TEX., *March 18, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:

Urge your immediate support in repeal of the 40-hour-week law and that all defense plants be placed on 24-hour day, 7 days a week, and making it a criminal offense for anyone to strike in defense work for duration of war.

A. J. HARRIS.

SPUR, TEX., *March 17, 1942.*
Hon. W. LEE O'DANIEL,
United States Senator,
Washington, D. C.:

We respectfully urge that you continue your fight for longer hours for labor, make provisions for induction into the Army for strikers, and require more cooperation from industry. These are the sentiments of our entire county.

M. H. BARNNEN,
County Democratic Executive Committee.

SAN ANTONIO, TEX., *March 18, 1942.*
Senator W. LEE O'DANIEL:

Information desired by defense chairman for State conference, Texas Daughters American Revolution, as voting citizens, mothers, and wives of soldiers as to proper committees in Congress with names of chairmen and other keymen who should be telegraphed for action in securing suspension of 40-hour workweek and passage of legislation insuring continuous capacity production in war plants for duration. Will deeply appreciate favor if you will kindly furnish this information. Wire collect.

MRS. D. P. GERMANE,
State Defense Chairman,
Daughters of the American Revolution.

SHERMAN, TEX., *March 17, 1942.*
Hon. W. LEE O'DANIEL,
Senate Chamber, Washington, D. C.:

We demand immediate legislation and action: To outlaw all labor strikes. To forbid overtime on Sundays and holidays. To eliminate the 40-hour week. To place industry on 24 hours a day, 7 days a week production. To place a ceiling on all wages and prices. To have government crack down on all business-as-usual individuals, industries, and organizations, and force complete mobilization of all our forces and resources to win this struggle. To force all politicians to place the interests of the Nation above all selfish desires. This is war. Our men are being killed. We had rather be regimented freemen for the duration and win the peace for our children than be slaves of totalitarianism.

Sherman Rotary Club: J. A. Alexander, Earl Altman, Carey Anderson, John W. Bailey, Virgil Baker, James Binkley, Paul Bimmerman, W. J. Carpenter, A. Y. Creager, Chas. Calhoun, John C. Daniel, Bryon Davis, Joe Dodson, W. S. Dorset, Basel Delaney, Joe Durning, Carl Enloe, Will H. Evans, Mordaunt Everheart, James A. Fant, A. Fernandez, W. J. Folley, Leon Foshee, James R. Grady, Levis Hall, Jr., E. M. Hampton, Lofton Hendrick, Arthur Hopkins, Nolan Jackson, Joe A. Keith, Herman Klapproth, A. Kubala, Geo. Livingston, Henry Lee Lowrence, Barney McLean, W. J. McGee, Jack McGee, H. L. McLean, L. L. McCruthin, John T. Nall, Tip Newell, John H. Perry, R. G. Piner, E. H. Powell, Stanley Roberts, Sr., Stanley Roberts, Jr., Virgel Ryan, C. W. Scheurer, Walter Seale, Sam H. Shutt, John

H. Sicks, Pail Gordon, Silas Lee Simmons, Jack Smith, Bob Steakley, Cobel Strothers, W. W. Simpson, Frank Thompson, Jim Tong, E. B. Tucker, S. P. Tucker, C. E. Vandemark, Frank Vogt, Floyd Wallace, Geo. Wear, Max R. Woodward, Sam Wolfe.

SAN ANTONIO, TEX., *March 17, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:

Congressional inactivity is disgusting Texans. War-aid measures are dormant in the Senate without justifiable excuse. The interests of groups, you know, are receiving more consideration than the business of the people. Big spending of money and slapping of business in the face will not win the war. You have the leadership to become tellingly aggressive. We beg you to throw yourself into the fight as when you sold flour. Whole Texas will back you up.

JES F. WOLFE,
President, Southwestern Seating Co.

SAN MARCOS, TEX., *March 17, 1942.*
Senator W. LEE O'DANIEL,
Senator TOM CONNALLY,
Washington, D. C.:

We solemnly pledge that we will refuse to vote for the reelection of any United States Senator or Congressman who does not consistently vote for a law outlawing all strikes in every defense industry and who does not vote to abolish the 40-hour week in defense industries for the duration.

Tom Sumners, Ford dealer; Addison Buckner, publisher; Walter Buckner, publisher; C. H. Clayburn, laundryman; J. A. Younger, cafe; Charles Brown, publisher; Bert Miller, druggist; W. Ryan, Dodge-Plymouth; Frank Zimmerman, theater.

WINNSBORO, TEX., *March 17, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:

We, the members of the Rotary Club of Winnsboro, Tex., wish to inform you of the rising tide of impatience, amazement, and indignation against the delay and inaction of our President, Senators, and Representatives. We demand prompt action. We are more concerned about getting supplies to our brave boys on the firing lines than in preserving the social gains of any preferred group at home.

We are not enemies of union labor, but we believe that union labor should make sacrifices with the rest of us. The stubborn effort of politicians to protect all the gains of organized labor while the public and the men at the front are putting all into the war will result in a Nation-wide reaction that will sweep away those coveted gains.

We demand the suspension of the 40-hour week; we demand that strikes which hold up war production be stopped; we demand that noncooperating, profiteering business leaders be dealt with as public enemies. We will not listen to plausible alibis. Cut the red tape and drive ahead.

Passed by unanimous vote.

CHARLES L. BOUNDS,
Chairman of Committee.

HOUSTON, TEX., *March 17, 1942.*
Hon. LEE O'DANIEL,
The Senate, Washington, D. C.:

The undersigned citizens at the monthly meeting of the insurance exchange of Houston voted unanimously today to wire you our strong belief that immediate and effective legislation be adopted to outlaw strikes and any stoppage of work in industries essential to successful prosecution of the war. We urge that this is of paramount importance, and no consideration of any sort should stand in the way of immediate passage and enforcement of such legislation. We believe the people of this section are in no mood to accept any reason or excuse if the Congress does not appreciate the national peril sufficiently to brush aside opposition of selfish groups who oppose such action. We want the machines producing war materials running 24 hours a day. This action came by spontaneous suggestion from the membership without any suggestion from the officers or directors of this association. The purpose of this message is to give you the sentiment of approximately 1,100 citizens employed in the firms represented at this meeting.

A. D. Langham, Claxton A. Iiams, J. T. Curson, Mrs. Margaret Christy, Miss Una Hooper, W. O. Woods, Wilbur T. Smith, Jno. R. Young, A. L. Vetrano, Mrs. Ala Bonner, Curtis Knobelsdorf, Robert Gartner, Jr., Willie Tucker, W. Tucker Blaine, W. B. Ruth, Mrs. W. W. Bland, John G. Jones, D. L. Anderson, Mrs. Vera L. McCartney, Annette Fraser Baker, R. H. Branham, Geo. W. Dorrance, Russel Lee Jacobe, Roy D. Montgomery, W. M. Denton, Rufus Cage, A. M. Tomforde, M. M. Schwartz, Tom Godfrey, C. R. Yanch, Bill Urban, Mrs. M. R. Bunch, Mrs. Phil H. Arbuckle, Evander Ammons, Mrs. E. Ammons, A. M. Gideon, E. P. Gregg, W. J. Gebhard, W. C. Frank, J. A. Brackney, Geo. M. Fleet, H. J. Heath, Raymond S. Mauk, J. Lee Quillen, George Godine, Price K. Johnson, F. W. Dreyer, C. O. Flint, Emmett D. Seale, Mrs. Dan J. Morse, John W. Daniel, J. H. Murray, Frank N. Godon, Keith Collier, Ed Beular, L. O. Jarrell, Morris J. Strong, John D. Jones, W. L. Thaxton, Val Dawson, Louise Prater, Ben A. Calhoun, John B. Williams, W. D. C. Lucy, Ethel Tucker, Miss Opal Bunting, Floyd E. Ford, R. M. Blaine, Joe McDonald, J. M. Levi, Carle Aderman, Mrs. M. Gillian, Malcolm S. McCorquodale, J. Hayden Young, J. F. Nowlin, R. G. Waters, J. G. Levey, R. E. L. Leiper, H. P. Cabness, Bill Potter.

HENRIETTA, TEX., *March 18, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:

Our body had voted for Congress to repeal the 40-hour-week law and also to prevent strikes and other conditions impeding defense production. This represents unanimous public sentiment in the Southwest.

HENRIETTA AND CLAY COUNTY
CHAMBER OF COMMERCE.

TYLER, TEX., *March 18, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:

Go all out for war effort. Cut out 40-hour week, overtime pay, and shut-downs. Think of boy, not blocs.

ARCH C. PRICE.

GALVESTON, TEX., *March 18, 1942.*
Hon. W. LEE O'DANIEL,
United States Senate,
Washington, D. C.:

Our club, consisting of 87 members, urge you, our congressional Representative, to do all possible to inaugurate 24-hour, 7-days-per-week production program throughout the Nation, taking such steps as are necessary, either repealing or amending existing laws now acting as barriers or making new laws to accomplish this end, also to eliminate strikes and bickerings between industry and labor employed on defense contracts. We want action and want it now.

KIWANIS CLUB OF GALVESTON.

TYLER, TEX., *March 18, 1942.*
W. LEE O'DANIEL,
Washington, D. C.:

Urge legislation to speed production. Lives and liberty more important than group ambitions and profits. Forty hours, idle plants, and racketeering criminal.

LESLIE NEILL.

LLANO, TEX., *March 17, 1942.*
Senator W. L. O'DANIEL,
Washington, D. C.:

People here indignant over failure of Congress to discharge patriotic duty of supporting legislation immediately to outlaw strikes in defense industries and suspend 40-hour week for duration, also adequately dealing with labor racketeers. Patience of civilian population is exhausted and your mandate is clear. Unless condition changed at once, we believe people are approaching stage of revolt, and action alone, not words, can relieve tense situation.

Wilburn Oatman, Jr., president, Llano Lions Club; Bill S. Watkins, secretary; (Roster) Members Llano Lions Club: T. J. Watkins, mayor, city of Llano; H. J. Hoerster, president, chamber of commerce; Andy P. Box, county judge; Will Collins; A. H. Winkle; Carl Garner; M. C. Dalchau; Bailey Ratliff; A. C. Bowman; C. C. Ashley; Miles Buttery; C. E. Bishop; J. A. Mayes; Spencer Weber; Orville Buttery; R. L. Shepperd; Otto Holtzer; J. C. Jones; C. J. Whigham; John Cummins; A. G. Macy; L. L. Bruhl; C. L. Taylor; John L. Watkins; Van Spinks; Cullie Carter; R. P. McWilliams; C. V. Robinson; L. H. Baldwin; Leroy Lange; T. J. Moore; F. M. Cassiday; H. G. Wallace; Irvin Saltzman; N. A. Sanders; Leo Benorden; Thomas M. Spencer; W. W. Hart; Dick Williamson; and G. T. Dono.

WACO, TEX., *March 18, 1942.*
Hon. W. LEE O'DANIEL,
Washington, D. C.:

The people of this area recognize the terrifying fact that America has thus far lost the war. Our elected leaders have shamelessly failed to devote every hour of manpower, every acre of land, and every dollar of capital to the prosecution of war. Anything short of our utmost consecration to this cause means national suicide and abject slavery. We are distressed and disillusioned that selfishness and partisanship have impeded the production of tanks, planes, guns, and ships. Under the conditions existing today there is neither excuse for nor justice in a 40-hour week. Strikes and lock-outs are tantamount to sabotage. Anyone who impedes production of military equipment is a subversive force. Stiff-necked industry must eliminate business as usual and give 100-percent effort to the war program. All groups, regardless of name or party, must be made to recognize the folly of subsidizing nonproduction. Commodities essential for the prosecution of this war should be rigorously rationed. Abandon all nonessential agencies now using tax money, manpower, and materials that are needed to make the war program efficient. Abolish all Government functions and formality that fail to contribute directly to our war strength. If you would avoid inflation and economic chaos, you must place a ceiling on wages, profits, and commodity prices. This is imperative. The life of my son and the sons of millions of other

loyal American citizens depend on immediate and strenuous cooperation for an all-out production of sinews of war. We are impatient and angered with useless delays and boondoggling. This must stop if loyal cooperation is to be expected. A demand for vigorous war effort is stronger here than it seems to be in Washington. In the name of our boys at the front, of the defense for a just cause, of love for civilization, of decency, and justice, I entreat you to give up all political considerations and take the patriotic action so urgently indicated. This country is stirred to a depth heretofore untouched in its history at the lack of action on the part of our leaders. Give us action in that, and in that alone, you can depend on our wholehearted support.

Respectfully,

DEWITT T. HICKS,
Mayor, City of Waco, Tex.

PAMPA, TEX., *March 18, 1942.*

W. LEE O'DANIEL,
Senator, Washington, D. C.:

Our pledge to help win the war: We solemnly pledge that we will refuse to vote for the reelection of any United States Senator or any United States Congressman who does not consistently vote for a law outlawing all strikes in every industry connected with defense and who does not vote to abolish the limitation of 40-hours-a-week labor in defense industries for the remainder of the war.

The citizens of Pampa: Dudley West, Perry Franklin, O. Gillstrap, Thomas Cox, L. McCarroll, C. Cook, Herbert Hudson, W. Hudson, Virginia Hudson, Oscar Johnson, Mrs. Kentling, Mrs. Moss, Charles Burton, Mrs. Farrington, Ernest Crane, F. Hukill, Emmett Young, Ed Wiley, Frank Culberson, D. Sanders, Aubrey Randall, Henry Kolb, Louise Walstad, Henry Kolb, John Whelchel, Sam Devers, C. Ford, Floyd McConnell, J Kidwell, W Boyd, Chas. Kentling, Eugene Lewis, E. Anderson, F Morrison, George Woodhouse, Mrs. Kirby, D. Kirby, Tessie Parrish, Glen Carruth, Harold Beck, Lewis Meers, Mrs. Swan, Sue Johnson, Almida Fraser, Katherine Rogers, Marion Kelley, Alice Scheig, Earl Scheig, Ail Blanchard, Eunice Lilly.

HOUSTON, TEX., *March 18, 1942.*

Senator LEE O'DANIEL,
Washington, D. C.:

Green and Murray give up right to strike. Blum did, too, but stayed with the 40-hour week. Look at France.

FLORRA ROOT CODY.

SAN ANTONIO, TEX., *March 18, 1942.*

The Honorable LEE O'DANIEL,
United States Senate,
Washington, D. C.:

Whenever labor legislation is introduced in Congress the President seems to head it off; now we are tired of the closed shop, strikes, and the 40-hour week; promises and wise cracks won't do; we want action.

J. N. BEASLEY.

HOUSTON, TEX., *March 18, 1942.*

Senator W. LEE O'DANIEL,
Washington, D. C.:

The staff of the Methodist Hospital of Houston, Tex., consisting of 110 positions by unanimous vote on this date urge repeal of the 40-hour law and a 24-hour production of arms for our troops. We must win this war.

Dr. J. B. MCCULLEY,
Secretary of Staff.

HOUSTON, TEX., *March 18, 1942.*

Senator W. LEE O'DANIEL,
Senate Office Building,
Washington, D. C.:

Please support Smith-Vinson bill introduced yesterday limiting profits and voiding overtime pay on labor. Eliminate profiteering by business and labor alike during emergency, conscripting both if necessary to speed war production. Urge Washington to stop pussyfooting and playing politics, instead do what's necessary to win the war and do it now.

W. M. WOLTMAN.

LONGVIEW, TEX., *March 17, 1942.*

Senator W. LEE O'DANIEL,
Washington, D. C.:

Wholeheartedly behind those demanding immediate change of 40-hour week. Also in favor of companies with war contracts being limited to 6 percent net profit. Believe everyone in Gregg County feels same.

JOHN C. ROBBINS, Jr.

SEGUIN, TEX., *March 17, 1942.*

Hon. W. LEE O'DANIEL,
Senate Chamber, Washington, D. C.:

We demand that you abolish 40-hour week. Institute 168-hour week, without extra pay. Outlaw strikes affecting war production. Institute charges of treason and sabotage against labor gangsters who slow up production. Immediate induction into Army at soldiers' pay of all strikers. Demand action and leadership, not pussyfooting, immediately to protect morale of our boys.

SEGUIN ROTARY CLUB,
For Guadalupe County Citizens.

WAELDER, TEX., *March 17, 1942.*

Senator W. LEE O'DANIEL,
Washington, D. C.:

As our representative in Washington, we demand action on the following: First, that Congress forget their petty differences and get to work winning the war. Second, that the 40-hour week and double pay on Sunday be abolished during the war. Third, not a loss of 1 hour by strikes during length of war. Fourth, that the so-called relief which is ruining the South be abolished so that every dollar invested in bonds will go direct to war effort. Fifth, freeze price of wages and materials.

SIXTY-THREE CITIZENS OF WAELDER, TEX.

EL PASO, TEX., *March 17, 1942.*

Senator W. LEE O'DANIEL,
Senate Office Building,
Washington, D. C.:

Join our fight for the boys in uniform. We demand full-time operation of all war-production facilities on 168-hour weekly basis and that Government stop the bickering between labor and capital, or other special privileged groups. We insist that MacArthur be furnished all essential supplies. You have the answer and immediate action will be your reply. Hope this called your attention.

El Paso Traffic Club: E. F. Sanderson, J. V. Braswell, C. H. Boyce, John A. Carrell, W. T. Conley, N. L. Courreges, I. H. Cowsert, J. W. Callahan, Maxey H. Carr, J. R. Dalby, M. S. Darbyshire, J. B. Davis, R. B. Davis, W. C. Dugan, J. P. Evans, R. T. Eatman, Jr., Tom P. Fagen, W. H. Francis, R. P. Flynn, K. E. Gibson, F. W. Grueling, E. J. Griffiths, J. W. Gatlin, L. V. Gardiner, E. L. Guerry, Jr., A. M. Hoffer, Walter S. Harris, N. L. Hamilton, Burt Heffield, J. G. Hernandez, Lee Roy Kelly, T. S. King, Sam L. Lewis, Abner S. Lipscomb, B. F. Littleton, J. H. Millinary, J. R. McDade, E. L. McHabb, J. L. Naylor, A. G. Nelson, Harry E. North, Claude B. Olney, P. G. O'Neal, C. R. Pell, J. H. Pierson, E. E. Rothemier, D. W. Russell, S. R. Shields, M. G. Smith, Charles H. Schwankhaus, E. R. Tanner, F. C. Tockle, Fred Velaso, A. H. Wahlberg, John W. Brumlow.

GALVESTON, TEX., *March 17, 1942.*

Senator W. LEE O'DANIEL,
Senate Office Building,
Washington, D. C.:

I urge your support and every effort for repeal 40-hour labor law.

A. J. RASMUSSEN.

LONGVIEW, TEX., *March 17, 1942.*

The Honorable W. LEE O'DANIEL,
United States Senator,
Washington, D. C.:

Longview citizenship aroused. Strong resolution adopted last night by directors of chamber of commerce urging Congress to repeal immediately 40-hour Labor Act to put defense and war production on 24-hour 7-day basis, to stop strikes by drafting strikers for military service on the very day of the strike. Forget politics. Give up selfishness. Let's get going. Don't take time to answer this. Get on your job.

H. L. FOSTER,
President, Longview Chamber of Commerce.

LONGVIEW, TEX., *March 17, 1942.*

The Honorable W. LEE O'DANIEL,
United States Senator,
Washington, D. C.:

Bernay Camp Post, 149, American Legion, 250 strong on twenty-third birthday resolution urge Congress to repeal immediately 40-hour Labor Act to put defense and war production on 24-hour 7-day basis, to stop strikes by drafting strikers for military service on the very day of a strike, remove overtime scale, and put men to work. We have a job to do and want to do it. Forget politics, give up selfishness. Let's get the job done and then quibble. Answer not necessary. Get on the job and aid in production.

GRADY MCKINNEY,
Post Commander.

FORT WORTH, TEX., *March 17, 1942.*

Hon. W. LEE O'DANIEL,
United States Senate,
Washington, D. C.:

Nation's welfare demands labor racketeering be stopped. Recommend your very earnest consideration revision all laws affecting labor, particularly as to hours worked overtime and union membership for duration so $20 per month and 24-hour-day Army boys can have something to fight with.

C. J. SIEMONEIT.

IOWA PARK, TEX., *March 17, 1942.*

Hon. W. LEE O'DANIEL,
Senate Building, Washington, D. C.:

The Iowa Park Texas Lions Club today unanimously voted to wire and write urging you to use your influence and support in securing passage of legislation limiting profits on war contracts and suspension of Federal statutes prescribing maximum hours of work. We believe it is way past time for individuals or groups to desist from insisting on special rights and privileges. We are in complete agreement with the declaration of policy as stated in the measure introduced in the House by the Honorable HOWARD SMITH of Virginia and VINSON of Georgia.

IOWA PARK LIONS CLUB,
GEORGE E. JONES,
Secretary.

DALLAS, TEX., *March 17, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:
Forget 40-hour week.
Let's work and make the Japs weak.
MARVIN HAYS, DALLAS FOUNDRY.

HOUSTON, TEX., *March 17, 1942.*
Hon. W. LEE O'DANIEL,
Care the Senate, Washington, D. C.:
In this war emergency everyone should be impressed with the idea that there will be no waste of energy in connection with production of war essentials and that all industrial plants should operate on a full-time basis, 24 hours per day, 7 days per week. Sincerely trust the Smith House bill outlawing strikes during emergency be passed immediately, and hope you will support it.
HERBERT F. ROSENBUSH.

HOUSTON, TEX., *March 17, 1942.*
Senator W. LEE O'DANIEL,
Care Senate, Washington, D. C.:
During our war emergency we feel that there should be no waste of energy in winning and feel that it is time our war-production machine should operate on a 24-hour day 7 days a week, and that the Smith House bill outlawing strikes should be passed immediately. Anybody who wants to strike now should be placed in the service.
J. O. JARRELL.
RUFUS CAGE.

TYLER, TEX., *March 18, 1942.*
Hon. W. LEE O'DANIEL,
Washington, D. C.:
We respectfully demand that you introduce or support legislation designed to accomplish the following: Suspend immediately the 40-hour work week in labor for the duration; suspend the payment of time and one-half and double time for overtime and holidays; labor racketeering; above all, we demand that legislation be passed to cease all present strikes and prohibit future strikes in defense work.
Mr. and Mrs. J. C. OLIVER.

HOUSTON, TEX., *March 17, 1942.*
Senator W. LEE O'DANIEL,
United States Senate,
Washington, D. C.:
We want an all-out war effort with all plants on a 168-hour basis without further delay even if it means conscription of labor and confiscation of all profits and full Government control of all phases of life for the duration. We expect you to do everything you can to release our full productive capacity at once.
Leo Roberts, Davis Woods, Mamie Jacks, Buddy Woods, Mrs. Bessie Reynolds, Mrs. Clotell Everritts, E. D. Nelson, R. W. Ramsey, Bertha Battoms, Patsy Ditto, May Bonn, Annie Damon, Georgia Roiko, Wilma Buttler, Mrs. A. L. Fresh, Christine Huser, Ima Roy, Louise Stewart, Lena Lorino, F. J. Bailey, B. A. Martin, Ernest Siros, O. H. Galler, Lela Ross, Robert A. Merrill, Jr., Ruth Cowart, M. L. Barton, Elgin H. Magel, Mrs. Glen Gowen, Floyd Dixon, Gene Pavlowich, Marcilla Halbrook, Ruth Walker, Victor Mazzarre, Wayne Waltman, William White, Mary Turney, Alice Lee, Mrs. R. L. Williams, Junious Tillman, Mrs. William H. Irwin, Himmy Tynes, Pete Yarger, J. F. Knight, Elizabeth McClendon, D. D. Williams, R. A. Zatapek, Joseph Schillaci, Charlie Di Gas, F. L. Pierce, Edward S. Asrich, W. M. Hutch, Ole Eoe, Lucille Raschke, Alinene Stroud, J. A. Jaymer, Katy Lou Roberson, Mrs. J. P. Kelly, James P. Kelly, Alma H. Bonianis, Ralph D. Harris, J. E. Jaencke, August A. Roth, Guy W. Smith, T. G. Johnson, G. U. Lansdowne, C. C. Shaw, Jr., M. R. Mitchell, W. F. Lemke, H. C. Lee, H. R. Manic, Sam W. Boyd, A. T. Sten, O. D. Sowers, F. A. Nagel, Cecil Gregory, J. H. McAvoy, Hallie M. Gibbons Sidney E. Zlaiabut, G. E. Ostrauder, Ed F. Langford, Mrs. G. Boyer, Mrs. Helen Lotz, Mrs. Mary Hughes, Betty Sue Harris, Gordon B. Gibbs, C. K. Carsen, O. B. Mashburn, Clara Standley, Mrs. Hattie Bostom, Sol Burcharett, Irene Frick, Mrs. C. K. Carson, Hortense C. Barillek, Raymond Clark, Virginia Tapalski, Margaret Thompson, Mrs. Gretchen Randolph, Mrs. Mary Romero, C. M. Siequist, W. D. Arnold, Albert Boyer, J. R. Lively, Harris Campbell, A. C. Williford, Mrs. R. M. Davis, A. M. Horton, Woodrow Lesikar, C. M. Taylor, A. L. Vinsy, J. H. McDougal, Freeman Smith, L. M. Hedge, C. R. Thomas, Geraldine Griffice, Lorine Stegall, Maxine Elliott, T. H. Allison, L. E. Williams, Bertha McKee, Nell Helvering, Orwetta Davis, Hattie M. Ashworth, Vera Rogers, Clara M. Gordor, Rowena Caldwell, N. W. Yates, William R. Kilpper, James H. Boyer, Jr., F. P. Yerkes, Clarence Groschke, M. C. Stout, H. Dennis, M. E. Knodel, Mrs. A. S. Dilley, E. T. Anoerson, W. L. Ragland, V. J. Griffin, G. Julrich, R. S. Guidry, L. K. Haines, R. T. Trammell, L. J. Waddell, Bouing M. Myers, Eddie Brahek, Blanche Harris, Velma Dunnam, Louise Janca, Leroy Weaver, Donald Wademan, Corine A. Couch, Georgia Copsley, R. C. Truitt, M. S. Sterling, Robert Leo Horton, Julian Sikes, W. C. Stout, Mrs. O. B. Sowers, M. C. Bostick, S. M. Duston, Mrs. Martha Haynes, Mrs. Blanche Richardson, Charles T. Rooke, Mrs. Bibye Ray, Mrs. Louise Holbrook, Miss Nillie Porter, Mrs. A. M. Smith, Sadie Loescher, Leroy E. Talcott, Howard O. Lake, Lillian Sandall, Bertha Knodel, Gus Foehr, Jackson Wood, Loyce Warren, Linnie Freeman, Dorothy Smith, Ella Pfeffer, Lottie Huffner, Lani Bain, Manuel L. Aliman, John C. Weston, Robert W. Grant, Thomas D. Heddrick, F. R. Williams, M. V. Burns, W. E. Sandlin, P. Edwin Hurt, Mary Reuter.

BOGER, TEX., *March 17, 1942.*
Hon. W. LEE O'DANIEL,
Senate Office Building,
Washington, D. C.:
Mothers, fathers, wives of Hutchinson County men in service want full industrial defense production immediately. Its up to you our leaders to show the same courage and resourcefulness and unselfish devotion to duty as the men and women who offer their lives. Don't beg industry and labor. Tell them what to do like you command our loved ones in uniform to march into the jaws of death. Be our leaders, good ones, act now.
J. A. PHILLIPS.

HOUSTON, TEX., *March 17, 1942.*
Senator W. LEE O'DANIEL,
Washington, D. C.:
We feel manufacturers airplanes, guns, tanks, and other implements war necessary successful termination present conflict being greatly impeded by continuation 40-hour week with payment overtime, and we urge you use your influence support such measure as will temporarily suspend these laws during continuation national emergency.
TEXAS CONSTRUCTION MATERIAL CO.

DALLAS, TEX., *March 18, 1942.*
Hon. W. LEE O'DANIEL,
Washington, D. C.:
The board of directors and the president's council of the Dallas Federation of Womens Clubs respectfully urge Members of the House of Representatives, the Senate, and President Roosevelt to give full and immediate support to legislation eliminating the 40-hour week and removing all other obstacles now hindering our full and complete war effort.
DALLAS FEDERATION OF WOMENS CLUBS,
MRS. GEORGE A. RIPLEY,
MRS. KIRK HALL.

SWEETWATER, TEX., *March 18, 1942.*
Senator LEE O'DANIEL,
Washington, D. C.:
Sweetwater Lions Club composed of 94 members, today passed resolution urging you to support pending legislation outlawing strikes, repealing 40-hour Labor Act, and limiting war profits, and urging you to favor any legislation that will further the war effort and oppose any legislation that will hinder or impede an all-out war effort.
CARL M. ANDERSON,
Chairman, Patriotic Committee.

BOGER, TEX., *March 17, 1942.*
Hon. W. LEE O'DANIEL,
Senate Office Building,
Washington, D. C.:
Mothers, fathers, wives of Hutchinson County men in service want full industrial defense production immediately. It's up to you, our leaders, to show the same courage and resourcefulness and unselfish devotion to duty as the men and women who offer their lives. Don't beg industry and labor. Tell them what to do, like you command our loved ones in uniform to march into the jaws of death. Be our leaders, good ones; act now.
L. L. WILES, Jr.

LONGVIEW, TEX., *March 18, 1942.*
Hon. W. LEE O'DANIEL,
United States Senator,
Washington, D. C.:
The Longview Rotary Club today passed resolution pledging support to Government in the most aggressive war effort possible, emphatically condemning every deterring influence, whether labor or industry or both, and calling upon Congress, and all in authority, to lay aside everything except the winning of the war, it being our candid opinion that, if necessary, drastic action should be taken to end all disputes which are now standing in the way of all-out and united effort.
E. M. BRAMLETTE, *President.*
GEORGE KELLY, *Secretary.*

DALLAS, TEX., *March 14, 1942.*
Senator W. LEE O'DANIEL:
May I commend the thinking that prompted your new labor bill. Am wiring this morning Congressman SUMNERS and Senator CONNALLY begging for action. I add

that more laboring votes will commend nullification of our limitation and any contract between industry and labor unions than will condemn action on the part of Congress. Regards.

JACK P. BURRUS.

ADDITIONAL CLERICAL ASSISTANCE FOR MEMBERS OF CONGRESS

Mr. TYDINGS. Mr. President, at the request of a number of Senators who have asked that the clerical staff be increased because of the volume of mail, I asked the Postmaster of the Senate to keep a record of all the mail received by each Senator from the 8th of January to the 1st of March. The record has been compiled. I shall ask permission to have it printed in the RECORD.

The tabulation will show that I have listed the States in accordance with their rank as to population. It is obvious that a State with a large population should produce more mail for the Senators representing it than a State of smaller population. That statement is pretty generally borne out by the tabulation. My purpose in putting it into the RECORD is to have the facts when the legislative appropriation bill comes over from the House in the next week or 10 days. Therefore I should like to have Senators who are interested in the question of additional clerk hire look at the table and submit to me any plan they may have in mind which would help to provide Senators who have the largest amount of mail, an adequate clerical force to enable them to handle their mail.

Mr. OVERTON and Mr. CONNALLY addressed the Chair.

Mr. TYDINGS. Mr. President, I am occupying the floor at this moment because of the courtesy of the Senator from Utah [Mr. MURDOCK]. I shall consume only a few minutes more. I shall be glad to yield if I may have his permission.

Mr. MURDOCK. Mr. President, I must decline to permit the Senator from Maryland to yield to other Senators for a discussion of the subject at this time.

Mr. TYDINGS. In order that I may conclude a brief explanation of this matter, let me say that, of course, a Senator who represents a small State necessarily has a smaller amount of mail than a Senator representing a State of large population. The Senator from New York [Mr. MEAD] receives one of the very largest deliveries of mail. Senators representing smaller States necessarily receive smaller amounts of mail. However, when a Senator is chairman of an important committee such as the Foreign Affairs Committee or the Naval Affairs Committee, his mail is much heavier than that of a Senator who is not the chairman of such a committee.

I am putting this statement into the RECORD with the hope that Senators who are interested in this problem will help me to evolve a system which will be fair to all and which will bring the greatest amount of relief to Senators who have been overburdened with mail.

I should like to say a word about the State of Illinois. The junior Senator from Illinois [Mr. BROOKS] has a volume of mail far in excess of that of any other Senator. That is largely because of the fact that that particular Senator is in the midst of a primary campaign, which has considerably increased his mail. With that exception, the tabulation represents a fairly normal picture of the situation over a period of 7 weeks.

I ask unanimous consent that the table may be printed in the RECORD immediately following my remarks. It will show, not what Senators claim they are receiving in the way of mail, but what they have actually received over a period of 7 weeks. We shall have facts instead of supposition on which to base a plan.

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

Jan. 8 to Feb. 28, inclusive

[As there are 96 Senators and 48 States, to compare a Senator's mail rank with the population rank of his State, divide the Senator's rank by 2]

Rank in population	State	Population	Mail, January and February		Rank in mail, volume			Senior Senator	Junior Senator
			Senior Senator	Junior Senator	Senior Senator	Junior Senator	Senior and junior Senators		
1	New York	13,479,142	7,950	13,296	9	2	3	Wagner	Mead.
2	Pennsylvania	9,900,180	7,021	6,609	12	15	6	Davis	Guffey.
3	Illinois	7,897,241	8,848	20,486	7	1	1	Lucas	Brooks.
4	Ohio	6,907,612	6,425	4,554	18	41	15	Taft	Burton.
5	California	6,907,387	5,957	7,790	26	11	5	Johnson	Downey.
6	Texas	6,414,824	11,206	10,379	3	4	2	Connally	O'Daniel.
7	Michigan	5,256,106	5,763	6,601	28	16	9	Vandenberg	Brown.
8	Massachusetts	4,316,721	9,416	6,451	5	17	4	Walsh	Lodge.
9	New Jersey	4,160,165	5,008	6,058	34	24	14	Smathers	Barbour.
10	Missouri	3,784,664	4,664	6,661	39	14	10	Clark	Truman.
11	North Carolina	3,571,623	4,068	6,089	51	21	19	Bailey	Reynolds.
12	Indiana	3,427,796	4,538	3,334	42	62	27	Van Nuys	Willis.
13	Wisconsin	3,137,587	5,567	4,284	29	46	20	La Follette	Wiley.
14	Georgia	3,123,723	6,002	5,172	25	31	12	George	Russell.
15	Tennessee	2,915,841	5,311	2,985	30	67	25	McKellar	Stewart.
16	Kentucky	2,845,627	5,070	5,799	33	27	16	Barkley	Chandler.
17	Alabama	2,832,961	3,766	4,916	59	36	23	Bankhead	Hill.
18	Minnesota	2,792,300	3,928	4,277	55	47	26	Shipstead	Ball.
19	Virginia	2,677,773	2,464	7,858	78	10	17	Glass	Byrd.
20	Iowa	2,538,268	3,948	4,964	54	35	22	Gillette	Herring.
21	Louisiana	2,363,880	3,173	4,122	63	50	29	Overton	Ellender.
22	Oklahoma	2,226,434	4,879	6,280	37	19	13	Thomas	Lee.
23	Mississippi	2,183,796	6,269	4,005	20	52	18	Bilbo	Doxey.
24	Arkansas	1,949,387	4,398	1,660	44	94	37	Caraway	Spencer.
25	West Virginia	1,901,974	3,906	2,208	56	85	36	Kilgore	Rosier.
26	South Carolina	1,899,804	2,277	4,211	83	48	34	Smith	Maybank.
27	Florida	1,897,414	3,877	9,169	57	6	7	Andrews	Pepper.
28	Maryland	1,821,244	8,339	4,179	8	49	8	Tydings	Radcliffe.
29	Kansas	1,801,028	6,695	2,529	13	75	21	Capper	Reed.
30	Washington	1,736,191	3,737	3,999	60	53	28	Bone	Wallgren.
31	Connecticut	1,709,242	4,483	2,601	43	73	32	Maloney	Danaher.
32	Nebraska	1,315,834	2,913	4,364	68	45	30	Norris	Butler.
33	Colorado	1,123,296	6,089	2,253	22	84	24	Johnson	Millikin.
34	Oregon	1,089,684	4,563	2,497	40	76	33	McNary	Holman.
35	Maine	847,226	1,943	2,795	89	71	44	White	Brewster.
36	Rhode Island	713,346	1,344	2,887	95	69	46	Gerry	Green.
37	South Dakota	642,961	2,777	3,036	72	66	38	Bulow	Gurney.
38	North Dakota	641,935	3,512	1,923	61	90	39	Nye	Langer.
39	Montana	559,456	6,081	5,159	23	32	11	Wheeler	Murray.
40	Utah	550,310	2,567	2,475	74	77	42	Thomas	Murdock.
41	New Mexico	531,818	2,153	2,878	86	70	43	Hatch	Chavez.
42	Idaho	524,873	3,057	2,329	65	82	40	Clark	Thomas.
43	Arizona	499,261	4,725	2,456	38	79	31	Hayden	McFarland.
44	New Hampshire	491,524	3,116	1,975	64	88	41	Bridges	Tobey.
45	Vermont	359,231	1,987	1,775	87	93	47	Austin	Aiken.
46	Delaware	266,505	1,342	1,803	96	92	48	Hughes	Tunnell.
47	Wyoming	250,742	3,827	2,365	58	81	35	O'Mahoney	Schwartz.
48	Nevada	110,247	2,416	1,855	80	91	45	McCarran	Bunker.

PRESERVATION OF ASSETS BY THE NETHERLANDS GOVERNMENT

Mr. WALSH. Mr. President, I have been requested by Mr. Berle, Assistant Secretary of State, to have printed in the RECORD a letter from him, accompanied by a memorandum from the Netherlands Minister. The memorandum deals with the action taken by the Netherlands authorities previous to and during the time of the invasion of the Netherlands by Germany, for the purpose of keeping assets out of the hands of the Germans. I ask permission to have the memorandum printed in the RECORD because press reports caused certain unwarranted inferences to be drawn from a statement made by an officer of the Government before a congressional committee, to which inferences the Netherlands Legation takes exception. I ask that the letter of Mr. Berle, together with the memorandum from the Netherlands Minister, be printed in the RECORD at this point.

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

DEPARTMENT OF STATE,
Washington, March 11, 1942.

The Honorable DAVID I. WALSH,
Chairman, Senate Committee on Naval Affairs, United States Senate.

MY DEAR SENATOR WALSH: I enclose herewith a copy of a self-explanatory note to the Secretary of State from the Netherlands Minister, together with a memorandum prepared by the Netherlands Legation with respect to the actions taken by the Netherlands authorities previous to and during the time of the invasion of the Netherlands by Germany for the purpose of keeping assets out of the hands of the Germans. In accordance with a previous telephone conversation with the clerk of the Senate Committee on Naval Affairs, I understand that you will be willing to bring this note to the attention of the members of your committee and to arrange for the printing of the memorandum in the CONGRESSIONAL RECORD.

Thank you for your courtesy in this matter.

Sincerely yours,

A. A. BERLE, Jr.,
Assistant Secretary.

[Enclosure: From the Netherlands Legation.]

WASHINGTON, *March 5, 1942.*

The Honorable the SECRETARY OF STATE,
State Department,
Washington, D. C.

Sir: I have the honor to enclose a statement in answer to a report of the Associated Press which alleges that Mr. Spingarn, Special Assistant to the Secretary of the Treasury, stated to the Senate Naval Affairs Committee that the Netherlands authorities were "timid" with respect to removing or destroying United States securities prior to the German invasion of the Netherlands.

I understand that the press report above referred to contains certain unwarranted criticism which is entirely lacking in Mr. Spingarn's remarks. Therefore the enclosed memorandum does not intend in any way to raise objections against what this official of the United States Treasury stated.

On the other hand, since the press reports received considerable attention both in this country and abroad, and since the original text of Mr. Spingarn's statements are not equally easily available, I would feel highly obliged if through whatever means Your Excellency may deem appropriate the contents of the enclosed statements be made public.

Please accept, sir, the renewed assurances of my highest consideration.

MEMORANDUM

The Netherlands authorities took active measures reasonably calculated to keep United States bearer securities and other valable assets located within the European territory of the Netherlands out of the hands of the invading Germans.

Even before the treacherous attack by the Germans, the Government of the Netherlands had already passed an act making it possible for corporations within the Netherlands European territory to transfer their head offices to other parts of the Netherlands territories so that their affairs might be conducted free from duress in case of an invasion. Moreover, the Netherlands authorities, foreseeing the possibility of invasion, had taken steps to transfer a very large quantity of the liquid assets held in the Netherlands to a safe place. Various ingenious methods had been developed to put these transfers into effect at once in case of an invasion.

Directly after the invasion, the Netherlands Minister got into communication with the State and Treasury Departments. A procedure was speedily adopted at a special emergency conference as soon as it became clear that action had to be taken. It was decided that securities could be destroyed and certificates of destruction given by American consuls for transmission to the United States as a basis for a claim for new securities. It should be recalled that the ordinary legal procedure to be followed in such a case requires the presence of the American registrar, and that, this being impossible, the United States Government could not assume responsibility that new certificates would be issued upon presentation of the certificates of destruction.

The procedure was immediately transmitted to The Hague by the Netherlands Minister by telephone and wired by the State Department to the American authorities and consuls in The Hague.

Provision was also made for its announcement over the British radio. Unfortunately, however, the securities were spread all over the territory of the Netherlands and were held by thousands of private individuals and banks. The attack was so sudden and the enemy forces were so overwhelming that no time was afforded to put the procedure into effect. Moreover, there were comparatively few American consuls available in the territory and these were kept extremely busy. Even if these officials had been in a position to help, the means of communication with them were largely cut off. As a result of these unfortunate circumstances, for which the Netherlands Government was not to blame, some American bearer certificates did fall into the hands of the Germans.

It should be pointed out, however, that the Netherlands Government, in spite of the emergency situation, did succeed in keeping all their gold out of reach of the Germans.

Moreover, the Netherlands Government was successful in keeping out of enemy hands the balances held abroad by Netherlands corporations enabled by the above-mentioned legislation to remove their domicile to free territory.

Immediately continuing its struggle for freedom on the friendly British shore, the Government of the Netherlands lost no time in claiming title for the duration of the war to all balances and other property held abroad by its nationals and corporations exposed to enemy duress. The enforcement of this particular legislation in the United States, which is being sought through the action of the courts in this country, and which has been requested from the United States Government upon its entering into the war, will actually prevent the Germans ever to reap any benefit of claims originally held by Netherlanders on property in the United States.

It may be brought to mind, finally, that the Netherlands public always used to place a substantial part of its savings in bonds and shares of United States enterprises and that the Netherlands Government always allowed the free flow of funds toward this country, thus enabling its nationals to place this part of their savings in safety should the Netherlands territory in Europe be temporarily overrun.

The Netherlands Government feels that in the circumstances it did everything possible to block the ruthless attempts of the enemy, and it feels confident that the Government of the United States will concur in the above views.

A 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 following bills of the Senate:

S. 1564. An act for the relief of Pauline Caton Robertson;

S. 1669. An act for the relief of James Franklin Smith;

S. 1777. An act for the relief of Robert Lee Phillips and for the six minor children of Robert Lee Phillips and the late Estelle Phillips, namely, Robert Lee Phillips, Jr., James Rudolph Phillips, Katherine Phillips, Richard Eugene Phillips, Charles Ray Phillips, and David Delano Phillips;

S. 1898. An act for the relief of the heirs of Mrs. Nazaria Garcia, of Winslow, Ariz.;

S. 1906. An act for the relief of the estate of O. K. Himley; and

S. 2063. An act to authorize certain officers and enlisted men of the Army of the United States to accept emblems, medals, orders, and decorations that have been tendered them by governments of the Western Hemisphere.

The message also announced that the House had passed the bill (S. 1696) for the relief of Bessie Walden, with an amendment, in which it requested the concurrence of the Senate.

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. 2198) to provide for the financing of the War Damage Corporation, to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 246. An act for the relief of Mrs. Murray Freeman;

H. R. 710. An act for the relief of Martin N. Mayrath;

H. R. 726. An act for the relief of Anna Malama Mark;

H. R. 736. An act for the relief of Ideal Service Station;

H. R. 809. An act for the relief of the legal guardian of Vernon Clemons, Jr.;

H. R. 1154. An act for the relief of George C. Dewey;

H. R. 1265. An act for the relief of Mary Alexina McKinnon;

H. R. 1757. An act for the relief of James D. G. Alexander;

H. R. 1901. An act for the relief of Floyd Odom;

H. R. 2014. An act for the relief of Carl L. Jones;

H. R. 2730. An act for the relief of Dorothy Silva;

H. R. 2925. An act for the relief of Wiley W. Watkins;

H. R. 3337. An act to provide for the issuance of a duplicate adjusted-service certificate to Andrew J. Bissinger;

H. R. 3476. An act for the relief of James A. Quillinan;

H. R. 3722. An act for the relief of Lt. Col. S. W. McIlwain;

H. R. 3732. An act for the relief of Ida Baird;

H. R. 3767. An act for the relief of Frank Sheppard;

H. R. 4092. An act for the relief of E. P. Corley;

H. R. 4153. An act for the relief of Cleaver Kelley;

H. R. 4180. An act for the relief of Edward Keating and others;

H. R. 4331. An act for the relief of Alice R. Swett;

H. R. 4408. An act for the relief of Alice R. Swett and the estate of Robert S. Swett;

H. R. 4413. An act for the relief of Olive Z. Ressler;

H. R. 4464. An act for the relief of Henry J. McCloskey;

H. R. 4625. An act for the relief of Karl K. Wilkes;

H. R. 4723. An act for the relief of the legal guardian of John Lesniak;

H. R. 4953. An act for the relief of Emil Lassila, Martha Lassila, Ellen Huhta, and Sylvia Huhta;

H. R. 4955. An act for the relief of Geoffrey Orme;

H. R. 4981. An act for the relief of the Phoenix Construction Associates, a partnership;

H. R. 5000. An act for the relief of Ferd W. Meile;

H. R. 5059. An act to grant the status of quota immigrants to Mr William B. Fawkner and his wife, Mrs. Ida Fawkner;

H. R. 5069. An act for the relief of George Garcavy;

H. R. 5295. An act for the relief of the estate of Romano Emiliani;

H. R. 5363. An act for the relief of Johnston-Hall Hospital, Calhoun, Ga., and Dr. Z. V. Johnston, Calhoun, Ga.;

H. R. 5381. An act for the relief of Henry B. Tucker;

H. R. 5433. An act for the relief of the guardian of Charles Jirinec, an infant;

H. R. 5438. An act for the relief of the San Diego Gas & Electric Co.;

H. R. 5439. An act for the relief of Joseph Soulek;

H. R. 5449. An act for the relief of Mrs. Cecile Herzog and Lucille Herzog (an infant);

H. R. 5452. An act for the relief of Emmett Armstrong;

H. R. 5468. An act for the relief of J. Furman Richardson;

H. R. 5500. An act for the relief of the estate of Charles L. Clark;

H. R. 5504. An act for the relief of H. J. Abney;

H. R. 5559. An act for the relief of William Horsman;

H. R. 5563. An act for the relief of Joe A. Mumford and the estate of W. C. Mumford;

H. R. 5596. An act for the relief of Tommy Huddleston;

H. R. 5619. An act for the relief of certain clerks in the post office at Detroit, Mich.;

H. R. 5686. An act for the relief of Lewis J. and Mary Black;

H. R. 5778. An act for the relief of Luther Herbert Tench and Mrs. Mildred Farmer Tench;

H. R. 5794. An act for the relief of Mrs. Julia Johnson;

H. R. 5845. An act for the relief of Alvira Manfredi;

H. R. 5977. An act for the relief of Mr. and Mrs. F. Wilder Temple;

H. R. 6063. An act for the relief of the Clark County Lumber Co.;

H. R. 6141. An act for the relief of Mrs. C. M. W. Hull;

H. R. 6293. An act to establish a Women's Army Auxiliary Corps for service with the Army of the United States;

H. R. 6714. An act for the relief of Daniel Elliott and Helen Elliott;

H. R. 6728. An act granting pensions and increase of pensions to certain dependents of veterans of the Civil War; and

H. R. 6759. An act to amend the act entitled "An act to fix the hours of duty of postal employees, and for other purposes," approved August 14, 1935, as amended, so as to permit payment for overtime for Saturday service in lieu of compensatory time.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1762. An act to authorize the Secretary of Agriculture to release the claim of the United States to certain land within Coconino County, Ariz.;

S. 1971. An act to legalize a bridge across Bayou Lafourche at Valentine, La.;

S. 2089. An act to authorize the transfer of the custody of a portion of the Croatan National Forest, North Carolina, from the Department of Agriculture to the Department of the Navy;

S. 2134. An act to revive and reenact the act entitled "An act authorizing the State of Michigan, acting through the International Bridge Authority of Michigan, to construct, maintain, and operate a toll bridge or series of bridges, causeways, and approaches thereto across the St. Marys River, from a point in or near the city of Sault Ste. Marie, Mich., to a point in the Province of Ontario, Canada," approved December 16, 1940; and

S. 2222. An act to authorize the Federal Works Administrator to acquire title, on behalf of the United States, to not more than 35 acres of land subject to certain reservations in the grantors.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated:

H. R. 246. An act for the relief of Mrs. Murray Freeman;

H. R. 710. An act for the relief of Martin N. Mayrath;

H. R. 736. An act for the relief of Ideal Service Station;

H. R. 809. An act for the relief of the legal guardian of Vernon Clemons, Jr.;

H. R. 1154. An act for the relief of George C. Dewey;

H. R. 1757. An act for the relief of James D. G. Alexander;

H. R. 1901. An act for the relief of Floyd Odom;

H. R. 2014. An act for the relief of Carl L. Jones;

H. R. 2730. An act for the relief of Dorothy Silva;

H. R. 2925. An act for the relief of Wiley W. Watkins;

H. R. 3476. An act for the relief of James A. Quillinan;

H. R. 3722. An act for the relief of Lt. Col. S. W. McIlwain;

H. R. 3732. An act for the relief of Ida Baird;

H. R. 4092. An act for the relief of E. P. Corley;

H. R. 4153. An act for the relief of Cleaver Kelley;

H. R. 4180. An act for the relief of Edward Keating and others;

H. R. 4331. An act for the relief of Alice R. Swett;

H. R. 4408. An act for the relief of Alice R. Swett and the estate of Robert S. Swett;

H. R. 4413. An act for the relief of Olive Z. Ressler;

H. R. 4464. An act for the relief of Henry J. McCloskey;

H. R. 4625. An act for the relief of Karl K. Wilkes;

H. R. 4723. An act for the relief of the legal guardian of John Lesniak;

H. R. 4953. An act for the relief of Emil Lassila, Martha Lassila, Ellen Huhta, and Sylvia Huhta;

H. R. 4955. An act for the relief of Geoffrey Orme;

H. R. 4981. An act for the relief of the Phoenix Construction Associates, a partnership;

H. R. 5000. An act for the relief of Ferd W. Meile;

H. R. 5069. An act for the relief of George Garcavy;

H. R. 5295. An act for the relief of the estate of Romano Emiliani;

H. R. 5363. An act for the relief of Johnston-Hall Hospital, Calhoun, Ga., and Dr. Z. V. Johnston, Calhoun, Ga.;

H. R. 5381. An act for the relief of Henry B. Tucker;

H. R. 5433. An act for the relief of the guardian of Charles Jirinec, an infant;

H. R. 5438. An act for the relief of the San Diego Gas & Electric Co.;

H. R. 5439. An act for the relief of Joseph Soulek;

H. R. 5449. An act for the relief of Mrs. Cecile Herzog and Lucille Herzog (an infant);

H. R. 5452. An act for the relief of Emmett Armstrong;

H. R. 5468. An act for the relief of J. Furman Richardson;

H. R. 5500. An act for the relief of the estate of Charles L. Clark;

H. R. 5504. An act for the relief of H. J. Abney;

H. R. 5559. An act for the relief of William Horsman;

H. R. 5563. An act for the relief of Joe A. Mumford and the estate of W. C. Mumford;

H. R. 5596. An act for the relief of Tommy Huddleston;

H. R. 5619. An act for the relief of certain clerks in the post office at Detroit, Mich.;

H. R. 5686. An act for the relief of Lewis J. and Mary Black;

H. R. 5778. An act for the relief of Luther Herbert Tench and Mrs. Mildred Farmer Tench;

H. R. 5794. An act for the relief of Mrs. Julia Johnson;

H. R. 5845. An act for the relief of Alvira Manfredi;

H. R. 5977. An act for the relief of Mr. and Mrs. F. Wilder Temple;

H. R. 6063. An act for the relief of the Clark County Lumber Co.; and

H. R. 6714. An act for the relief of Daniel Elliott and Helen Elliott; to the Committee on Claims.

H. R. 726. An act for the relief of Anna Malama Mark;

H. R. 1265. An act for the relief of Mary Alexina McKinnon;

H. R. 5059. An act to grant the status of quota immigrants to Mr. William B. Fawkner and his wife, Mrs. Ida Fawkner; and

H. R. 6141. An act for the relief of Mrs. C. M. W. Hull; to the Committee on Immigration.

H. R. 3337. An act to provide for the issuance of a duplicate adjusted-service certificate to Andrew J. Bissinger; to the Committee on Military Affairs.

H. R. 6293. An act to establish a Women's Army Auxiliary Corps for service with the Army of the United States; and

H. R. 6759. An act to amend the act entitled "An act to fix the hours of duty of postal employees, and for other purposes," approved August 14, 1935, as amended, so as to permit payment for overtime for Saturday service in lieu of compensatory time; to the calendar.

H. R. 6728. An act granting pensions and increase of pensions to certain dependents of veterans of the Civil War; to the Committee on Pensions.

SENATOR FROM NORTH DAKOTA

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

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

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

Mr. MURDOCK. Mr. President, when I suspended my remarks on Monday afternoon I was discussing the constitutional and legal questions involved in the Langer case as I understand them.

Yesterday this body passed a bill increasing the national debt limit to $130,000,000,000. It was called to our attention that expeditionary forces are being sent from this country to nearly all parts of the globe. We are taxing the people of the United States to the very utmost. Why? So as to preserve our constitutional democracy, our republican form of government. In order to perpetuate the American way of life no sacrifice of our wealth or of our manpower is too great.

I am in full accord, of course, with our national defense program, designed, as it is, to assure the preservation and perpetuation of our constitutional form of government. As I recall, President Washington in his Farewell Address said, in substance, that he did not fear for the Constitution from the outside, but that he did fear for the Constitution from within. In my judgment, one of the principles of the Constitution is attacked in the Langer proceedings; indeed, it seems to me that the very cornerstone of the Republic is in question today in this matter. I refer to the freedom of elections within the respective sovereign States, and the selection of Senators and Representatives in Congress. It costs us no dollars to preserve that constitutional cornerstone. It costs us no lives; but it does cost study, vigilance, and industry on the part of Members of this body. It costs our attention for a few days until this matter is presented.

I wish that Senators more eloquent and able than I were in my position today so that I could sit and listen rather than impose on the Senate in my feeble way to tell what I know, or what I think I know, of the Constitution of the United States.

I hope Senators are interested. I hope that the small number now present is not an indication of lack of attention, or of apathy, or indifference to what I consider to be a very important encroachment upon our constitutional form of government. We can lose it as readily from within as from without. I repeat today in substance what Washington told us. So long as we have MacArthurs and American soldiers I do not fear the destruction of my Government or my Constitution from without. But, in my opinion, apathy and indifference are and will continue to be the greatest menace.

Mr. President, away back in our history the case of Humphrey Marshall from Kentucky came before the Senate. As I understand the facts, he was accused of perjury. A memorial was sent from the Legislature of Kentucky to the United States Senate asking an investigation and a proper disposition in the Humphrey Marshall case. What did the Senate do in that very early case, soon after the adoption of the Constitution, soon after the debates were carried on that gave us the Constitution, soon after the publication of the Federalist papers during the period of ratification? At that early date the important Humphrey Marshall case came before the Senate, and the Senate wrote the following opinion, which is a precedent for the pending case:

Your committee are informed by the other Senator and the two Representatives in Congress from Kentucky that they have not been requested by the legislature of that State to prosecute this inquiry, and that they are not possessed of any evidence in the case, and that they believe no person is authorized to appear on behalf of the legislature.

Mr. Marshall is solicitous that a full investigation of the subject shall take place in the Senate, and urges the principle that consent takes away error, as applying, on this occasion, to give the Senate jurisdiction—

In that case, a Senator not only asked for an investigation but took the position that his acquiescence in the matter, and his desire to have an investigation conferred jurisdiction on the Senate, even though the Senate was rather loath to take it. How did the Senate answer Senator Marshall on that question? The answer is as follows:

But, as no person appears to prosecute, and there is no evidence adduced to the Senate, nor even a specific charge, the committee think any further inquiry by the Senate would be improper. If there were no objections of this sort, the committee would still be of opinion that the memorial could not be sustained. They think that in a case of this kind no person can be held to answer for an infamous crime unless on a presentment or indictment of a grand jury, and that in all such prosecutions the accused ought to be tried by an impartial jury of the State and district wherein the crime shall have been committed. If, in the present case, the party has been guilty in the manner suggested, no reason has been alleged by the memorialists why he has not long since been tried in the State and district where he committed the offense. Until he is legally convicted, the principles of the Constitution and of the common law concur in presuming that he is innocent. And the committee are compelled, by a sense of justice, to declare that in their opinion the presumption in favor of Mr. Marshall is not diminished by the recriminating publications which manifest strong resentment against him.

And they are also of opinion that as the Constitution does not give jurisdiction to the Senate the consent of the party cannot give it; and that therefore the said memorial ought to be dismissed.

Resolved, That the Vice President of the United States be requested to transmit a copy of the foregoing report to the Governor of Kentucky.

There is the precedent of the Senate in the early case of Humphrey Marshall.

It is interesting to note that in the next important case, that of Senator Smith, of Ohio, Senator John Quincy Adams, in writing the majority report of the committee considering that case, referred to the Humphrey Marshall case and said that, in his opinion, the Senate had probably made a mistake; but in the disposition of the case of Senator Smith, of Ohio, what happened? The Senate refused to adopt the majority report of the committee headed by John Quincy Adams.

It is true that the Senate, under resolutions, has investigated certain charges in many cases; but, Mr. President, if the theory in the Humphrey Marshall case has ever been overthrown by the Senate, except, perhaps, in the case of Senator Thomas, of Maryland, I have been unable to find any record of such a decision.

I think that probably it would not be advisable for me to continue this afternoon to read to the Senate the remainder of the brief from which I quoted on Monday. Therefore, I ask unanimous consent that, beginning at page 50, after the statement of Senator Knox, and continuing through page 60, the matter contained in the minority report be included in the RECORD at this point as a continuation of my remarks.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Is there objection?

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

Senator Johnson, of Maryland made the following statement in the George F. Edmunds case:

"The only qualifications required by the Constitution are that the party to be chosen shall be at least 30 years of age, etc., * * *. Subject to these limitations, the legislature of the State has the unrestricted right of choice. No department of this Government of the United States has any jurisdiction over it. The Constitution, whether we regard its terms or its evident scope, as manifested by its nature, creates a Government of delegated powers, and that Government has, consequently, no authority to interfere."

Senator Harrison, of Tennessee, in discussing the Wheeler case, made the following statement:

"The framers of the Constitution of the United States, in prescribing or fixing the qualifications of Members of Congress, must be presumed to have been dealing with the question with reference to an obvious necessity for uniformity in the matter of the qualifications of Members, and with a jealous desire to prevent, by the action of either House of Congress, the establishment of other or different qualifications of Members.

"It was appropriate and proper—in fact, necessary—that the power should be given to each House to judge of the elections, returns, and qualifications of its Members; that is, to judge of the constitutional qualifications of its Members.

"The exercise of this power requires only a majority vote.

"But the House possesses another power, to decide who shall and who shall not hold seats in that body. It is altogether distinct, in origin and character, from that to which I have just referred. It is the power of expulsion which requires a two-thirds vote for its exercise.

* * * * *

"It was too dangerous a power to confer on either House without restriction, and hence it was expressly provided in the Constitution that there must be a concurrence of two-thirds of the Members to expel."

Senator Voorhees, of Indiana, in the Roach case said:

"Senators are officers of States. They are sent here by the States and by States alone. It has been held now for nearly 100 years

that they are not civil officers of the Federal Government. That was decided in 1799 in the celebrated case of Senator Blount.

"We hear a good deal sometimes about investigating a Senator's election to this body. It is provided that the Senate shall be the judge of the qualifications and elections of its own Members. Yes; we may judge of his qualifications, to the extent limited by the Constitution. If, as in some very celebrated instances, a man should come here alleged to be under the prescribed age, or who had not been a citizen of this country 9 years, or if not an inhabitant of the State, an investigation would be allowed, because these are required conditions by the Constitution.

"There is still, however another field of investigation. If charges are made that a man used fraud, was guilty of corruption, bribery, or other improper conduct before his legislature in securing his election, the right to investigate arises because, if such charges are true, he has not been elected at all according to law, but according to fraud."

We quote again:

"Can the States be trusted to send fit and proper men to this body? Are States a safe depository of power for the choice of Senators to represent them in the Federal Congress, or must Senators already chosen supervise the characters and moral fitness of incoming Members?

"Where, then, is the limit of inquiry, unless you take that invincible limit given by the Constitution? Will you, in the face of that sacred instrument dare to say that you have the right to inquire whether a man sent here by a sovereign State has at some time or other been indicted for crime, even if he has paid the penalty of the offense in accordance with the laws of his State? If you can investigate in such a case as that you can investigate anything and everything which may be distasteful to the Senator from New Hampshire or anyone else, however petty or contemptible the accusation may be

"If the States are not to be trusted in their own individual capacity to discharge this high duty, it would be a failure of government to remit it to the already elected representatives of other States In other words, when a State has made its choice and sent a Senator here, is it to be assumed that the representatives of the other States shall meet in conclave and pass upon his fitness and inquire into his morals? The presumptions run the other way; the presumptions are that the State knows him and understands him."

(E) TIME OF DISCOVERY AS DETERMINING THE REMEDY

It may be assumed that if the objections to a Member are discovered before he is seated he may be excluded by a majority vote, but if discovered subsequently the remedy is by expulsion by a two-thirds vote.

This suggestion has been effectively answered in the Smoot case. (See Hinds' Precedents, vol. 1, pp. 568 569.)

"Keeping carefully in mind the reason for the constitutional provision, it is apparent that it is just as logical to require a two-thirds vote to expel a Member for a crime that was committed before taking his seat as there is for a crime committed after taking his seat.

"Suppose A commits an offense against the laws of the United States after his election to the United States Senate. In such case * * * (it is conceded) that it would take a two-thirds vote to expel. Suppose, on the other hand, the same Member had committed the same offense before taking his seat. In that case * * * (it is argued) that such Senator might be expelled by a majority vote, because the objection existed at the time of taking the seat. The only difference in the two cases is time; there is no difference in reason.

"There is a substantive difference between a constitutional ineligibility on the part of a man to be a United States Senator and a mere personal objection, and the two principles should be kept distinct in the mind. Suppose A is elected to the United States Senate and is not a citizen of the United States. In that case there is a constitutional ineligibility. Such person may take the senatorial oath and take his seat, yet it is evident that such person, while he may be for the time a Senator de facto, he is not a Senator de jure, because he has not the necessary requirements. In such case it appears entirely reasonable that a majority vote could oust him.

"But suppose A is constitutionally eligible to be elected a United States Senator, and is so elected. Further, suppose that A at the time of the election has such personally offensive habits as to be intolerable to decent men. Nevertheless, suppose A presents himself to the United States Senate and takes the oath and enters upon the performance of his senatorial duties, and then these intolerably offensive habits are discovered. In the latter case the objection to A existed at the time of his election. Who, * * * would contend in such case that A could be expelled by a majority vote? The constitutional reason that a two-thirds vote shall be required to expel a Member applies with full force in such case; in the latter instance the Senators may waive or not the objection to the personal habits of A. Under the Constitution, however, they would not have the power to waive A's constitutional eligibility, as this in effect would override the Constitution."

(F) IMPLICATIONS FROM THE ADOPTION OF THE THIRD CLAUSE OF THE FOURTEENTH AMENDMENT

The fourteenth amendment was adopted in 1868. Among other things it provided (clause 3):

"No person shall be a Senator or Representative in Congress, * * *, who having previously taken an oath, as a Member of Congress, * * *, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House remove such disability."

The fair implication of the conduct of the Senate in proposing this amendment to the Constitution is that doubt existed as to the power of the Senate under the Constitution to exclude for the most serious of all offenses, treason.

It will be observed that the disqualification, however, applies only to one "who, having previously taken an oath, as a Member of Congress." This wholly negatives the idea that a newly elected Member might be excluded on the grounds stated.

(G) ARGUMENT THAT THE PROVISIONS OF CLAUSE 3, SECTION 3, ARTICLE I, CONSTITUTE DISQUALIFICATIONS BINDING ONLY ON THE STATES

It may be suggested that the provisions of clause 3 above mentioned constitute disqualifications rather than qualifications and were intended to bind only the States as such. In this instance the attempted distinction between qualifications and disqualifications is merely verbal. The legal effect is the same in either case.

The idea that these provisions bind the States only and not the Senate is contrary to the scope and purpose and form of the Constitution. It will be noted that these provisions are contained within that part of article I of the Constitution which deals solely and exclusively with the Congress of the United States, its powers, limitations, and its membership. All of the provisions intended to bind the States only are set forth expressly in a separate section, to wit, section 10, clauses 1, 2, and 3. It cannot reasonably be assumed that the masters of form who prepared and made this instrument could have designedly or inadvertently inserted a limitation upon the States, as such, in sections of that instrument otherwise dealing exclusively with the powers of Congress or of the two Houses thereof.

It would be equally tenable to argue that the provisions of article II, section 1, clause 4—

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

are binding only upon the States and the people and not the Congress. If this is true, then Congress is competent to add to the qualifications for President of the United States.

(H) POWERS OF PARLIAMENT

It may be argued that the power of Congress or of either House thereof with respect to the exclusion of members was established by the rules and precedents of the British Parliament.

The distinction between powers of the British Parliament and that of Congress is quite obvious.

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

Quoting from the report filed in the Roberts case in the House, we note the following:

"The Houses of the American Congress have not accepted or followed these last-named precedents, due undoubtedly to the radical differences between organization, jurisdiction, and powers of the English Parliament and the American Congress. The most striking of these differences, as stated by Mr. Cushing, are that in this country Members of both branches of Congress are elected for specified terms and that the Members of the House of Representatives are apportioned among and elected by their several constituencies—so far as possible—upon the principle of equality; whereas in England the House of Lords is composed of members who are not elected at all, but who sit as members during their lives by virtue of hereditary or conferred right, as the nobility, or temporal lords, or of their appointment to places of high dignity in the church, as the archbishops and bishops, or lords spiritual; and the members of the House of Commons, though elected, are not apportioned among the several constituencies and elected upon the principle of equality or representation, but chiefly upon the principle of corporate or municipal right, and for no fixed period of time.

"Another important difference is that the existence and powers of the House of Commons rest largely on custom and tradition, aided, of late years, by statute provisions, whereas in the House of Representatives (as well as the Senate) these powers are founded in and for a great part regulated, limited, and controlled by a writtten Constitution and laws."

In support of this idea, the case of John Wilkes has often been referred to. It is not authority for the point sought to be made. In that case the distinction between the power of exclusion and that of expulsion was not emphasized, but the result itself does emphasize this distinction.

Wilkes had been elected twice to the House of Commons and excluded for alleged wrongdoing. On the occasion of his third election the House of Commons adopted this resolution:

"That John Wilkes, Esq., having been in this session of Parliament expelled this House, was and is, incapable of being elected a member to serve in the present Parliament." (Cavendish, Debates, vol. 1, p. 231.)

Edmund Burke, in opposing the adoption of this resolution, said: "I rise to obtain some information upon this great constitutional point. You are going to make a disqualification of a member to sit in Parliament; you are going to make a disqualification contrary to the unanimous opinion of a whole county. Words have been thrown out by the noble lord importing that this is the law of Parliament. Is that, sir, a fact? Is this the law of Parliament? I wish to have that law established on the ground which establishes all laws. Has it acts of Parliament? It has none. Has it records? Has it custom? I have not heard a variety of precedents used" (Ibid., p. 231).

The resolution which declared Wilkes ineligible in effect was adopted February 17, 1769. Before this he had been twice expelled. On May 3, 1782, a resolution revising in emphatic terms a portion of its prior action in the Wilkes case was adopted. It is significant that this resolution did not attempt to impeach the validity of the action of the House in twice expelling Wilkes, but it wholly reversed its action in establishing a disqualification and then excluding him therefor. The resolution was as follows:

"That the said resolution (that of February 17, 1769, declaring him incapable of being elected) be expunged from the journals of this House, as being subversive of the rights of the whole body of electors of this Kingdom." (Hansard, vol. 22, p. 1409.)

This resolution is significant and important as declaring the lack of power of one branch of the Parliament to add a qualification and to exclude for the lack thereof.

VI. CONSIDERATION OF THE POWER TO EXPEL

The power to expel is conferred by article I, section 5, clause 2, reading as follows:

"Each House may determine the rules of its proceeding, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member."

In a number of cases investigated it has been claimed that the power to expel is limited to acts occurring while a Member.

Quoting from the argument of Mr. Thayer in the Smoot case:

"Now, if we construe that according to the ordinary rules which apply to the construction of the English language, we of course take it all together. The context relates to the words 'with the concurrence of two-thirds expel a Member'; and I have always assumed that the power to expel referred to that conduct which the Senate could carry on respecting a Member who had a right to be there, whose title there was unquestioned, and for something that he did, or for some status in which he was while a Senator. I think that is the only sound construction of that clause in the Constitution. It has never had another construction, in fact, by the acts of the Senate.

"No Senator has ever been expelled, no Member of the House has ever been expelled, except for some act done by him while a Senator or Representative, or relative to his functions as a Senator or Representative; and I think no serious effort was ever made to expel for any other reason than that." (Hinds' Precedents, vol. 1, p. 563.)

To this may be added the opinion of Senator Knox in the same case, found in Hinds' Precedents, volume 1, page 588, wherein he makes the following statement:

"If I were asked to state concisely the true theory of the Constitution upon this important point, I would unhesitatingly say:

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

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

On the contrary, it has been argued in a number of cases that the power to expel covers acts occurring prior to the election. No precedent, however, can be found where the Senate has ever expelled for moral turpitude alleged to have been committed prior to the election or prior to becoming a Member. In the Smoot case, above referred to, which is more nearly in point with the matter now before the Senate than any other case to be found in the books, the Senate declined to exercise either remedy.

VII. SENATORIAL PRECEDENTS ON THE RIGHT TO EXCLUDE OR EXPEL

(Gallatin case, 1794 Hinds' Precedents, vol. 1, sec. 428)

In 1794 the Senate decided that Albert Gallatin was disqualified, not having been a citizen 9 years. The Senate, by a majority vote, unseated Albert Gallatin for disqualification after he had taken the oath. It will be observed here that the exclusion was based upon the lack of one of the qualifications prescribed by article I, section 3, clause 3, that is, citizenship.

(Marshall case, 1796)

In 1796 charges were laid before the Senate in substance accusing Marshall of having committed perjury in a suit tried 19 months before Marshall was chosen a Member of the Senate. The charges were dismissed for lack of evidence. However, the committee said:

"If there were any objections of this sort, the committee would still be of opinion that the memorial could not be sustained. They think that in a case of this kind no person can be held to answer for an infamous crime unless on a presentment or indictment of a grand jury, and that in all such prosecutions the accused ought to be tried by an impartial jury of the State and district wherein the crime shall have been committed. If, in the present case, the party has been guilty in the manner suggested, no reason has been alleged by the memorialists why he has not long since been tried in the State and district where he committed the offense. Until he is legally convicted, the principles of the Constitution and of the common law concur in presuming that he is innocent."

(James Shields case, 1849, Hinds' Precedents, vol. 1, sec. 429)

The Senate decided in 1849 that James Shields was disqualified to retain his seat, not having been a citizen of the United States for the required time. The oath was administered leaving the question as to his qualifications to be decided later, it being contended that he had a prima facie right to the seat. The committee reported and the Senate agreed after debate, to a resolution declaring that the election of Mr. Shields "was void, he not having been a citizen of the United States the term of years required as a qualification to be a Senator of the United States at the commencement of the term for which he was elected."

This resolution was adopted without division, it being considered evidently that a majority vote only was required for the passage of the resolution. It will be observed here that the exclusion rested upon the matter of constitutional qualifications prescribed by article 1, section 3, clause 3 of the Constitution.

(John Smith case, 1807, Senate Election Cases, from 1789–1855, p. 934)

The charge was made against John Smith, a Senator from Ohio, that he was a coconspirator with Aaron Burr. The point was made that the indictment against Senator Smith was identical with the one against Aaron Burr and that Burr had been found not guilty. It was therefore argued that the Senate should not act because Senator Smith had not been convicted. The committee's report recommended that a conviction of a Member was not a necessary prerequisite to expulsion.

But, notwithstanding the fact that this report was eloquently written by no less a statesman than John Quincy Adams, the Senate refused to expel.

(Civil War cases)

The next cases were considered by the Senate in 1861 and were those of Jefferson Davis; Brown, of Mississippi; Mallory and Yulee, of Florida; Clay and Fitzpatrick, of Alabama; Toombs, of Georgia; and Benjamin, of Louisiana; and a number of others.

Expulsion was ordered because it was claimed—

"The Senators were engaged in a conspiracy for the destruction of the Union."

In all of the Civil War cases expulsion was made on the ground of treasonable acts occurring during the term of office.

(Benjamin Stark case, 1862, Hinds' Precedents, vol. 1, sec. 443)

In 1862 before the enactment of the test oath for loyalty the Senate declined to exclude for alleged disloyalty Benjamin Stark whose credentials were unimpeached. An argument was made in the course of debate that a Senator-elect might be excluded for disqualifications other than the three specified by the Constitution.

The Committee on the Judiciary, to which were referred the credentials, reported the following amendment:

"*Resolved*, That Benjamin Stark, of Oregon, appointed a Senator of that State by the Governor thereof, is entitled to take the constitutional oath of office."

In opening the debate the reasons for the conclusion which had been submitted from the committee were given, as follows:

"The question submitted to the committee was, whether or not evidence of this description (certain ex parte affidavits alleging treasonable declarations) could be allowed to prevail against his prima facie right to take his seat as a Senator. The committee were of opinion that they could not. The Constitution declares what shall be the qualifications of a Senator. They are in respect to his age, in respect to his residence, in respect to his citizenship; and the committee were of opinion that the Senate were limited to the question, first, whether or not the person claiming the seat and presenting his credentials produced the requisite evidence of his election or appointment; and second, whether there was any question as to his constitutional qualifications. * * * I do not understand that it is competent for the Senate, and I think they step aside from their only jurisdiction when they attempt to punish a man for his crime or misbehavior antecedent to his election. If this were so, the Constitution ought to be amended so as to read that the legislature of a State or the Governor of a State, in a certain contingency, shall elect or appoint a Senator, subject to the advice and consent of the Senate. The Senate would then be the ultimate judge whether or not the man ought to have a seat here, and it would be competent for the Senate upon any caprice or any view it might take of the capacity, moral, or intellectual, or political, of a man, to reject him and prevent his taking a seat. Sir, I do not so understand the Constitution. I understand the Senate is the judge of the election of a Senator, of the sufficiency and genuineness of the returns furnished, and the evidence of the election; and also of the constitutional qualifications of the individual to hold a seat in the Senate. Beyond that I apprehend the Senate have no power at all." (Hinds' Precedents, vol. 1, sec. 443.)

After debate, the following resolution was put:

"*Resolved*, That Benjamin Stark, of Oregon, appointed a Senator of that State by the Governor thereof, is entitled to take the constitutional oath of office without prejudice to any subsequent proceedings in the case."

This was determined in the affirmative—yeas 26, nays 19.

The oath was then administered.

Thereafter a resolution was presented to expel. This was disagreed to. (Hinds' Precedents, vol. 1, sec. 443.)

(David T. Patterson case, 1866, Hinds' Precedents, vol. 1, sec. 453)

The question arose in the Senate as to the loyalty of one David T. Patterson, a Senator-elect from Tennessee. His credentials were presented and after debate were referred to the Committee on the Judiciary with instructions to inquire into his qualifications. The debate discussed the propriety of refusing the oath to a person presenting prima facie evidence of his election. Resolution admitting him was thereafter adopted. (Hinds' Precedents, vol. 1, sec. 453.)

(Roach case, 1868, CONGRESSIONAL RECORD, vol. 25, pt. 1, 53d Cong., 1st sess., pp. 37–162)

Roach, a Senator-elect from the State of North Dakota, was charged and never denied that he had embezzled $30,000 from a bank of which he had been cashier. No prosecution had ever been instituted against him, the matter evidently having been settled. The question was later raised in the Senate, and discussed at great length as to whether the Senate had the power to act "because it was a crime that he had committed before his election." The matter was referred to a committee but no vote was ever taken thereon. Complete record of the discussion in this case may be found in the CONGRESSIONAL RECORD (vol. 25, pt. 1, 53d Cong., 1st sess., beginning at pp. 140 to 153, inclusive).

(Philip F. Thomas case, 1867, Hinds' Precedents, vol. 1, sec. 457)

In 1867 the Senate, having in view the test oath and the spirit of the fourteenth amendment, excluded Philip F Thomas. There was a protracted debate, among other things, on the right to add other qualifications to the three prescribed by the Constitution. Seat was denied because of the inability of the Member-elect to take the oath because of disloyalty.

(Arthur R. Gould case, Senate Election Cases, pp. 276–288)

Gould was charged with the crime of bribery. Oath of office was administered and resolution adopted referring the matter to the Committee on Privileges and Elections for investigation and report. That committee in its report recommended dismissal of the charges for insufficiency of the evidence, but expressed the view that the Senate was without jurisdiction to expel for offenses committed prior to the election.

(Reed Smoot case, 1903, Hinds' Precedents, vol. 1, secs. 482, 483)

In this case, although it was understood that objection was made to the Senator-elect on the question of his qualifications, yet the oath was administered on his prima facie showing. It was objected that Senator Smoot by reason of fealty to a "higher law than the law of the Nation" was disqualified to hold a seat in the Senate. A complete discussion was had on the right of the Senate to exclude on a majority vote for lack of qualifications other than those enumerated in the Constitution. The majority of the committee agreed that the Senator was not entitled to his seat in the Senate and reported the following resolution:

"*Resolved*, That Reed Smoot is not entitled to a seat as a Senator of the United States from the State of Utah."

The minority declared in addition the following:

"Reed Smoot possesses all the qualifications prescribed by the Constitution to make him eligible to a seat in the Senate, and the regularity of his election by the Legislature of the State of Utah is not questioned in any manner."

Question was raised on the resolution recommended by the majority which recommended as follows:

"*Resolved*, That Reed Smoot is not entitled to a seat as a Senator of the United States from the State of Utah."

Mr. Albert J. Hopkins, of Illinois, proposed a substitute amendment to strike out all after the word "*Resolved*" and insert a new text, so that it should read as follows:

"*Resolved (two-thirds of the Senators present concurring therein)*, That Reed Smoot is not entitled to a seat as a Senator of the United States from the State of Utah."

The amendment of Mr. Hopkins was agreed to—yeas 49, nays 22.

Thereupon Mr. Carmack, of Tennessee, proposed a substitute as follows:

"*Resolved*, That Reed Smoot, a Senator from Utah, be expelled from the Senate of the United States.

"This substitute was disagreed to—yeas 27, nays 43. Then the resolution of the committee as amended on the motion of Mr. Hopkins was disagreed to—yeas 28, nays 42—two-thirds not voting in favor thereof." (Hinds' Precedents, vol. 1, p. 590, sec. 483.)

(Smith, Vare, and Newberry cases)

The cases of Smith of Illinois, Vare of Pennsylvania, and Newberry of Michigan are not in point inasmuch as each of them involved alleged corruption either in the primary or in the election itself, the Senate being obviously competent to disqualify on this ground under the provisions of article I, section 5, clause 1, of the Constitution providing that each House shall be the judge of the election of its own Members.

(House precedents)

There are two cases presented to the House of Representatives which are quite frequently referred to as precedents for a decision in this case. The first has to do with the case of one B. F. Whittemore who was reelected to the same House from which he had resigned to escape expulsion for crime. He was excluded from taking the oath and his seat. In the discussions, however, it was assumed, apparently, that the right to exclude and the right to expel were identical.

The criticism of this case is to be found in a report of the legislative committee considering the Roberts case (Hind's Precedents, vol. 1, sec. 477, p. 540):

"The case of Whittemore, in the Forty-first Congress, is suggested as a legislative precedent for the right to exclude. We have examined that case with care, and we feel bound to say that we do not think it entitled to any weight as a precedent. The argument upon which it was based shows the action of the House to have been unwarranted and ill-advised in excluding Whittemore. The only speeches made in support of the proposition were by Mr. Logan. He does not in any way refer to the one great legal question involved, as to whether Congress, to say nothing of the House, acting alone, had the power to add to the qualifications specified in the Constitution, and that question was not raised during the debate, although at that time (1870) several State courts, one at least, had discussed, *People* v. *Barker* having been decided in 1824.

"The House had, apparently, never heard that there was such a question. The only provision of the Constitution that could possibly justify the action of the House, that constituting the House the judge of the 'election returns and qualifications of its own Members,' was not referred to directly or indirectly, and, if the debate is the criterion, the House acted without any reference to it whatever. The clause stating the qualification was incidentally referred to once. Indeed, they apparently acted upon an entirely different provision that does not relate to exclusion or determining eligibility or qualifications, and Mr. Logan distinctly based his case upon it when he says:

" 'I base my opinion, first, upon the Constitution of the United States, which authorizes Congress to prescribe rules and regulations for the government of their Members, and provides that by a two-thirds vote either House may expel any one of its Members without prescribing the offenses for which either House may expel.' "

"He then proceeded to make this gratuitous and unwarranted assumption:

" 'This being the theory with which I start out, I then assume that where the House of Representatives has power to expel for an offense against its rules or a violation of any law of the land, it has the same power to exclude a person from its body.'

"Without giving any attention to the legal distinctions involved, or even referring to the constitutional right of passing upon qualifications, or adverting to the fact that exclusion is the act of a majority and expulsion of two-thirds, he begs the whole question and assumes their identity. He quotes a statute which makes a disqualification to hold office absolutely dependent upon a conviction, and then assumes it disqualified Whittemore, although there had been no conviction. He admits there was no Congressional precedent for the action which he proposed. He cites the Wilkes case in the English Parliament as a precedent, when as he states it, that case was directly in point against him. Wilkes, he says, was elected four successive times to the same Parliament, three times without opposition and the fourth time against an opposing candidate. Three times he was expelled. The fourth time his opponent was seated. Neither time, according to his statement, was Wilkes excluded.

"Just how that case could be an authority for excluding as against expelling Whittemore we cannot see. These considerations (and many more could be suggested), in view of the fact that the House, under Mr. Logan's lead, absolutely refused to allow any committee to examine, for the information of the House, the legal question involved or to have the case referred to any committee—though such a course was desired by such men as Poland of Vermont, Farnsworth of Illinois, and Schenck and Garfield of Ohio—and would not allow Schenck and Garfield to be heard on the law for even 10 minutes each, deprive this case, in our opinion, of all weight as a precedent."

The second case is known as the Roberts case. In the Fifty-sixth Congress one B. H. Roberts was elected to the House, and the House declined to permit the oath to be administered, and he was excluded on the charges of polygamous relations. There was an exhaustive debate on all of the legal questions involved. The issue was squarely presented under the majority and minority resolutions. The majority resolution recommended exclusion, and the minority recommended expulsion. The majority resolution prevailed. The case, however, is of doubtful value as a precedent here, because of the circumstances under which it arose and the attendant emotion and hysteria in connection with the charges involved.

These cases were suggested as precedents in the proceedings in the Smoot case and rejected by the Senate.

VIII. GENERAL CONCLUSION DRAWN FROM PRECEDENTS

Since the adoption of the Constitution the Senate has exercised the power to investigate in approximately 130 cases, including election

contests. From an examination of all of these cases we believe that it may be accurately stated that:

(1) No case exists where the Senate has excluded a Member for acts of moral turpitude alleged to have occurred prior to the time of the election or prior to the time when a Member is seated;

(2) No case may be found where the Senate has ever expelled a Member for acts of moral turpitude alleged to have been committed before he became a Member.

Respectfully submitted.

ELLISON D. SMITH.
ABE MURDOCK.

Mr. CONNALLY. Mr. President, will the Senator yield to me so that I may ask a question?

Mr. MURDOCK. I yield.

Mr. CONNALLY. As I understand, the Senator has concluded his argument on the constitutional law, and now intends to discuss the facts; is that correct?

Mr. MURDOCK. I have yet to make a very short conclusion on the law, and then I intend to discuss the facts. I hope that Senators will remain in the Chamber and will listen to my statement of the facts, at least, as they appear to me.

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

Mr. MURDOCK. I yield.

Mr. CONNALLY. In connection with passing from the law to the facts, and especially in connection with the Marshall case, the makers of the Constitution having determined by whom the choice should be made in the case of a Senator, and the qualifications which should be required, let me ask the Senator who is better qualified to pass upon moral issues and issues of fact with respect to a candidate for the Senate, the people among whom he has lived all his life and among whom he has spent all the days of his activity or the Senate in a cursory examination by some committee?

Mr. MURDOCK. I think the Senator from Texas has asked a very important, a very intelligent, and a very fair question, as he always does. If we believe in democracy, if we believe in a government by the people, of the people, and for the people, will any Senator rise on the floor of the Senate and say that, on the question of passing on the moral and intellectual qualifications of a Senator, he has more confidence in the judgment of the Senate than in that of the people of a Senator's own State? Of course not. No Senator here believes that any other view was entertained by the framers of the Constitution.

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

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

Mr. MURDOCK. I shall yield in a moment.

No man who believes in democracy, no man who believes at all in the integrity of the people of his own State, will want to substitute the judgment of the Senate or any other body for the judgment of his own people. How do our people know us? Why do they know us? On what basis do they elect us? First, we have lived with them for a great many years. When we run for public office in our States we are subjected not only to public opinion but to the searching inquiry of every political opponent we have. The people know us. Why? Because the searchlight of publicity, the searchlight brought to bear by the ingenuity of the opposition politicians has been focused upon us. They know us because our neighbors speak of us; they know us because we have attended church in our State; because we have attended the schools of our State; in fact, they know us because they have lived with us. In my opinion, that is the reason why the framers of the Constitution laid down the principle that, although, of course, there should be a limited number of simple, over-all qualifications, such as residence, citizenship, and age—and I have given the reasons the Constitutional Convention considered in laying down such restrictions—nevertheless, all other qualifications should be passed upon by the electorate. When it comes to the question of determining moral and intellectual qualifications, what does the Senate know of the people of my State; what does the Senate know of the people of Maine or Florida or North Dakota; what do the Members of the Senate know about the candidates in any of those States, until they come here among us? But the people with whom a man has lived know him. If they do not know him, who under the sun could know him?

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

Mr. MURDOCK. I yield.

Mr. LUCAS. Following the inquiry of the distinguished Senator from Texas, let me ask the able Senator from Utah if he believes that the searchlight of publicity afforded to the people of North Dakota, proof of the land-bond transaction, the Mexican land finance deal, and the case in which Gale Wyman, son of Judge A. Lee Wyman, was employed by the respondent in this case.

Mr. MURDOCK. My answer to that question is that as to the details, as they have come to the investigators and to the Senate committee, no; but I refer the Senator from Illinois to the record; and if he can come to any conclusion other than that the bond transaction was a campaign issue, not only in 1940 but in 1938, I shall be very much surprised.

I desire to make the further observation that, knowing the opponent of Judge LANGER in the general election, I know the tenacity, I know the perseverance, I know the ingenuity of the man who was running against him; and if he could have found any facts to bring out on that issue he would not have neglected to do so.

I state the further fact, although I am now rather anticipating my argument, that the present Governor of North Dakota ran on the bond issue, and after his election he appointed an investigator to go to the bottom of the transaction.

Mr. LUCAS. Will the Senator yield?

Mr. MURDOCK. I yield.

Mr. LUCAS. That is true; and they are investigating the situation right now. They have asked for any number of exhibits and a great amount of testimony which has been taken by the investigators and which the special representative appointed by Governor Moses could not find out and did not have the power to find out. The only point I am making is——

Mr. MURDOCK. I am surprised that the Senator makes that point.

Mr. LUCAS. It is a fact, anyway.

Mr. MURDOCK. That may be so; but we are trying the case not on what the Senator knows or what the Governor of North Dakota might want to know. That is why I say such a type of argument is unfair, for it does not abide by the record; it does not stay within the record as submitted by the Committee on Privileges and Elections. I am surprised that the Senator raises that point.

Mr. LUCAS. The Senator can be surprised if he wants to.

Mr. MURDOCK. I am surprised.

Mr. LUCAS. He has been surprised quite often throughout this hearing.

Mr. MURDOCK. No; this is the first time.

Mr. LUCAS. But the point I am making is simply this: The Senator contends, along with the Senator from Texas, apparently, from the question he asked, that the searchlight of publicity has been turned on every single act of the respondent as disclosed by the investigators' report. I challenge that statement.

Mr. MURDOCK. I did not make that statement.

Mr. LUCAS. The Senator said that all these matters had been debated by the people of North Dakota.

Mr. MURDOCK. I was speaking generally of what happens to every Senator who announces his candidacy. The minute he does so, if he is a Democrat, what happens? The Republican opposition begins to look in every corner for something to upset him. The same thing is true when a Republican announces his candidacy; his Democratic opponents begin to look around for something that may defeat him. I say that when a man announces his candidacy he subjects himself to the glare of scrutinizing publicity.

Mr. LUCAS. There is no doubt about that. I certainly agree with the Senator as to that; we have all been through campaigns, and we know what we have to undergo. In every campaign specious trumped-up charges are made against the individual candidate. But the point I make—and I want to reiterate it, and then I will not take any more of the Senator's time——

Mr. MURDOCK. The Senator is welcome to interrupt me.

Mr. LUCAS. In view of the question the Senator from Texas asked, I contend that the record shows that the vital actions involving moral turpitude were the land transaction, the bond deal, the Mexican finance transaction, and the transaction with Gale Wyman, and the people of North Dakota knew nothing about those facts, on which the charge of moral turpitude really lies, when the campaign was under way.

Mr. MURDOCK. I am sure——

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

Mr. MURDOCK. I will yield in a moment; I wish to answer the Senator from

Illinois. I am sure that if the people of North Dakota feel that they are incapable of scrutinizing the candidates who offer themselves for election there, in the Senator from Illinois they have a very intelligent, a very industrious, and a very capable guardian who will attempt to protect them.

I now yield to the Senator from Texas.

Mr. CONNALLY. I interrupt only because the Senator from Illinois made reference to the Senator from Texas. Let me ask the Senator if it is not in the record that Mr. Lemke, who was a candidate against the junior Senator from North Dakota, discussed the so-called bond transactions all over the State during the campaign. Is not that in the written sworn testimony?

Mr. MURDOCK. There is no question about that.

Mr. CONNALLY. Is it not also true as to the land transaction that a considerable period before the campaign the deeds were on file in the public records, revealing the whole transaction?

Mr. MURDOCK. Yes; and they were referred to in the campaign.

Mr. CONNALLY. They were discussed.

Mr. MURDOCK. And the charge was made, I think, of $25,000 having been paid for land by one of the bond salesmen to Mr. LANGER. That is in the record.

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

Mr MURDOCK. I yield.

Mr LUCAS. I challenge anyone to find in the public records that Brunk, of Iowa, paid the respondent $56,000 for land which was bought "sight unseen" and that is the basis of the charge of moral turpitude growing out of the bond transaction.

Mr. MURDOCK. I admit frankly that the details were not brought out as they have been here, but if the circumstance, in substance, was even indicated to the opposition and they did know something about it, if we could not trust them to get to the bottom of it, then I fear that we have not the facilities to do it.

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

Mr. MURDOCK. I would rather get through with what I call my legal argument.

Mr. ELLENDER. I should like to make an observation, if the Senator will permit me.

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

Mr. MURDOCK. I yield.

Mr. ELLENDER. The record will show that Clyde Duffy who investigated the bond deal for Governor Moses, testified that the matter was brought to the attention of the people, that his report was made public, and that the figures were published before Senator LANGER was elected to the Senate. In other words, the people knew about the bond deals and charges and countercharges were made with respect to the entire subject matter.

Mr. MURDOCK. I believe the Senator's statement is correct; but I think he is anticipating my argument on the facts. My statement is becoming rather disorganized by interruptions; I should like to present it, if I may, in what occurs to me to be a chronological order.

Mr. ELLENDER. Since challenges are being made I desire to make one challenge to the Senator from Illinois or to any other member of the Committee on Privileges and Elections, to show one single solitary iota of evidence that connected LANGER with any of these matters. I want to say, as I have previously indicated, that conclusions have been reached that are based on pure suspicion. The majority of the committee have drawn their conclusions on mere suspicion, and that is all. I repeat, I challenge the Senator from Illinois or any other member of the committee to show one single solitary line of evidence connecting LANGER with any of these deals.

Mr. LUCAS. Mr. President, there is only one thing I want to say in reply to the Senator from Louisiana. The 13 members of the committee who sat for weeks and months investigating every line of the testimony reported that there was such evidence, and when the Senator makes that sort of a challenge he makes it against the 13 members of the committee in the majority.

I fear the Senator from Louisiana is one of those individuals who want proved every link in the chain; but he is familiar with many cases in which circumstantial evidence was involved, if he has had any lawsuits at all he also knows that the court said in the Fall-Doheny case that it was not necessary to prove the actual transfer of the bonds in that case, which was the meat of the transaction, and no one could be found to furnish that proof. It is necessary to make some inferences in connection with such matters. If the Senator can get comfort out of these transactions about which he knows and which, apparently, he has read, and can go along with them, that is perfectly all right with the Senator from Illinois. I merely want to suggest to him that some members of the committee who sat for months in this case are just as much interested in doing the right thing as is the Senator from Louisiana.

Furthermore, I wish to say to him that I have no personal interest in this case, one way or the other, and neither has any other member of the committee who sat in the case for many months; yet the Senator seems to think that it is strange that 13 men, who studied the evidence day after day, and who sat week after week, could come to the conclusion they did.

Mr. ELLENDER. Mr. President——

Mr. MURDOCK. Mr. President, I shall refuse to yield further at this time.

The PRESIDING OFFICER. The Senator from Utah declines to yield.

Mr. MURDOCK. The Senator from Illinois, Mr. President, has said on two or three occasions that 13 members of the Committee on Privileges and Elections came to a conclusion after diligent work. I agree with him that the committee was diligent; I want to agree with him that it is composed, with perhaps one exception, of some of the highest grade men in the Senate, and I do not know of a member of the committee, with the exception probably of one, who does not measure up to the standard of every other Member of the Senate. I think they did a wonderful job, but I do not believe, Mr. President, the fact that 13 members came to a conclusion, contrary to the conclusion of 3 other members, should have any particular weight. It is not altogether uncommon in this country that the minority occasionally is right.

I claim to have been diligent in my attendance on the committee meetings. I think I have been rather industrious. I am sure I have not anything of a personal bias in the case, and I honestly could not agree with the majority; but I respect them in their disagreement; I know that they are sincere; I know that they are earnest, and I know that they are conscientious.

Mr. STEWART. Mr. President, the Senator intimated that there might be one member of the committee who was unworthy. If we are not indulging in too many presumptions, I should like to know whether the Senator would object to being specific.

Mr. MURDOCK. I happen to be a member of the committee, and I am a modest sort of Senator——

Mr. STEWART. If the Senator had reference to himself, I wish to say that, in my opinion, he ranks as high as any other members of the committee, even though he did not agree with the majority.

Mr. LUCAS. I wish to join in that statement.

Mr. MURDOCK. I thank the Senators very much for what they have said.

Mr. DANAHER. Mr. President——

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

Mr. MURDOCK. I yield.

Mr. DANAHER. A few minutes since the Senator was reading from volume 2 of Hinds Precedents, at page 859. I do not think it is sufficient merely to refer to the committee report. Hinds, in recording the case, specifically points out that a question was taken on the motion to expunge the following words:

> They think that in a case of this kind no person can be held to answer for an infamous crime unless on a presentment or indictment of a grand jury, and that in all such prosecutions the accused ought to be tried by an impartial jury of the State and district wherein the crime shall have been committed. If in the present case the party has been guilty in the manner suggested, no reason has been alleged why he has not long since been tried in the State and district where he committed the offense. Until he is legally convicted, the principles of the Constitution and of the common law concur in presuming that he is innocent.

Mr. President, the motion to expunge that language was expressly made the subject of a vote, and it failed to carry.

If the Senator will bear with me further, I should like to tell him that the old volume I hold in my hand, one of the treasures of my own law library, published in 1795 by a man named Zephaniah Swift, who served in the Congress of the United States as a Federalist from 1793 to 1797, was the first law text written and published in the United States. It was entitled "A System of the Laws of

the State of Connecticut." It was written under the patronage system which then prevailed. George Washington headed the list of subscribers and distinguished patrons; in fact, he ordered two sets of the work.

Zephaniah Swift went on to become secretary to Oliver Ellsworth in his mission to France; he later became a judge of the superior court, and, finally, chief justice of the State of Connecticut. He was unquestionably one of the most famous of the early American lawyers, a man who ranked among the greatest the Nation has ever produced, a man whose work—Swift's Digest—even yet is repeatedly cited as precedent by the Supreme Judicial Court of Errors of the State of Connecticut, and relied upon by lawyers.

He discussed the theory of government, with particular attention to the theory underlying the formation of the United States of America and the relationship of the State governments; and, among other details, Mr. Justice Swift wrote specifically on the qualifications of persons to be elected members of the legislature. He is using the term "legislature" in the abstract sense, and applying it to the Congress as well as to the State legislatures.

I should recall further that this volume was in the process of its construction and compilation only 5 years after the inception of our own United States of America. It was written at a time when this man as a Federalist was a Member of the House of Representatives, a companion body of the Congress. He said:

> Every freeman—

In Connecticut at that time there was the status of "freemen" as distinguished from other types of citizens—

> Every freeman is eligible of common right, excepting those who hold certain offices which are deemed incompatible with seats in the legislature, and have been expressly excluded by statute. These are judges of the superior court, and those officers under Congress, who are excluded from seats in the Legislature of the United States. No statute has pointed out a crime which disqualifies a freeman to be elected into either branch of the legislature. No statute authorizes the expulsion of a representative who is a freeman, if he be not unduly elected.

It will be recalled, let me interpolate, that the question of alleged irregularity in the election of the candidate whose case is before us has been expressly ruled out.

Mr. MURDOCK. The Senator is correct.

Mr. DANAHER. I continue reading from Mr. Justice Swift:

> The statute says that no person shall be accepted as a representative unless he be a freeman. As the statute law stands, every freeman, however infamous, is eligible into the legislature. If we have recourse to the common law, we shall find that no crimes render a person ineligible but high treason and felony. A house of representatives, being only one branch of the legislature, can have no constitutional right to expel a member for any act done previously to his election unless he is disqualified by the common law or by statute.

Mr. President, in the absence of any exclusion at common law—and there was none except for treason and high felony, in the absence of exclusion eo nomine, by the statute itself—and there was none except insofar as disqualifications were stated in the Constitution—it followed that no power to exclude would lie.

It seems to me that the contemporaneous opinion and judgment of a man of such eminent learning and qualities as Mr. Justice Swift has bearing in relation to Hinds' Precedents, which gives the language quoted by the Senator from Utah an extraordinary character. I feel that it is a view which is entitled to very great weight and respect.

I have asked the indulgence of the Senator from Utah to permit this interruption at this point merely in order that the context and the record itself might unite these two lines of thought, the one presented by Hinds, to which I previously referred, and the other just quoted, before the Senator became engrossed in his discussion of the facts of the case.

Since the Senator has yielded to me thus far, I ask his forbearance while I make one further observation.

Mr. MURDOCK. I yield.

Mr. DANAHER. Since 1638 when at Hartford the colonists compiled the first written constitution the world had seen and from 1662, when the Colony of Connecticut, upon petition from its own citizens, gained its charter from King Charles, until 1818, there was no other constitution in the State of Connecticut.

In 1776, when news of the Declaration of Independence reached Connecticut, as it happened our general court, as the legislature was called, was in session. Word of the Declaration was brought to the general court, and its membership did no more pertaining to existing statutes and writs than to strike out references to the authority of His Majesty, King George, and to insert, "By authority of the State of Connecticut."

Its constitution was sufficient for those purposes, as sovereignty was inherent in the people. It persisted until 1818. Under what circumstances, let me ask anyone to suggest, is it to be supposed that a man was elected, or was eligible for election, either to the House of Representatives in the Congress, or to the Senate of the United States, between the years 1789 and 1818? By whose test, by what qualifications, by what standards, was a candidate selected from the State of Connecticut to this honorable body? Obviously by qualifications ascertained and fixed and agreed upon under and in consonance with the law of the State of Connecticut; not by any law emanating from the Congress of the United States to that State, but by virtue of the force and the subsistence and the power and the sovereignty of the State itself.

So it was, let me say to the Senator from Utah, that those taking part in the Constitutional Convention, in the discussions which attended upon the drafting of our Federal Constitution, and in the discussion back home concerning it, knew very well that they were not going to permit some great States like Virginia and New York, with their overshadowing might and populations, to rule out the Representatives, the duly elected Senators, of the smaller States. After the Constitution provided certain disqualifications, they expressly saved to themselves an additional protection by requiring expulsion only on the basis of a two-thirds vote of the body questioning the right of a particular Member to continue in the body when expulsion was under consideration. I have indicated why they reserved that right, why we find disqualifications, not qualifications, stated in the Constitution.

Thus, Mr. President, when we find in the first 10 amendments, particularly in the ninth and tenth articles, that the powers not expressly granted to the Federal Government by the Constitution were reserved to the people of the States, and to the States themselves, they were retaining to themselves the power already in existence of saying who were to be freemen of Connecticut, who were to be electors, and who were to be qualified to be officeholders in behalf of that State and in this body.

Mr. President, I respectfully submit that if we correlate the views of Mr. Justice Swift, with what we know to be the provisions of the Constitution of the United States, the precedent cited by the Senator from Utah becomes a shining and singular landmark for our guidance in our consideration of the pending business.

I thank the Senator from Utah for permitting this trespass upon his time.

Mr. MURDOCK. Mr. President, I am always glad to yield to the Senator from Connecticut. I constantly marvel at how the Senator from Connecticut can find time to go into every important question which comes before this body as thoroughly as he does. Seldom a day passes when he does not make a real contribution to the Senate debates. So I am always happy to yield to him. I hope every Senator will go into the question pending before us as diligently as the Senator from Conecticut has gone into it.

Mr. President, I am now reminded, in bringing my legal argument to a close, of the Wilkes case, which arose before the adoption of the Constitution. Who was John Wilkes? He was a kind of rascal in England, a man who believed in freedom of speech, a man who even thought he had a right to criticize the King, or any minister of the Government, a man who stood for freedom and liberty of the people on all occasions, but his morality was in question. He was no moralist. He did not claim to be. He was referred to as a kind of a rascal, but he stood for one thing, and that was the liberty and the freedom of the people, and especially the freedom of the people to elect their representatives to the Parliament. He was challenged on that point by King George III. The King's mother said to him, "George, be a King," and he began almost immediately on his accession to the throne to do—what? To challenge the right of the people of England to send representatives of their choice to the Parliament.

John Wilkes was elected to Parliament, but was accused of using libelous lan-

guage against the King and the ministers and was expelled from Parliament. He was then prosecuted and sentenced to a term in prison; but even while serving the term in prison we find him still writing, still printing, still espousing, and still sponsoring the rights of the people to send representatives of their choice to the Parliament. Even jail did not stop his pen. Again he was elected by the people of Middlesex as their representative in the House of Commons, and again he was expelled. He was elected a third time, and then the resolution of exclusion stated that he was not qualified to come back. Did he quit? No; he went back to the electorate again, and for the fourth time John Wilkes was sent to Parliament as the choice of the people of Middlesex.

Mr. President, what was happening in the American Colonies at the time? The little colony of South Carolina, knowing what John Wilkes was doing in the espousal of the cause of freedom and liberty, sent 1,500 pounds to England to John Wilkes to further his efforts. Why should South Carolina send money to England to a member of Parliament? Because the people of South Carolina knew of the tyranny of George III, and they thought, and rightly so, that John Wilkes was fighting the cause of democracy and liberty over there; so they made a contribution to him in the same spirit, and with the same theory underlying their action as that underlying our action when we passed the lend-lease measure providing for sending the wealth of this Nation to other nations—for what purpose? In order to save freedom and liberty among the inhabitants of the whole earth. They gave support to Wilkes for the same reason that we have joined the cause of England today.

In Pennsylvania is the city of Wilkes-Barre. That city was named for whom? It was named for John Wilkes and Col. Isaac Barré, who stood for the rights of men in the debate which took place in the Parliament. The King won several victories, but each time he won a victory the people won a greater one. Finally, the resolutions providing for expelling John Wilkes were expunged from the record, and George Grenville, who at the time of Wilkes' first or second expulsion was against him, finally took the floor in his behalf—why? Because Wilkes was right.

Mr. President, Wilkes was not a moralist. As I have said, he was referred to as a rascal. I wish to read, however, the words of James Beck, one of the greatest constitutional lawyers this country ever had, as set forth in his little volume, The Vanishing Rights of the States, on page 41:

> The Middlesex election was the great constitutional landmark of the eighteenth century. It determined for all time the right of Englishmen to be represented in Parliament by members of their own choice, for no king or minister has ever since dared to challenge that right. It also had a far-reaching effect in parliamentary reform in England, and, what is more important to Americans, it showed them the futility of expecting liberty from the government of George III. It nerved them for the long struggle, which led through Brandywine, Valley Forge, and Yorktown to the Constitutional Convention of 1787, where the right of electors to be represented by persons of their choice was, as it was thought, indestructibly written into the charter of our Government.

Yet today, Mr. President, when we are spending billions of dollars, and sending of the manhood of America even to foreign soil to preserve and to perpetuate the very principles for which John Wilkes fought, here we are in the Senate of the United States challenging a man whom we seated a year ago, and who was duly elected by the great sovereign State of North Dakota. What an anomaly; what an inconsistency. Wilkes thought he had settled this question away back before our Constitution was adopted. Yet we find Senators today on this floor who still tell us that we are more competent, and that we have more right under the Constitution, to pass on the moral qualifications of a Senator, than do the people of his own State.

Mr. President, is it too much to ask that the people of North Dakota, the people of New York, the people of Texas, and the people of California, be allowed to pass on the moral and intellectual qualifications of their representatives in Congress? Is that asking too much? Do Senators want to say with all self-righteousness and piety, that the people of our respective States, with whom we have lived, do not know enough about us to pass upon our moral and intellectual attributes when sending us to the Senate?

Some Senators have said that when we come here we are United States Senators. How true that is; but, Mr. President, my answer to that is that until a person is elected to the Senate of the United States he belongs to his State; he belongs to the people with whom he has lived and who know him. Of course, after his election, when he comes here, takes the oath of office, and becomes a Member of the United States Senate, then he belongs to the Nation, and, under the expulsion clause of the Constitution, if he misbehaves, if he does not conduct himself with decorum and with dignity, then he can be expelled and sent back whence he came.

Mr. SMATHERS. Mr. President——

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

Mr. MURDOCK. I yield.

Mr. SMATHERS. By what majority did Senator LANGER win the senatorial election in North Dakota?

Mr. MURDOCK. I am unable to give the Senator the figures. However, as I understand, it was a three-man race in the State of North Dakota. If I am not correct the Senator from North Dakota will correct me, but in a three-man race a majority of all the votes cast is not necessary; only a plurality among the three candidates is necessary.

Mr. SMATHERS. Was any contest filed in North Dakota challenging Senator LANGER's election?

Mr. MURDOCK. None whatever was filed. The distinguished majority members of the committee in their report state there is nothing to the charges concerning the election, and they were thrown out and disregarded. The only thing we have before us, according to them, is the question whether we have the right to superadd qualifications which exist in our own consciences and then expect the people of North Dakota to anticipate what qualifications we shall determine to be necessary, and to elect a Senator who will meet those qualifications, though none of the electors know what the qualifications are.

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

Mr. MURDOCK. I yield.

Mr. WHITE. Am I correct in my recollection that the petition originally filed with the committee contained four charges with respect to the legality of the election and that each and all of the four charges were eliminated by the action of the committee?

Mr. MURDOCK. I do not claim to be accurate in agreeing with the Senator that there were four specific charges, but the Senator is entirely correct in saying that the charges in question were all thrown overboard; they were discarded; they were cast out.

Mr. WHITE. Were they not discarded because, as the committee said, there was no evidence to sustain them?

Mr. MURDOCK. That is correct. We find some reference to the election charges in the report. It was held that there was not sufficient evidence to sustain such charges. Whether there was sufficient evidence, or whether there was none, the charges were thrown out and are not before the Senate.

Mr. SMATHERS. The point on which I am asking information is that there was no contest in North Dakota on the question of whether Senator LANGER properly won the election?

Mr. MURDOCK. That is correct.

Mr. President, I wish to conclude my legal argument with a final statement on this important question. If we have a right in this body—which I absolutely and sincerely deny—to impose moral and intellectual qualifications, then, in fairness to the people of my State and your State, we should write down such qualifications so that the people will know what type of man we will accept. What could be fairer than that? If we do not have confidence in the knowledge of the people concerning the candidates, and if we have no confidence in the ability of the people to send proper men to the Senate, then, in the name of fairness, I ask: Is it not incumbent upon us to write down the qualifications which a man should possess before he presents himself at the bar of the Senate? From the standpoint of fairness, I do not believe that anyone can say that that is not a correct principle.

Mr. WHITE. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

The PRESIDING OFFICER. Does the Senator from Utah yield for that purpose?

Mr. MURDOCK. I yield for that purpose.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

The PRESIDING OFFICER. Eighty Senators have answered to their names. A quorum is present.

Mr MURDOCK. Mr. President, as to the facts in the matter before us, I believe the Senate is not interested in having me cover every one of the charges which were covered by the Senator from Illinois [Mr. LUCAS]; I believe it would serve no good purpose for me to do so; and, while I am perfectly willing to go over each and every charge, if Senators so desire, I am quite satisfied they do not. In arriving at my conclusion in this matter, Mr. President, since the termination of the hearings, due to my study of the law, I have been so confident of the position I take under the Constitution and the precedents of the Senate, that it is not necessary, so far as I am concerned, in order to determine how I shall vote, to go into the facts. Due, however, to the fact that I did rather religiously attend the hearings, and due to the fact that I have studied them since, I thought that the Senate was entitled at least to have my opinion, if it wanted it, as to the facts. I intend to discuss at least at some length the matters with reference to the employment of Mr. Leedom and Gale Wyman in connection with the criminal proceedings against Senator LANGER in North Dakota.

First, however, I desire to call the attention of the Senate to one matter which I think should have their attention before we pass on, and that is with reference to the report submitted by the subcommittee of the Committee on Privileges and Elections.

On page 6 thereof we find this statement:

> That during the time respondent served as Governor of the State of North Dakota, he accepted the sum of, to wit, $4,000 for a pardon, which is of record in the State court of North Dakota, in a suit brought by the convict's mother to recover the sum so paid, which suit was settled and dismissed when the convict was forced, by threats of bodily harm, to persuade his mother to withdraw said suit.

There is a clean-cut charge, Mr. President, that Senator LANGER, while he was Governor of North Dakota, accepted a $4,000 bribe for issuing a pardon to a convict in the State penitentiary, and in the charge it is said that it is a matter of record in the State court of North Dakota.

I do not desire to be critical at all of the subcommittee that published this report; this charge was contained in those filed against Governor LANGER; but I think that, in fairness to Senator LANGER, he was entitled to a definite statement not only by the subcommittee of the Committee on Privileges and Elections, but by the entire committee itself, not only declaring the absurdity and falsity of that charge but condemning those who made it.

But that was not done, so that anyone picking up the report and reading on page 6 would have the right to conclude that those who made the charge, at least had gone to the records of the State court of North Dakota, which are open to the public, and ascertained the facts of the case.

We finally find in the subcommittee report, turning to page 74, this statement being made:

> Your subcommittee has carefully examined the charges in subhead E of count II, and finds that the evidence purporting to sustain said charge should be submitted to the committee; a résumé of said testimony pertaining to said charge being herewith incorporated and made a part of this confidential report.

It is alleged by the petitioners on page 5 of the amended petition as follows:

Then the charge which is found on page 6 under E is restated, and the subcommittee has this to say in answer to this charge of the complaint.

> In answer to this charge in the complaint, respondent answers that the charges are too vague, uncertain, general, and wholly insufficient. Further answering, respondent generally denies the charges.
>
> This charge refers to an instance in which Mr. LANGER is alleged to have solicited and collected a fee of $2,000 for his services as an attorney to secure the release of Floyd Johnson, an inmate in the State penitentiary, at Bismarck, N. Dak., serving a life sentence for murder in the first degree, from Esther Johnson, the mother of Floyd Johnson. It is alleged that Mr. LANGER did little or nothing to earn the fee paid him. Thereupon, Mrs. Johnson filed suit to secure the return of the fee, which suit she was forced to dismiss by coercion and intimidation in fear for her son's welfare.

So we find a charge originally stated as the acceptance of a $4,000 bribe paid to Mr. LANGER while he was Governor for a pardon, is changed to the acceptance of a $2,000 fee for service rendered as an attorney prior to the time he became Governor. The record bears out—and there is no member of the committee who will deny it—that a suit was brought by Floyd Johnson's mother against Senator LANGER; that Senator LANGER refused to take the oath of Governor until the suit had been settled; that the suit was settled, and the mother of Floyd Johnson came in and stated to the court that the suit never should have been brought, and it was dismissed. Senator LANGER asked to be allowed to go on the stand and submit his evidence in the matter, but the court refused to allow him to do so, notwithstanding his request. I point that out as showing how far the enemies of Senator LANGER have gone in the effort in order to unseat him as Senator when they could not defeat him in an election in North Dakota.

Mr. ELLENDER. Mr. President, will the Senator yield at that point with reference to the Johnson case?

Mr. MURDOCK. I yield.

Mr. ELLENDER. As I recall, the attorney who was employed to prosecute the case for Mrs. Johnson turned out to be a politician on the other side, who was paid by some newspaper owner to bring the suit for Mrs. Johnson in North Dakota.

Mr. MURDOCK. My conclusion from the record is that the suit was largely brought at the instance of a newspaper opposing Senator LANGER. The reason, however, I refer to it, Mr. President, is to show how far the enemies of a man in politics will go to ruin him and blacken his name. They charge him with the acceptance of a $4,000 bribe as Governor, and say that the record can be found in a State court, but it turns out to be the acceptance of a $2,000 fee in a suit as attorney before he ever became Governor, and the suit was dismissed at the instance of the plaintiff.

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

Mr. MURDOCK. I yield.

Mr. ELLENDER. I am sure that the Senator has heard most of the evidence, and I feel confident that he has also read most of it.

Can the Senator point to one single, solitary case brought against Senator LANGER in which he was not either acquitted, or otherwise vindicated?

Mr. MURDOCK. I think the record bears out the statement that in every case brought against Senator LANGER in the State of North Dakota he won the decision.

Mr. ELLENDER. That is correct.

Mr. MURDOCK. Mr. President, as to the charge that Governor LANGER accepted a bribe for a pardon, I wish to make one further observation. I think the record will also disclose that the suit was brought against Senator LANGER about seven days before his election as Governor, indicating that some political influence might have been used in order to have the suit initiated.

Coming now to the employment of Gale Wyman and Chet Leedom, what are the facts? We find Governor LANGER occupying the chief executive's chair in the State Capital of North Dakota, Bismarck, duly elected, and charged in a Federal indictment with interfering with and obstructing the administration of a Federal statute. It was set out in the indictment that he had conspired with others to collect certain amounts from employees, both State and Federal. The amount collected, especially from any Federal employees, was rather negligible, but, notwithstanding that fact, the indictment was brought against him, and, with four or five other defendants, he was faced with the charge of conspiracy.

The case was submitted to the jury after several days' trial, and the jury brought in a verdict of guilty against the respondent and the others charged in the indictment with conspiracy. After the conviction, Senator LANGER, who was

then Governor, as I understand, filed a motion for a new trial, which was denied. Sentence was imposed, a term in the penitentiary and a fine, I believe. Am I right about that?

Mr. LANGER. Eighteen months in the penitentiary, and a fine of $10,000.

Mr. MURDOCK. He was sentenced to serve 18 months in the penitentiary and to pay a fine of $10,000. From that sentence he appealed to the Federal Circuit Court of Appeals for the Eighth Circuit.

While the case was pending on appeal, the Lieutenant Governor of North Dakota brought an ouster action before the Supreme Court of North Dakota to oust Governor LANGER from the governorship. Of course, on the ouster of Governor LANGER, the Lieutenant Governor would become the Governor.

I do not believe there is another State in the Union where politics has been more intense, more enthusiastically fought out, than in the State of North Dakota. There are not only a Republican Party and a Democratic Party in that State but there is a Nonpartisan League, and the Nonpartisan League, as I understand, is considered a very progressive political party, which has brought about many so-called progressive reforms in the State of North Dakota, one of which was the creation and establishment of a State bank, another the creation and establishment, for the benefit of the farmers of North Dakota, of a State mill and elevator.

The record discloses without any question that during the first trial, in which Senator LANGER was convicted of conspiracy, the jury was being tampered with, that the jurors were allowed to read newspapers containing rather disparaging and derogatory articles against the defendants. In that case, as I recall, both the United States marshal and the clerk of the court were found tampering with the jury to some extent. I think that fact was brought to the attention of the judge, Judge Andrew Miller.

After Governor LANGER was ousted by the supreme court of the State, a decision was handed down by the Federal circuit court of appeals before which was pending the appeal from the conviction on the conspiracy charge, and the Federal court held that the evidence in the conspiracy case was insufficient to justify a conviction That was the ground of reversal, that there was not sufficient evidence to justify the conviction in the trial court. But the conviction in the trial court had resulted in the ouster of Governor LANGER from the highest office in his State, that of Governor, and it resulted in a sentence that Senator LANGER should pay a fine of $10,000 and serve a sentence in the Federal penitentiary of 18 months. Will any Senator rise on this floor and say that under those circumstances Senator LANGER was not justified in being apprehensive of a retrial of that case? Here was a man ousted from the office of Governor, to which office he had been duly elected, and sentenced to serve for 18 months in the Federal penitentiary and to pay a fine of $10,000. Is there a Senator here today who, under such circumstances, would not have been apprehensive of a retrial of the case, especially in view of the fact that there was evidence that the jury had been tampered with?

Mr. ELLENDER. Mr. President, will the Senator yield for one observation at that point?

Mr. MURDOCK. I yield.

Mr. ELLENDER. The record also shows, in connection with the jury tampering, that although the State Senate of North Dakota was against Senator LANGER—I do not know what the condition was in the lower House—because of the jury tampering the Legislature of North Dakota adopted a resolution memorializing Congress to change the method of appointing jurors and the manner of their selection by the court. All of which goes to show that there must have been some evidence to show jury tampering and ample justification on the part of the attorneys of Senator LANGER to protect their client at the next trial against a repetition of such tactics by his enemies.

Mr. MURDOCK. I think that is correct.

Mr. President, we now come to the retrial of the conspiracy case. After Senator LANGER's reputation had been blasted, after he had suffered the disgrace of a Federal court conviction, after he had been sentenced to prison and to pay a large fine, he was again confronted with the retrial of the case. His liberty and his whole life were at stake in that case. Some persons in North Dakota were interested in Senator LANGER, and one of them happened to be a very distinguished Member of the House of Representatives, Hon. USHER BURDICK, with whom I had the pleasure and honor of serving for about six years in the House, and I challenge anyone in the Senate or anywhere else to say anything against USHER BURDICK. As I recall the evidence USHER BURDICK had shortly before that time been an assistant United States attorney, and he called on his friend, Governor LANGER, who had been ousted after having been convicted on the conspiracy charge. The advice of USHER BURDICK to Governor LANGER was, first, to get a lawyer with courage to stand up in court and see that his rights were secured. After he gave him that advice he recommended some attorney to him, and if I am not mistaken the attorney was Francis Murphy, and certainly any Senator who observed Francis Murphy before the Committee on Privileges and Elections can not help but agree that USHER BURDICK gave Governor LANGER good advice when he told him to get Francis Murphy to defend him. Francis Murphy is a great lawyer, and in my opinion is absolutely honorable, ethical, and highly intelligent.

Then Representative BURDICK, an ex-United States district attorney, advised Governor LANGER to do something else, which was to hire someone to watch the next jury, to be there and see that the clerk of the court and the United States marshal did no jury tampering in the next trial. Senator LANGER was also confronted with the fact, as the record shows, that he was unable in the first trial to obtain a list of the jurors until the day the case was called for trial. If I am wrong in making that statement I trust some member of the committee will call the error to my attention. Governor LANGER was confronted with the fact that he could not obtain a list of the jurors in the first case, and had to go to trial without the opportunity of finding out anything about them until the opening day of the trial. I think it is common practice in the Federal courts to allow attorneys to know who are on the jury lists, at least a few days prior to the time of the trial. Governor LANGER was advised by USHER L. BURDICK, now a Member of Congress, in the manner I have stated, and after learning that Judge Wyman, of South Dakota, would try the next case, a man by the name of James Mulloy, a close friend at that time of Senator LANGER, a man who had had, I think, several favors conferred upon him in the way of appointments by Senator LANGER, Governor LANGER at that time, went to South Dakota to contact a man by the name of Chet Leedom, former United States marshal in South Dakota, and a man reputed to be a friend of Judge Wyman, or at least on friendly terms with him, to see if he could come up to North Dakota and keep his eye on the activities of the United States marshal and the clerk of the court, or any other persons who might attempt to tamper with the next jury selected to try Governor LANGER.

Some persons may criticize and condemn that type of thing, but it was stated here the other day by the Senator from Montana [Mr. WHEELER] that when he was a United States district attorney he knew of but few cases in which that was not done. The fact is that Leedom did go to North Dakota with Jimmy Mulloy. While Leedom was there he did considerable drinking, considerable talking, but he did keep his eye on the United States marshal and on either the clerk or the deputy clerk handling the case, as attendants of the court, and found out that there was another attempt to tamper with the jury. It was reported to one of the attorneys for Senator LANGER and he brought it to the attention of the court, and Judge Wyman called it to the attention of the United States marshal and admonished him that such things must not happen again. So it seems that, in order to get a fair or impartial trial in that case, it was necessary for Senator LANGER, for his own protection, to have someone watch the clerk and the marshal.

The trial of the case was completed. The jury disagreed. Exactly the same evidence was presented at the second trial as was presented at the first. Not one additional scintilla of evidence was offered against Senator LANGER. No new witnesses were called, but the same evidence was submitted which the Circuit Court of Appeals had said was insufficient. What I cannot understand is why Senator LANGER was not entitled to a directed verdict by the judge trying the case. Certainly the judge knew that the witnesses were the same and the evidence was identical to that in the first case. Certainly it was called to his attention that the Circuit Court of Appeals had held that evidence insufficient, and had reversed the case. But the court did not

give an instructed verdict. The case was submitted to the jury, which disagreed, making it necessary for Senator LANGER to be tried again, the third time on the conspiracy charge.

Before going to trial in the second conspiracy case, Governor LANGER, knowing the bias and prejudice of Judge Andrew Miller against him and his codefendants, filed an affidavit of prejudice against Judge Andrew Miller to disqualify him from trying the second conspiracy case. I think the record discloses without any question that Judge Andrew Miller was prejudiced. He even wrote the presiding judge of the circuit court that he might be prejudiced. As I understand the record, he had never before had to stand aside in a trial by reason of bias or prejudice, and he was a little touchy on that point, and did not want to have to disqualify himself by writing a letter to that effect to the presiding judge. He was asked by the attorney for Mr. LANGER to step aside, but he did not do so.

Senator LANGER, then the ousted Governor of North Dakota, in order to disqualify Judge Miller, had to file an affidavit of prejudice, which he did. Predicated on the affidavit of prejudice, Judge Andrew Miller caused to be filed against the defendant and the other signers of the affidavit a charge of perjury, and Senator LANGER was indicted on a perjury charge at the instance of the judge who tried him in the first trial.

During the trial of the perjury charge Senator LANGER wanted Leedom back again to watch the jury that was to try him in that case. His experience in the first conspiracy case and in the second one had convinced him that there was tampering with the jury, and he correctly anticipated further tampering, or at least another attempt to tamper.

Mr. Mulloy was sent to South Dakota to bring Leedom back. According to the record he found Leedom in such condition that he could not bring him back. He called Senator LANGER on the telephone and advised the Senator that Leedom was not in fit condition to return to North Dakota to attend the perjury trial. But in the telephone conversation between Mulloy and Governor LANGER, after apprising Senator LANGER of the fact that Leedom could not come, Mulloy advised him that he could bring "another fellow." It seems that quite a bit hangs on the question whether Mulloy said "another fellow" or "the other fellow." It seems that that is very important in the case—whether in the telephone conversation between Mulloy and Senator LANGER, Mulloy described the man to whom he referred as "the other fellow" or "another fellow." I think the Senator from Colorado [Mr. MILLIKIN] saw the significance of the two phrases when he asked some questions the other day of the Senator from Illinois [Mr. LUCAS].

I suppose the question in which the Senate is interested is, Did Senator LANGER know that Jimmy Mulloy was going to bring to the State of North Dakota Gale Wyman, the son of Judge Wyman? That seems to be the point of interest. Did Senator LANGER know that Jimmy Mulloy was going to bring the son of Judge Wyman to North Dakota? What does the evidence show on that particular question?

Mr. President, if Senator LANGER is unseated, he should be unseated on the record—not by presumption, not by imagination, but by what the record itself discloses. On this particular point we have three witnesses. We have Jimmy Mulloy, Gale Wyman, and Senator LANGER.

Who is Jimmy Mulloy? Jimmy Mulloy is a Judas, a former friend of Governor LANGER, a man who had received favors from Governor LANGER, but who, for some reason, some time later decided to do everything in his power to betray him and destroy him. He was not only a Judas, but a self-confessed criminal. During his examination the Senator from Illinois [Mr. LUCAS] said to him, "Mr. Mulloy, being a self-confessed criminal, we have the right absolutely to disregard your evidence unless it is corroborated by some other witness entitled to belief." That was the statement by the Senator from Illinois to Jimmy Mulloy.

The testimony of Jimmy Mulloy is, in substance, that Senator LANGER knew that Mulloy was bringing Gale Wyman. Senator LANGER's testimony is that he did not have any idea whom Jimmy Mulloy was going to bring; that in his conversation with Jimmy Mulloy, Mulloy said, "I can bring another fellow."

When Gale Wyman was on the stand before the committee, he corroborated Senator LANGER, and not Jimmy Mulloy. Gale Wyman's testimony on this point is found on page 116 of what has been referred to as the Little Green Book. This testimony is not taken from the great hodge-podge of affidavits and the great volume of testimony in the cloakroom. This testimony is found in the Little Green Book. It was given by Gale Wyman on the witness stand before the committee. Gale Wyman said, as recorded on page 116:

> Mr. WYMAN. I do not know what he—
>
> Speaking of Leedom—
>
> had to go back there for. I did not at that time. After this conversation with Jimmy—
>
> Meaning Jimmy Mulloy—
>
> and before he called BILL LANGER in my office, we had been discussing this kind of a situation, and he called Bill—
>
> Meaning BILL LANGER—
>
> from my office, he asked me whether he could, and I said "Yes," and he called him. He had a very short conversation with him, stating to him it was impossible for him to bring Chet back there, that he was in the hospital, and that he was bringing another fellow
>
> Mr. BURKE. Also a reporter for a farm newspaper?
>
> Mr. WYMAN. No, sir; he said he was bringing another fellow—
>
> That was the second time he said it—
>
> and that is all he said, and I could not hear the Langer part of the conversation. After he had found out from Bill it was going to be all right to bring this other fellow, why, then, he told me, he says, "Well, you have got to go to North Dakota with me."

I read from page 131 of the little green book. Mr. Burke, attorney for the petitioners against Senator LANGER, asked this question:

> Mr. BURKE. There was no doubt in your mind, was there, that the party on the other end of the line and the party talking in your presence were talking as if they understood who was meant by "the other fellow"—that you were the other fellow?
>
> Mr. WYMAN. No; he did not say that. In his conversation with Mr. LANGER he said "I will bring another fellow."

That is Gale Wyman's testimony on that question. So all Senator LANGER heard from Jimmy Mulloy over the telephone was, "I can bring another fellow," or "I am bringing another fellow."

On cross-examination Mr. Burke attempted to get him to say that Senator LANGER knew who was coming. At the top of page 131, in answer to that question, Gale Wyman said:

> No; he did not say that. In his conversation with Mr. LANGER he said, "I will bring another fellow."

On the question as to whether Senator LANGER knew that it was Gale Wyman who was coming with Jimmy Mulloy we have the statement of Gale Wyman, at least two or three times in the record, emphatically saying, "No! he did not say 'the other fellow'; he did not say Gale Wyman, but he used the expression, 'another fellow.'"

Senators can make their choice as to whether they will believe Jimmy Mulloy, who is uncorroborated, a self-confessed criminal and a Judas of the worst kind, to Senator LANGER, or whether they will believe the statement of Gale Wyman, corroborated by Senator LANGER in a number of places.

Mr. President, I do not think it was proper for Gale Wyman to go to North Dakota and neither do other Senators; but I call attention to the fact that after he had arranged with Jimmy Mulloy to go there—as he said, not to do anything out of the way, not to do anything except to go there and square Jimmy Mulloy with Senator LANGER, because, as Wyman said, Jimmy had gotten "in bad" with the Senator and needed somebody to straighten him out. Before he went he called his father, Judge Wyman, who was presiding at the trial. He told Judge Wyman that he was going there.

The majority in their report condemn Senator LANGER in no uncertain terms for having Gale Wyman go to North Dakota, even with the record showing that Senator LANGER did not know who was coming. There is not one syllable or scintilla of criticism of Judge Wyman for not telling his son not to come, when the son called from South Dakota and told the judge that he was coming. I cannot see much distinction. If we are to criticize Senator LANGER, whose life, reputation, and very all are in the balance, and who is on trial for having somebody watch a jury when he had had his experience with jury tampering, I cannot criticize him too severely without also criticizing someone else. To me such an attitude is not fair treatment.

Mr. BONE. Mr. President, will the Senator yield for a question which takes us off the beaten path of his presentation?

Mr. MURDOCK. I yield.

Mr. BONE. I have not had the opportunity to read the entire record in the

green book, because there are several hundred pages of rather fine print.

Mr. MURDOCK. The Senator understands, does he not, that Senator LANGER is being tried not only on the basis of the green book, but also on the basis of the "grab bag" in the cloakroom or in the hall—I do not know where it is. One can reach in and pull out affidavits, publications, and statements which are not even in the green book.

Mr. BONE. I understand that some of the matters were regarded as so irrelevant as not to be worthy of a place in the green book which was put on our desks for our information. Because of that situation, obviously we must disregard such matters, because, if they have a part in this case, they are not before the Senate.

I am wondering if there is any evidence which has been produced for the Senate which indicates that Senator LANGER in his election to the Senate debauched and corrupted the election and the voters in the election, and secured his seat in the Senate by corruption of that sort. I ask that question because the Smith case has been referred to; and, of course, in the mind of everyone who tries to reach a conclusion in such a matter as this there is a vast distinction between a man who buys an election and a man whose personal relations with someone might be distasteful to certain Members of the Senate.

In the remarks and the views of the minority, at page 50, I note a reference to a statement made by Senator Voorhees, of Indiana, who was a very able Senator, in discussing a case called the Roach case. He said, speaking of the Roach case—I do not desire to refer to it at any length:

> If charges are made that a man used fraud, was guilty of corruption, bribery, or other improper conduct before his legislature in securing his election—

I assume that it was a case in which the legislature elected the Senator; of course, at that time it was the practice for the State legislatures to elect Senators, and out of such practice corruption sometimes grew—

> the right to investigate—

The right considered in the pending case—

> arises, because, if such charges are true, he has not been elected at all according to law, but according to fraud.

Of course, as I view the problem which is before us, the situation is altogether different from that involved in the Smith case. I may not altogether like what Senator LANGER may have done in connection with some matters; but in the Smith case an election was obtained by the excessive use of money, as in the Newberry case; and of course, if seats in the Senate are to be "hocked" in a political campaign, the Senate will no longer be a proper forum in which justice shall prevail; but under such circumstances the Senate would present an intolerable picture to the people of the country, and such a situation would mean the death of our system of representative government.

Another aspect of the matter has intrigued me, and I hope it will be discussed further by other Senators. Senator LANGER was put on trial in the court, and was acquitted of the charges. He was again put on trial before the people, in the forum of public opinion. If there was discussion of those matters—and, certainly, the avenues of opportunity are not closed to critics of a man's acts; I have never found it to be so in the northwestern section of the country—then, obviously, the people who went to the ballot box and who exercised the process of selection by the arbitrament of the ballot box, could pass judgment on Senator LANGER and could qualify him, for whatever that was worth.

However, it seems that we have put him on trial for a third time, and he has been placed in jeopardy three times. Such a procedure is a rather novel concept of the law; and, yet, I am not challenging the right of the Senate to adopt it. I view it only as a rather novel aspect of the case. I do not like to see a man tried three times; I think such controveries should come to repose somewhere along the line. What "sticks in my craw"—to use a Western expression—is the fact that people of North Dakota had discussed these matters. If Senator LANGER had spent a great deal of money, and if there had been the circumstances disclosed in the Smith case and the Newberry case—cases in which an election was debauched, but in which the man was not made the butt of criticism because of some personal operations—the pending case would present to my mind an entirely different picture.

I do not want to make an argument on this matter——

Mr. MURDOCK. The Senator is not doing so at all.

Mr. BONE. But I desire to inquire of the able Senator from Utah, whose skill and ability and judgment I admire, as I admire the ability of the Senators who presented the other side of the case—and they have done a good job—if there is anything in the picture to indicate that Senator LANGER and his friends debauched the election in North Dakota?

Mr. MURDOCK. Absolutely nothing; and the majority of the committee are very frank in their statement that no such thing was charged. In the original petition, as I recall, there were some allegations that there had been irregularities in the election; but the subcommittee which was headed by the Senator from Illinois [Mr. LUCAS] in the subcommittee report, states that there is no evidence, or at least not sufficient evidence, to warrant the whole committee's going into charges concerning the election. So they were thrown overboard.

Mr. BONE. Then we may, as a jury, in effect repel any inference or suggestion or thought that there was any debauchery or corruption in the election proceedings. Is that correct?

Mr. MURDOCK. Oh, yes; there is no question about it.

Mr. BONE. I desire to get that point clear in my mind. I have not heard it discussed as yet, but I think that if such be the case, we should get the matter very clear in our minds, and should realize that what we are called upon to do is to pass judgment on Senator LANGER's relations with human beings in North Dakota, entirely apart from anything that challenges the validity of his election.

Mr. MURDOCK. I thoroughly agree with the Senator, and I should say that if there were any evidence in the record about the debauching of an election, I believe I should be one of the first Members of the Senate to rise and to say to Senator LANGER, "No; you cannot come in the door of the Senate Chamber."

The whole gist of my argument is that since there has been a fair election according to State laws, and since the man has been duly declared elected, and there is no question as to his constitutional qualifications, we have no right to refuse to permit him to take his seat in the Senate, and after he is seated we cannot unseat him except for misbehavior in the Senate, and then only by a two-thirds majority.

Mr. BONE. May I impose again upon the Senator's good nature?

Mr. MURDOCK. Yes; I am always happy to yield to the Senator from Washington.

Mr. BONE. There is another aspect of the problem which occurs to me and which in suggesting I presume I again part company with those who consider the strictly technical legal aspects of the case. There is certainly an odd facet of the case, an aspect of it about which a layman has asked me. Although the Members of the Senate who are lawyers probably will not find any complication in it, for they are accustomed to the oddities of the law and are accustomed to dealing with legal assumptions and legal fictions, nevertheless, we find the situation to be that if the Senate in its wisdom should determine that Senator LANGER has been guilty of some offense which is so obnoxious and so distasteful and repugnant from the viewpoint of an individual Senator that he would want to repel Senator LANGER and prevent him from remaining a Member of the Senate, yet if the offense were something that was not shocking to every Senator, but only to some, under the one theory presented a bare majority of the Senate could send Senator LANGER away—51 percent of the Senate voting "aye" on that issue.

The other day a layman said to me, "How is it that if Senator LANGER had been duly seated in the Senate, and no question had been raised, and he should be guilty of the heinous offense of murder or treason, it would take two-thirds of your body to expel him, whereas for some infinitely lesser offense, something less challenging or less offensive to the good taste of a Member of the Senate, only 50 percent of you are required to vote against him in order to oust him?"

I said, "My dear sir, I have spent half my life in the courts, in trying lawsuits, but I have never tried to explain to ordinary human beings the vagaries of the law."

I have spent much time on both sides of the trial table, as most lawyers have done—now I am looking at the Senator

from Illinois and the Senator from Louisiana, who is smiling at me; and they probably will agree with me——

Mr. OVERTON. I am smiling because I agree with the Senator.

Mr. BONE. I am sure many Members of the Senate who have had much legal experience will agree with me that there is no accounting for many of the things that the law stands for. I have had many laymen ask me if I would explain to them some of the vagaries and apparent inconsistencies of the law; and in reply to their inquiries I have said that, in trying to determine what a jury may do—and I have heard some persons say that never can be determined—I have found some things too thick to swallow.

Of course, it is well known that it is not uncommon for a lawyer representing a large company which is being sued, to have a rather thorough check made of the temperament and viewpoint of the prospective jurors. Such a lawyer will want to know the temperament and attitude of the prospective jurors—the members of the panel—and he will call some man and will say to him, "Will you check on John Doe and Richard Roe, in this panel, and see what sort of chaps they are, and what viewpoints they have? I am representing the X. Y. Z. Railroad Co., and I should like to find if any of these fellows have any inherent prejudice against railroad companies, because we are being sued here by a fellow who claims to have suffered a broken leg, or a broken back, or a broken head, and we should like to find out whether these prospective jurors hate the railroad company."

One does not have to hate a railroad company to understand the necessity of a lawyer for a railroad company trying to find out what sort of jury he might prospectively have to face. That jurors have been tampered with is too ominous and shady a part of the legal history of this country not to attract the attention of any lawyer who is capable of practicing law. If there is a lawyer in this body who should come to me outside and honestly say, "I never heard of that kind of business," I should want to make a cautious inquiry of his practical experience, because I know full well that almost all lawyers have had such experiences.

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

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

Mr. CHANDLER. I should like to enter into the discussion of that point, because I think the Senator may have missed a point that was made the other day. It was not that a man may not look into the jury to find out what their prejudices may be, unless he knows them, but that he does not hire somebody after a case has been submitted to jury to watch the jury and that he does not hire some man to fix the judge or fix the jury. I practiced law for more than 20 years in my county, and I will say that in my memory I never heard of any charge being made that anybody ever hired any one else to fix the jury or to watch a jury or to fix a judge. In this case we have the suspicious circumstance of a judge's son having been employed by someone and paid by Senator LANGER and others to do something which is not explained to me.

Mr. MURDOCK. I think the Senator should stay with the record.

Mr. CHANDLER. I will.

Mr. MURDOCK. There is no evidence that anybody except Senator LANGER paid Gale Wyman a dollar.

Mr. CHANDLER. Gale Wyman said he got the money.

Mr. MURDOCK. Yes; through Senator LANGER.

Mr. CHANDLER. I say that he got the money——

Mr. MURDOCK. Yes; but there were no others.

Mr. CHANDLER. When Senator LANGER was to be tried before the father of the boy. In my memory of 20 years' practice there has been brought no charge against a fellow for trying to fix a jury or trying to buy a judge's son, which was the upshot of the matter in this case. I would not say that representing a client I would not find out who was on the jury panel, and, if I could, find out what their likes and dislikes were, and I should like to find out whether the jurors were for or against the proposition I was getting ready to uphold. I wanted to see whether I could clear the Senator's idea about what the discussion was the other day.

Mr. BONE. Mr. President, I do not want to take up too much of the time of the Senator from Utah.

Mr. MURDOCK. If the Senator will permit me, I hope the Senator does not get the idea that the situation, according to the record, is just as the Senator from Kentucky has related it.

Mr. CHANDLER. I think it is just as I related it.

Mr. MURDOCK. Of course, I doubt that we have time to go into it now or that it would be fair to the Senate to do so, but I am very much interested in knowing where in the record that type of evidence is to be found.

I now yield to the Senator from Washington.

Mr. BONE. Mr. President, I am not assuming any particular state of facts; I am merely pointing out, as my powers of observation have permitted me to perceive, what is going on about me. I have noticed that lawyers on both sides of a case try very thoroughly to understand the temperament and the viewpoint of prospective jurors, so that they may adequately represent their clients. That does not imply doing anything wrong, but every lawyer knows that there are canons of the American Bar Association and the State bar associations that make it a very serious offense for a lawyer to tamper with a jury.

I digress for a moment to refer to a case in my own State not long ago. As I recall, a condemnation case was being tried, involving a water system which was being acquired by a city.

If my memory serves me aright, one of the attorneys for the company whose property was being taken under the condemnation proceedings in the midst of the trial was suspected of having entirely too much interest in one of the lady jurors. It was not my good luck to be there, but gentlemen who were there said she was a very charming and personable lady juror, and there may have been on the part of the attorney something more than a desire to speak to her merely in her capacity as a juror. It seems, however, that the attorney took the lady juror out for a party while the case was being tried, and one day he was discovered on the river bank with the lady juror basking in the sunshine, neither of them more than scantily clad. Most of us thought it was at least somewhat irregular for an attorney for the defense to take one of the lady jurors during the trial of the case and entertain her on the river bank in scanty bathing clothes.

I am wondering what might have happened in that case in respect to the size of the verdict if this very engaging, persuasive, pulchritudinous, and, perhaps curvaceous, young lady had been permitted to continue to enjoy the company of the counsel for the defense. I never blamed my brethren who represented the plaintiff in that case for being sufficiently interested to employ a detective to check up and ascertain what was happening to the lady juror. As the result of this particularly maladroit operation, the counsel who was entertaining the charming lady juror was disbarred, for it was not considered good practice in my State to do things of that kind. Subsequently, for some obscure reason, the court reinstated him, since tampering with the jury was not looked upon there as seriously as it should have been regarded.

I mention this because I doubt if any of the veterans of the bar here have not had experiences which, perhaps, are somewhat similar. I chance to observe some of them here, and, as I look around and see them, I do not think any of them would undertake to fool me for a minute. They are good lawyers, and, I am sure, in their experience, they have seen many "funny" things happen, including attempts made to manipulate jurors. Every member of the bar has a feeling, "Well, perhaps something might happen"; but every member of the bar, every man with professional honor, knows, first, that he would violate all the ethics of his profession and violate his professional oath if he should speak or should have anyone else speak for him to a juror or attempt to tamper with a jury. I can forgive any lawyer for wanting to know what is happening sometimes when he sees "funny" things going on, as in the condemnation case I have just described.

Mr. STEWART. Mr. President, will the Senator from Utah yield to me?

Mr. MURDOCK. I yield; but first I wish to thank the Senator from Washington for his contribution.

Mr. STEWART. The Senator from Washington always makes delightful contributions, and I was so engrossed in his recital and enjoyed it so much that I also forgot to ask the Senator to yield before the subject was left entirely behind.

A few moments ago, during his colloquy with the Senator from Kentucky, I understood some question was raised about there being no testimony that any other money was paid to Gale Wyman than that which Mr. LANGER paid direct.

Mr. MURDOCK. I said so far as the record disclosed, according to my humble opinion, there is no evidence in the record at all that anybody paid anything to Gale Wyman except Senator LANGER himself; the record, as I understand, is to the effect that, through Jimmy Mulloy and Chet Leedom, he was paid $250 at one time, and, then when the perjury case came up Senator LANGER gave Jimmy Mulloy a check for $275 which was delivered to Gale Wyman.

Mr. STEWART. By Mr. LANGER himself?

Mr. MURDOCK. The check was made by Senator LANGER, delivered to Jimmy Mulloy; the check was payable to Jimmy Mulloy as payee, endorsed; and then delivered to Gale Wyman.

Mr. STEWART. I have picked out the testimony which shows exactly what the Senator says. I notice that Mr. Mulloy, on page 19 of the record, testified:

> Mr. MULLOY. Mr. LANGER handed me five $100 bills, and I delivered them over to Mr. Chet Leedom in the Grand Pacific Hotel. That was the money that was to be sent to Gale Wyman.

Certainly that entire $500 was sent to Gale Wyman, Gale Wyman being, of course, the son of the judge. Skipping over a question or two, I read the following:

> Mr. MULLOY. Well, on the second trip that I made down, that is, to get Leedom for the perjury trial, when I talked to Gale Wyman in Deadwood, he told me that Leedom had only sent him, my memory is, $250, that he had only received $250 of the $500.

That was related, as I understand, to Mr. LANGER by the judge's son, Gale Wyman, when he visited Mr. LANGER in North Dakota, and Mr. LANGER then paid him the remaining $250 to make up the total of $500, plus $25 which, I believe, was to be additional expense money.

Mr. MURDOCK. The Senator is correct.

Mr. CHANDLER. Mr. President, coming back to my original question——

Mr. MURDOCK. I inquire if the Senator from Tennessee has concluded?

Mr. STEWART. That was all I desired to say.

Mr. MURDOCK. I think the Senator has stated the matter correctly.

Mr. CHANDLER. The Senator does not contend, then, that Senator LANGER is the only one that this fellow got money from? Of course, it might have come from Senator LANGER, but did it not go through the other fellow?

Mr. MURDOCK. Yes; and I apologize to the Senator for misconstruing what he said.

Mr. CHANDLER. I do not want to be inaccurate about it.

Mr. MURDOCK. We can agree that Senator LANGER is the only person from whom any money went to Gale Wyman, and that it came out of Senator LANGER'S pocket.

Mr. CHANDLER. And the Senator will agree that the man who got the money was the judge's son?

Mr. MURDOCK. Oh, yes; there is no question about it.

Mr. CHANDLER. And the circumstances of giving the judge's son money, either by the man himself or by his agent, seem to be suspicious.

Mr. MURDOCK. I will not agree with the Senator in that. The Senator has his right to that conclusion.

Mr. CHANDLER. It is a suspicious circumstance to me. I wish to call attention to the testimony on page 119, where Senator Burke was questioning Mr. Wyman, and said:

> Would you want to give the committee any reason why, upon going to the hotel in North Dakota, after having visited with your father, you registered under an assumed name, knowing, as I assume you did as a lawyer, that it is a misdemeanor I believe under the laws of the State of North Dakota, as well as generally? Why did you follow that course?
>
> Mr. WYMAN. Because I felt like I should not have been there in the first place.
>
> Mr. BURKE. Ah! You knew all the time you should not be in the matter at all, did you not?
>
> Mr. WYMAN. Yes, sir.
>
> Mr. BURKE. And you have regretted it many times, that you took the $500 or had anything to do with it?
>
> Mr. WYMAN. That is true.

That is just one of the things which the Senator from Utah apparently can reconcile among the charges, which were not brought by us, which were brought by people from North Dakota.

Mr. MURDOCK. The Senator has been reading the evidence?

Mr. CHANDLER. I am reading the testimony before the committee.

Mr. MURDOCK. The Senator says it is one of the charges I can reconcile. I do not follow him in that.

Mr. CHANDLER. I mean in reaching a final conclusion, the Senator reconciles that, at least to the extent that it did not affect his decision with regard to Senator LANGER'S right to have a seat in the Senate.

Mr. MURDOCK. I believe every word the witness said there. I think it corroborates exactly what Senator LANGER told us. I think Senator LANGER, according to his own evidence, the minute he found Gale Wyman there, said, "I want you out of town." He said, "I would have paid him a thousand dollars if he had asked it. I did not want him there. I would have paid to get him out of town."

Mr. CHANDLER. He did not want him there after he found he was there, and asked him for more money.

Mr. MURDOCK. No; he did not.

Mr. CHANDLER. I do not blame him; I would not have wanted him there, either. But this is a circumstance: Gale Wyman is the son of a judge, and the judge is going to sit in the case, and this boy is paid something, for some reason, to try to fix the judge, although he says he did not do it.

Mr. MURDOCK. There is nothing in the record to that effect.

Mr. CHANDLER. I hope the Senator will let me state how I feel about it.

Mr. MURDOCK. I would rather have the Senator do so in his own time.

Mr. CHANDLER. I shall be glad to do it. I will have time.

Mr. MURDOCK. I shall attempt now to answer some of the questions the Senator has asked. I should like to ask the Senator one question before he leaves.

Mr. CHANDLER. I am not going to engage in an argument if the Senator cuts me off.

Mr. MURDOCK. I will not cut the Senator off.

Mr. CHANDLER. Very well; I will remain here, then. I cannot answer if the Senator cuts me off.

Mr. MURDOCK. Does the Senator take the position that Judge Wyman was in any way influenced in the conduct of the perjury trial by any person whatsoever?

Mr. CHANDLER. I do not think he was, but the intention was to influence him, and money was paid to influence him.

Mr. MURDOCK. The intention of whom?

Mr. CHANDLER. His son was sought out for the purpose of having some influence with his father, because they knew in advance that he was going to be assigned from South Dakota to try this case.

Mr. MURDOCK. Will the Senator point out in the record where he finds the evidence to arrive at that conclusion?

Mr. CHANDLER. It is there; I have read it many times. The Senator has asked me the question, and I am undertaking to answer him. Let me answer.

Mr. MURDOCK. I yield.

Mr. CHANDLER. To the eternal credit of the judge, I do not think it had any influence with him; but it was intended to. They sent a fellow to get the judge's son, and paid him money, and he went to North Dakota and registered at the hotel under an assumed name, and under cover did all sorts of things for which he was sorry later and said he wished he had not been involved in—but he took the money. He was given the money for the purpose of trying to have him influence the judge. That was their purpose. I think they failed, and the money was wasted, but they did not intend to waste it. Merely because it did not have the effect they intended it to have does not mean that it was a situation which they should not have brought about. It is not decent, and is not honest, and is not right, in my opinion.

Mr. MURDOCK. Will the Senator let me ask a further question?

Mr. CHANDLER. Certainly.

Mr. MURDOCK. Can the Senator cite anything in the record to show that Judge Wyman knew his son was going there before he reached there?

Mr. CHANDLER. I am not certain that the judge knew it, but the son was called there.

Mr. LUCAS. Mr. President——

Mr. MURDOCK. Let us have the Senator from Kentucky answer. The Senator is very familiar with the record.

Mr. CHANDLER. The Senator does not claim to have every point, and I will merely answer what I know about.

Mr. MURDOCK. I merely want to inquire whether the Senator knows that the judge knew that his son was coming before he reached there.

Mr. LUCAS. Will the Senator yield?

Mr. CHANDLER. Let the Senator from Illinois answer.

Mr. MURDOCK. I know the Senator from Illinois knows. I should like to have the Senator from Kentucky answer.

Mr. CHANDLER. My impression is that they were going to have a banquet for him, and that they called him on the telephone.

Mr. MURDOCK. Who was going to have a banquet?

Mr. CHANDLER. Someone in North Dakota was going to have a banquet for him, and they were going to give him notice that he was going to have courtesies and consideration. I did not memorize the record, and I am not certain.

Mr. MURDOCK. Every remark the Senator makes indicates that he did not memorize the record.

Mr. CHANDLER. The Senator has been perfectly accurate.

Mr. MURDOCK. I want to be challenged if I am not accurate.

Mr. CHANDLER. The Senator has been challenged.

Mr. MURDOCK. Then, I have acquitted myself from the record.

Mr. CHANDLER. The Senator gives himself a good reputation, and I am not trying to take it away from him. He recommends himself very highly; and I have no objection to that. The Senator is asking me questions, and I ask him to yield for questions. Let me ask him questions.

Mr. MURDOCK. Very well.

Mr. CHANDLER. Then let me answer the one I wanted to answer. I rose to say that the judge's son was given money.

Mr. MURDOCK. The Senator has said that three times.

Mr. CHANDLER. Has the Senator any objection if I say it again?

Mr. MURDOCK. No.

Mr. CHANDLER. I will speak in my own time if the Senator desires to regulate my conversation.

Mr. MURDOCK. Let the Senator proceed.

Mr. CHANDLER. The judge's son was given money by Senator LANGER and others. It is my opinion that he was given the money to try to influence his father. I say I do not know whether he influenced his father or not; I do not think he did; but, anyway, the motive back of it was to employ the judge's son to influence his father to decide the case favorably to Senator LANGER. In my opinion, that is not right, it is not just. If the Senator thinks it is, I have no objection.

Mr. MURDOCK. I do not, and the Senator should not even imply that I do.

Mr. CHANDLER. I did not imply that the Senator did; I say "if you do." I do not think so.

Mr. ELLENDER. Mr. President——

The PRESIDING OFFICER (Mr. O'DANIEL in the chair). Does the Senator from Utah yield to the Senator from Louisiana?

Mr. MURDOCK. I think that now I must proceed; but I yield to the Senator from Louisiana.

Mr. ELLENDER. I should like to have either the Senator from Illinois or the Senator from Kentucky point out in this record any evidence, except that indicated by the Senator from Utah, to show that Senator LANGER knew that Mulloy had talked to or employed Judge Wyman's son out in Deadwood. Also evidence that the payment was made by Senator LANGER at a time when he had prior knowledge of such employment. The evidence will show that Senator LANGER did not know that Mulloy had employed Gale Wyman, the judge's son, until he—Senator LANGER—confronted him—Wyman—for the first time; and that the moment he found it out he ordered him out of town, after paying him the balance due on a contract that he did not authorize but that he thought he should comply with in view of Mulloy's action in the matter.

Mr. LUCAS. The Senator from Louisiana has asked me to answer a question. Will the Senator from Utah yield?

Mr. MURDOCK. I yield.

Mr. LUCAS. In the first conspiracy trial Senator LANGER did not think that he received a fair trial at the hands of Judge Miller, and one of the things called attention to in the second conspiracy case was the fact that Miller refused to permit Senator LANGER and his counsel to have a look at the respective jury lists. I do not know what the custom or rule in North Dakota is on that point. It has been argued both ways, that the judge had a right to deny counsel the privilege of looking at the jury list in advance, and some say it was a custom to do it even though the law was the other way. That was in the first case. In the second conspiracy case Judge A. Lee Wyman was designated by Judge Stone, who was the head of the circuit court of appeals, to try the case. I think it was Judge Stone.

Mr. MURDOCK. It was Judge Gardiner.

Mr. LUCAS. Perhaps it was Judge Gardiner. At any rate, it was at the beginning of the second conspiracy trial that Mulloy went to Deadwood to see Chet Leedom, and it was in that conversation that the two of them agreed that they had to save "Bill" meaning Senator LANGER. The conversation took place between these two men with respect to the jury list, and that is when they called in for the first time Gale Wyman, son of the judge, and talked to him about employment in this case. It was there that Mulloy said, "I cannot do anything about employing Wyman. It has to be O. K.'d by Governor LANGER." Leedom assured him that everything would be all right and that he would guarantee the payment of the money. So it was then that Wyman left his home in Deadwood and went to where the judge was, the father, and discussed with him at that time things which included what the Senator from Kentucky said a while ago about the banquet to be given him. Whether anything was said about the jury list——

Mr. MURDOCK. There is nothing in the record, is there, to show that Gale Wyman ever talked to his father about the banquet?

Mr. LUCAS. Oh yes; there is plenty of evidence about that. He warned him about being taken in up there by certain people who were friendly to Miller and his crowd. That is the testimony.

Mr. MURDOCK. I shall read the testimony about the banquet in a few moments.

Mr. LUCAS. Very well. There is no question that on the opening day Judge Wyman did permit Senator LANGER and his counsel to investigate who the prospective jurors might be, and I think he adjourned court for 2 days. That is the beginning of the employment of Gale Wyman in that case.

Mr. ELLENDER. How about the knowledge of Senator LANGER? Where did Senator LANGER come in, according to the Senator's contention?

Mr. LUCAS. I will tell the Senator. Anyway, that was the beginning of the employment of Gale Wyman, so far as Leedom and Mulloy are concerned, Mulloy being the personal representative of Governor LANGER. Following that, in the perjury case, which was tried before the second conspiracy case was tried, Mulloy went to Deadwood again to get hold of Leedom and take him there so that he and Leedom might watch the jury, and to see that nothing was wrong about it. But when Mulloy got there he found Leedom drunk, so then he called Governor LANGER, and said,

> I can bring the other fellow.

Senator LANGER said that Mulloy said:

> I can bring another fellow.

At any rate, "the other fellow" and "another fellow" were the same fellow. He brought Wyman to Bismarck when the case was being tried, and Wyman went there and registered under an assumed name, and the next day, following the perjury trial, he saw Senator LANGER, and it was after the perjury trial was over, not while the trial was going on as Senator LANGER said in his testimony, that he paid him. Senator LANGER said:

> I would have given him a thousand dollars to get him out of town because I was being tried.

When he paid Wyman $275, which was the balance due and owing him, the perjury trial was over.

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

Mr. MURDOCK. I yield.

Mr. ELLENDER. The fact remains, and I think the record will show, that the same judge, Judge Wyman, although he completed the perjury trial, I think it was on that Saturday, or whatever day the money was paid, was to try Senator LANGER on the second conspiracy case a few days thereafter.

Mr. LUCAS. I am taking Senator LANGER'S own word for it, that he was then being tried, and that he would have given Gale Wyman a thousand dollars to get him out of town. My position is that Senator LANGER would have had the support of the people of North Dakota and of the judge himself if instead of being willing to pay Gale Wyman a thousand dollars to get him out of town, and actually paying him $275, he had laid the facts cold before the judge.

Mr. ELLENDER. Why should he have done so? Why should he have antago-

nized the judge's son and probably have created a stir at a time when his liberty was at stake? On the other hand, the judge knew that his son was going to come to North Dakota? Why not find fault with the judge for not warning his son to remain away?

Mr. MURDOCK. Mr. President, I must decline to yield further. I must say that I think the Senator from Illinois has stated the facts about as they are, but I still say to Senators that they must make a choice between believing Jimmy Mulloy, on the one hand, as to what happened with respect to Gale Wyman's employment, and the corroborated testimony of Senator LANGER. When I say "corroborated" I contend it is corroborated by Gale Wyman himself.

I come now to the statement which the Senator from Illinois makes about what Senator LANGER should have done when he found that Judge Wyman's son was there; that he should have gone to the judge and told him what Gale Wyman was asking. Mr President, this thought occurs to me; Gale Wyman called his father before he left South Dakota, and told him he was going to North Dakota; that he was employed by Jimmy Mulloy to go there and to straighten something out for Chet Leedom. Are we to imagine a lot of immorality, are we to imagine a lot of crime and unethical conduct on the part of Senator LANGER simply because, according to the record, when he found out that Gale Wyman was there he then told him to get out of town, and paid him off? If we condemn Senator LANGER for that, then can any Senator who condemns him say that when Gale Wyman called his father on the telephone before he left South Dakota, his father should have told him not to come there? That is the very point I made a while ago.

Some Senators seem very prone, very willing, indeed very anxious, to imagine and to presume certain things, and to condemn Senator LANGER for what happened with respect to Gale Wyman, but they wish to build a pedestal under the judge, who knew before his son ever left South Dakota that he was coming, and that he was employed by Jimmy Mulloy.

There is one question for the Senate to determine with reference to Gale Wyman, and that is, did Senator LANGER know that "another fellow"—that is the phrase which was used—referred to in the telephone conversation, was the son of Judge Wyman who was trying him? The evidence of Gale Wyman, corroborated by Senator LANGER, is that Senator LANGER did not know who the fellow was until Gale Wyman appeared on the scene. Then the uncontradicted evidence of Senator LANGER is—except as it is probably contradicted to some extent by Jimmy Mulloy, the self-confessed criminal, as stated by the Senator from Illinois—that as soon as Senator LANGER knew who he was, he ordered him to get out, and he got out.

Senators must decide whether they will believe the testimony of Jimmy Mulloy, standing alone, or whether they will believe the testimony of Gale Wyman and Senator LANGER.

The distinguished junior Senator from Kentucky [Mr. CHANDLER] referred to a banquet. I do not think much of the banquet story; I do not think the Senate even has time to bother with it; but let us see what the evidence is on that question.

Mr. LUCAS. Before the Senator does that, will he yield?

Mr. MURDOCK. Yes; I yield, because the Senator was so generous in yielding to me.

Mr. LUCAS. I should like to have the Senator read into the record any evidence that Gale Wyman told his father that he had been employed by Jimmy Mulloy in that case, and that he was coming to see him the next day. I know he telephoned his father that he was coming to see him.

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

Mr. MURDOCK. I yield.

Mr. STEWART. Is there not a letter from Judge Wyman in the record, or did not the investigators have such a letter, if it is not in the printed record? At any rate, a letter was written by the judge who tried the case, which explained the transaction with his own son, and I think he states in the letter something about the telephone conversation. If it is in the record, it will explain the whole matter.

Mr. LUCAS. There was nothing in the record to show that the judge knew that the son was employed in this case.

Mr. MURDOCK. Mr. President, the Senator from Illinois asked me a question about the telephone conversation between Gale Wyman and his father. I think he intimated that I could not find it in the record. I am sorry the Senator asks questions and then leaves the Chamber before they are answered. I know it is unintentional, but I am sorry he did not wait.

Reading from page 116, Mr. Burke was examining Gale Wyman:

> Mr. BURKE. Also a reporter for a farm newspaper?
>
> Mr. WYMAN. No, sir. He said he was bringing another fellow, and that is all he said, and I could not hear the Langer part of the conversation. After he had found out from Bill it was going to be all right to bring this other fellow, why, then, he told me, he says, "Well, you have got to go to North Dakota with me—"

Quoting Jimmy Mulloy—

> And I started inquiring then what the situation was, what the deal was, and I said I would have to call the judge before I would go up there under any circumstances, that I would not go up there and drop in there without letting him know that I was coming, because I was not going to embarrass him if I could help it, and I called Bismarck, and I got my father on the telephone and told him that I had to come to North Dakota and straighten Chet Leedom's situation out up there, and that I probably would see him when I got there. And when I started, when we left the office and got over—

That is the end of it. Then Mr. Burke asked another question.

So he did call his father on the telephone before he went there, and he did tell him that he was coming to straighten out a situation for Chet Leedom.

We also have in the record the judge's statement with respect to the telephone call. Reading from Judge Wyman's statement submitted by Senator Burke, we find this on page 129 of the Little Green Book:

> Shortly after I received notice of my assignment, my son, Gale B. Wyman, who resides at Deadwood, S. Dak., called me over the long-distance phone at Sioux Falls and told me that some parties from North Dakota were in his office—

This statement of the judge was submitted to me by the Senator from Tennessee [Mr. STEWART]. I had not read it. I think this refers to another telephone conversation, and not the one to which Gale testified in the answer I have just read. I thank the Senator.

Why should we be so prone to condemn Senator LANGER, a Member of the United States Senate, and absolutely refrain from any type of criticism of Judge Wyman, who knew that his son was coming there? I do not take the position that it was right for Gale Wyman to go there. I do not think Gale Wyman should have gone to Bismarck, N. Dak. I think that when his father heard him say over the telephone that he was coming there he should have said, "Son, stay where you are. You have no business here." However, I do not censure the judge too much for that. I do not believe that a man should be condemned simply because his son is indiscreet. Probably if Judge Wyman had thought the thing over he would have told his son to stay where he was.

The important point at issue in the case is, Did Senator LANGER know that Gale Wyman was coming to North Dakota? Jimmy Mulloy testified that he did. Senator LANGER and Gale Wyman said that he did not.

Because the Senator from Kentucky is interested in banquets, I wish to refer to the banquet. The first time we hear anything about a banquet is on page 109 of the green book. Gale Wyman is talking about it. This is what he said:

> and he told me—

Speaking of Mulloy—

> of the proposed banquet that was scheduled for the judge upon his arrival, that the guests would be the Supreme Court of the State of North Dakota which had just previously removed Governor LANGER after his first conviction, and Judge Andrew Miller, who had presided at his first trial—

I want Senators to listen to this—

> and he insisted that it was for the sole purpose of bringing anti-Langer influence to bear upon my father who was to try the retrial of the conspiracy case—

In other words, the information that was given to Gale Wyman was, among other things, that the anti-Langer faction would have a banquet for his father, the judge, on his arrival. Let us see how that evidence is turned against Senator LANGER. I do not think it was done intentionally, but inadvertently, but let us see what happened with respect to the banquet. If Senators will turn to page 124, another course of the banquet is served there. [Laughter.] The Senator from Tennessee [Mr. STEWART] comes into the picture:

> Mr. WYMAN. They had a banquet arranged for the judge upon his arrival in North Dakota, and I was supposed to advise him.

Senator STEWART. To carry the place card over, or something like that?

Mr. WYMAN. No.

The CHAIRMAN. Senator STEWART, the witness testified that the entire Langer group had arranged a banquet for the judge.

I want the Senate to consider that. The evidence of Gale Wyman was that the anti-Langer group was going to give a banquet for the judge, to bring anti-Langer influence into the picture. When we turn to page 124 we have the chairman of the committee—I think unintentionally and inadvertently—changing the whole picture by saying:

The CHAIRMAN. Senator STEWART, the witness testified that the entire Langer group had arranged a banquet for the judge.

The two words have been interchanged. Gale Wyman talked about "anti-Langer." I suppose the chairman of the committee thought the witness had said "entire Langer" instead of "anti-Langer."

When we turn to the next page we find the following:

Senator STEWART. Did you admonish him not to attend any banquet?

Mr. WYMAN. I told him they had this banquet arranged for him and it was supposed to be composed of entire Langer men.

So what started out to be an "anti-Langer" banquet now becomes a banquet of "entire Langer men."

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

Mr. MURDOCK. I yield.

Mr. CHANDLER. I was interested in the question because originally I made the statement that I thought this boy told his father that they were going to have a banquet for him. I believe that is in the record. In order to clear up the point, on page 109 Mr. Wyman was discussing this matter. I wish to read to about the middle of page 110, because I think it is important to have it in the RECORD at this point. Gale Wyman testified:

Since he had been on the bench he had not even accepted social engagements in the neighborhood where he lived; that he will not accept dinner engagements; that he had never attended any lodges or gatherings where anybody could criticize him in any manner as to being approachable. I told him as far as I was concerned I was just as sure as I was sitting there that that invitation would be turned down without any suggestion on the part of myself, or any previous warning. However, he insisted that there was a chance to make some money, and that he wanted me to go to Sioux Falls and talk to my father along the lines that I have just related, and I told him that I could not go to Sioux Falls for nothing. It was 450 miles from Deadwood to Sioux Falls, it would mean a drive in an automobile, and it would take about 3 days to make the roundtrip and accomplish anything. I thought at the time I was making it big enough so that there was not going to be any danger for them paying me for the trip. I told him I would have to have $500 before I would go to Sioux Falls. He told me then, that he did not know, he did not have any authority to bind the situation right then, but that they would go back to North Dakota, meaning he and Chet, and upon their arrival in North Dakota he would immediately take care of this financial arrangement and that I would have this money back there within 2 or 3 days.

Mr. BURKE. If I may interrupt there——

Mr. WYMAN. Yes, sir.

Mr. BURKE. You had no question in your mind that they were willing to pay you $500 at your request solely that you might go over to Sioux Falls and tell your father to look out for some banquet that he was going to be invited to attend, or for your assistance in getting your father to do what the statute provides must be done under certain procedure in reference to the jury list, had you?

Mr. WYMAN. I did not get the first part.

Mr. BURKE. You had no question in your mind that that was all that they wanted?

Mr. WYMAN. Yes, sir; that is all that I thought they wanted.

Mr. BURKE. Did you think that they were paying you $500 in order that you would do that and that only?

Mr. WYMAN. Yes, sir.

Mr. BURKE. Well, I will read you your testimony, your statement given before the committee investigators appearing in volume I, page 17. You were speaking:

"I told them from the standpoint of a fixing policy it would be a physical impossibility for me to do any good."

Mr. MURDOCK. That is from the hodgepodge.

Mr. CHANDLER. I state the situation as it seems to me, at least: They did not employ Gale Wyman to tell his father that they were going to have a banquet for him, but they put the banquet business in; and when they were talking about it some conversation must have occurred which gave rise to his expression:

I told them from the standpoint of a fixing policy it would be a physical impossibility for me to do any good.

I do not think that he ever did indicate that he would "fix" his father, but he talked with them about fixing his father. I do not know how much conversation he had with him. I know he called him on the telephone. I know he went to see him. The whole thing is not a matter in which we can have faith, inasmuch as Senator LANGER is identified with certain men who were attempting to have the judge "fixed," and money coming from Senator LANGER was paid to the son of the judge.

I am not quarreling with my friend, but I am trying to have the facts accurately stated. I understand my good friend's position in regard to the case; but the things I have mentioned are things which trouble me when I attempt to justify, if I can, the suspicious actions of certain persons.

Mr. MURDOCK. The only difference between the position of the Senator from Kentucky and my position is that, although I do not like the fact that Jimmy Mulloy went to South Dakota to get Leedom, although I do not like the fact that Gale Wyman was brought into the picture, nevertheless, my recollection of the law is that in doing justice Senator LANGER cannot be convicted for something which Jimmy Mulloy did. The evidence in the record is that Senator LANGER did not know that Gale Wyman was coming into the picture at all until he got to North Dakota.

I say again, for the third or fourth time, that the Senate can make its choice.

Mr. CHANDLER. Mr. President, will my friend let me interrupt him at this point?

Mr. MURDOCK. No; I shall not yield now.

The Senate can make its choice as to whether it wants to believe Jimmy Mulloy alone, or Senator Langer and Gale Wyman. Chet Leedom is dead; he cannot speak. Nearly every person about whom Jimmy Mulloy talked had passed away. Jimmy Mulloy was betraying a friend; he was indicating that he wanted to destroy Senator LANGER, and he gave us one story. Gale Wyman told us another story. The only corroborated testimony in the record on that point is that Senator LANGER did not know anything about the employment of Gale Wyman until he got there.

I do not think that what Judge Wyman thought about the case has anything to do with the facts we are to consider. The question before us is the question whether Senator LANGER knew that Gale Wyman was coming to North Dakota. Let us even suppose that we find the answer to the question to be in the affirmative—that he did know it. Then the question arises whether he got him to do anything in the case with reference to influencing his father.

The answer to the question is that he did not get him to do anything. Why? Because instead of directing a verdict in the second conspiracy case—as he had a right to do, and as, in my opinion, he was bound to do under the decision of the circuit court of appeals—he submitted the case to the jury; and in the third conspiracy case, in which again he should have directed a verdict in favor of Senator LANGER, he again submitted the case to the jury, and Senator LANGER was finally acquitted.

If any Member of the Senate thinks that Judge Wyman was influenced, I should like to have him tell me so. If no Member of the Senate thinks that the judge was influenced, then I ask the further question, Can any Member of the Senate point to anything in the record which indicates that anyone tried to influence Judge Wyman in that case?

We might indulge in a great deal of imagination and suspicion; but there is nothing in the record, with one exception, to indicate that anyone tried to influence Judge Wyman. I now desire to read to the Senate some testimony of Gale Wyman.

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

Mr. MURDOCK. Not just now.

Returning to the question of who was trying to influence Judge Wyman, we find Gale Wyman's testimony on page 123, as follows:

Mr. WYMAN. After this hearing here, after this investigation had been commenced, it was discussed considerably between us, yes.

Between him and his father.

Mr. MURPHY. What did he say?

Referring to Gale Wyman's father, in the conversations subsequent to the trials, and about which Gale Wyman was talking.

Mr. WYMAN. Lanier——

Who was the United States district attorney prosecuting Senator LANGER——

started the practice of running into his chambers at intermissions and trying to discuss the case, and he finally had to tell him very

bluntly, he said, that if he wanted to discuss that case, he should get counsel for the defendants in the room with him and that he would discuss or talk any part of the case over, but that he was not going to discuss it with him individually.

That is the testimony of Gale Wyman relative to a conversation between himself and his father subsequent to the trial; and he states that in the conversation his father told him that Lanier, the United States district attorney prosecuting Senator LANGER, came into his chambers time and again, trying to talk ex parte about the case, until finally Judge Wyman had to speak bluntly and tell him either to keep out of his chambers or to come there with defense counsel.

Let us read more of Gale Wyman's testimony on that point. I read from page 122:

Mr. MURPHY. Mr. Lanier was the United States attorney prosecuting the case?

Mr. WYMAN. He was.

Mr. MURPHY. All right. What did he say with reference to Judge Miller?

Mr. WYMAN. Then, subsequently, Judge Miller was in his chambers practically the whole time of the trial and he would make suggestions as to what should be done, and how it should be done, and my father finally told him that he was charged with the responsibility of handling that matter and that he did not need any help from the side lines. He had to be very blunt with him.

So we have the further testimony, if Gale Wyman told the truth, and the testimony is not contradicted so far as I know, that not only was the district attorney coming to Judge Wyman during the trial of Senator LANGER, but that Judge Miller himself, who saw that Senator LANGER was prosecuted for perjury, came into his chambers time and again, until Judge Wyman—according to his son—told Judge Miller that he did not need any help from the side lines, and asked him to stay out.

Therefore, can it be wondered that Senator LANGER thought he needed someone to watch the jury, to watch the clerk, the marshal, and the others when, according to the testimony of Judge Wyman's son, when he and his father discussed the case after the trial, his father pointed out to him that both the district attorney and the district judge were in his chambers, trying to influence him?

I do not know whether I need say anything further with reference to Gale Wyman; but, Mr. President, unless some member of the majority of committee is willing to state that Judge Wyman was influenced or that Senator LANGER tried to influence him, I say that in all fairness we are entitled—in fact, we are in duty bound—to resolve that question in favor of Senator LANGER. I do not think that Judge Wyman was influenced. I do not think that anyone tried to influence him. If his son told us the truth in the two statements I have read, I doubt very much that he was influenced.

We next come to the second matter which I think the Senate wants discussed—the Mexican land deal. What are the facts with respect to the Mexican land deal? Stated simply, they are these: Senator LANGER was serving as Governor of North Dakota, and sometime in May of 1937 he went to Chicago, and called at the office of a certain attorney known as Tommy Sullivan, or Thomas Sullivan. According to the record, Thomas Sullivan was an enthusiastic supporter, over a long period of time, of the Non-Partisan League movement in the State of North Dakota and the surrounding States in which the Non-Partisan League was active. Tommy Sullivan married the secretary of former Representative Lemke, who was a candidate for the Senate against Senator LANGER. Years and years ago Senator Langer, former Senator Frazier, Representative Lemke, and others in the Northwest organized a company for the purpose of procuring land in Mexico. Senator LANGER bought a certain amount of stock in the company. I do not know how much he bought, but, as I recall, the evidence shows that he either owned or controlled about $55,000 worth of the stock. His testimony is that when he went to see Tommy Sullivan, during a general discussion in Chicago, the name of former Representative Lemke was mentioned. According to Senator LANGER, Sullivan was praising Lemke in some way, and Senator LANGER said, "If you think so much of Lemke, or think he is so honest, how about buying some stock in the Mexican Land Co., which Lemke has had so much to do with?" According to the testimony, Mr. Sullivan's wife was acquainted with the land company, and, evidently, during her secretaryship under Lemke, became very familiar with its operations.

The record also shows that in 1937 Tommy Sullivan became a special attorney for the Great Northern Railroad Co., which operates through North Dakota, Minnesota, and other States. During the conversation in Chicago in May 1937, Senator LANGER and Tommy Sullivan finally entered into a contract, according to the record, whereby Sullivan bought a half interest in Senator LANGER'S holdings in the Mexican Land Co. No stock certificates exchanged hands, but there was a written contract, specifying how payments should be made, and conveying a half interest in the Langer holdings to Mr. Sullivan. As I understand, the charge against Senator LANGER in connection with the Mexican Land Co. is that Tommy Sullivan paid Senator LANGER $25,000 at intervals for the stock and that the last payment was made a short time before a reduction in the valuation for tax purposes of the Great Northern Railroad Co. in the State of North Dakota in the year 1938.

As I understand, the position of the majority of the committee is that Senator LANGER was bribed by Tom Sullivan with this $25,000 to reduce the tax valuation of the Great Northern Railroad in North Dakota. The majority take the position that the land is worthless, and, as I understand, that the transfer of half the holdings of Mr. LANGER to Tom Sullivan was simply a subterfuge, or, in other words, a cover-up scheme.

Now, let us analyze the facts. What are they? Tom Sullivan represented the Great Northern Railroad Co., and, if I read the majority report correctly, they want us to believe that Sullivan paid, and Senator LANGER accepted, $25,000 to reduce the taxes of the Great Northern Railroad Co. in North Dakota.

It is easy to indulge in suspicion; it is easy to conjure up in the mind that a man is a crook and a criminal; but men should not be convicted and men should not be expelled from the Senate except on the gravest kind of a charge, supported by clear and convincing evidence.

The facts are what? I ask do railroad companies or any other utility companies bribe Governors without obtaining something in return? Do Senators imagine, as they must do if they find Senator LANGER guilty of taking a bribe in this instance, not only that he was a crook, not only that Tommy Sullivan was a crook, but that the directors of the railroad company, from the president down were crooks? There was no bribery unless the railroad company handed Sullivan the money with which to pay a bribe. So I say, before the Senate can convict Senator LANGER, it has got to imagine that Sullivan, representing a railroad company as a special attorney, is a crook; second that Senator LANGER, as Governor of North Dakota, is a crook, and, furthermore, that all the railroad directors who supplied the $25,000, if it came from that source, were criminals and crooks.

In addition to that, according to the facts, it must be found that the Great Northern Railroad Co. bribed Senator LANGER and paid him not to reduce the taxes of North Dakota during his biennium as Governor but to add to them and make the company pay greater sums. If Senators have the virility of imagination, if they have the versatility of intellect to indulge in that type of thinking, then they might find Senator LANGER guilty; but, if they want to look at the cold facts and figures, what do they disclose? The records were all before the committee but they are not mentioned in the majority report. Here [exhibiting] is a page from one of the exhibits from which I shall read in a moment, but is it cited in the majority report?

What does the exhibit disclose as to tax valuations prior to the election of Senator LANGER as Governor of North Dakota for the biennium 1937–38? We have the record of the valuations fixed by the State taxing authorities who were then haled into court by the railroad company in the effort to have the valuations set aside. Let us see what their experience was. Starting in 1933, when Senator LANGER was Governor the first time, the Great Northern Railroad valuation for tax purposes was fixed—and, if Senators care to do so, I wish they would take their pencils and write down the figures—$78,832,888. That valuation fixed by the State agency was reduced by the court to $68,832,888; the amount of the reduction being $10,000,000, and the percentage of reduction 12.685.

In 1934, during his second year as Governor of North Dakota, in his first biennium, we find the tax valuation fixed at $70,859,259. It was reduced to $55,267,467, or a reduction of 21.999 percent.

Mr. WHITE. By the court.

Mr. MURDOCK. Yes; as I understand, these are reductions by the court.

Mr. LANGER. In that year $15,000,000 was stricken from the valuation.

Mr. MURDOCK. In 1935, after BILL LANGER had gone out as Governor, and had been succeeded by someone else, as I recall by Governor Welford—I ask the Senator from North Dakota if that is correct?

Mr. LANGER. That was his name.

Mr. MURDOCK. In 1935 the tax valuation was fixed at $71,581,360. It was reduced to $62,791,327, the percentage of reduction being 12.280. Then we come to 1936. The valuation for that year was fixed at $70,760,060. It was reduced by the court to $63,070,725, a percentage of reduction of 10.860.

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

Mr. MURDOCK. I yield.

Mr. BONE. Is there any contention made by the investigators that Governor LANGER was responsible for the action of the court in reducing the tax valuation?

Mr. MURDOCK. No; I do not think so.

Mr. BONE. What is the basis of any charge arising out of the reduction of valuation for tax purposes by a court that has adjudicated the case?

Mr. MURDOCK. I am leading up to the reduction made by a board of which Senator LANGER was one of the five members.

Mr. BONE. Of course, if a court arbitrarily reduces valuations for taxation purposes fixed by the State board of equalization, or the other taxing authority which has in the first instance the power to fix the taxes, Senator LANGER could not be held responsible, unless it were shown that he influenced the court.

Mr. MURDOCK. I do not think there is any contention that Senator LANGER had anything to do with the court. I have only read the figures into the RECORD because to me they seem important. They show the background of railroad taxes in North Dakota.

I wish to point out, in fairness to everyone, that before the figure I last read, for 1936, was agreed to, it was called to Governor LANGER's attention. I think he was advised that the court was about to enter a decree for the reduction, and I think it was submitted to him to determine whether he had any objection. I think that Senator LANGER advised that he had no objection, that he was interested in having the taxes paid, and that the reduction was all right. I do not believe anyone can condemn him for coming to that conclusion, in view of the background of reductions of tax valuations by the court, which I have pointed out.

It should be borne in mind, in considering the case, that Governor LANGER is accused of receiving, in May 1937, at least a part of a bribe from Tommy Sullivan in connection with railroad valuations. But in August or September of 1937, after the alleged bribe contract had been entered into, instead of a reduction of tax valuations for the Great Northern, we find that the valuation for 1937 was fixed at $63,779,715, or an increase over 1936 of $700,000.

Now I ask my colleagues whether their imaginations can lead them to believe that Senator LANGER, as Governor, accepted a bribe to reduce valuations in May, and then in August the commission of which he was chairman, as I understand, raised the valuation $700,000.

In 1938, by action of the board in North Dakota which has this function to perform, the tax valuation of the Great Northern Railroad was reduced from $63,779,715 to $60,480,648, or a reduction of about $3,300,000, a reduction by the board of equalization, consisting of five members, of which board Senator LANGER was a member and was chairman.

Now, let us go to the other column of the exhibit, in which we find that in 1935 the taxes paid by the Great Northern Railroad Co. amounted to $1,194,449.

In 1936 the taxes they paid amounted to $1,184,026. That was the biennium immediately preceding the Langer biennium.

In 1937 the taxes paid by the Great Northern Railroad amounted to $1,286,578.

In 1938 the taxes paid amounted to $1,228,631.

If we total the taxes paid during the biennium immediately preceding the Langer administration, and then total the taxes paid during the biennium of the Langer administration, we find, by reference to page 31 of the minority report, that the total taxes paid for 1935 and 1936 amounted to $2,378,485, and the total taxes paid by the Great Northern for the biennium of 1937 and 1938, during the Langer administration, totaled $2,515,209, or an increase in taxes of $136,724 during the Langer administration over the preceding administration.

If Senators have the imagination to suspect and condemn and accuse Senator LANGER of bribery for raising taxes during his 2 years to the extent of $136,000 over those imposed during the preceding biennium, then, in my opinion, they have a vivid imagination.

Mr. President, these are not all the facts. We are just about halfway through. Valuations are not the only things to be considered in figuring the tax burdens of people. After the valuations are fixed another very important thing is the rate. Let us look at the rates in the exhibits before the committee, which come from the record. Let us see what the rates were. I refer to the millage rates.

In 1935 the rate of 4.69.

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

Mr. MURDOCK. The figures I am reading to the Senate now come from John Gray, the present tax commissioner of the State of North Dakota, and, according to his letter, were taken from an official record of the board of equalization of the State, which I intend to insert in the RECORD.

I have read the rate for 1935, which was 4.69. The rate for 1936 was 4.33. That was during the biennium immediately preceding the Langer administration.

Now, we come to Senator LANGER's administration. In 1937 the rate is given as 6.10. In 1933 it was 5.89. There is quite a material difference in the rates between the preceding biennium and the Langer administration, showing not a reduction, but an increase.

I think the majority of the committee will say that we should not consider biennium against biennium, but that we should consider the 2 years of the Langer administration themselves, and should not give him the benefit of the preceding biennium, that we should look only at the 2 years of his administration. There is no doubt that the reduction in valuation from 1937 to 1938 was about $3,300,000. Then, of course, the question immediately arises, Was there any justification for a reduction in tax valuations of the Great Northern Railroad from 1937 to 1938? I think the majority of the committee knew that 1937, as compared with 1938, was a boom year. The very records which were before the committee show that in 1937 the Great Northern Railroad Co. made a large profit, while in 1938 it operated in the red.

Before I lay this exhibit aside, I wish to call attention to another point. We find the majority of the committee pointing out very emphatically and in capital letters that John Gray was on the board of equalization with Governor LANGER at that time. Since then he has become the tax commissioner. They point out that, instead of Mr. Gray's agreeing to the decrease in 1938, from the figures of 1937, he wanted to increase the tax valuation of the Great Northern by about $4,000,000.

Mr. President, I repeat, that the majority members of the committee make much of the fact that John Gray, a member of the board of equalization, wanted to raise the tax valuation of the Great Northern Railroad in North Dakota, instead of reducing it, but when the board voted on Mr. Gray's motion to increase the valuation, Senator LANGER, as they say, and his two henchmen voted to reduce, but John Gray and the other member, the fifth member, voted to increase. I think the record will show, however, that on the motion to fix the reduced valuation every member voted for it but John Gray.

Let us see in how much good faith John Gray was acting in asking that the tax valuation of the property be raised by four million dollars in 1938. Since Senator LANGER went out, John Gray, as I have stated, became and is now tax commissioner. The letter from which I am reading is on his letterhead, "Office of the State Tax Commissioner, John Gray, Commissioner," signed by John Gray. I do not think anyone questions the signature. He wanted to raise the tax valuation in 1938 by $4,000,000. Very well. What happened? In 1939 the tax valuation was fixed at $61,052,793, the increase, as nearly as I can figure it, being $600,000 or $700,000. Oh, the contaminating influence of Senator LANGER had been removed then. He was not there to contaminate this man Gray at that time. But did John Gray and the board of equalization raise the tax valuation of the Great Northern by $4,000,000? No, they raised it by between $600,000 and $700,000. Is it common knowledge that 1939 was a better year than 1938? I think so. That is when the war began in Europe.

The year 1940 comes along. John Gray is still tax commissioner. He is the man who wanted to raise the tax valuation in 1938 by $4,000,000. What does he do in 1940? The tax valuation is fixed at $62,652,912.

In 1941, the board fixed the tax valuation at $63,278,204. In 1941 the increase of $4,000,000 asked by Mr. Gray had not yet been made, even though business had begun to boom after the initiation of the lend-lease program, and under the impetus of the war in Europe. In 1941 Gray had not gotten the valuation up to the $4,000,000 increase he wanted.

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

Mr. MURDOCK. I yield.

Mr. LUCAS. Of course, the Senator knows that from 1938 on, in 1939, 1940, and 1941, John Gray was still simply one member of five.

Mr. MURDOCK. Yes; I know that.

Mr. LUCAS. I do not think there is anything in the record which shows, outside of 1937 and 1938, what position the other four commissioners took, or what position John Gray took in the years the Senator is now discussing. I do not think there is anything in the record to show that. I do not think there are any minutes such as we produced for 1937 and 1938.

Mr. MURDOCK. No; there are not, Mr. President, and therein lies, in my opinion, the dereliction of the committee, of which I am a member, and I plead guilty. Why did we not go into these important figures? Why did we not find out why John Gray was unable to get the tax valuation increased $4,000,000 after he had been in office, without the contaminating influence of Governor LANGER, for all these years? I wonder if the Senator from Illinois wants to imply that the henchmen of Senator LANGER are still there using their dominating influence?

Mr. LUCAS. I do not want to imply anything, but I think there are still some men on that board who are very friendly to Senator LANGER.

Mr. MURDOCK. The Senator thinks Senator LANGER is still dominating the board?

Mr. LUCAS. I do not know whether he is still dominating the board. I know he dominated the situation in 1937 and 1938, when he was Governor of the State. I wish to say further, in fairness to the argument being made, that what the conditions were in North Dakota in 1939, 1940, and 1941, with respect to what kind of equalization should have been made, is pure speculation now upon the part of any of us, because we do not know what the conditions were in those years.

Mr. MURDOCK. Yes; we do.

Mr. LUCAS. We do not know what caused the board to raise the tax valuation $700,000 one year and a million dollars the next year.

Mr. MURDOCK. I cannot agree with the Senator from Illinois.

Mr. LUCAS. There is no way for us to know.

Mr. MURDOCK. We have in the city of Washington, in the Nation's Capital, the Interstate Commerce Commission; and, if we had been more interested in facts and less interested in suspicion, we would have sent for the records of the Interstate Commerce Commission and found out what the facts were, but we did not do that.

Mr. LUCAS. Of course, I do not at all agree with the Senator, with respect to his suggestion concerning suspicion. I think we have many facts in the record, and I think the committee, along with the investigators, did everything they possibly could or thought ought to be done in connection with this matter. Certainly Senator LANGER was given every opportunity to go on the witness stand, and he stayed there for days explaining this matter. He had one of the greatest lawyers representing him that has appeared before any committee since I have been a Member of the Senate. I think the Senator will agree with that statement.

Mr. MURDOCK. Yes.

Mr. LUCAS. If the counsel to whom the Senate had to pay thousands upon thousands of dollars in connection with this case, did not see that proposition, was not able to bring it forward, and did not think it was material enough to develop from the standpoint of 1939, 1940, and 1941, then it seems to me the Senator is doing himself an injustice, as well as all other members of the committee, when he says we did this and did that upon mere suspicion. I resent that statement, because I do not think the committee did anything upon suspicion at all. I think the committee did the best job it possibly could do with the tools it had at hand. It was a long job, and the work was done painstakingly, as the Senator knows.

Mr. MURDOCK. I think the Senator has made that statement three or four times now, and I wish to say in answer, Mr. President, that if it comes to a choice, so far as I am concerned, even though the choice reflects on myself as a member of the committee, I am willing to make it in order to do justice to a man whose seat in the Senate is in peril. When the majority of the committee wants to place so much credence in, and make so important, the statements of John Gray and his action, then certainly, the burden of proof being on the petitioners, we should have called in the Interstate Commerce Commission, and called Mr. Gray here and found out why this or that was done. I think I have the answers in the exhibit which is before the Senate. I doubt very much whether the majority of the committee paid much attention to it, but I now want to read from it to the Senate.

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

Mr. MURDOCK. I yield.

Mr. WHITE. Assuming, without admitting, that Senator LANGER dominated this commission, is it not factually true that the taxes collected for 1937, the year of the alleged bribe, were greater than the taxes in any one of the 4 years from 1935 to 1938, inclusive?

Mr. MURDOCK. The question is whether the taxes——

Mr. WHITE. Whether the taxes for the year 1937, the year of the alleged bribe, were not greater than the taxes for any of the 4 years from 1935 to 1938, inclusive.

Mr. MURDOCK. That statement is true.

Mr. WHITE. And is it not also true that even after the reduced assessment in 1938 the taxes for 1938 were greater than the taxes for either of the 2 years preceding the incumbency of Governor LANGER?

Mr. MURDOCK. That is also true.

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

Mr. MURDOCK. I yield.

Mr. BONE. If there is a suspicion attached to the reduction of the valuation of a utility for purposes of taxation—and I am not implying it in any way in this question—I think it is only fair to pose this question to lawyers: If we are to assume that there is a suspicious circumstance in the reduction of a valuation for taxation purposes, and the suspicion arises from the mere reduction, then are we not to conclude that we are entitled to attach to the reduction by a court the same kind of suspicion? What sinister motive could be attributed to an individual which might not also be attributed—perhaps by careless thinking—to a court which reduces the valuation by several million dollars? In the name of reason, what is the difference?

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

Mr. BONE. I am talking about the bare fact of a reduction.

Mr. MURDOCK. Mr. President, I do not wish to yield for a discussion between two Senators. I have yielded to the Senator from Washington for a question or observation, and I wish him to state it.

Mr. BONE. As I say, I imply nothing; but I have seen valuations for rate-making purposes and tax purposes juggled upward and downward by regulatory bodies, State boards of equalization, and courts. If we are to attribute some rather sinister motive to that sort of business, all a lawyer needs to do is to take the record, and he can attribute suspicious activities to all such bodies, including the courts. The only evidence we have here is that during the Langer incumbency of 2 years the Great Northern paid something in excess of $136,000 more in taxes than it paid in the preceding biennium.

Mr. MURDOCK. That is correct.

Mr. BONE. There we have a fact, for whatever it is worth. In the year when the man is supposed to have been influenced by some transaction the value for tax purposes goes up. I do not know what to make of it. I have had some experience in criminal cases. I do not know how a man should view such a circumstance, other than as a most astounding circumstance. However, I do not want to leave in my own mind the thought that there is something wrong about a thing when a board does it, but that it is perfectly all right when a court does it. Are courts sacrosanct, so that they may not have their decisions even considered by a layman?

That is not the view I take. I am not the only one. Millions of people have scrutinized this kind of business, at times with perhaps an uncharitable attitude of mind; but I do not think that a man on

a bench is any better qualified to know about value than a rate expert in a State office. A judge hears the evidence and proceeds to dispose of the case on the evidence before him in the same fashion in which a member of the State board of equalization might dispose of it; but is he to be charged with corruption because he lowers the value? There seems to be some inference of corruption because values were lowered in this case; but when a court does it in North Dakota nobody lays profane hands on its decision and says that it is tainted with some sort of corruption.

Mr. MURDOCK. Let me make this observation with reference to what the courts did: If we compare the reduction which the courts made with the reduction made by Senator LANGER, what do we find? We find that the lowest reduction made by the courts was double the percentage of the reduction made by Senator LANGER.

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

Mr. MURDOCK. I yield for a question.

Mr. LUCAS. I do not want to permit the argument made by the distinguished Senator from Washington to pass without some answer. Nobody is attaching any suspicion to any court reduction or to any reduction made by a Governor of a State, or by any board which has the power to make reductions of that kind.

But when we follow up the transaction in connection with the real charge of moral turpitude involved in the sale of the stock, it seems to me that we have the right to consider, and that it is our duty to consider, all those things as one transaction. We should not consider by itself the transaction dealing with the reduced assessments or the increased assessments. We have to follow it through to its logical conclusion.

Mr. MURDOCK. I have done so.

Mr. LUCAS. I know the Senator has; but the Senator from Washington took the position that that alone——

Mr. MURDOCK. The Senator from Washington was present when I made my opening remarks about Tommy Sullivan. What the majority of the committee wants us to do is to consider the fact that Senator LANGER received $20,000 or $25,000 from Tommy Sullivan on a stock transaction and, because of that, convict him of bribery because of the reduction in railroad taxes. What are the facts? There was not a reduction at all, but an increase of $136,000 in the biennium. Mr. President, I do not like to argue this point over again.

I come now to the significance which the majority of the committee wish us to attach to the action of John Gray, tax commissioner, in desiring to raise the tax valuation of the Great Northern when Senator LANGER wanted to reduce it. I call attention to the fact that during the time since Senator LANGER left the office of Governor, in 1939, 1940, and 1941, this great man, John Gray, who wanted to raise the tax valuation in 1938 by $4,000,000 has not yet succeeded in raising it.

The Senator from Illinois asks, "What do we know as to whether John Gray had the say in the board of equalization?" We do not know; but I am unwilling to use my imagination and suspicion to conclude that, although Senator LANGER has been in the Senate since 1941, his henchmen are still dominating the board in North Dakota, where the present Governor was elected on the issue that he was going to bring BILL LANGER to time on account of his wrongdoings. I want the Senate to examine the facts.

I am advised by Senator LANGER that one of the members who voted with Gray is still on the board.

Mr. LUCAS. That still leaves him in the minority.

Mr. LANGER. No.

Mr. MURDOCK. Are we to suspect, because of the $25,000 transaction, that the contaminating influence of Senator LANGER is still dominating the board of equalization in North Dakota?

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

Mr. MURDOCK. I yield.

Mr. LUCAS. I do not take the position that the board is still being dominated by the contaminating influence of the Senator from North Dakota. The only position I take is that the Senator from Utah does not know what the conditions were in 1939, 1940, and 1941 with respect to the factors entering into the determination of the assessment of that railroad property.

Mr. MURDOCK. The Senator is very much in error. The Senator from Utah does know the facts. The statement which I made is that our committee was derelict because it did not know the facts. I further state that if the Senator from Illinois had given proper weight to the exhibit which was submitted by Senator LANGER, exhibit No. 116, he could not have come to the conclusion, on suspicion, as against facts, that Senator LANGER was guilty of bribery in this railroad matter.

Mr. LUCAS. I do not know what he was guilty of; but I should like to have the Senator say why it was that Tommy Sullivan paid him $25,000 in cold cash for some worthless stock.

Mr. MURDOCK. That is not the function of the Senator from Utah. The Senator from Utah is not engaged in the business of suspicion and accusation. From the time this case commenced down to the present time, the Senator from Utah has been more interested in the facts than in suspicion and accusation.

Mr. LUCAS. That is the reason why the Senator filed the type of minority report which he filed. He was interested in facts. The Senator has many misstatements in the minority report insofar as what the subcommittee did and what the investigators did: and yet the Senator talks about facts.

Mr. MURDOCK. If anything in that report is too critical of what the subcommittee did or what the investigators did, I ask the Senate, What has that to do with the question whether BILL LANGER was guilty of bribery in the Mexican land transaction? What difference does it make what I said about the investigators or about the subcommittee? The question in which the Senate is interested is the guilt or innocence of BILL LANGER on the facts in the record. I do not care to discuss with the Senator from Illinois anything I said criticizing either the subcommittee or the investigators in this matter.

Mr. LUCAS. If the Senator does not wish to discuss it, it is all right with me.

Mr. BONE rose.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair) Does the Senator from Utah yield, and if so to whom?

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

Mr. BONE. Is there anything in the record or in the researches of the committee which indicates the basis for the reduction in the valuation by the Supreme Court of North Dakota?

Mr. MURDOCK. In 1938?

Mr. BONE. Yes.

Mr. MURDOCK. I wish to read to the Senate the basis of the reduction in 1938.

Mr. BONE. Is the Senator taking something from the court records?

Mr. MURDOCK. No; from the record made before our committee.

Mr. BONE. For the purpose of this question I am interested in what the court decided upon as the reason for reducing the value by several million dollars.

Mr. MURDOCK. I have no information on that question.

Mr. LANGER. I have the decision before me.

Mr. BONE. I should like to have some enlightenment on that question, because obviously if a court is dealing in millions——

Mr. LANGER. I have before me the decision of the United States Supreme Court, which I hand to the Senator.

Mr. MURDOCK. Mr. President, I should like to go on with the matter concerning John Gray, to whose action the majority of the committee wishes to attach so much weight. The other day I asked the Senator from Illinois, when he was presenting the side of the majority in this case, if there was any reason for a reduction of taxes between 1937 and 1938. As I recall the Senator's answer, he said he knew of none. I asked the further question, Is it not common knowledge that 1937 was a boom year, and that all of us new dealers were boasting about it? Then in 1938, beginning in the fall of 1937, the New Deal administration—including me—was confronted with a slump which almost equaled the depression of 1932 and 1933.

Let us look at the railroad situation which confronted the board of equalization in North Dakota when it reduced the valuation for 1938 under that of 1937.

I shall not read all this exhibit, Mr. President. I therefore ask that it be printed in the RECORD at this point as a part of my remarks.

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

GREAT NORTHERN RAILWAY CO.,
LAW DEPARTMENT,
St. Paul, Minn., October 27, 1941.

Hon. WILLIAM LANGER,
United States Senate,
Washington, D. C.

DEAR SENATOR: As requested in your letter of October 25, I enclose herewith copies of exhibits 1 to 5, inclusive, which were pre-

sented to the North Dakota Board of Equalization on our behalf on August 3, 1938. I also enclose copy of the graph referred to in the first paragraph, commencing on page 41 of the transcript. This was not filed or given an exhibit number but was displayed to the board.

You may be interested in the attached statement showing changes which were made in 1938 for all railroads in North Dakota. You will note that the Northern Pacific and Milwaukee got almost as large a percentage reduction as the Great Northern. The Soo Line ultimately got a larger reduction, but this was through court action.

I also enclose a statement showing what action was taken by other States in 1938. Washington and Montana both made very substantial decreases, and South Dakota and California made much larger percentage decreases than North Dakota. Wisconsin and Oregon were the only States that made any increase in that year.

Very truly yours,

F. G. DORETY.

[Encls.]

Net railway operating income (before interest) class I railways, January to May, inclusive

UNITED STATES

1930 (normal year)	$308,216,827
1937	240,111,987
1932 (worst prior year)	99,495,675
1938	45,208,504

WESTERN DISTRICT

1930 (normal year)	$87,614,577
1937	47,068,160
1932	9,228,963
1938	7,667,249

Class I steam railroads, 5 months ended May 31

GROSS REVENUE

	1930, normal	1932, lowest prior year	1937	1938	Decrease 1938 under 1937	
					Amount	Percent
United States	$2,247,304,489	$1,355,204,742	$1,735,221,861	$1,354,268,701	$380,953,160	21.95
Western district	813,794,388	476,274,468	619,425,350	512,532,559	106,892,791	17.26
Great Northern	36,602,713	20,338,654	32,087,613	23,983,251	8,104,362	25.26
Northern Pacific	31,000,135	18,086,038	24,934,934	19,662,921	5,269,013	21.13
NET RAILWAY OPERATING INCOME						
United States	$308,216,827	$99,495,675	$240,111,987	$45,288,504	$194,823,483	81.14
Western district	87,614,577	9,228,963	47,068,160	7,667,249	54,735,409	116.28
Great Northern	1,582,869	2,387,250	4,934,994	867,787	5,802,781	117.57
Northern Pacific	1,902,341	1,541,924	2,574,902	440,125	3,015,027	117.13

Net railway operating income of the Great Northern Ry. Co.

	1937	1938	Decrease	
			Amount	Percent
May	$2,753,689	$264,490	$2,489,199	90.40
June	3,805,358	1,176,719	2,628,639	69.08
6 months ended June 30	8,740,351	308,932	8,431,419	96.47

Market price—Total stocks and bonds of Great Northern Railway Co.

July 1, 1937	$477,513,411
July 1, 1938	323,951,616
Decrease	153,561,795
Percent decrease	32.16

Iron ore tonnage handled

To July 21, 1937	gross tons	10,095,970
To July 21, 1938	do	2,314,520
Decrease	do	7,781,450
Percent decrease		77.07

Comparison of Great Northern, North Dakota 1937 assessment with other States

State	Assessed valuation	Cost of reproduction less depreciation	Assessment, percent of cost
North Dakota	$63,779,715	$65,317,892	97.65
Montana	66,754,822	118,274,350	56.44
1938	64,391,164	118,210,363	54.47
Washington	59,563,000	105,906,834	56.24
Wisconsin	12,000,000	21,159,903	56.71
* 1938	14,000,000	21,722,582	64.45
Idaho	4,159,620	9,809,233	42.41
South Dakota	4,145,286	7,371,497	56.23
Oregon	3,205,154	6,411,226	50.00
Iowa	1,519,830	4,391,828	34.61
California	1,283,700	3,933,079	32.64
Total	216,411,127	342,575,842	63.17

Percent assessment to reproduction cost in North Dakota	97.65
Percent assessment to reproduction cost in other States (average)	54.65

	Cost of reproduction, less depreciation	1937 taxes	Percent of taxes to cost of reproduction
North Dakota	$65,317,892	$1,286,576.78	1.97
Minnesota	115,481,666	1,796,473.95	1.55

GREAT NORTHERN EXHIBIT 5

Great Northern Ry. Co., North Dakota, 1938

SYSTEM VALUE

Market value capital stock, 5-year average (p. 6, report to tax commissioner)		$70,068,808
Market value bonds, 5-year average (p. 6, report to tax commissioner)		338,533,614
Total		408,602,422
Less nonoperating assets, North Dakota method		109,382,868
System stock and bond value, operating property		299,219,554
Net railway operating income, 5-year average		19,344,942
Capitalized at 6 percent (p. 11, report to tax commissioner)		322,415,700
Composite system value		310,817,627
North Dakota proportion:	*Percent*	
1. Car and locomotive mileage, 5-year average	19.35	
2. Revenue traffic units, 5-year average	17.09	
3. Gross operating revenues, 5-year average	17.18	
4. Mileage all tracks operated	20.64	
5. Physical property	13.62	
6. Cost of service ratio	12.62	
Average 1, 2, 3, 4, and 5	17.58	54,641,739
6. Cost of service	12.62	39,225,185

The 1937 assessment, $63,779,715, is $9,137,976, or 16.72 percent more than the highest computed amount. The 1937 assessment is $24,554,530, or 62.60 percent more than the computed amount using cost of service ratio.

(Tax Division, Great Northern Ry. Co.)

Amount of 100 percent value placed by each State in which Great Northern Railway operates (except Minnesota which is on gross-earnings basis) against identical amounts of ties, rails grading, or other physical property of Great Northern

[Based on figures in Great Northern exhibit 4]

California	$59.72
Iowa	63.33
Idaho	77.60
Oregon	91.49
Average outside North Dakota	100.00
South Dakota	102.89
Washington	102.91
Montana	103.27
Wisconsin	103.77
North Dakota (45 percent above average of other States)	178.68

North Dakota—Statement showing comparison of assessed valuations of operating property of all railroads for the years 1937 and 1938

	1937	1938	Decrease	
				Pct.
Great Northern	$63,779,715	$60,480,650	$3,299,065	5.17
Northern Pacific	42,240,375	40,179,096	2,061,279	4.88
Soo Line	8,600,070	[1] 7,443,482	1,156,588	13.45
Milwaukee	4,700,163	4,469,301	230,862	4.91
Mid-Continental	100,555	100,559		
Northwestern	125,900	121,529	4,371	3.47
Fargo Grain & Shipping	399,599	281,897	118,102	29.53
Brandon, Devils Lake & Southern	99,999	96,728	3,271	3.27
Total	120,046,776	113,173,242	6,873,538	5.72

[1] As reduced by court.

Great Northern Ry. Co.—Statement showing comparison of assessed values of operating property for the years 1937 and 1938

	Assessed valuation		Increase (+) or decrease (−)	
	1937	1938		
				Pct.
Wisconsin	$12,000,000	$14,000,000	+$2,000,000	+16.67
Iowa	1,519,830	1,429,795	−90,035	−5.92
South Dakota	4,145,286	3,669,400	−475,886	−11.48
North Dakota	63,779,715	60,480,650	−3,299,065	−5.17
Montana	66,754,822	64,391,164	−2,363,658	−3.54
Idaho	4,159,620	4,078,192	−81,428	−1.96
Washington	59,563,000	57,000,000	−2,563,000	−4.30
Oregon	3,205,154	3,268,858	+63,704	+1.99
California	1,283,700	1,112,860	−170,840	−13.31
Total	216,411,127	209,430,919	−6,980,208	−3.23

Mr. MURDOCK. Now let us consider the railroad situation throughout the United States. I may say that I now am quoting from an exhibit which is attached to a letter of F. G. Dorety, attorney for the Great Northern Railroad Co., who appeared before the North Dakota Board of Equalization, in requesting a reduction for tax purposes. The letter and exhibit are a part of the record in this case.

Throughout the entire United States, on class I steam railroads, for the 5 months ended May 31, 1937, we find the figure $1,735,221,861; for the corresponding period in 1938, $1,354,268,701. That is the over-all picture for class I steam railroads; and we find that there was a decrease of $380,953,160, or 21.95 percent. In the over-all picture for class I steam railroads, from 1937 to 1938, there was a reduction of 21.95 percent.

The figures I am giving are found under the heading, "Gross revenue."

Next, let us consider the western district. Taking first the Great Northern, we find that in the corresponding period of 1937, its gross revenue was $32,087,613; in 1938, $23,983,251—a decrease in gross Great Northern revenue of $8,104,362, or a percentage decrease of 25.26. That is the picture of the Great Northern's decrease in gross revenue between 1937 and 1938.

John Gray, the man to whom the majority of the committee paid so much attention, and to whose testimony they give so much weight, wanted to raise the valuation of the Great Northern in 1938, over 1937, by $4,000,000, notwithstanding the fact that the percentage of decrease in gross revenue was 25.26.

Under the heading "Net railway operating income" we find that for the first 5 months of 1937 the net railway operating income of the Great Northern was $4,934,994 However, for the corresponding period in 1938 they were in the red by $867,787, or a decrease of $5,802,781, representing a percentage decrease of 117.57. Yet the majority of the committee criticized the board of equalization for reducing the tax valuation of the Great Northern in 1938, instead of following John Gray by increasing it $4,000,000.

O, Mr. President, if the Senate is interested in facts, if it is interested in figures, is not that the answer to the question whether the tax valuation of the Great Northern should have been raised or reduced in 1938?

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

Mr. MURDOCK. I yield.

Mr. BONE. In the prevailing opinion in the case of Great Northern Railway against Weeks, which I take it established the law in a case of this kind, the court announced the view and lays down the dictum that the State taxing authorities must take into consideration the financial situation concerning the road—its revenues and allied problems of that character.

Mr. MURDOCK. Certainly; and those are the figures I am now putting into the record. Those are the figures which, in my opinion, let me say to the distinguished Senator from Washington, are the figures on which we should have relied in coming to a conclusion in this matter, instead of trying to do so on the basis of suspicion, presumption, and imagination.

Mr. BONE. The court seems to have settled the legal problem in one sentence, when it says—

The value of petitioner's property—

And I am assuming that now it refers to its value for taxation purposes, obviously, since that is the reason for the suit—

varied with the profitableness of its use, present and prospective.

I assume that establishes the law in this case.

Mr. MURDOCK. Now let us look at another set of figures which may have some value, the market price of the total stocks and bonds of the Great Northern Railway Co. As of July 1, 1937, the figure was $477,513,411; as of July 1, 1938, the figure was $323,951,616—a decrease from 1937 to 1938 of $153,561,795, or a percentage decrease of 32.16.

Next, let us look at another very important set of figures, Mr. President. One of the most important sources of revenue of the Great Northern Railroad is the tonnage of iron ore that it hauls. The iron-ore tonnage handled to July 21, 1937, was 10,095,970 gross tons; the iron-ore tonnage handled to July 21, 1938, was 2,314,520 gross tons—a decrease of 7,781,450 gross tons, or a percentage decrease of 77.07.

On another page of the exhibit, Mr. President, we find a statement entitled "North Dakota—Statement Showing Comparison of Assessed Valuations of Operating Property of All Railroads for the Years 1937 and 1938." I think the Senator from Washington will be much interested in the figures given in the statement.

In the right-hand column, under the heading "Decrease," we find the following:

Great Northern—5.17 percent.
Northern Pacific—4.88 percent.
Soo Line—13.45 percent.
Milwaukee—4.91 percent.
Northwestern—3.47 percent.
Far. Grain & Shipping—29.53 percent.
Brandon, Dev. Lake & So.—3.27 percent.

The average decrease is 5.72 percent; and the decrease for the Great Northern was 5.17 percent.

In the statement following the figure for the 1938 assessed valuation of the operating property of the Soo Line, we find an asterisk; and in the lower part of the statement we find the explanation "As reduced by court." We note that, instead of being reduced 4, 5, or 3 percent, the reduction by the court was 13.45 percent.

Mr. BONE. Mr. President, will the Senator yield to me again?

Mr. MURDOCK. I yield.

Mr. BONE. Let me say that, as I read the minority report, it seems to me that approximately at that time there were rather general reductions of valuation in the Northwest, including my own State of Washington.

Mr. MURDOCK. I think that the only State in which there was an increase was Oregon.

Mr. President, I think there is one remaining charge, which I shall discuss tomorrow, that regarding the bond issue. I wish, however, to take a few minutes more with reference to the figures in the table.

HOURS OF DUTY OF POSTAL EMPLOYEES

During the delivery of Mr. MURDOCK's address:

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

Mr. MURDOCK. For what purpose?

Mr. McKELLAR. I wish to ask unanimous consent to have a bill which was just messaged to the Senate from the House, considered and passed.

Mr. MURDOCK. If there is any urgency for the passage of the bill, I will yield, although I yielded to a similar request yesterday, and was placed in my seat and never got up. [Laughter.]

Mr. McKELLAR. I do not think this will take more than half a minute. If there is any indication that it will take longer, I shall withdraw the request.

Mr. MURDOCK. I yield.

Mr. McKELLAR. The House has just messaged to the Senate House bill 6759, which it passed yesterday, in which it fixes the hours of duty of postal employees, making a slight change in the hours of service. A similar bill has already been reported by the Committee on Post Offices and Post Roads of the Senate, and I ask unanimous consent that the bill which passed the House be substituted for the Senate bill, and that it be considered, and passed.

Mr. McCARRAN. Has the bill been before the Committee on Post Offices and Post Roads of the Senate?

Mr. McKELLAR. An identical bill has been. It was reported last week.

Mr. McCARRAN. If it is the same bill I have in mind, some correspondence from postal employees has come to my office apparently opposing the passage of the bill.

Mr. McKELLAR. If the Senator would prefer, I will not make the request at this time, but will wait until tomorrow, because I promised the distinguished Senator from Utah that I would not take his time.

Mr. McCARRAN. I do not want to hold the bill up any length of time, but I should like to look into the matter.

Mr. McKELLAR. Certainly. I withdraw my request for the present.

ADMIRAL ERNEST J. KING

During the delivery of Mr. MURDOCK's speech:

Mr. WALSH. Mr. President, will the Senator yield in order that I may take up an executive matter?

Mr. MURDOCK. I yield.

Mr. WALSH. I understand there is not to be an executive session, otherwise I would not interrupt the Senator.

Mr. President, I ask unanimous consent, as in executive session, to report from the Committee on Naval Affairs the nomination of Admiral Ernest J. King to be Chief of Naval Operations in the Department of the Navy, with the rank of admiral, for a term of 4 years.

The PRESIDING OFFICER (Mr. O'DANIEL in the chair). Is there objection to the presentation of the report? The Chair hears none.

Mr. WALSH. Mr. President, I ask unanimous consent for the immediate consideration of the nomination.

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Admiral Ernest J. King to be Chief of Naval Operations in the Department of the Navy, with the rank of admiral, for a term of 4 years.

The PRESIDING OFFICER. Is there objection to the present consideration of the nomination? The Chair hears none, and without objection, the nomination is confirmed.

Mr. WALSH. I ask that the President be immediately notified of the action taken by the Senate.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

FINANCING OF WAR DAMAGE CORPORATION—CONFERENCE REPORT

During the delivery of Mr. MURDOCK's speech, Mr. MALONEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2198) to provide for the financing of the War Damage Corporation, to amend the Reconstruction Finance Corporation Act, as amended, 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 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 section 5d of the Reconstruction Finance Corporation Act, as amended, is hereby amended by inserting immediately before the fifth paragraph thereof the following new subparagraph:

"'(5) To acquire real estate and any right or interest therein by purchase, lease, condemnation, or otherwise, determined by the Corporation to be necessary or advantageous to the carrying out of any authority vested in any corporation created or organized pursuant to this section. The Corporation is also authorized to sell, lease, or otherwise dispose of any such real estate. Proceedings for such condemnation shall be instituted in the name of the United States pursuant to the provisions of the act approved August 1, 1888 (25 Stat. 357), as amended, and any real estate already devoted to public use which would be subject to condemnation in proceedings instituted upon application of any officer of the Government shall likewise be subject to condemnation in proceedings instituted upon application of the Corporation as herein provided. Sections 1, 2, and 4 of the act approved February 26, 1931 (46 Stat. 1421), as amended, shall be applicable in any such proceeding. Any judgment rendered against the United States in any such proceeding shall promptly be paid by the Corporation. Immediately upon the vesting of title in the United States of America in any such proceeding, the Secretary of Commerce, by deed executed by him in the name of the United States of America, shall transfer the entire title or interest so acquired to the Corporation, and the Corporation shall thereupon have the same rights with respect to any real estate so acquired as it has with respect to real estate acquired by purchase. The power to institute proceedings for condemnation in pursuance of this section shall terminate on June 30, 1944, or upon such earlier date as the Congress by concurrent resolution, or the President by proclamation, may designate, but no such proceedings instituted prior to such termination shall abate by reason thereof.'

"SEC. 2. The Reconstruction Finance Corporation Act, as amended, is hereby amended by inserting after section 5e thereof the following new sections:

"'SEC. 5f. (a) Any department, agency, or independent establishment of the Government or any corporation all of the capital stock of which is owned or controlled, directly or indirectly, by the Government is hereby authorized, notwithstanding any other provision of law, to sell, transfer, or lease, with or without consideration, to the Corporation or to any corporation created or organized pursuant to section 5d of this Act, any real estate and any right or interest therein.

"'SEC. 5g. (a) The Reconstruction Finance Corporation is hereby directed to continue to supply funds to the War Damage Corporation, a corporation created pursuant to section 5d of this Act; and the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions of this subsection. Such funds shall be supplied only upon the request of the Secretary of Commerce, with the approval of the President, and the aggregate amount of the funds so supplied shall not exceed $1,000,000,000. The Reconstruction Finance Corporation is authorized to and shall empower the War Damage Corporation to use its funds to provide, through insurance, reinsurance, or otherwise, reasonable protection against loss of or damage to property, real and personal, which may result from enemy attack (including any action taken by the military, naval, or air forces of the United States in resisting enemy attack), with such general exceptions as the War Damage Corporation, with the approval of the Secretary of Commerce, may deem advisable. Such protection shall be made available through the War Damage Corporation on and after a date to be determined and published by the Secretary of Commerce, which shall not be later than July 1, 1942, upon the payment of such premium or other charge, and subject to such terms and conditions, as the War Damage Corporation, with the approval of the Secretary of Commerce, may establish, but in view of the national interest involved, the War Damage Corporation shall from time to time establish uniform rates for each type of property with respect to which such protection is made available; and, in order to establish a basis for such rates, such Corporation shall estimate the average risk of loss on all property of such type in the United States. Such protection shall be applicable only (1) to such property situated in the United States (including the several States and the District of Columbia), the Philippine Islands, the Canal Zone, the Territories and possessions of the United States, and in such other places as may be determined by the President to be under the dominion and control of the United States; (2) to such property in transit between any points located in any of the foregoing; and (3) to all bridges between the United States and Canada and between the United States and Mexico: *Provided*, That such protection shall not be applicable after the date determined by the Secretary of Commerce under this subsection to property in transit upon which the United States Maritime Commission is authorized to provide marine war-risk insurance. The War Damage Corporation, with the approval of the Secretary of Commerce, may suspend, restrict, or otherwise limit such protection in any area to the extent that it may determine to be necessary or advisable in consideration of the loss of control over such area by the United States making it impossible or impracticable to provide such protection in such area.

"'(b) Subject to the authorizations and limitations prescribed in subsection (a), any loss or damage to any such property sustained subsequent to December 6, 1941, and prior to the date determined by the Secretary of Commerce under subsection (a), may be compensated by the War Damage Corporation without requiring a contract of insurance or the payment of premium or other charge, and such loss or damage may be adjusted as if a policy covering such property was in fact in force at the time of such loss or damage.'

"SEC. 3. The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased, in addition to the increase authorized in section 2 of this Act, by $2,500,000,000."

And the House agree to the same.

FRANCIS MALONEY,
J. H. BANKHEAD,
GEORGE L. RADCLIFFE,
JOHN A. DANAHER,
ROBT. A. TAFT,
Managers on the part of the Senate.

HENRY B. STEAGALL,
CLYDE WILLIAMS,
BRENT SPENCE,
JESSE P. WOLCOTT,
CHARLES L. GIFFORD,
Managers on the part of the House.

Mr. MALONEY. Mr. President, I move that the conference report be now considered, and I ask unanimous consent to have printed in the RECORD at this point a letter from the Secretary of Commerce, Jesse H. Jones, addressed to me, in explanation of the contemplated procedure under this measure.

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

THE SECRETARY OF COMMERCE,
Washington, March 17, 1942.

Hon. FRANCIS MALONEY,
United States Senate, Washington, D. C.

DEAR SENATOR MALONEY: In our consideration of rates to be charged by the War Damage Corporation for protection against enemy attack, we are of the opinion that, since losses resulting from the war are a national responsibility, there should be no discrimination in rates because of geographical location.

Our thought as to appropriate rates is as follows:

Ten to fifteen cents per hundred dollars' coverage for farms, dwellings, and commercial properties up to $10,000; from 15 to 20 cents per hundred dollars' coverage on such risks between $10,000 and $25,000; and graduated rates on all amounts above $25,000.

I doubt the advisability of making these suggestions a part of the legislation, but this letter could be put in the record as a part of the discussions. If the committee prefers making it a matter of legislation, there can, of course, be no objection.

My thought about this is that the War Damage Corporation, with the approval of the Secretary of Commerce, should have as much latitude as possible to fix rates for such protection.

Sincerely yours,

JESSE H. JONES,
Secretary of Commerce.

Mr. LA FOLLETTE. Mr. President, will the Senator briefly explain how the conference report differs from the Senate bill?

Mr. MALONEY. Mr. President, except for perfecting language, there was only one substantial change in the conference report. The Senate bill, as Senators will recall, provided that the War Damage Corporation might provide free insurance up to the amount of $15,000. Excepting for the amount of $15,000, discretion was left entirely with the War Damage Corporation. When the bill went to the House the question of free insurance was debated at length, and in two or three instances, as the result of amendments submitted, votes were taken in the House, and all proposals to provide free insurance, in the amounts suggested, were rejected.

In conference—and I may point out that the conference lasted some time—we finally unanimously agreed upon an

amendment which would provide in effect that the insurance premiums should be uniform throughout the country. The bill as now written provides that from time to time the War Damage Corporation shall establish rates, and that, because of the national interests involved in the establishment of rates, the War Damage Corporation shall take into account all the insurable property of the country.

In brief, we believe that the result of the conference provides that all insurance rates, insofar as types of insurable property are concerned, will be uniform. One of the principal purposes of the amendment is to keep the rates at a low cost.

In connection with the conference report I offered for the RECORD a letter from the Secretary of Commerce, Mr. Jesse Jones, which tells us what the War Damage Corporation has in mind as to rates. The conferees thought that the suggested rates were as reasonable as could be expected.

I may add that the conferees were unanimous.

I now move the adoption of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the conference report? The Chair hears none.

The question is now on agreeing to the conference report.

The report was agreed to.

TOTAL MOBILIZATION FOR THE WAR EFFORT

After the conclusion of Mr. MURDOCK's speech,

Mr. PEPPER. Mr. President, I ask unanimous consent to submit a concurrent resolution out of order, and request its reference to the Committee on Education and Labor.

Mr. AUSTIN. Mr. President, I should like to inquire of the Senator from Florida what is the subject matter of the concurrent resolution? My inquiry relates to the committee to which the matter is to be referred.

Mr. PEPPER. I am glad to answer the question. It is a concurrent resolution providing for a joint committee of the House and Senate, to consist of seven Members from each body, to constitute a joint committee to make a study of means and methods by which we may more perfectly secure the total mobilization of the country, to aid the country's armed effort.

Mr. AUSTIN. Is not the subject properly one within the jurisdiction of the Military Affairs Committee?

Mr. PEPPER. I gave some consideration to that question, and it was a toss of the coin, so far as I was concerned, whether the concurrent resolution should go to the Committee on Military Affairs or to the Committee on Education and Labor. There were two considerations which led me to suggest the Committee on Education and Labor. The first was a natural one, that I was a member of that committee. The second was that I contemplated the field to be covered by such a joint committee, if one were created, to be beyond merely military matters. I had in mind the examination of the whole field of the national effort, with a view to determining in what way, if any, the country might be mobilized for effective prosecution of the war. I have no strong feeling about the matter. I have stated the considerations which led me to make the suggestion.

Mr. AUSTIN. I certainly do not seek additional responsibility or work for the Committee on Military Affairs, but I wonder whether the Senator from Florida would be willing to let the resolution lie over, and permit me to talk with him about it, before it is referred to a committee.

Mr. PEPPER. I shall be very glad to have that done.

The PRESIDING OFFICER. Is the Chair to understand that the Senator from Florida withdraws his concurrent resolution?

Mr. AUSTIN. I have no objection to the concurrent resolution being offered, Mr. President.

The PRESIDING OFFICER. If it is offered, it will have to be referred, unless it is to lie on the table.

Mr. PEPPER. Assuming that the committee created might examine rather the whole gamut of the national effort, not so much with a view to the military situation or matters touching the military, but with respect to matters pertaining to the mobilization of public sentiment, the more perfect ordering of the country's effort, principally in regard to civilian activities, would the Senator consider that the Committee on Military Affairs would more properly be the repository of the concurrent resolution than the Committee on Education and Labor, which has jurisdiction over matters pertaining to education, public health, labor, and kindred subjects?

Mr. AUSTIN. I am not able to answer the Senator's question. I should like to have the concurrent resolution lie over, so far as the reference is concerned. It will not be harmed in any way by that action being taken.

The PRESIDING OFFICER. Let the Chair make the suggestion to the Senator from Florida that it might perhaps be better to withdraw the concurrent resolution, because if it is ordered to be printed and lie on the table and is then rereferred, two separate printings will be required.

Mr. PEPPER. Instead of that, with the permission of the Chair, I should much prefer to assume that the inquiry of the Senator from Vermont constituted a suggestion that the Committee on Military Affairs would be the preferable committee, and to acquiesce in that suggestion.

The PRESIDING OFFICER. The Chair is ready to rule on the question, if the Senator wishes to take the ruling of the Chair.

Mr. PEPPER. I should prefer that the concurrent resolution go to the Committee on Military Affairs, insofar as that request might be of value to the Chair.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The present occupant of the chair would like to state, with all due deference, that he is in violent disagreement with precedent established by the esteemed former Vice President, that a Senator may secure the reference of a bill or resolution to any committee to which he desires to have it referred. The present occupant of the chair feels that the jurisdictional situation, so far as committees of the Senate are concerned, is becoming chaotic as the result of that ruling. Realizing that the present occupant of the chair cannot establish a precedent, nevertheless hoping to move in that direction, he would like to state that he overrules the request of the Senator from Florida, and refers the concurrent resolution to the Committee on Military Affairs, because obviously that committee should have jurisdiction of the measure.

Mr. PEPPER. I should like to state, with the permission of the Chair, that the Chair cannot be overruling both my requests, because in the first instance I requested that the concurrent resolution be referred to the Committee on Education and Labor, and then, upon the suggestion being made by the able Senator from Vermont that probably the Committee on Military Affairs should have jurisdiction, I gladly acquiesced in his suggestion and made the request that the concurrent resolution go to the Committee on Military Affairs. I do not want to appear in the light of not having been disposed to the consideration of the concurrent resolution by the Committee on Military Affairs. Before the Chair ruled I did make the request to which I have referred.

The PRESIDING OFFICER. The Chair begs the pardon of the Senator from Florida. He did not understand the Senator to have made the request, and the Chair permits his ruling to stand merely as obiter dictum.

Mr. AUSTIN. Mr. President, I should like to have the opportunity of expressing my appreciation of the fair-mindedness of the Senator from Florida in acquiescing to the suggestion I made.

The concurrent resolution (S. Con. Res. 26), submitted by Mr. PEPPER and referred to the Committee on Military Affairs, is as follows:

Whereas the United States is engaged in war with totalitarian powers who are waging total war against us; and

Whereas it is essential to victory for our arms and our efforts that we mobilize our total strength and resources; and

Whereas it is the sentiment of the Congress that our Nation must give every possible support to our armed forces in waging this war against determined and ruthless enemies: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring) That there is hereby created a joint committee of seven Members of the Senate to be appointed by the Vice President and seven Members of the House of Representatives to be appointed by the Speaker which shall make an investigation and study of how the United States might more effectively and efficiently mobilize its strength in furtherance of the war against our enemies so as to insure victory for our arms and our cause. Such committee shall conduct such investigation with all reasonable dispatch and report such recommendations as it may have from time to time to the Senate and House of Representatives, and to the President if deemed desirable, and to such other agency, or agencies, as in the opinion of such joint committee might be in the public interest.

SEC. 2. For the purpose of this resolution the committee, or any duly authorized sub-

committee thereof, is authorized to hold such hearings; to sit and act at such times and places during the sessions, recesses, and adjourned periods of either House of the Congress during the Seventy-seventh and succeeding 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 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 expense of the committee, which shall not exceed $10,000 shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers approved by the chairman of the joint committee.

RECESS

Mr. MURDOCK. Mr. President, I move that the Senate take a recess until tomorrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 7 minutes p. m.) the Senate took a recess until tomorrow, Thursday, March 19, 1942, at 12 o'clock noon.

CONFIRMATION

Executive nomination confirmed by the Senate March 18 (legislative day March 5), 1942:

DEPARTMENT OF THE NAVY

Admiral Ernest J. King to be Chief of Naval Operations in the Department of the Navy, with the rank of Admiral, for a term of 4 years.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 18, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most gracious God and Father, we give Thee our grateful thanks in these distressing days. We trust that Thou wilt help us to rest our souls in Thee; make us wise as to the source of our strength and where peace may be found. Thou art the One who is ever wakeful, ever care-taking, and ever enduring to the end. Thou Christ who chants that love which casts out fear in a way we cannot understand, bless us with fresh manifestations of Thy presence. We pray that the pain, the wreck of life, and the blight of hope may work out the highest and the holiest good.

We acknowledge, dear Lord, our failures, our frailties, and our errors; do Thou forgive us and enable us to put our forces of understanding into the deepest channels, counting no sacrifice too great for the good of our country. Oh let us claim our redemption in a world whose builder and maker is God. In these days, holy unto the Lord, neither let us be grieved, for the joy of the Lord is our strength; may we therefore take pleasure in infirmities, in injuries, in necessities, and in distresses for the sake of Him who died that we might live. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 6691. An act to increase the debt limit of the United States, to further amend the Second Liberty Bond Act, and for other purposes.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agencies:

1. Department of Agriculture.
2. Department of War.
3. Federal Security Agency. Food and Drug Administration.
4. Federal Security Agency, Social Security Board.
5. Federal Trade Commission.
6. Federal Works Agency.
7. The National Archives, United States Food Administration.

HON. JOHN W MCCORMACK

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, on last Friday Boston University, one of the great educational institutions of this country, honored our majority leader by conferring upon him the degree of Doctor of Laws. I am sure I voice the sentiments of every Member of this House, regardless of which side of the aisle he may sit, in saying we appreciate this signal honor that has come to the House and to our majority leader. He is a man of outstanding ability and richly merited the honor. I extend to him, in behalf of the House, our heartiest felicitations.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. THOMAS F. FORD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein an article in this morning's Washington Post.

The SPEAKER. Is there objection?

There was no objection.

CECILIA PITT

Mr. KOPPLEMANN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. KOPPLEMANN. Mr. Speaker, yesterday during consideration of the Private Calendar, the bill (S. 1161) for the relief of Mrs. Cecilia Pitt, was objected to. This was an outstanding hardship case and called for sympathy and favorable action by the House, but it was objected to. A year ago the husband of Mrs. Pitt committed suicide for fear he would be deported to Danzig. The Senate passed this bill unanimously. The House Committee on Immigration reported it favorably unanimously, and yet it was objected to here.

Mr. Speaker, I ask unanimous consent that S. 1161 be restored to the Private Calendar, so that I may have a chance to explain this meritorious bill.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

Mr. MOTT. Mr. Speaker, reserving the right to object, I was one of the members of the official objectors' committee who on yesterday objected to the passage of this bill by unanimous consent. My colleague the gentleman from New York [Mr. HANCOCK] was the other member of that committee who objected to the passage of the bill by unanimous consent. Two objections having thus been offered, the bill was recommitted to the Committee on Immigration and Naturalization. That committee may report it again to the House in an omnibus bill for consideration and vote if it so desires.

Mr. KOPPLEMANN. Will the gentleman yield at that point?

Mr. MOTT. Yes; I yield.

Mr. KOPPLEMANN. The gentleman from New York [Mr. HANCOCK] told me he did not object.

Mr. MOTT. For the information of the gentleman, I will say that the objection of the gentleman from New York [Mr. HANCOCK] is in the RECORD.

Mr. KOPPLEMANN. It is in the RECORD, but the gentleman from New York [Mr. HANCOCK] told me he did not object.

Mr. MOTT. I am stating simply what the RECORD shows. However, Mr. Speaker, this is the evidence as to the merit of the bill, so far as it appears to Members of the House and of the objecting committee, from the report of the Committee on Immigration and Naturalization.

In a letter from the Attorney General addressed to the Chairman of the Committee on Immigration and Naturalization, which is printed in the Committee's report, from which I now read, the Attorney General states:

It appears from the files of the Immigration and Naturalization Service of this Department that Mrs. Pitt, who is approximately 49 years of age—

Mr. RANKIN of Mississippi. Mr. Speaker, I demand the regular order. This is no time to take up the Private Calendar. I demand the regular order.

The SPEAKER. The regular order is, Is there objection to the request of the gentleman from Connecticut?

Mr. RANKIN of Mississippi. Mr. Speaker, I object for the time being. I do not think we ought to take up the Private Calendar out of order.

Mr. MOTT. Mr. Speaker, this is a rather important matter.

The SPEAKER. The Chair has no discretion.

Mr. RANKIN of Mississippi. I will reserve the right to object until the gentleman reads the letter, but we are taking up a matter that was disposed of on yesterday.

Mr. MOTT. I thank the gentleman.

The SPEAKER. The gentleman from Connecticut [Mr. KOPPLEMANN] has made

a perfectly proper parliamentary request and the Chair must entertain it.

Mr. RANKIN of Mississippi. I am not quarreling with the Speaker.

The SPEAKER. The gentleman from Oregon [Mr. MOTT] reserved the right to object.

Mr. MOTT. And the gentleman from Mississippi [Mr. RANKIN] has withdrawn his objection to my proceeding under that reservation.

If I may continue with the letter—and my statement will be very brief, I may say to the gentleman:

Her husband, Aron Pitt, who was 49 years of age at the time of his death, was a native and citizen of Poland. Mrs. Pitt entered the United States as a quota immigrant on October 5, 1926. Her husband had previously entered the United States on March 6, 1925, also as a quota immigrant. Both received their visas under the German quota by claiming birth in Germany, although they had been born elsewhere. On May 28, 1935, Mr. Pitt became a naturalized citizen of the United States. Thereafter, on May 25, 1939, his certificate of citizenship was canceled on the ground that it had been fraudulently procured. At the same time, both Mr. and Mrs. Pitt were convicted in the United States District Court for the District of Connecticut on pleas of nolo contendere on charges of fraud in procuring Mr. Pitt's American citizenship. Mrs. Pitt resides in Hartford, Conn., where Mr. Pitt was engaged in the insurance and real estate businesses. She has two American-born children, whose ages are 10 and 12, respectively.

Now, the gentleman from Connecticut called me on the telephone this morning, reminding me of the fact that I had objected to consideration and passage of this bill by unanimous consent. I did object, after very thorough study, which, as a member of the objections committee, I always try to give to bills on the Private Calendar. I stated to the gentleman what my general attitude was on bills of this kind, which seek to legalize the admittedly fraudulent entrance of aliens into the United States.

The gentleman bluntly informed me, if that was my attitude to go ahead and object to his unanimous consent request to reconsider the bill today, but he warned me that if I did so he intended to object to every unanimous-consent request that I should make to the House from now on.

Now, Mr. Speaker, I simply do not care to be bluffed or threatened in that manner by the gentleman from Connecticut, or any other Member, and I am sure no Member except the gentleman from Connecticut would ever undertake to threaten or bluff me. For this reason, Mr. Speaker, in addition to the reason that I feel my objection on yesterday was well grounded, I must object at this time to the gentleman's unanimous-consent request to restore the bill to the calendar and pass it by unanimous consent.

The SPEAKER. Objection is heard.

COMMITTEE ON NAVAL AFFAIRS: PERMISSION TO SIT DURING SESSIONS OF HOUSE

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that the Committee on Naval Affairs may have permission to sit during the sessions of the House for the balance of the week.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VINSON of Georgia. 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 Georgia?

Mr. KOPPLEMANN. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. KOPPLEMANN. I am going to object all the way through to everything.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent——

Mr. KOPPLEMANN. Mr. Speaker, much as I regret it, I object.

Mr. RANKIN of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN of Mississippi. Is there not a way for the Congress to proceed in this emergency without being hamstrung by one individual?

The SPEAKER. That is not a parliamentary inquiry.

Mr. RANKIN of Mississippi. I think it is.

The SPEAKER. The Chair has recognized the gentleman from Massachusetts.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Without objection the gentleman may proceed for 30 seconds.

There was no objection.

Mr. McCORMACK. Mr. Speaker, I would like the attention of the gentleman from Connecticut.

Mr. Speaker, the gentleman from Connecticut is a man for whom I have a profound feeling of respect. The House is a very tolerant body. We are all human beings, and we make our mistakes of judgment. Sometimes we are emotional. I am not passing judgment on the action of any Member because I am the most sevcre judge of myself and do not like to judge my fellow man.

Even though the gentleman from Connecticut feels that the objection advanced against him was wrong, the gentleman will make a very serious mistake if his reaction is to object to every unanimous-consent request that is submitted.

My few observations are directed to the reason of the gentleman from Connecticut—a gentleman who is very reasonable and not emotionally minded. I am sure the gentleman will not further object to unanimous-consent requests.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to proceed for one-half of a minute.

The SPEAKER. Is there objection to the request of the gentleman from New York that he proceed for half a minute?

There was no objection.

Mr. DICKSTEIN. I want to ask unanimous consent that the Senate bill referred to by the gentleman from Connecticut be restored to the Private Calendar, with the understanding that the committee will give the matter further study and file a supplemental report and take the matter up with the objector in order that we may get some procedure.

Mr. HALLECK. Mr. Speaker, reserving the right to object——

Mr. RANKIN of Mississippi. There is no use reserving the right to object; I object.

Mr. KOPPLEMANN. Then I shall continue to object, if I cannot get fair action in this House.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent that today, after disposition of matters on the Speaker's table and at the conclusion of such special orders as may have been heretofore entered, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOODRUFF]?

Mr. KOPPLEMANN. Mr. Speaker, I object.

EXTENDING AUTHORITY OF THE RECONSTRUCTION FINANCE CORPORATION

The SPEAKER. The Chair recognizes the gentleman from Alabama [Mr. STEAGALL].

Mr. STEAGALL. Mr. Speaker, I call up the conference report on the bill (S. 2198) to provide for the financing of the War Damage Corporation, to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes.

Mr. KOPPLEMANN. Mr. Speaker, I object.

The SPEAKER. The gentleman cannot object. The gentleman from Alabama is proceeding under the rules of the House.

The Clerk read the title of the bill.

Mr. STEAGALL. 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 full report.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. STEAGALL]?

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 amendment of the House to the bill (S. 2198) to provide for the financing of the War Damage Corporation, to amend the Reconstruction Finance Corporation Act, as amended, 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 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 section 5d of the Reconstruction Finance Corporation Act, as amended, is hereby amended by inserting immediately before the fifth paragraph thereof the following new subparagraph:

"'(5) To acquire real estate and any right or interest therein by purchase, lease, condemnation, or otherwise, determined by the Corporation to be necessary or advantageous to the carrying out of any authority vested

in any corporation created or organized pursuant to this section. The Corporation is also authorized to sell, lease, or otherwise dispose of any such real estate. Proceedings for such condemnation shall be instituted in the name of the United States pursuant to the provisions of the Act approved August 1, 1888 (25 Stat. 357), as amended, and any real estate already devoted to public use which would be subject to condemnation in proceedings instituted upon application of any officer of the Government shall likewise be subject to condemnation in proceedings instituted upon application of the Corporation as herein provided. Sections 1, 2, and 4 of the Act approved February 26, 1931 (46 Stat. 1421), as amended, shall be applicable in any such proceeding. Any judgment rendered against the United States in any such proceeding shall promptly be paid by the Corporation. Immediately upon the vesting of title in the United States of America in any such proceeding, the Secretary of Commerce, by deed executed by him in the name of the United States of America, shall transfer the entire title or interest so acquired to the Corporation, and the Corporation shall thereupon have the same rights with respect to any real estate so acquired as it has with respect to real estate acquired by purchase The power to institute proceedings for condemnation in pursuance of this section shall terminate on June 30, 1944, or upon such earlier date as the Congress by concurrent resolution, or the President by proclamation, may designate, but no such proceedings instituted prior to such termination shall abate by reason thereof.'

"SEC. 2. The Reconstruction Finance Corporation Act, as amended, is hereby amended by inserting after section 5e thereof the following new sections:

"'SEC. 5f. (a) Any department, agency, or independent establishment of the Government or any corporation all of the capital stock of which is owned or controlled, directly or indirectly, by the Government is hereby authorized, notwithstanding any other provision of law, to sell, transfer, or lease, with or without consideration, to the Corporation or to any corporation created or organized pursuant to section 5d of this Act, any real estate and any right or interest therein.

"'SEC. 5g. (a) The Reconstruction Finance Corporation is hereby directed to continue to supply funds to the War Damage Corporation, a corporation created pursuant to section 5d of this Act; and the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions of this subsection. Such funds shall be supplied only upon the request of the Secretary of Commerce, with the approval of the President, and the aggregate amount of the funds so supplied shall not exceed $1,000,000,000. The Reconstruction Finance Corporation is authorized to and shall empower the War Damage Corporation to use its funds to provide, through insurance, reinsurance, or otherwise, reasonable protection against loss of or damage to property, real and personal, which may result from enemy attack (including any action taken by the military, naval, or air forces of the United States in resisting enemy attack), with such general exceptions as the War Damage Corporation, with the approval of the Secretary of Commerce, may deem advisable. Such protection shall be made available through the War Damage Corporation on and after a date to be determined and published by the Secretary of Commerce which shall not be later than July 1, 1942, upon the payment of such premium or other charge, and subject to such terms and conditions, as the War Damage Corporation, with the approval of the Secretary of Commerce, may establish, but, in view of the national interest involved, the War Damage Corporation shall from time to time establish uniform rates for each type of property with respect to which such protection is made available, and, in order to establish a basis for such rates, such Corporation shall estimate the average risk of loss on all property of such type in the United States. Such protection shall be applicable only (1) to such property situated in the United States (including the several States and the District of Columbia), the Philippine Islands, the Canal Zone, the Territories and possessions of the United States, and in such other places as may be determined by the President to be under the dominion and control of the United States, (2) to such property in transit between any points located in any of the foregoing, and (3) to all bridges between the United States and Canada and between the United States and Mexico: *Provided*, That such protection shall not be applicable after the date determined by the Secretary of Commerce under this subsection to property in transit upon which the United States Maritime Commission is authorized to provide marine war-risk insurance. The War Damage Corporation, with the approval of the Secretary of Commerce, may suspend, restrict, or otherwise limit such protection in any area to the extent that it may determine to be necessary or advisable in consideration of the loss of control over such area by the United States making it impossible or impracticable to provide such protection in such area.

"'(b) Subject to the authorizations and limitations prescribed in subsection (a), any loss or damage to any such property sustained subsequent to December 6, 1941, and prior to the date determined by the Secretary of Commerce under subsection (a), may be compensated by the War Damage Corporation without requiring a contract of insurance or the payment of premium or other charge, and such loss or damage may be adjusted as if a policy covering such property was in fact in force at the time of such loss or damage.'

"SEC. 3. The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased, in addition to the increase authorized in section 2 of this Act, by $2,500,000,000."

And the House agree to the same.

HENRY B. STEAGALL,
CLYDE WILLIAMS,
BRENT SPENCE,
JESSE P. WOLCOTT,
CHARLES L. GIFFORD,
Managers on the part of the House.

FRANCIS MALONEY,
J. H. BANKHEAD,
GEORGE L. RADCLIFFE,
JOHN A. DANAHER,
ROBT. A. TAFT,
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 House to the bill (S. 2198) to provide for the financing of the War Damage Corporation, to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Section 1 of the Senate bill and of the House amendment authorized the Reconstruction Finance Corporation to acquire real estate by purchase, lease, condemnation, or otherwise to the extent that the Corporation determined it to be necessary or advantageous to carrying out any authority vested in a corporation created or organized under section 5d of the Reconstruction Finance Corporation Act, as amended. Under the Senate bill the power of condemnation granted to the Corporation was not to be exercised after the expiration of the Second War Powers Act of 1942. The House amendment provided that power to institute proceedings for condemnation should terminate upon the conclusion of the present war or at such earlier time as the Congress by concurrent resolution, or the President, might designate, subject to the limitation that no proceedings for condemnation instituted prior to such termination should abate by reason thereof, or by reason of the expiration of the Corporation's period of succession.

The conference agreement provides for terminating the power of condemnation granted to the Corporation by section 1 on June 30, 1944, or on an earlier date designated by the Congress by concurrent resolution or by a Presidential proclamation. As provided in the House amendment, proceedings for such condemnation instituted prior to such termination are not to abate by reason thereof, but the reference to expiration of the Corporation's period of succession (January 22, 1947) is eliminated because of the earlier termination date (June 30, 1944) specified in the conference agreement.

Both the Senate bill and the House amendment authorized the Reconstruction Finance Corporation to supply funds in an aggregate amount of not to exceed $1,000,000,000 to the War Damage Corporation. Under the Senate bill the War Damage Corporation was to be authorized to use its funds to provide, through insurance, reinsurance, or otherwise, reasonable protection against loss of or damage to tangible real and personal property which may result from enemy attack, with such general exceptions as such Corporation with the approval of the Federal Loan Administrator might deem advisable. Under the House amendment such protection was to be afforded against loss of or damage to property, real and personal, which may result, or may have resulted, from enemy attack or from any action taken by the military, naval or air forces of the United States in resisting or guarding against enemy attack.

The Senate bill provided that such protection in an amount not more than $15,000 might be provided to the owner of any such property without requiring the payment of a premium by or other charge to such owner. The payment of a reasonable premium or other charge was required, however, where protection was provided in a greater amount. In all cases such protection was to be made available in accordance with terms and conditions to be prescribed by the War Damage Corporation with the approval of the Federal Loan Administrator.

The House amendment provided that the protection was to be made available upon the payment of such premium and subject to such terms and conditions as the Corporation, with the approval of the Secretary of Commerce, might establish. The House amendment also provided that any such loss or damage sustained prior to the approval of the act or prior to a date determined by the Secretary of Commerce (not later than July 1, 1942) might be compensated by the War Damage Corporation without requiring a contract of insurance or the payment of a premium or other charge.

Under the Senate bill the protection was limited to (1) property situated in the United States, the Philippine Islands, the Canal Zone, the Territories and possessions of the United States, and such other places as the President determined to be under the dominion and control of the United States, and (2) to such property in transit between any points located in any of the foregoing.

The House amendment provided, in addition, for extending such protection to bridges between the United States and Canada and the United States and Mexico, but it added a limitation that the protection was not to be extended to property in transit upon which the United States Maritime Commission is authorized to provide marine war-risk insurance.

The House amendment also provided that, with the approval of the Secretary of Commerce, the War Damage Corporation might suspend, restrict, or otherwise limit such protection in any area that it determined necessary or advisable in consideration of the loss of control by the United States or other factors making it impossible or impracticable to provide such protection therein.

The conference agreement provides that the reasonable protection which the War Damage Corporation is to be authorized to make available is to cover loss of or damage to property, real and personal, which may result from enemy attack (including any action taken by the military, naval or air forces of the United States in resisting enemy attack). The "general exception" provision of the Senate bill is retained. The Secretary of Commerce is required to determine and publish a date, which is not to be later than July 1, 1942, on which such protection will be available. The provisions of the House amendment with respect to the location of property to be covered (including bridges between the United States and Canada and Mexico) are retained in substance, and the House limitation on coverage of "property in transit" is to apply after the date so determined by the Secretary of Commerce.

Under the conference agreement, the provisions of the House amendment, relating to compensation without requiring a contract of insurance or the payment of a premium or other charge, are made applicable in the case of loss of or damage to property between December 6, 1941, and the date so determined by the Secretary of Commerce.

The conference agreement also provides that, in view of the national interest involved, the War Damage Corporation shall from time to time establish uniform rates for each type of property with respect to which such protection is made available, and that, in order to establish a basis for such rates, the War Damage Corporation shall estimate the average risk of loss on all property of such type in the United States.

HENRY B. STEAGALL,
CLYDE WILLIAMS,
BRENT SPENCE,
JESSE P. WOLCOTT,
CHARLES L. GIFFORD,
Managers on the part of the House.

Mr. CRAWFORD. Will the gentleman yield for a question or two?

Mr. STEAGALL. I yield to the gentleman.

Mr. CRAWFORD. Will the gentleman explain to us a little more clearly the provision with reference to insurance premiums that are to be charged. In other words, is there any limit as to the amount of insurance that may be carried free of cost to those insured?

Mr. STEAGALL. The bill passed by the House provided a system of insurance by contract and assessment, and that provision was retained by the conferees. There is no provision for free insurance except pending the time when the plan that will be established under the bill can be put into effect, which will be not later than the end of the fiscal year, or at such earlier date as may be announced by the Corporation. As I stated, that is the plan provided in the House bill.

Mr. CRAWFORD. Let us take a case subsequent to next July 1, we will say, and beyond that date.

Mr. STEAGALL. Beyond that date all insurance is by contract.

Mr. CRAWFORD. On which a premium must be paid?

Mr. STEAGALL. On which premium charges must be paid.

Mr. CRAWFORD. Is the language clear and brief as to how the premium shall be arrived at?

Mr. STEAGALL. If the gentleman will read the concluding paragraph of the statement of the conferees, or the provision of the bill as agreed upon in conference, he will see that wide latitude and discretion is given the officials of the Corporation in fixing charges or assessments. There is a provision incorporated in the conference report to the effect that in determining the assessment to be imposed the Corporation shall estimate the total value of all property in the country of a certain type, and the rate must be uniform. That is the view that obtained when the present plan of protection was instituted that the losses caused by damage to property during the war should be the burden of the Nation as a whole, and that view is followed in the plan upon which assessments are to be made by the Corporation.

Mr. CRAWFORD. In other words, those in the interior, for instance, will have to pay the same rate of insurance, although the risk might or might not be as great as those located on the seacoast?

Mr. STEAGALL. We approached the problem from the viewpoint that the problem is a national one, that the burden should be borne by the Nation as a whole, and, as a matter of fact, nobody knows just where the greatest risk will be experienced. Of course, we do not expect any extensive bombings or destruction of property in the United States, but if it comes there is no way at all under modern methods of warfare to tell just what community or what particular section might face the greatest danger.

Mr. CRAWFORD. I thank the chairman of the Committee on Banking and Currency.

Mr. KEAN. Will the gentleman yield?

Mr. STEAGALL. I yield to the gentleman from New Jersey.

Mr. KEAN. If you carry out this uniform rate, that will mean the rate will be cheaper on the seacoast and a little higher in the interior than would otherwise be justified?

Mr. STEAGALL. That conclusion may turn out to be justified or it may not. It will require experience under actual operations of the plan to determine whether that will be the case or not.

Mr. KEAN. Is that not apt to mean nobody will take it out in the interior, and everybody will take it out on the seacoast?

Mr. STEAGALL. No; it is not expected that everybody will take this insurance, but in fixing the rates of assessment the number of beneficiaries or applicants will, of course, enter into the matter of cost. An insurance company in undertaking to assess a rate or arrive at a fair charge would, I should think, do just what the bill provides. An effort would be made to find out the total value of a property of a certain type throughout the country before undertaking to adjust rates.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. STEAGALL. I yield to the gentleman from Texas.

Mr. PATMAN. There was one thing about which the House was very positive, and that was that we would have no free insurance. Does the bill the conferees have brought back provide for any free insurance of any kind or character whatever?

Mr. STEAGALL. None whatever, except during the period within which to perfect and put into operation the plan that will be permanent, which, of course, is the plan provided in the House bill. I have my own individual views about that phase of the legislation, but that is what the House did, and the conferees agreed to the House provision.

Mr. SMITH of Ohio. Mr. Speaker, will the gentleman yield?

Mr. STEAGALL. I yield to the gentleman from Ohio.

Mr. SMITH of Ohio. Under the temporary arrangement until the contracts are written, say July 1, are the sinkings that are taking place at the present time covered by the temporary arrangement?

Mr. STEAGALL. Yes.

Mr. SMITH of Ohio. Is there any provision for taking care of these men who are losing their lives?

Mr. STEAGALL. This does not deal with life insurance in any form.

Mr. SMITH of Ohio. This takes care of the property alone?

Mr. STEAGALL. The property entirely.

Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. WOLCOTT].

Mr. WOLCOTT. Mr. Speaker, as this conference report is returned to the House it is signed by all the conferees on the part of the House because it expresses, I believe, the House version of the bill with some additions which perfect that bill.

I presume that any fundamental objection which any of the Members of the House may have to this manner of providing insurance presents only an academic question at the present time, but I want to use at least part of my time to call attention to something which I think is much more important than this particular conference report.

This bill and this conference report is indicative of a change which we are experiencing in our national and our political life. It indicates in some essential particulars that the Congress of the United States is in a position of impotency. The Congress of the United States should be the policy-making department of the Government. It may be somewhat sophomoric to call attention to the fact that we have in this Government three distinct, integrated branches of the Government, the legislative, the executive, and the judicial. We are taught from

childhood to respect the office of the President of the United States. The office of the Supreme Court is almost sacred to us. Through a series of events which have transpired, however, the Congress of the United States has been humiliated and ridiculed into such an impotent state that the people of the United States, in their anxiety concerning the perpetuation of the American form of Government, have felt the ineffectiveness of the only direct voice they have in Government. In each of the dictator countries, the power and prestige of the legislative branch of the government had to be destroyed before totalitarianism could prevail. As gradually the representative branch lost its jurisdiction over policies, proportionately the dictator ascended toward total sovereignty and ultimate despotism. The United States Congress is the only remaining bulwark against collectivism and socialism. To destroy its effectiveness as such either by ridicule or usurpation spells the end of American democracy.

Understand that this Corporation, the War Damage Corporation, establishes potential liabilities running into billions of dollars. It was created under section 5 (d), subdivision (3), clause (g), of the Reconstruction Finance Corporation Act, which provides that the Federal Loan Administrator, with the approval of the President, is authorized to create a corporation with power—

> to take such other action as the President and the Federal Loan Administrator may deem necessary to expedite the national defense program, but the aggregate amount of the funds of the Reconstruction Finance Corporation which may be outstanding at any one time for carrying out this clause (g) shall not exceed $200,000,000.

This is Public Law No. 108, Seventy-seventh Congress.

Under the above language the War Damage Corporation was created and $100,000,000 of the $200,000,000 made available to it.

This corporation put a binder on every piece of property. It gave every property owner in the United States free insurance from enemy attack, creating a potential and contingent liability on the part of the people of the United States of perhaps billions of dollars. It established a policy whereby private losses would be paid out of the Federal Treasury as soon as they were adjudicated, at a time when every effort is being made to get into that Treasury all the pennies our school children may save and all the dollars their parents may get together to carry on the war effort.

Of course, if this had been presented to the Congress before it was done, common sense would have necessitated the subordination of private interests to the carrying on of the war. We have done everything we could to get money into the Treasury. We have increased the taxes, we have made available defense bonds and stamps in denominations from 10 cents up. All in an effort to get money to carry on the war. By this bill we create a potential drain upon the Treasury of billions of dollars, at a time when the Treasury can least withstand that burden.

The proper thing to have done, and had it been presented to the Congress before this policy obligating these billions was initiated by the executive branch of the Government it probably would have been done, was to have established a commission to adjudicate these losses. A report would have been made to the Congress and the Congress would have decided whether the Treasury of the United States was in a position to pay these losses. In other words, private enterprise and private losses should be and must be subordinated to the war effort, but we have little or nothing to say about that. To my knowledge no Member of Congress was consulted before the Corporation was created. Has the Congress become so impotent and ineffective as the mouthpiece of our people, that the Executive was justified in so completely ignoring it in the establishment of this new and untried policy which binds us to appropriate perhaps billions of dollars?

The most flimsy language was used as an authority. Can you affiliate in any manner whatsoever the language of the act wherein it authorizes the creation of a corporation to expedite national defense, with the establishment of a corporation having potential liabilities of billions of dollars to give free property insurance against enemy attack?

The reason given to me was that it established and maintained morale. On the same premise, we should repeal all of our war-tax laws. On the same premise, of course, we should reimburse all losses to nonwar industries which have had to go out of business because material used by them was needed for guns, planes, tanks, and ships. On the same premise, of course, we should give a free hand to enterprise to go out and do as they please. But no, we have regimented industry, we have regimented the resources of this country to carry on a war effort, and we have logically not seen fit to decrease the intensity of our war effort because of its possible effect on morale. Nothing is so destructive of morale as unsound fiscal and war policies.

Morale will be able to withstand these shocks, and morale would have been able to withstand such shocks if it had not been for the demagogic appeal which has been made to every property owner of the United States. There is little the Congress can do now, if faith with the people is kept, but to adopt the conference report. All this bill does and all it is intended to do is to confirm the action which has already been taken with questionable authority. It is advisable that the country at large share any losses from enemy attack. This bill accomplishes that purpose.

We have provided that the rates shall be uniform, and we who are outside of the risk areas are glad of the opportunity to establish as a policy that the people in the risk areas shall not pay a disproportionate amount for this insurance now that the policy has been established.

So we adopted some language as a compromise which has as its purpose the establishment of two policies.

Mr. Claude E. Hamilton, general counsel of the Reconstruction Finance Corporation, has interpreted the language in respect to these policies in advance for us.

The language used is as follows:

> But in view of the national interest involved, the War Damage Corporation shall from time to time establish uniform rates for each type of property with respect to which such protection is made available, and, in order to establish a basis for such rates, such Corporation shall estimate the average risk of loss on all property of such type in the United States.

In answer to my inquiry of Mr. Claude E. Hamilton as to how this language would be interpreted, he informed me, and informed the conferees, that his interpretation of the language which I have just read would be that, first, it would establish a uniform rate throughout the United States on the various types of property, and second, it enunciated the intent of the Congress that the premium rate should be established as low as it could be, consistent with good business practices, but that it did not otherwise set up a standard for the establishment of any rate.

I make this a part of the RECORD so that there will be no question of legislative intent.

[Here the gavel fell.]

Mr. STEAGALL. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Speaker, I ask permission to revise and extend my remarks in the RECORD and to include in those remarks a letter from Secretary Jones.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. ROLPH. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. ROLPH. Referring to the statement of the gentleman from Michigan [Mr. WOLCOTT], the ranking member of the committee, that you have advocated uniform rates all over the country, on behalf of one of the districts in the strategic area, I want to thank the members of the committee and the conferees for establishing that policy.

Mr. GIFFORD. Mr. Speaker, I think it is in the minds of very many of us to inquire what these rates may probably be. We have been trying in the last several days, while in conference, to get that information, and it was understood that when the conferees finally reported a letter from Secretary Jones would be incorporated in this report. Perhaps I was in error, so I rise at this time to assure you as far as I can that the Secretary has given us interesting information as to probable rates. He intends to see to it that insurance companies do as much of this business as possible and that they charge not much more than $1 per thousand on residential property. That is, if you want to insure your home for $5,000, have a rider placed on your present insurance policy at a cost of not more than a $5 premium for a $5,000 policy. I imagine no one would say that that rate would be unreasonable. Respecting other types of property, the

Secretary was more reserved in his statement. On some other properties that are especially valuable and perhaps placed in especially dangerous locations, he may decide to have a rate, as in the case of income taxes, that is, a so-called graduated rate. I imagine, for instance, the Empire State Building would lend itself, probably, to being a real risk; and if the owners wanted to insure for a very large amount, a higher rate might be imposed.

THE SECRETARY OF COMMERCE,
Washington, D. C., March 17, 1942.

Hon. FRANCIS MALONEY,
United States Senate,
Washington, D. C.

DEAR SENATOR MALONEY: In our consideration of rates to be charged by the War Damage Corporation for protection against enemy attack, we are of the opinion that, since losses resulting from the war are a national responsibility, there should be no discrimination in rates because of geographic location.

Our thought as to appropriate rates is as follows:

Ten to 15 cents per $100 coverage for farms, dwellings, and commercial properties up to $10,000; from 15 to 20 cents per $100 coverage on such risks between $10,000 and $25,000; and graduated rates on all amounts above $25,000.

I doubt the advisability of making these suggestions a part of the legislation, but this letter could be put in the RECORD as a part of the discussions. If the committee prefers making it a matter of legislation, there can, of course, be no objection.

My thought about this is that the War Damage Corporation, with the approval of the Secretary of Commerce, should have as much latitude as possible to fix rates for such protection.

Sincerely yours,

JESSE H. JONES,
Secretary of Commerce.

I am also grateful that the committee has decided that Members from Arkansas, Nebraska, and other inland States should be willing to have the rates computed at a uniform rate. It would be interesting to me to give you certain information, but if you will read the Boston Herald received here yesterday, you will read statements made by a very prominent individual from Massachusetts holding a high position in civilian defense, who told his audience that we might well expect the bombing of our section. He reminded us that bombing planes could so easily fly from here there—and they are flying there every day—probably they could fly from there here if they felt so inclined. So if we think there is going to be but little bombing, accept that as our own opinion and not think that all feel this protection is not necessary.

I also remind you that there are perhaps too many frightening things being said and done. We must reassure our children at least. Would this meet with your approval? Last week I spoke to a group of grammar school students from 11 to 14 years of age I suggested that if Jap bombers or German bombers were reported to be near, to sort of thumb their noses at them and show no greater fear than of that automobile whizzing by, which would get you if you do not watch out. I bring this up simply to show that we feel that bombings will be very limited, and not to be compared with the usual dangers of our everyday life. Whether this legislation will be reassuring or more frightening I do not know, but it is thought we have been shown the necessity of providing this sort of insurance.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. KEEFE. The provisions of this bill extend protection, as I read it, to such property "situated in the United States, including the several States, the District of Columbia, the Philippine Islands, the Canal Zone, the Territories and possessions of the United States, and any such other places as may be determined by the President to be under the dominion and control of the United States."

Would the gentleman advise us what that means or what is contemplated?

Mr. GIFFORD. Yes. We asked particularly about that. We have lost control in some places now, though perhaps later we might regain control. Many such problems will probably come back to the House for determination later. We could not determine very definitely what the future problems of conquered possessions might demand of us. We have to leave a great deal of latitude in these matters with the War Damage Corporation.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. GIFFORD. Mr. Speaker, would the gentleman yield me a half minute more?

Mr. STEAGALL. I yield the gentleman another minute. I call the gentleman's attention to a statement he made which is not quite accurate. There was no understanding on the part of the conferees that the letter of Mr. Jones would be incorporated in the conference report. He addressed a letter to the conferees and stated that it might be incorporated in the RECORD. There is no objection to putting the letter in the RECORD.

Mr. GIFFORD. That is what I thought, but I am glad the gentleman has no objection to my putting the letter in the RECORD. In closing I might say that some Member might wish to bring up the question of intangible personal property. We thought that intangibles might be omitted in that your valuable letters, stocks, and bonds, and other intangibles might well be deposited in safety vaults, or easily otherwise hidden or protected.

The SPEAKER. The time of the gentleman from Massachusetts has again expired.

Mr. DEWEY. Mr. Speaker, will the chairman of the committee yield to me for a question?

Mr. STEAGALL. Yes.

Mr. DEWEY. I am wondering if consideration was given by the conference committee to those people who, after this matter becomes a law and rates are posted and the contracts are obtainable, do not avail themselves of these policies? Would such people who have sustained damage be foreclosed from coming to the Congress and seeking private relief?

Mr. STEAGALL. Oh, the gentleman knows that nobody is precluded from coming to the Congress with a petition on any of their problems—financial or otherwise.

Mr. DEWEY. It is generally supposed that if they had opportunity to obtain this insurance, that will put them in a position where they could not obtain public relief.

Mr. STEAGALL. Of course, that is a question that may arise and we cannot tell now just what is going to happen in this war. It may be that numbers of people will not avail themselves of the opportunity to protect their property by this insurance, and a situation might possibly arise where bills would be offered for relief, but what would happen no one can tell now. What we are trying to do—and this should have been said in connection with the statement of the gentleman from Michigan—is that we are undertaking to protect the morale of the people of the United States in the situation that confronts us and this measure is one of the most important steps that can be taken to accomplish that. We are approaching the problem as a national responsibility. We have undertaken to establish a system that will require citizens to pay for the protection that will be afforded. We are trying to protect the Treasury. That is what is contemplated by this legislation.

Mr. DEWEY. May I continue that inquiry further in this way. In the hearings before the Banking and Currency Committee was it not brought out that the purpose of this type of legislation is to relieve the public revenue from claims on the part of people and to offer a service that might be put on a business basis?

Mr. STEAGALL. That is absolutely true, and it is expected that the insurance companies will take over this business. We don't know that they will. That is contemplated, and if they do not, there will be plans worked out, it is hoped, by which reinsurance may be extended, and the service may be handled by the insurance companies.

Mr. DEWEY. I thank the gentleman for clearing that up.

The SPEAKER. The Chair would like to learn how much more time is necessary in the consideration of this bill. The Chair was informed that it would not take very much time.

Mr. STEAGALL. I think that we are through now, Mr. Speaker. There are no further requests for time, I think.

Mr. SMITH of Ohio. Hearings on this bill by the Banking and Currency Committee were held on the 2d, 3d, 4th, and 5th of January. The question was raised seriously in the committee as to whether it might not be advisable to provide for the payment of premiums on property which might be lost up to the time of the writing of insurance contracts. At that time we were not thinking of any damage except that which occurred at Pearl Harbor. The committee for some reason took no action on requiring such premium payments. Since that time we have had an immense amount of sinkings. I would like to have an expression

from the gentleman from Alabama as to whether we may not have made a mistake in not providing for premium payments on property which might be destroyed up to the time when actual contracts can be written.

Mr. STEAGALL. Of course, that is a matter that is past. What the conference report does is to embody the House provision in that respect, so that the matter is closed.

Mr. Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. KOPPLEMANN].

Mr KOPPLEMANN. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KOPPLEMANN. Mr. Speaker, I have attempted on behalf of Members of the House to get fair treatment in respect to a private bill. I called the gentleman from Oregon [Mr. MOTT] this morning. He definitely told me that he would object to a fair request for an opportunity to develop arguments in favor of this private bill. He told me he was opposed to it because he was against this kind of people coming to America. Of course, I told him I would make objections if he were that unfair. The responsibility lies upon him. But since that time very decently the able chairman of the Committee on Immigration has suggested a plan whereby this private bill may be considered by the House and voted up or down by the entire membership instead of being objected to by the unfair prejudice of a single individual.

I now withdraw my objection.

[Here the gavel fell.]

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. STEAGALL. I yield.

Mr. KEEFE. Will the gentleman indicate whether or not the hearings on this bill determined the character of the property that might be insured in those places which might be determined by the President to be under domination and control of the United States? In other words, does this contemplate that we shall insure the property of any person except United States citizens?

Mr. STEAGALL. It does not.

Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. VINSON].

The SPEAKER. The Chair intends as soon as this conference report is agreed to to recognize the gentleman from Kentucky [Mr. O'NEAL] to call up the legislative appropriation bill and will not recognize Members for 1-minute speeches.

Mr. VINSON of Georgia. Mr. Speaker, I desire to call the attention of the House to the fact that on tomorrow morning the Naval Affairs Committee will begin hearings on the bill H. R. 6790, a bill to suspend the 40-hour week, the closed shop, and to place a limitation on properties. I invite all Members who are interested in this legislation to get a copy of the bill, to study it, and I extend to you a cordial invitation to come before the Naval Affairs Committee with any suggestions or criticisms that you desire to make of the bill.

[Here the gavel fell.]

Mr. STEAGALL. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

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.

PARLIAMENTARY INQUIRY

Mr. REED of New York. Mr. Speaker, a parliamentary inquiry Did I understand the Chair would not recognize any Member to ask unanimous consent to extend his remarks at this point?

The SPEAKER. The Chair will recognize the gentleman from Kentucky [Mr. O'NEAL] to call up the legislative appropriation bill at this time.

LEGISLATIVE BRANCH APPROPRIATION BILL, 1943

Mr. O'NEAL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6802) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1943, and for other purposes; and pending that I ask unanimous consent that general debate may extend for 1 hour, the time to be controlled one-half by the gentleman from Nebraska [Mr. STEFAN] and one-half by myself.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. STEFAN. Mr. Speaker, that is satisfactory.

There was no objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Kentucky.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6802) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1943, and for other purposes, with Mr. THOM in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. O'NEAL. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, this is our bill; it is the legislative appropriation bill. It provides appropriations for the Senate, the House of Representatives, the Capitol Police, the Joint Committee on Printing, the Joint Committee on Internal Revenue Taxation, the Office of the Legislative Counsel, the Architect of the Capitol, the Botanic Gardens, the Library of Congress, and the Government Printing Office. This is a somewhat unique bill. It is unique because it was the unanimous action of the Subcommittee on Legislative Appropriations. It was not only the unanimous action on the bill, but I think the members of that committee, the gentleman from South Carolina [Mr. HARE], the gentleman from Washington [Mr. LEAVY], the gentleman from Nebraska [Mr. STEFAN], and the gentleman from Indiana [Mr. JOHNSON], and the chairman were in agreement not only on the bill but on every item in the bill. We regretted that the ranking minority member the gentleman from New Jersey [Mr. POWERS] was serving on another committee which made it impossible for him to attend the meetings of this committee.

This bill is unique in another particular. This is the complete program of appropriation for one part of the Government, the legislative department. All of it is in one bill, and except for one item this takes care of the entire running expenses of one great branch of the Federal Government, the legislative branch. This bill is further unique in that it is cut to the bare bone. There is only maintenance and operation in this bill. This has been pared to a point where there are no increases in the House of Representatives' work, and it is a simple maintenance proposition. It is further unique in that it establishes, in my opinion, not the bill but the will behind the bill that Congress itself is exercising the most rigid control of its own expenses. I do not believe there is a department of Government that is so regulating its own expenses from the standpoint of economy that it compares with what Congress itself is doing to see that there are no useless and wasteful expenditures in its department. This is unique in my opinion from the standpoint of economy, and it is interesting to note that the amount in this bill for the operation of Congress is a sum which amounts to only one-third of 1 percent, one three-hundredths of the expenditure for nondefense agencies; one three-hundredths of the sum we appropriate for nondefense operations of the Government is the amount that Congress pays for the operation of the entire legislative department.

Since this is the bill of Congress, your bill, I ask your indulgence in engaging in a recitation of figures and small items which ordinarily might not be called to the attention of the House; but this being the bill where the committee is reporting to you as to your own House and how it is kept in order necessitates a little more explicit explanation than a bill would ordinarily receive. The amount which came to this committee from the Budget was $28,850,000.

The 1942 appropriations were $29,389,000, but the amount recommended in this bill is $27,581,866. The bill to run the legislative department in 1943 is $1,807,258 less than the 1942 appropriation, and $1,268,952 less than the Budget estimate. Of the $27,000,000 in the bill, Mr. Chairman, the part to run Congress can be pared to $20,000,000. The amount chargeable for every expense of the legislative department is about $20,500,000.

It is interesting to note that the amount of money appropriated to run our own establishment would not be sufficient to build one of the buildings being built for the Government. The cost of a flood wall would run the entire legislative branch for a year and a half. The amount of the unemployment bill, for $300,000,000 which was under discussion by the Ways and Means Committee would run Congress and pay all expenses for over 15 years.

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield at that point?

Mr. O'NEAL. I shall be very happy to yield.

Mr. ZIMMERMAN. I just want to take this opportunity of expressing to the gentleman and to his subcommittee my appreciation of the real economy they have practiced in this bill. It is my sincere hope that other committees that bring in appropriation bills will follow the action of this committee in cutting down appropriations to the very bone. I feel that this committee deserves the congratulations of the country, and all of us will be interested in noting the several items where these cuts have been made.

Mr. O'NEAL. I thank the gentleman very much.

Mr. EDWIN ARTHUR HALL. Will the gentleman yield?

Mr. O'NEAL. I yield to the gentleman from New York.

Mr. EDWIN ARTHUR HALL. I want to echo the gentleman's sentiments and express my own appreciation for the remarkable work that the subcommittee has done in keeping these expenditures down.

Mr. O'NEAL. The committee very greatly appreciates the gentleman's statement.

Mr. LAMBERTSON. Will the gentleman yield?

Mr. O'NEAL. I yield to the gentleman from Kansas.

Mr. LAMBERTSON. The gentleman says this is the legislative appropriation bill?

Mr. O'NEAL. That is correct.

Mr. LAMBERTSON. Can the gentleman assure the country there are no pensions in here for Congressmen?

Mr. O'NEAL. There are a great many sacrifices in here on the part of Members, but not pensions.

Mr. LUDLOW. Will the gentleman yield?

Mr. O'NEAL. I yield to the gentleman from Indiana.

Mr. LUDLOW. I want to express my commendation to the gentleman from Kentucky. There is not a Member of this body, or any other legislative body, who is better qualified to serve as a member of the Appropriations Committee than the gentleman from Kentucky. He has superb business vision and is very alert always in looking after the interest of the taxpayers. I endorse everything that has been said by the gentlemen who have paid their tributes to him and I am sure that the House and the country owe a genuine debt of gratitude to the gentleman from Kentucky. The gentleman is held in the highest esteem by all Members of both branches of Congress because of his great ability, his common sense, and sound principles. The Third District of Kentucky made a notable contribution to the public service of the Nation when it sent the gentleman from Kentucky [Mr. O'NEAL] here and I hope it will keep him here as long as he lives.

Mr. O'NEAL. I appreciate very much what the gentleman has said.

With reference to the amount required to run the legislative branch of the Government, may I say that one W. P. A. bill would run all of the expenses for the legislative branch for 50 years. Referring to the very complimentary things spoken of the committee, I would like to say that this bill is not the action of the committee but it is an expression of the sincere purpose of the Congress to practice economy. There are economies practiced personally on the part of the Members, and as a body this great legislative branch is making a tremendous effort to save money wherever it is possible and they are doing as they should do, putting their own house in order as an example for others to follow.

If you will look at the report and will turn to the back of it you will see there are practically no increases. There are some with reference to grade promotions under the law, but you will observe there are practically no increases and a great many cuts.

To come to specific items—and I will not try to be too lengthy in what I have to say—since this is our bill, as I have stated before, I feel that we should have some of the little intimate details of what goes on "on the Hill."

As to the Senate appropriations, we followed the precedent which has existed for many years. The House Appropriations Committee reported the last year's current appropriations and the Senate may control its own activities. We have nothing to say, or we say nothing about it. We send it to them and they in turn take the same attitude toward the appropriations for the House of Representatives.

This year the House of Representatives has $9,235,000 in its appropriation, which is $315,000 less than last year, the 1942 appropriation, and $21,000 less than the Budget estimate.

Mr. Chairman, although this committee is in a difficult position, there are no new employments and no increases in salary in the appropriation bill. So that we may begin at home, the Appropriations Committee will draw in this bill $3,100 less than it drew last year.

The restaurant appropriation is of interest. We have cut down the appropriation for that purpose. Although food costs have gone up, by careful management it will be possible to operate the restaurant for less money than was provided last year.

We allowed only the same amount as last year in the item covering the laundry work in the Capitol, although bids for the laundry work have gone up this year 80 percent over what they were last year, but by careful management and careful scrutiny we believe that we should not spend any more for that than we did last year.

There was an item in the estimates for typewriters. We are asking the Members this year to do without new typewriters. In the first place, when the estimates were prepared there was nothing forbidding the purchase of typewriters. I am told, although I do not know, that there is a ban on the purchase of typewriters. However, we have a repair force that can take the typewriters and put them in first-class shape. The membership, we believe, can do without new typewriters with no serious sacrifice on their part.

[Here the gavel fell.]

Mr. O'NEAL. Mr. Chairman, I yield myself 10 additional minutes.

Mr. Chairman, I would like to explain to the committee how little items are looked into by the House of Representatives. We take rugs down to our repair department that ordinarily would be thrown away. The repair department takes those rugs, cuts them up, and makes new rugs out of them that will last 4 or 5 years. You are using many desks in your offices that were put in the House of Representatives when the old House Office Building was first built. Old roll-top desks have been sent to the cabinet-workers shop, the tops have been taken off, and those desks have been made into modern desks, saving a great deal in the cost of purchasing new ones.

There are a couple of changes in the bill which I would like to mention; one is air-mail-stamp provision. As you know, there was $50 a year allowed for air-mail stamps. A great many of the Members who live near at hand needed special-delivery stamps. So without increasing the amount we have put in here a change of language which will make it possible to have that amount used either for air-mail or for special-delivery stamps.

There is another legislative matter in the bill. The disbursing clerk can now act for the Clerk of the House, which he was not able to do before. This, you will find in the report.

Under the Architect of the Capitol, the amount allowed is $2,115,000. This is $313,000 less than last year, 1942, and $453,000 less than the Budget estimate.

We have allowed money, again, only for maintenance and operation of the great plant we have here, except in one item. There is a sewer condition on the west side of the Capitol which was studied last year, and it is an emergency, so $39,000 was put in the bill for the repair of that sewer. Otherwise, the entire amount is for maintenance and operation.

For the power plant we have allowed $782,281, which is $206,440 under the estimates and $15,885 over the Budget estimate. The committee eliminated several items, especially $194,000 for a cinder eliminator.

The increases are outlined on page 6 of the report. The price of coal obtained by competitive bidding has jumped 35 cents a ton, which necessitates a large increase in fuel costs.

The Architect of the Capitol is in charge of the mechanical and structural maintenance of the Library of Congress. Except for promotions required under the Ramspeck bill, the amount is $66,000 under the current appropriation and $195,000 under the estimates. We allowed some better lighting and roof repairs, but we disallowed a request for $97,000 for a new book stack. The cost of the book stack would be $165,000 under latest bids, so it seemed unwise to proceed with the expenditure now.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. O'NEAL. I am very glad to yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. I wish to commend the gentleman and his committee on having made a very definite reduction in the appropriation. While everything is going up, I see the reduction

approximates 7 percent under last year. That is a very substantial reduction.

The gentleman mentions a restaurant. We also have barber shops here. There is a popular belief throughout the country that the Members of the House get free shaves and free barber service. Some believe we get free restaurant service. I just wanted to emphasize here that the Members of the House pay for all of these services and pay good prices for the food and service they receive in the restaurant. This is not paid out of the Treasury at all.

Mr. O'NEAL. The gentleman is correct about that. It is a common fallacy that haircuts, shaves, soda water, and things like that are furnished the Members of the House of Representatives free. Not one of those items is furnished free. That idea is all a mistake.

Mr. COLE of New York. Mr. Chairman, will the gentleman yield?

Mr. O'NEAL. I yield to the gentleman from New York.

Mr. COLE of New York. Can the gentleman advise the House and the country how much is contained in this bill for travel allowance to Members?

Mr. O'NEAL. Just about enough for one Member and his family to come up here and go home on.

Mr. COLE of New York. How many times a year?

Mr. O'NEAL. One time, about; that is, if the experience of the other Members is about what has been the experience of the gentleman from Kentucky. When I say to come here to Washington, I mean that if you have a small family, to bring them here and return home would exhaust the amount of your travel allowance.

Mr. COLE of New York. There is no allowance for travel to Members of Congress other than one round trip each year?

Mr. O'NEAL. That is about what it would amount to, with an average-sized family.

Mr. ROBSION of Kentucky. Right on that point, the average Member of the House on his official duties must make more than one trip, generally several trips, to his State and back.

Mr. O'NEAL. In my opinion, the average Member of the House gets about one-fourth or one-fifth by way of travel allowance of what he spends traveling on Government business.

As to the Library proper, the committee recommends $3,786,205, which is $165,262 less than in 1942 and $367,482 less than the Budget estimates.

We allowed 12 necessary new positions, and we inserted a provision giving the Library permission to make purchases up to $100 without competitive bidding.

We have a high regard for the work of Mr. MacLeish and his staff, and a full discussion of the work of the greatest library in the world will be found in the hearings.

My time is running very short, and I shall have to make this statement a little more brief.

I call attention, skipping over what I had planned to say by way of detail, to the Government Printing Office. It is an amazing business proposition. If you have not been there, I think every one of you should make a visit to the Government Printing Office. We allow them $8,147,000 in this bill, which is $972,000 under the 1942 Budget and $425,000 less than the present Budget estimates. In this amount there is $3,000,000 which is merely a loan of credit to the Printing Office to help finance their operations. It is not an expenditure, so you can subtract that from the $8,000,000, which would leave a total of a little over $5,000,000.

The printing job of the Printing Office has jumped from $28,000,000 a year to probably $60,000,000 in the coming year. It will be necessary to send out $10,000,000 worth of work to the small and large printing houses throughout the United States. The Printing Office is trying to do that intelligently with an idea as to geographic distribution. It has sent 3,500 letters out to find out the capabilities of the various printing houses.

On the question of printing for Congress, the amount is $3,700,000. This is $800,000 under 1942 and $380,000 under the Budget estimates. But we have been in almost continuous session.

I call attention before closing to the CONGRESSIONAL RECORD and the hearings. The estimate came to us for $1,000,000 for the CONGRESSIONAL RECORD and $1,000,000 for the hearings, and in that, along with some other printing items, we have made an arbitrary cut of $250,000. The committee is not attempting to say to Congress what it should or should not do on this item of the CONGRESSIONAL RECORD, but we have appealed for economy and we know we express the desires of Congress that we do all that we think proper to reduce the expenditures for the CONGRESSIONAL RECORD, and to shorten the hearings.

This year the appropriation hearings are 25 percent less than they were last year. We believe this can easily be absorbed. Tabular matter in hearings costs four times what ordinary printing costs. By a little thought and attention we can effect economies and we certainly can absorb the $250,000 which should be saved from the amount usually spent for this purpose.

[Here the gavel fell.]

Mr. O'NEAL. Mr. Chairman, I yield myself 1 additional minute.

I would like to say that throughout these entire agencies under the legislative branch there are quite a few earnings. For instance, the Library brings in fees of over $700,000, and to offset partly these comparatively small amounts of expenditures, we have some monetary returns.

As chairman of this committee I wish to express my appreciation to the other members of the committee and I may say that in doing what we have done in this bill I feel we are only doing what Congress wants us to do—to put our own house in order and set an example of economy for all other departments of the Government.

Mr. LECOMPTE. Mr. Chairman, will the gentleman yield?

Mr. O'NEAL. I yield.

Mr. LECOMPTE. How many dollars of printing did the gentleman estimate that the Public Printer had sent out which he could not handle himself?

Mr. O'NEAL. About $10,000,000, and he is trying to handle that in a very fair way.

[Here the gavel fell.]

Mr. O'NEAL. Mr. Chairman, I yield myself 1 additional minute.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. O'NEAL. I yield to the gentleman from New York.

Mr. WADSWORTH. I am going to ask a question which I think I have asked at every session of the Congress for the last 20 years, or nearly so. It is not asked in a spirit of hostility. I have wondered all these years whether the management of the Botanic Garden should fall under the legislative body. I ask the chairman of the committee if any consideration has been given to the transfer of that activity to some executive department of Government.

Mr. O'NEAL. I may say to the gentleman from New York that if I have the opportunity during general debate I would like to answer him because it has back of it somewhat of a tradition. There is a good deal to the point that it should remain where it is because of tradition, but not so much from a business or logical standpoint.

Mr. WADSWORTH. I can remember the days when that paragraph at line 12, on page 35, was not included in the bill, and I suspect the tradition perished with the insertion of that language.

Mr. Chairman, I believe that Congress is practicing very rigid economy in its own business affairs, and I feel sure that it will sustain the committee's work on this bill.

[Here the gavel fell.]

Mr. STEFAN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I shall not take up much time because the distinguished chairman of the committee, the gentleman from Kentucky [Mr. O'NEAL], has explained the bill thoroughly.

Mr. O'NEAL. If the gentleman has some spare time following his remarks, will he yield some time to the gentleman from South Carolina [Mr. HARE]?

Mr. STEFAN. I can assure the gentleman I have no spare time, because I have requests for more time than I shall have to yield, but if we should have any remaining time I certainly shall be pleased to pass it over to the gentleman.

Mr. Chairman, I wish to take this opportunity to commend our chairman, the gentleman from Kentucky [Mr. O'NEAL], and the other members of the subcommittee who have been working on this bill, especially Mr. Sheild, our chief clerk.

I know that every Member of the House is well informed on the determination of our chairman, the gentleman from Kentucky [Mr. O'NEAL], to eliminate expenditures in Government wherever possible. He has that reputation in the Congress, and I assure you, Mr. Chairman, that every member of the subcommittee went over this bill with a fine-tooth comb, with the result that a great many deep cuts have been made in the bill as explained by our chairman.

You should know that this bill embraces a number of activities. It takes in all of the activities of the legislative branch of the Government. Of course, the No. 1 item, which is the Senate, is something over which we have absolutely no control. Then there is the House of Representatives, the Capitol Police, the Joint Committee on Printing, Joint Committee on Internal Revenue Taxation, the Office of the Legislative Counsel, the Architect of the Capitol, the Botanic Garden, the Library of Congress, and the Government Printing Office, which is the biggest printing office in the world.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield for a question?

Mr. STEFAN. I yield to the gentleman from Michigan.

Mr. CRAWFORD. The distinguished chairman of the subcommittee has emphasized, I think correctly, that this is our bill, meaning the Members of the House.

Mr. STEFAN. This is the bill making appropriations for the entire legislative branch of the Government. Not entirely our bill.

Mr. CRAWFORD. I wish to submit this question for the benefit of the public. Will the gentleman say whether or not the committee has made dead sure that this bill does not carry pensions for Members of the House?

Mr. STEFAN. I am glad the gentleman has asked that question.

Mr. CRAWFORD. I think the RECORD should show about that.

Mr. STEFAN. I can assure the gentleman from Michigan that there is absolutely nothing in this bill which has anything whatsoever to do with the granting of pensions to any Member of the House. That item has been repealed. It is a dead issue and should be.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. STEFAN. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Is it not a fact that even if funds had been carried for the so-called pensions that were at one time authorized, they would not appear in this bill, but would appear in the appropriation bill that carries funds for the civil-service retirement fund?

Mr. STEFAN. Of course, the gentleman knows that was an amendment of the Civil Service Act and had nothing to do with this bill whatever.

Mr. Chairman, although we have made many cuts in this appropriation bill there may be others which the Members can make when we come to the time when we read the bill under the 5-minute rule. As we take the bill up section by section we can discuss these items. You will find in the report that the committee recommends the temporary elimination of the Agriculture Yearbook in order to save $150,000. I do not object to holding over the printing of the 1943 book, but I believe the 1942 book should be issued in view of the fact that all the material for it has been gathered. I do not think the farmers in my district would object temporarily to holding over the 1943 book if it will help in our national defense program. I do not get enough of these books to go around. I have many requests for them. They are quite valuable to farmers and agricultural students.

But while we are cutting here we must see to it that there are cuts in other nondefense items and some sacrifices be made all around. The 40-hour week, the double time for Sundays, the big war profits, and many other things which the people in my State are now interested in must be given some attention in this House immediately. The people are demanding something be done and I hope when we do get these items we will see to it that capital and industry share in the sacrifices which labor and the farmers are being asked to undergo.

Mr. Chairman, I reserve the balance of my time and now yield 5 minutes to the gentleman from Kansas [Mr. LAMBERTSON].

Mr. LAMBERTSON. Mr. Chairman, first I add my congratulations to those of others to the gentleman from Kentucky [Mr. O'NEAL], the chairman of the subcommittee. Mr. O'NEAL is one of the ablest members of the Committee on Appropriations, and one of the most delightful Members of the House, a good lawyer, a fine American. He was a captain of Artillery overseas in the other war, and I hope that he stays with us a long time. If I lived in his district, I would vote for him.

Mr. Chairman, the recent defense of the closed shop, where a free-born American has to pay dues to a labor union before he can work in a defense plant, and the President's defense of time and one-half for overtime for all over 40 hours in defense industry that is drawing exorbitant wages today, and his further discouragement of any ceiling for wages, while trying to deflate the farmer who has not reached parity, to prevent inflation, are un-American. It is about as far from the rank and file as the two poles. The Commander in Chief is asking for $17,000,000,000 extra outlay for planes today, and if these ideals which he enunciated yesterday are maintained, at least five billions of the seventeen will be gravy, beyond a fair wage, to be paid for in sweat and taxes in the years to come.

I prepared the above for a 1-minute speech and did not get to make it, and now I am going to add a little extra to it. Another thing that the President said yesterday which startled me was—and here are the words I take from what is quoted:

> However, he added, there has long been a national standard prescribing pay at the rate of time and one-half for overtime.

A long time? The Wage and Hour Act was approved in June of 1938, just 1 year to the month before the King and Queen of England visited here and just 2 years to the month before the first billion dollars for defense in the emergency came before our deficiency subcommittee. The President said it had been "long" established by the Government. We defeated the wage-and-hour bill in December before. A great deal of pressure from high places was worked on the Members of the House—more than I ever saw happen before—and it was brought back and forced through the House in the spring of '38. It was actually forced through the House of Representatives. It was my privilege to move to recommit the bill. If my motion had prevailed, the Government would have been saved billions of dollars. It was for the subnormal worker, for the sweatshop. Now, to get on about it, these wages are high. It now appears that in an arrangement between the labor leaders and the President, they are not to have double time for Sundays, but are to keep the other arrangement—that is, 40 hours a week with time and a half for overtime. I say that is un-American at this time. The closed shop is un-American. It is defended by the Labor Department. There is no ceiling for these wages placed at this time and that is un-American also. We had in our committee yesterday on deficiencies, and I guess I am privileged to talk about this, because there is a Budget estimate for the request—testimony that 100 new conciliators are needed, because there has been more labor trouble since Pearl Harbor than there was before. Get that, and see how that coincides with what was said yesterday by the President at his press conference. There is a general atmosphere among administration leaders to let labor have its way and alibi by saying, "What more can we do about it?" It is cowardly.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. STEFAN. Mr. Chairman, I yield now to the gentleman from South Dakota [Mr. CASE].

APPOINTMENT OF MAC ARTHUR

Mr. CASE of South Dakota. Mr. Chairman, nothing that has happened since December 7 has so much pleased the legislative branch of the Government as the appointment of General MacArthur as commander of the forces of the United Nations in the Pacific. If the executive branch will now give the green light to the legislative branch of the Government for legislation to curb profiteering contractors and racketeering labor leaders the people of the United States will be equally pleased.

I ask unanimous consent to extend my remarks in the RECORD on this subject.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. O'NEAL. Mr. Chairman, I yield the remainder of the time on my side to the gentleman from South Carolina [Mr. HARE].

Mr. HARE. Mr. Chairman, as a member of the subcommittee, I reiterate the statement made by the chairman of the committee a few moments ago that the committee was unanimous in its opinion and action in reducing expenditures for the legislative branch of the Government. I should say, however, that we were not entirely unanimous in the full committee amendment to eliminate the publication of the Agricultural Yearbook, and I take this occasion to say that I hope that that amendment will not prevail.

Mr. TARVER. Mr. Chairman, will the gentleman yield?

Mr. HARE. I yield.

Mr. TARVER. Was there any witness at all before your subcommittee who testified about the Agricultural Yearbook,

or is there a line of evidence in your hearings about it?

Mr. HARE. I do not recall that there was.

Mr. O'NEAL. Will the gentleman yield?

Mr. HARE. I yield.

Mr. O'NEAL. Does not the gentleman think there were several very good witnesses on the committee who knew all about it?

Mr. HARE. I think probably the committee too' judicial notice of testimony advanced in the consideration of the Department of Agriculture appropriation bill. However, that was not sufficient evidence to convince me that it should be reduced in this bill.

I do want to call attention, however, to this: In the publication of the CONGRESSIONAL RECORD the committee—or at least one member of the committee—feels we might make some reduction in that appropriation. My thought is that if we were to eliminate from the CONGRESSIONAL RECORD the publication of newspaper editorials, articles from magazines, and periodicals of various kinds, we could reduce the expenditures for the CONGRESSIONAL RECORD very materially. Yesterday I took occasion to note for the day previous that of the 32 pages in the Appendix of the RECORD, 16 pages, or exactly one-half, were filled with editorials from various newspapers, periodicals, and magazines. The editorials, of course, were informative. Most of them were able and timely, but I question the advisability and wisdom of the Congress of the United States appropriating money to further publicize these articles or editorials. Your committee could eliminate the appropriation for this purpose in the House, but unless similar action should be taken by the Senate nothing would be accomplished. I suggest that the Joint Committee on Printing might submit a resolution eliminating such articles to both the House and Senate for consideration.

Mr. HAINES. Mr. Chairman, will the gentleman yield?

Mr. HARE. I yield.

Mr. HAINES. Is it the gentleman's thought that we would eliminate the main body of the RECORD, or simply the Appendix?

Mr. HARE. Eliminate simply the editorials from periodicals, newspapers, and so forth. I would not eliminate any statement made by any Member on the floor of the House.

I doubt whether there would be an average of 16 pages per issue devoted to the inclusion of editorials, but if the average was only 10 pages per day, or even less, the total for the year would be more than the appropriation carried in the amendment to eliminate the publication of the Agricultural Yearbook. We must remember that Congress is in session nearly every day of the year, and 10 or 15 pages per day will run into volumes during the course of a year. During the 8 years I served in the House—from 1925 to 1933—the Congress was in session on an average of 176 days per year, but since my return 3 years ago the Congress has been in session on an average of 349 days per year. We are trying to cut appropriations everywhere, particularly in nondefense items, and I am convinced that the magazine articles or editorials in the RECORD are not indispensable to the defense program.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. STEFAN. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. HARNESS].

Mr. HARNESS. Mr. Chairman, I join with my colleagues in commending this committee for the substantial reductions they have made in this appropriation bill. I hope that other committees bringing appropriation bills before the House will follow this lead.

I was pleased with the reductions made in the Department of Agriculture appropriation bill last week. I think we could have cut out more nonessential and unnecessary appropriations in that bill than we did, but I think the start made by the House was good for the country.

I hope this marks a definite trend toward sharp retrenchment in every last one of our nonessential activities. Let every expenditure which is not a direct and immediate contribution to victory be stopped completely, or pared to the bone.

Let us be as realistic as the country at large about these endless bureaus and agencies and propaganda mills. Let us make them justify their continued existence in cold facts, or chop them off ruthlessly.

If you think the people of the country are not favorable to a reduction of these nondefense appropriations and nonessentials I want to read a telegram that I just received this morning from a group of farmers in my district. This telegram is dated Huntington, Ind., addressed to me, and reads as follows:

> Following farmers of Huntington County want further reductions in agricultural appropriation bill and all bonus payments eliminated. We want parity prices and no more.
>
> Paul Beaver, Gerald Smith, Ervin Stultz, Perry Warner, Marshall Miller, Lester Eller, Ruby Eller, Clifford Fox, Almeda Fox, Clyde Smith, W. Brown, Levi Rodocker, Ernest Lowery, Jesse Rinerison, John Faviner, Clarence Layman, William Michel, Robert Warner, Howard Haines, Hobart Sprinkle, Walter Harris, Ralph King, Wilson Jones, Cyril Lahr, Mrs. Willis Fernderburg, Eleanor Rice, Dean Rice, Harry E. Harness.

I hope that other appropriation bills that are brought here will be stripped of their nonessentials. Our people realize that we are at war. I think they are away ahead of Members of this House in their desire to make sacrifices in order to win this war. I hope the House will bear in mind the desire of the people in this connection.

[Here the gavel fell.]

Mr. STEFAN. Mr. Chairman, I now yield to the gentleman from Michigan [Mr. WOODRUFF] 7 minutes.

Mr. WOODRUFF of Michigan. Mr. Chairman, Gen. Douglas MacArthur is in Australia with his staff. Thank God for that. He properly is in supreme command of all Allied forces in that part of the world. He has, more than any other man in the world, earned that distinction. He was ordered there by his own Commander in Chief, the President of the United States. We start from here.

Have we and our Allies at last come to our senses, and do we now recognize the Japanese juggernaut for what it is—a greater threat to the civilization and freedom we have known than even the Nazis themselves? If so, are we now prepared to supply our great military leader with the Army and Navy air services, the equipment, the supplies necessary to enable our men properly to do the job ahead of them? Is MacArthur to have Navy cooperation necessary to safely move the men and equipment and supplies to him in time to save Australia and stop that juggernaut in its tracks before it can cross the Indian Ocean? If not, why not?

Let us take stock. What is wrong with our war preparedness program anyway? Why is it that in the year and 9 months the Congress has been voting money for this purpose in rapidly increasing astronomical amounts, until, including the latest demand of the President for seventeen billions more, those sums now aggregate more than $160,000,000,000, we still have not hit our stride in production? Why is it, I ask? There is something wrong somewhere. There is something or someone to blame. What is it or who is it?

It cannot be the Congress, because we have given the President all the money and all the legislation he has requested We have been unstinting in that. It cannot be the people. They have given their consent; yes, they have stood by, but with growing uneasiness at the staggering appropriations and the unsatisfactory results we have achieved. It cannot be industry, because business has with rare exception given this Government its most complete and loyal cooperation. From the first the President has had the power to enforce such cooperation had it been necessary.

It cannot be labor, because the great mass of men who labor in the mills and factories are just as unselfishly patriotic and just as anxious to do their full duty to their country at this time as any other group of citizens possibly could be. There are those, however, within labor's ranks who have neither the unselfishness, the patriotism, nor willingness to properly cooperate in this national emergency. Those individuals should be driven from the ranks of honest labor. If they are not willing to work at high wages, in the security of this country, in order that those who must do the fighting and the dying may quickly have a full measure of the most efficient equipment, perhaps the alternative of serving at $21 per month in the fox holes and jungles of the Tropics with the men doing the fighting might give them some idea of what citizenship responsibility means.

It cannot be the American farmer, regimented as he is, because he is the one unfortunate individual who, when he sells the products of his farm, is at the mercy of the man to whom he sells. He has

nothing to say about the price he receives for his crops. When he buys the products of industry, he finds himself at the mercy of the man from whom he buys. He pays the price asked, or he goes without the things he needs. No, it is not the farmer. Well, who is it?

Our situation is desperate. The delays thus far have been unconscionable. Every hour's delay in reaching peak production should be and must be, in the end, computed in thousands of men, women, and children killed or injured.

We learn that President Roosevelt is now studying a plan for a general ceiling on prices, wages, and profits. Well, it does not require much study to reach the conclusion that if we are to avoid runaway inflation this ceiling must be fixed.

We were faced with this same situation in the first World War. One man straightened things out in a hurry. He was the outstanding individual in war-production efforts of that day. He still knows what it is all about. He has not forgotten what he learned in those days. That man was Bernard M. Baruch. As a result, we equipped and put an army of 4,500,000 trained men in the field. One-half of them fought on foreign soil. We won that war and at its finish, when our troops were again at home and we balanced the books, it had cost less than one-third the amount the President has already requested for this war, and we now have neither equipped nor properly trained more than a mere fraction of that number of men. As a matter of fact, Mr. Chairman, we have not as yet really begun to fight.

Everyone concedes that this is to be a long war. It will take years and will cost the lives and the health of many tens of thousands of fine young Americans to undo what has been done in the Pacific alone since December 7, 1941. With our present program of expenditures and our present apparent indifference to the mounting costs of that program, who would dare prophesy the extent of the expenditures, both of life and money, that will be made by this Government before our war objectives have been reached.

Any person informed as to what is happening in this country realizes that if we are to stop these mounting costs—this constant increase in the cost of living and the cost of the war itself—if we are going to do the thing which plain sanity dictates, the price of everything, including wages, must be fixed on a fair basis and kept there, and this should be done at once.

More than 2 years ago Mr. Baruch urged the President to appoint a one-man control and direction of war production. Mr. Roosevelt only recently followed that advice. It was longer ago than that that Mr. Baruch pointed out the difficulties of attempting to deal separately with prices, wages, and profits. And we are told that the President is only now beginning to study the proposition.

When the so-called anti-inflation bill, a bill that met the approval of the President, was passed a short time ago, Mr. Leon Henderson himself said that under the provisions of that measure inflation could not be stopped. It could not be stopped because it was not all-inclusive. It proposed to fix prices on everything except wages, the one item which enters more largely into the cost of production of goods than anything else. The answer seems clear to me, and I suggest that in the future the President listen only to those whose training and experience is such as to equip them to point out the road along which success will be found—that he follow their advice to the exclusion of the advice of all others. Let's go. Nothing but top speed will do. Let those who stand in the way beware the wrath of an aroused American people.

Mr. STEFAN. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. JONKMAN].

Mr. JONKMAN. Mr. Chairman, the bill (H. R. 6750) which was scheduled to come up for consideration this week, is a measure to evade sales and use taxes imposed by some of the States in lieu of ad valorem taxes on real and personal property. Contractors engaged in furnishing war material to the United States are, of course, subject to such taxes and it was the confirmation of this principle in State of Alabama against King & Boozer and the United States and companion cases in the Supreme Court of the United States which allegedly gave rise to the legislation.

The bill is an amended version of H. R. 6617 upon which hearings were had and from which it does not differ materially.

H. R. 6617 was introduced by the gentleman from Missouri [Mr. COCHRAN]. His claims for the meritoriousness and constitutionality of this legislation seem to be based largely upon alleged recommendation of its enactment by the Supreme Court in the above-named decision. The gentleman from Missouri appeared before the committee as a witness and stated "the Supreme Court in its decision practically told the Congress to enact legislation to exempt national defense expenditures other than the contract between the Government and the prime contractor." And later, "As I said the Supreme Court clearly indicated in its opinion that the Congress had the power to enact legislation of this character."

The gentleman from Missouri intimated that in this contention he would be backed up by witnesses to be produced before the committee and especially the judge advocates general.

The only testimony so adduced, according to the printed hearings, was first by Maj. Gen. Eugene Reybold, Chief of Engineers, United States Army, who said:

> I am advised that the power of Congress to immunize the national defense effort was fully recognized by the Supreme Court in the two Alabama decisions and even more strongly in a third case decided the same day, the discussion of which problem I shall leave to the War Department attorneys.

The only other witness on this point was Lt. Col. Ernest M. Brannon, Judge Advocate General's Department, who said:

> In other words, they would not assume, where an indirect burden was imposed on the Federal Government, that there was interference with the constitutional functions of the Government. But they clearly stated in those cases that it was a matter for Congress; that if there was interference in these cases Congress might decide and prevent it.

It is clear that the gentleman from Missouri received no backing whatsoever from these witnesses, and indeed it would be novel for the Supreme Court to "practically tell Congress to enact legislation." I am afraid the gentleman was in error, and his predominating premise for the enactment of this legislation was unsound and misleading.

Now what did the Supreme Court say on the subject of legislation on this matter in the Alabama cases? I quote:

> Congress has declined to pass legislation immunizing from State taxation contractors under cost-plus contracts for the construction of governmental projects.

Here the Court makes reference to a footnote:

> See proposed Senate amendment No. 120 to H. R. 8438.

This amendment was as follows:

> *Provided*, That all purchases under contracts entered into under the authority contained in this paragraph shall be exempt from Federal, State, and local taxes.

At a hearing on the conference report in the House an amendment was offered and agreed to striking out the above words in which the Senate later concurred and H. R. 8438, without said Senate proposed amendment, became the act of June 11, 1940, 54 Stat. 265. (See CONGRESSIONAL RECORD, 76th Cong., 3d sess., vol. 86, pt. 7, pp. 7518–7519, 7527–7535, 7648.)

Then with reference to the above legislation the Supreme Court continued:

> Consequently the participants in the present transaction enjoy only such tax immunity as is afforded by the Constitution itself, and we are not now concerned with the extent and the appropriate exercise of the power of Congress to free such transactions from State taxation of individuals in such circumstances that the economic burden of the tax is passed on to the National Government. The Government, rightly we think, disclaims any contention that the Constitution, unaided by congressional legislation, prohibits a tax exacted from the contractors merely because it is passed on economically, by the terms of the contract or otherwise, as a part of the construction cost to the Government. So far as such a nondiscriminatory State tax upon the contractor enters into the cost of the materials to the Government, that is but a normal incident of the organization within the same territory of two independent taxing sovereignties. The asserted right of the one to be free of taxation by the other does not spell immunity from paying the added costs, attributable to the taxation of those who furnish supplies to the Government and who have been granted no tax immunity.

There is therefore no basis whatsoever for the allegation that the Supreme Court in the Alabama cases, "practically told the Congress to enact this legislation," or even suggested the desirability or the constitutionality of such legislation. On the contrary, its finding asserts that there is no ground for either court or legislative action as the present nondiscriminatory tax is not an interference with the functions of the Federal Government. The imposition of this tax will

neither retard nor facilitate the war effort or war production one iota. On reliable testimony in the hearings it will reduce the war budget by less than two hundred and fifty millions, which the gentleman from Michigan [Mr. ENGEL] showed the swivel-chair generals to have wasted in building cantonments. And this entirely at the expense of the individual States, who will lose their revenue from civilian production and be compelled to furnish the same State government facilities to war production at a total loss. This measure will not give General MacArthur a single additional gun or facilitate the delivery of a single bullet to his men in the Pacific.

Mr. STEFAN. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I thank the gentleman from Nebraska for allowing me the 5 minutes, though I can say but little in 5 minutes on the subject which I would like to discuss.

I want to congratulate our Vice President of the United States on the splendid speech he made at Omaha the other evening. Of course, I approved of most of it. He said that the farmers were ready "to go to town"; that they had been making ready the last 8 or 10 years. They have. We have given them billions of dollars to plan and prepare for the present emergency. They perhaps may well gloat over it. But the Vice President said that industry did not plan and accumulate reserves. I find it necessary, because it indicts the Congress of the United States to say that industry failed. The Congress itself is largely to blame for that. Industry has been in the "dog house" for 8 years. Let this administration take its full share of the blame for this condition.

While persecuting the businessman they have been subsidizing the farmers. We must not let them forget, while gloating over agriculture, what they have done to industry the last 8 years. Persecution and hindrances have been the order of the day during those years. Some Member recently, as you may recall, made much of our great lack of power and exclaimed, "What would we have done if it had not been for the Tennessee Valley Authority?" We who recall the crucifixion of power companies, the constant threat of public ownership with Federal funds, even in New York City, fully understand why increased reserves of power were not prepared for during the last 8 years. Yes, persecution and the threat of public ownership were the deadly weapons used by this administration. The very ones who now gloat over that socialized experiment of the Tennessee Valley may now well contemplate the near ruin of that private industry, now depended upon to save the Nation. Let Thurman Arnold stay his hand while this war demands every ounce of industrial activity. Let his so-called reform boys hold their pent-up enthusiasm. I feel it necessary to remind you of the havoc made of business when you gloat over the success of agriculture brought about by war conditions and billions of subsidies. I trust it is not unpatriotic. Anything that refers to present, past, or future action by Congress should be discussed freely on the floor of the House.

I had several things I desired to talk upon and had hoped to have had more time. However, I want to quote "that if these make-over-America boys see in this emergency a chance to put Government clamps more firmly on business and thus to throttle private enterprise, they will be lucky if there is not an explosion that blasts some of them back into private life." We cannot have many more Biddle speeches such as has been made lately. "In spite of the war we will give up nothing." "We will hold our gains." That is even now the pledge of the diehard new dealers. How about the suggestion we heard yesterday, that we do not need to change the 40-hour law, because we will so stagger the working days that the double pay will not be demanded, and that labor leaders by their silence give assent, and that all will now be well on the labor front? Are we ready to accept that lullaby? I find this sort of editorial in most of my weekly papers and I presume it is to be found in your papers, too, as a reprint:

> There always has been and always will be inconsistencies, but we confess ourselves absolutely unable to understand a course which on the one hand drafts all men of certain ages and degrees of fitness into the armed forces, and on the other hand refuses to take a strong, determined stand against strikes and labor agitations that interfere with the production of the very materials the armed forces need.

[Here the gavel fell.]

Mr. STEFAN. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. GIFFORD].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 3 additional minutes.

Mr. GIFFORD. I thank the gentleman.

Mr. Chairman, I trust that these remarks will not be considered unpatriotic. I trust you will realize that they come from one of the few on this side who have generally supported the administration in its foreign policies. It comes from one who has spoken so many times, begged so many times, that we forego various largesses. I have pleaded from the floor that we investigate profligate spending. I have not succeeded very well, and I must now remind the majority leader: You will have to assume the responsibility. You had a great majority over there. Cheerfully you should accept the criticism of an outraged public over indefensible expenditures.

Shall Landis take 100 or more of his old chums away from the Federal Power Commission and the Securities and Exchange Commission and put them on his staff of the O. C. D.? They would still be on the other pay roll, but the O. C. D. will pay their expenses. These make recent headlines most interesting to the general public. Is that the way to build up a great staff of coordinators? Suppose I should ask to have Mr. Landis come before the Committee on Expenditures, of which I am a member? Would I get him? No; no, the majority will protect the spenders as they have for 8 long years.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I tried to get the gentleman on his feet.

Mr. McCORMACK. I was smiling at my friend when he was talking about supporting the President in his foreign policy—and the gentleman has pretty well—but the smile came because he also voted for the wage-hour bill. I wonder if he would take the House into his confidence far enough to tell us just how his conscience is?

Mr. GIFFORD. Oh, yes; I voted right in that instance, too. I am without guilt in that matter after consulting my conscience. But I want you to remind the gentleman that responsibility for profligate spendings is upon the majority side of the House. Do not attempt to dodge it.

In closing, I might suggest that you advise Biddle to refrain from such remarks as he has made recently. Let him subordinate his New Deal enthusiasm to the war effort. Let us clean house and stop favoritism and largesses. While we are sending the boys away the people are watching the Congress. They know it is inconsistent to draft men for war while granting special and increasing favors to others. I am greatly surprised at a statement of the President yesterday on the 40-hour law. It is apparent that it was made with the deliberate intent to prevent any legislation on the subject.

Let us weigh the effect of his argument on the country. The Congress may be forced to rescue the President from such ill-advised pronouncements.

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

> Clerks, messengers, and janitors to the following committees: Accounts—clerk, $3,300; assistant clerk, $2,460; janitor, $1,560. Agriculture—clerk, $3,300; assistant clerk, $2,460; janitor, $1,560. Appropriations—clerk, $7,000 and $1,000 additional so long as the position is held by the present incumbent; assistant clerk, $5,000 and $2,500 additional so long as the position is held by the present incumbent; assistant clerk, $3,900 and $1,100 additional so long as the position is held by the present incumbent; two assistant clerks at $3,900 each and $600 each additional so long as the respective positions are held by the present respective incumbents; assistant clerk, $3,900 and $300 additional so long as the position is held by the present incumbent; assistant clerk, $3,300 and $600 additional so long as the position is held by the present incumbent; additional clerical assistants at rates to be fixed by the chairman of the Committee on Appropriations, $15,960; messenger, $1,680; four clerk-stenographers at the annual rate of $1,800 each, one for each subcommittee of the Committee on Appropriations having jurisdiction over a regular annual appropriation bill as shall be designated by the chairman of the Committee on Appropriations and to be appointed by the chairmen of the subcommittees so designated, subject to the approval

of the chairman, $7,200. Banking and Currency—clerk, $2,760; assistant clerk, $1,740; janitor, $1,260. Census—clerk, $2,760; janitor, $1,260. Civil Service—clerk, $2,760; janitor, $1,260. Claims—clerk, $3,300; assistant clerk, $2,460; assistant clerk, $1,800 and $1,000 additional so long as the position is held by the first incumbent appointed to such position; janitor, $1,260. Coinage, Weights, and Measures—clerk, $2,760; janitor, $1,260. Disposition of Executive Papers—clerk, $2,760. District of Columbia—clerk, $3,300; assistant clerk, $2,460; janitor, $1,260. Education—clerk, $2,760; janitor, $1,260. Election of the President, Vice President, and Representatives in Congress—clerk, $2,760. Elections No. 1—clerk, $2,760; janitor, $1,260. Elections No. 2—clerk, $2,760; janitor, $1,260. Elections No. 3—clerk, $2,760; janitor, $1,260. Enrolled Bills—clerk, $2,760; janitor, $1,260. Expenditures in Executive Departments—clerk, $3,300; janitor, $1,260. Flood Control—clerk, $2,760; janitor, $1,260. Foreign Affairs—clerk, $3,300; assistant clerk, $2,460; janitor, $1,260. Immigration and Naturalization—clerk, $3,300; janitor, $1,260. Indian Affairs—clerk, $3,300; assistant clerk, $2,460; janitor, $1,260. Insular Affairs—clerk, $2,760; janitor, $1,260. Interstate and Foreign Commerce—clerk, $3,900; additional clerk, $2,640; assistant clerk, $2,100; janitor, $1,560. Irrigation and Reclamation—clerk, $2,760; janitor, $1,260. Invalid Pensions—clerk, $3,300; assistant clerk, $2,880; expert examiner, $2,700; stenographer, $2,640; janitor, $1,500. Judiciary—clerk, $3,900; assistant clerk, $2,460; assistant clerk, $1,980; janitor, $1,560. Labor—clerk, $2,760; assistant clerk, $1,740; janitor, $1,260. Library—clerk, $2,760; janitor, $1,260. Merchant Marine and Fisheries—clerk, $2,760; assistant clerk, $1,740; janitor, $1,260. Military Affairs—clerk, $3,300; assistant clerk, $2,100; janitor, $1,560. Mines and Mining—clerk, $2,760; janitor, $1,260. Naval Affairs—clerk, $3,300; assistant clerk, $2,100; janitor, $1,560. Patents—clerk, $2,760; janitor, $1,260. Pensions—clerk, $3,300; assistant clerk, $2,160; janitor, $1,260. Post Office and Post Roads—clerk, $3,300; assistant clerk, $2,100; janitor, $1,560. Printing—clerk, $2,760; janitor, $1,560. Public Buildings and Grounds—clerk, $3,300; assistant clerk, $1,740; janitor, $1,260. Public Lands—clerk, $3,300; assistant clerk, $1,740; janitor, $1,260. Revision of the Laws—clerk, $3,300; janitor, $1,260. Rivers and Harbors—clerk, $3,300; assistant clerk, $2,460; janitor, $1,560. Roads—clerk, $2,760; assistant clerk, $1,740; janitor, $1,260. Rules—clerk, $3,300; assistant clerk, $2,100; janitor, $1,260. Territories—clerk, $2,760; janitor, $1,260. War Claims—clerk, $3,300; assistant clerk, $1,740; janitor, $1,260. Ways and Means—clerk $4,620; assistant clerk, $3,000; assistant clerk and stenographer, $2,640; assistant clerk, $2,580; clerk for minority, $3,180 and $420 additional so long as the position is held by the present incumbent; janitors—one, $1,560; two at $1,260 each. World War Veterans' Legislation—clerk, $3,300; assistant clerk, $2,460; in all, $334,700.

Mr. DICKSTEIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I ask unanimous consent that I may be permitted to address the House out of order for an additional 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

Mr. DICKSTEIN. Mr. Chairman, I take this time to call the attention of the House to certain information that has reached me to the effect that in Thompson, Conn., there lives one Anastase Andrejewitch Vonsiatsky, who has been actively engaged in un-American activities for a number of years and whose activities have not been curtailed even after we entered the war. This is the same Vonsiatsky exposed on the floor of this Congress some years ago. He is one of the higher-ups, tied up and interwoven with Nazi and Fascist activities in this country. He is known as, and calls himself, a count. He was connected with the Russian Army some years ago and has set up a vast organization in this country, with the help of the Nazi government, to overthrow the Soviet government.

He conducts his councils with high outstanding Nazis in this country in Thompson, Conn., and, from information I have received, Mr. Chairman, he is a dangerous element in this country. If he were properly investigated by somebody it would be proven that he is connected with and supporting a number of groups and individuals whose activities are subversive and inimical to the interests of our country.

Vonsiatsky married a certain lady in this country with many millions of dollars, and I assume that he is using these funds and his big estate to build up and support his own as well as other Fascist groups. He and others—like Fritz Kuhn and other higher-ups—have had a number of conferences on the estate, which consists of several hundred acres. They have ammunition on the premises and rifle ranges. A great many conferences of subversive nature have been and still are being carried on there, and he and his visitors have been brazen enough to appear quite openly in Nazi and Fascist uniforms.

I call the attention of the American people and the Department of Justice and the Dies committee to this situation, and ask them to forthwith subpena Vonsiatsky and find out his tie-up and connection with the Nazi and Fascist groups in this country.

I am also informed, Mr. Chairman, that Vonsiatsky keeps an office in New York City where he meets in council with other Fascist groups as the invisible government in preparation to attacking certain elements in this country and abroad. He is a dangerous person and should have been dealt with long ago.

I appeal to the proper authorities to take the necessary steps to expose and put a stop to the dangerous activities of this Count Anastase Andrejewitch Vonsiatsky and his Fascist friends. This action is absolutely imperative for the defense of our country.

Mr. KEEFE. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Wisconsin.

Mr. KEEFE. Has the gentleman furnished this information to the Attorney General of the United States?

Mr. DICKSTEIN. Some time ago I spoke on the floor about Vonsiatsky and I called attention to him at that time.

Mr. KEEFE. That is not an answer to my question. I asked whether or not the gentleman had furnished this information to either the Department of Justice or to the Attorney General?

Mr. DICKSTEIN. Some time ago, but I could not identify whether this was the same person. I am satisfied now that he is an important agent of the Fascist and Nazi Governments in this country. I have received confirmation of that this morning.

Mr. KEEFE. Now that the gentleman has that information, has he furnished the information to the Attorney General?

Mr. DICKSTEIN. I hope to furnish the information to the Attorney General, but the Attorney General under present procedure has no power to subpena. I call on the Dies committee to forthwith subpena this man for the purpose of determining who his associates are and whom he has been tied up with in this country.

Mr. KEEFE. Has the gentleman furnished this information to the Dies committee?

Mr. DICKSTEIN. I cannot find the Dies committee, except one gentleman, and I gave the gentleman—Mr. VOORHIS of California—this information.

[Here the gavel fell.]

Mr. DISNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DISNEY: On page 18, line 5, after the period, add a semicolon and the following: "and $60,000 to be used for salaries and expenses of not more than six expert examiners for the examination of the departments of Government, said expert examiners to be for the use of the subcommittees of, and appointed by the chairman of, the Appropriations Committee of the House."

Mr. COCHRAN. Mr. Chairman, I make the point of order that this is legislation on an appropriation bill and not authorized by law.

Mr. DISNEY. Mr. Chairman, will the gentleman withhold his point of order?

Mr. COCHRAN. I very gladly withhold the point of order, Mr. Chairman.

Mr. DISNEY. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. DISNEY. Mr. Chairman, this amendment would make provision for some expert examiners, appointed by the Appropriations Committee, required by the committee to investigate the departments of Government for the elimination of waste and duplication. My amendment does not provide for enough men. My judgment is that it would take a large staff, probably one man and a staff for each subcommittee of the Appropriations Committee.

Mr. Chairman, the time has come when Congress should do something about itself. It should again take charge of the situation and govern our ungovernable Government, with the purse strings.

For example, the press today discusses our $147,000,000 governmental travel bill. May I cite another example: In 1928, the Congress spent $845,000 of the people's money on the franking privilege in franking out official mail. In the same year, the departments of the Government spent $6,000,000 on the franking privilege. In 1940, the Congress reduced

its expenditures on that subject to $737,000, but the executive departments spent $39,000,000. I have no estimate of the cost of the material which was franked out but it must have run into many, many millions.

These are but two examples of the waste in Government. These are indicative of the reason why, although our population has grown only 50 percent in the last 30 years, our Federal appropriations have grown from $700,000,000 in 1913 to $9,000,000,000 in 1940, exclusive of the emergency defense fund.

The members of the Appropriations Committee cannot possibly learn the details of the expenditures in the departments by their own efforts. It is humanly impossible, considering the amount of other work they have to do. No member of the Appropriations Committee has ever visited the seven Federal agencies in my district to find out what is going on and to save the Government's money. It is not possible for it to be done that way. It is not possible for the individual Congressman to visit the departments in Washington, to ferret out and eliminate waste. This work must be delegated to expert examiners who are beholden to no one but the Congress and upon whom the executive departments have no power or influence.

The Ways and Means Committee has a staff of 10 experts to assist the members in the committee. If the Ways and Means Committee did not have such a staff, it would be wholly dependent on the Treasury Department for its technical tax advice. But in practice, having its technical staff, it is to a great extent independent of the Treasury, as witness the contest between the Ways and Means Committee and the Treasury on the subject of the average earnings alternative for the calculation of income tax. Better tax legislation is a result.

Similarly, the Appropriations Committee, if it could be cognizant of all the facts with reference to appropriations, could better advise the House on the spending of the people's money. I have never been a member of the Appropriations Committee, and I do not mean to make any invidious comparisons. I am simply trying to be constructive.

It may be argued that the Appropriations Committee has a staff of clerks for this purpose. I have heard it said that the clerk of the Appropriations Committee is familiar with all of the bills. He is reputed to be the best-informed man on appropriations in the Capitol, and I have heard many compliments showered upon him in that regard. But the job of the secretary of the committee is a ministerial one, to handle and manage the affairs of the committee, and not to examine departments. The Ways and Means Committee has a secretary with a staff who does not pretend by any means to be a tax expert. He handles ministerial affairs of the committee. The expert staff of this committee is wholly independent of the clerical staff.

So I propose a staff of experts for the Appropriations Committee, beholden only to that committee and to no one else in the Government, whose year-round, all-out duty and effort would be, to give the Appropriations Committee, and through them, the House of Representatives, the facts, all the facts, and nothing but the facts concerning the spending of the people's money by the executive departments.

As the condition now exists, the Appropriations Committee is almost compelled to take the word of the departments on the subject of their needs, their wants, their plans, and their policies. The committee substantially has no offsetting arguments. A splendid case can be built by its zealots for any Federal appropriation, to the detriment of the Federal Treasury, and even to the detriment of more worthy items in the Federal Budget, if the zealous bureaucrat can command the influence of some pressure groups.

The experts I have in mind can meticulously inspect our wonderland of bureaucracy, and ferret out the deadwood, the undesirable items.

The cost I have suggested is a bagatelle compared with the millions upon millions that can be saved by the Congress having complete possession of all the factual details of its Government.

If we permit these Federal expenses to climb as they have been doing in the past, we will find that business, as well as courage, disintegrates. Unless we act, an informed and resolute public opinion will acquire public servants who are wise enough to see the signs of the times, the obsolescence of the States, the decadence of local government, and those other ominous portents that indicate to every thoughtful man the terrible danger to our republican form of government.

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. DISNEY. I yield to the gentleman from Louisiana.

Mr. BOGGS. For the information of the House, does the so-called Byrd economy committee, which I believe is made up partly of members of this committee, have experts?

Mr. DISNEY. I am not sure about that. I am not a member of the committee, but I think so; and if they did not, they ought to have.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. DISNEY. I yield.

Mr. TABER. They have no experts except a clerical staff that has been assigned to them.

Mr. DISNEY. We all know that the Byrd committee, with a $10,000 appropriation, cannot complete the job unless it is continued and further money given to it for that purpose.

As it appears to me, it ought to be a regular course of business to frisk these departments.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DISNEY. I yield.

Mr. JENKINS of Ohio. Does not the gentleman agree with the proposition that the easiest saving that could be made by the committee, that the gentleman proposes, would be to stop all overlapping of effort?

Mr. DISNEY. I have never been on the Appropriations Committee, but looking at the whole picture there are many ways that money could be saved. There are countless bureaus and divisions that have conflicting jurisdictions and overlapping functions, and the committee, as these situations are disclosed by experts who are trained in such work, can as the time goes on present them to the House and do so in a technical manner.

Mr. MONRONEY. Mr. Chairman, will the gentleman yield?

Mr. DISNEY. I yield to my colleague from Oklahoma.

Mr. MONRONEY. The gentleman from Oklahoma is, indeed, to be complimented on the effort for economy he has made, which extends over a considerable period. I am in complete sympathy with his suggestion. I believe it is the gentleman's idea that less essential items even in the legislative appropriation bill might be pared slightly to provide funds for this very useful and much needed service.

Mr. DISNEY. Yes, I rather believe we could get along with less than 142 police on Capitol Hill.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. DISNEY. I yield to the gentleman.

Mr. GIFFORD. I want to remind the gentleman that you have a Committee on Expenditures already set up.

Mr. DISNEY. That is true, but this situation has been going on in this form for a long time. While I do not want to make any comparison that may be at all distasteful, I do not believe the members of the Committee on Appropriations have the opportunity, without assistance, to know the details that are involved in connection with all of these departments.

[Here the gavel fell.]

Mr. COCHRAN. Mr. Chairman, I insist upon my point of order that such additional employees have never been authorized by law.

The CHAIRMAN. The Chair will inquire of the gentleman from Oklahoma [Mr. DISNEY] whether he can furnish the Chair with any information as to the authorization for such employees.

Mr. DISNEY. No; I cannot, Mr. Chairman. To be frank with the Committee, I knew in advance that this amendment would be subject to a point of order, but I presented it largely for the purpose of getting the subject before the House and to precipitate discussion. I have not taken up much time of the House and I know the House will pardon me for presenting an amendment which I knew in advance would be subject to a point of order.

The CHAIRMAN. Under the circumstances, the Chair is compelled to sustain the point of order.

Mr. COCHRAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am in sympathy with the thought of the gentleman from Oklahoma [Mr. DISNEY], but I am not in sympathy with the manner by which he seeks to carry out his thought.

A few weeks ago the gentleman from Texas [Mr. LANHAM] introduced a bill which would authorize a set-up of this kind in the Appropriations Committee. Some years ago the Bureau of the Budget asked that the Congress appropriate

money to provide an investigating committee for that Bureau. A hearing was held and as the RECORD will show the money was appropriated and such a division is within the Bureau of the Budget at the present time. I was in favor of the Bureau of the Budget having an investigating committee, but that is not sufficient for the Congress. The Bureau of the Budget investigates for itself, not for Congress, nor should it.

The Budget and Accounting Act of 1921 is sufficient authorization to set up a division that will act for Congress alone. You do not need any further authorization because it is in the Budget and Accounting Act.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. In just a moment.

Following the introduction of the bill by the gentleman from Texas [Mr. LANHAM], I had a conference with him. I explained to him that the job should be put into the hands of the Comptroller General, who is the agent of the Congress of the United States and not the agent of the executive branch. The gentleman from Texas and myself had a conference with the Comptroller General, Mr. Lindsey Warren, and he expressed a willingness to accept such a responsibility if the Congress wanted to give him the money. Mr. Warren wanted to secure experts subject to the classified service and a sufficient amount of money to hire men who have had administrative experience and could be depended upon to make a really thorough investigation. Since then my understanding is the Appropriations Committee has appointed a subcommittee consisting of the chairman of the committee the gentleman from Missouri [Mr. CANNON], the gentleman from Virginia [Mr. WOODRUM], and the gentleman from New York [Mr. TABER] to confer with the Comptroller General in reference to this matter. It is my hope they will confer with him, and it is my further hope that an appropriation will be made in the next deficiency bill to give the Comptroller General a sufficient amount to set up an outstanding investigating organization that will bring about what the gentleman from Texas desires and what the gentleman from Oklahoma desires and, in fact, what is the desire of 90 percent of the Members of this House.

We cannot get the information that is needed from any agency now that will not, and naturally so, think of their own interests. What we need is a unit that has nothing to look forward to but to bring information to the Congress that will warrant elimination of useless activities as well as stop duplication of effort.

I now yield to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. Mr. Chairman, I appreciate the active interest of the gentleman from Missouri in the measure that I recently introduced. I have spoken on numerous occasions with reference to the waste, extravagance, duplication, and useless expenditures in these various departments upon which we should have some check. I stated at the time I introduced the bill on this subject that I realized it was not a perfect measure, but it was something that would enable us to have a basis for consideration in order to get some action taken that would effect the economies, amounting, in my judgment, to millions, if not billions, which can be effected through some proper system of this character.

Mr. COCHRAN. Mr. Chairman, I think the gentleman is absolutely right. There are many ways to save money. One came to my attention this morning. About a year ago in the Senate an amendment was offered to an appropriation bill that requires the Army and Navy to make a complete detailed report to the Congress of the United States on every contract that was made over and above $10,000. That report must be in by July 1. That, remember, was before the war. We have today in the War Department over 800,000 individual contracts. Four hundred thousand of those are over $10,000. You have in the Navy 275,000 contracts over $10,000. If that section of the law is not repealed immediately, it is the duty of the Army and the Navy under that law, before July 1, to make an individual and complete report on all the contracts over $10,000. The amendment adopted in the Senate enumerated what information they have to furnish the House. I was told by the Under Secretary of War this morning that it would take thousands and thousands of employees and hundreds and hundreds of officers to comply with that law. Just think of it, when we are at war.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. COCHRAN. I ask unanimous consent to proceed for 5 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COCHRAN. Mr. Chairman, I talked to a high official of the Navy and he likewise said it would take thousands and thousands of employees and hundreds of officers to comply with the provisions of that law. If we had an investigation bureau in the Comptroller General's office, the members of that bureau would have discovered that, and they would have come here and said to the Congress, "Repeal that section immediately, because those officers are needed for other purposes and why spend this tremendous amount of money to employ several thousand people to do all this paper work at a time when we are at war, and when we have not even space enough for our regular employees. We will investigate any contracts you desire." I cite that as one instance. There are hundreds of instances where we can save money in the executive branch of the Government.

The gentleman from Massachusetts [Mr. GIFFORD] referred to the Expenditures Committee or I might say that he is still referring to it. Three times I went before the Committee on Rules, when I was chairman of that committee, and wanted to know if they wanted investigations of this character made, and if they did, then amend the rules to give us the jurisdiction and provide us with the help, and the committee would function accordingly. They refused to do that on three occasions. That is the reason that the Committee on Expenditures has not functioned along that line.

Mr. GIFFORD. Of course, the majority of the members of the Committee on Appropriations are on the gentleman's side, as well as the majority of the Committee on Expenditures.

Mr. COCHRAN. The Rules Committee did not grant us the jurisdiction; we could not proceed without that and expert assistance.

Mr. GIFFORD. Is the gentleman trying to apologize for the Expenditures Committee doing nothing?

Mr. COCHRAN. No; I am not; I never have and I never will.

Mr. Chairman, this is a step in the right direction. I am going to make a request of the subcommittee appointed to confer with Mr. Warren this afternoon and ask them to give us a hearing on this subject on the pending deficiency appropriation bill. I hope that committee will do so. I feel sure it will; and if it does, I think Mr. Warren, Mr. Lanham, Mr. Disney, and myself can make a case that will warrant an appropriation for such a division under the Comptroller that will make the investigations for Congress that are so badly needed. Then, again, that division could make the investigations which from time to time are delegated to select committees. We are creating too many select committees. I see an opportunity for real public service here.

Mr. WHITTINGTON. Mr. Chairman, I move to strike out the last word.

Mr. O'NEAL. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. O'NEAL. I wonder if we cannot make some arrangement about time for debate on these provisions dealing with the House of Representatives. I ask unanimous consent that debate on the provisions in the bill dealing with the House of Representatives and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection?

Mr. KEEFE. Mr. Chairman, I reserve the right to object. Fortunately or unfortunately, I happen to be a member of the Committee on Appropriations. I have been seeking opportunity for some time to make a few comments on the subject raised by the speakers, the gentleman from Oklahoma [Mr. DISNEY], and the gentleman from Missouri [Mr. COCHRAN]. I have not been granted recognition by the Chair. I do not complain about that, but there has been a sort of uniform rule that I have noticed at other times, when other committees were here that the Chair recognized a member of the committee.

Mr. O'NEAL. Mr. Chairman, I ask unanimous consent that the debate upon the provisions of the bill relating to the House of Representatives and all amendments thereto close in 25 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WHITTINGTON. Mr. Chairman, the gentleman from Kentucky [Mr. O'NEAL], the chairman and the members of the committee in charge of the pending legislative appropriation bill are entitled to the thanks of the country and of the Congress for reducing the pending bill

by approximately one million and one-quarter dollars from the Budget estimates and from the appropriations for the current year. We must practice what we preach. Economy and retrenchment should begin at home. The bill appropriates for the legislative branch of the Government. If we do not retrench with respect to congressional and senatorial expenditures, we cannot make reductions in other branches of the Government.

The people of the country should know that the 8-hour day and the 40-hour week do not obtain by law in the offices of Senators and Representatives. Prior to Pearl Harbor, and, as I understand, since 1931, the basic workweek for Government employees in Washington was 39 hours. Under the act of June 28, 1941, in the Navy the 39-hour week was suspended, with provision for paying certain employees time and a half for overtime. In the Army no provision is made for the payment of time and one-half overtime, except in the field.

I understand that since Pearl Harbor, in nonwar agencies Federal employees in Washington are working 44 hours, and in the War and Navy Departments Federal employees in Washington are working 48 hours. There are provisions in a number of the departments or agencies in the field for paying either straight time or time and a half overtime for work in excess of 40 hours.

If the Government has thus suspended the 39-hour week in the Government service, I know of no reason why the 40-hour week should not be suspended in industry to secure maximum war production.

President Franklin D. Roosevelt, on March 17, 1942, in his press conference, stated he opposed the suspension of the 40-hour week and he is reported to have said there is no reason for restrictive labor legislation. While I have supported the foreign policy of the administration, I have not agreed with the labor views of the President. I do not agree with them now. He stated that he believed William Green and Philip Murray would voluntarily abolish double time for Sunday. He thus advocated voluntary cooperation instead of restrictive legislation. Voluntary cooperation did not result in the 40-hour week. It took legislation to provide for 40 hours. If voluntary legislation could not provide for 40 hours, voluntary cooperation cannot suspend the 40-hour week. President Franklin D. Roosevelt opposes the suspension. He admits he has no power to suspend it. He states that all time and all hours in excess of 40 hours must be paid at time and one-half for overtime.

Members of Congress who have opposed suspending the 40-hour week and who have opposed restrictive labor legislation have insisted that Congress has authorized the President to suspend the 40-hour week. They have emphasized that laborers in defense plants are working 44 or 48 and longer hours. I have repeatedly challenged the suspension contention. I assert now, as I have previously asserted, that there is no statute which authorizes the President of the United States to suspend the 40-hour week. Longer hours may be worked, but the statute cannot be suspended. If longer hours are worked, they must be paid for at time and one-half for overtime, and this is the crux of the matter. Defense contracts are being negotiated. Donald Nelson insists upon negotiated contracts. Taxpayers remember March 14, when they filed their income tax returns. They are more tax conscious than they have ever been. They are willing to be taxed to the bone, but they insist upon reasonable profits and reasonable wages. They are opposed to excessive wages and unconscionable profits. They maintain that the 40-hour week was passed in order to spread labor when unemployment was widespread. They insist that laborers should have an opportunity to work longer than 40 hours a week, and the laborers say they will be satisfied to work at regular pay longer than 40 hours a week.

The President can authorize longer hours for work, but he is without authority to provide that the longer hours shall be at regular pay.

Taxpayers are demanding the cutting out of frills, the elimination of experiments, the abolition of useless agencies, and the abolishment of subsidies direct or indirect. They demand reduction in all nondefense expenditures and the elimination of all nonessential expenditures. They are willing to be taxed to the limit to provide for the Army and the Navy, but they insist that their taxes not be squandered. They demand that there be no excessive wages and profits in the defense industry. I welcome the petitions of taxpayers for reduction and retrenchment. I am pleased to know that those whom I represent support my efforts to curb strikes and eliminate labor racketeers. I welcome the petitions of taxpayers to eliminate frills, to forget so-called social gains, to cut out nonessentials, and to retrench in all nondefense expenditures.

The alleged reason for the 40-hour week was widespread unemployment. There is a scarcity of workmen now. The reason for the law no longer obtains. The law should be suspended. The production essential to victory cannot be obtained with a 40-hour week.

Members of the House have said complacently that the President holds the solution of the 40-hour problem. I repeat he has no power to suspend the 40-hour week. I emphasize that only Congress can reduce war costs. As long as the 40-hour week obtains, just so long will all collective bargaining result in time and one-half for all hours in excess of 40. It may be admitted that the principle of time and one-half for overtime is sound. It obtained in the first World War, but there was no 40-hour week. The overtime began after 50 hours of work in many cases. It now begins at 40. The initial costs are thus increased approximately 25 percent. The taxpayer knows that the burden falls on him. He will make any sacrifice that is necessary to provide arms and munitions, but he wants to know that his dollar goes for that purpose and not to labor or war profiteers.

Again, many laborers, whether organized or not organized, plead with me and with other Members of Congress that they be permitted to work longer than 40 hours at regular pay. They ask to be delivered from their selfish and designing labor leaders. Their plea should be heard. At the same time, the laborers themselves elect and choose their own leaders. They must clean house. They cannot pass the buck altogether to Congress. For months and years I have insisted that those who toil and work will lose more if labor legislation is brought into disrepute than any other class of our citizens. I have urged that labor itself clean house for its own self-preservation and protection.

It is well known that I have collaborated with the gentleman from Virginia in urging and passing restrictive legislation. I supported the Smith bill to curb labor racketeers and to curb strikes in defense industries that passed the House in December. It is now in the other body. The bill should be considered by the Senate.

I recently offered an amendment to the so-called Smith bill to suspend the 40-hour week. It failed to pass the House some 2 weeks. This bill is pending before the Judiciary Committee of the House. I am among those who urged that committee to conduct hearings and report the bill. The gentleman from Virginia [Mr. SMITH], on March 16, 1942, introduced H. R. 6790 with respect to Navy contracts. It suspends the 40-hour week in defense works. It limits profits to 6 percent. It restricts and controls strikes. It eliminates labor racketeering I have been in frequent conference with the chairman of the Committee on Naval Affairs. I am glad the committee will consider, and I trust it will report, a proper bill. The gentleman from Virginia [Mr. SMITH] on the same day introduced H. R. 6792 which embraces Army contracts. It has been referred to the Committee on Military Affairs. I have urged that committee to consider and report the bill with any clarifying amendments. It suspends the 40-hour week with respect to Army contracts during the war. It limits profits to 6 percent. It curbs illegal labor practices. It controls and eliminates labor racketeers. I trust the Committee on Military Affairs will promptly report a proper bill.

Donald Nelson demands uninterrupted production. President Roosevelt pleads for uninterrupted production. The only way to reach greater production is to remove the unjustified 40-hour limitation beyond which time and one-half and double time must be paid. It is not merely a matter of saving money to employees. Costs are figured on straight time. Many workmen in defense jobs are willing to work longer at regular pay. Those who opposed the suspension emphasized that many work 50, and some as high as 60 hours. It is all right to work 50 hours a week for fat money, but it is all wrong to work 50 hours a week to help the United States win the war. If German laborers work 70 hours, American laborers should repeal a law which forbids 50 hours. The workers are willing to make the extra effort. Even without extra pay for overtime, they are much better off than our soldiers in the camp and in the field. They are much better

off than laborers in other countries. It is only the selfish labor racketeers who undertake to intimidate the Government. We must work and work before it is too late. The concrete question is, Will the Government permit its citizens to work longer than 40 hours to save and protect America and all that America stands for? We must work as well as fight if we win the war.

The CHAIRMAN. The gentleman from Wisconsin [Mr. KEEFE], a member of the committee, is recognized for 5 minutes.

Mr. KEEFE. Mr. Chairman, I spent about 30 years of my life as a very active trial lawyer in the trial of litigation covering a rather wide territory and a rather wide variety of litigation. Never in my life have I gone into court without a witness. I have no recollection of ever going into the trial of an important lawsuit expecting to win my case by the art of cross-examination alone.

My experience as a member of the Appropriations Committee in the work of examination of Budget estimates and justifications leads me to the belief that the present method of handling appropriations in committee requires us to try a lawsuit without the benefit of a witness.

In the first place, who makes up the appropriation bill itself? The bill comes up to the subcommittee, prepared by the Department as a result of the work of the Budget Bureau and representatives of the Department who appear before the Budget Bureau. That bill is handed down to the subcommittee with a book of estimates that looks like Webster's Dictionary, only much larger. There each estimate contained in that appropriation bill is specifically listed, and they expect five or six men on the subcommittee to sit there day after day and listen to testimony justifying these appropriations. Who are the people who come before the committee? They are the identical people who have already appeared before the Budget Bureau. They are the identical people, by and large, who are requesting the appropriations that they are attempting to justify.

I have failed to see, in my brief experience as a member of the committee, at least, where the committee has the advantage of an impartial examination and investigation of a single expert to advise members of the subcommittee as to the reasonableness or the necessity of the particular items making up the estimate. So when the committee carries on its work it depends upon the membership of the committee, largely hit and miss, if you please, in cross-examination of the witnesses who come before it to try to develop out of that cross-examination the fact that there may possibly be some opportunity for retrenchment in that particular appropriation.

When the committee proceeds to write up the bill—I think I am revealing no particular secret of the Appropriations Committee, because the procedure is well known—reductions in estimates are made by the subcommittee without benefit of independent evidence and without scientific basis. The action of the subcommittee frequently by the very nature of the proceeding must be quite as arbitrary as are amendments adopted in the Committee of the Whole. My experience has been that while they may act with a little more information perhaps on a particular item than the Committee of the Whole, most of the reductions that are made in the committee itself are unscientific and purely arbitrary for the simple reason that we do not have the benefit of independent scientific advice.

Mr. DISNEY. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. And so may I say to the gentleman from Oklahoma who is a member of the Committee on Ways and Means, that I have labored since I have been on the Appropriations Committee, sometimes under trying circumstances, to be sure that when a bill is finally reported that it is at least a fairly scientific estimate of the needs of the Department. In coming to that conclusion I am required to rely almost entirely upon the testimony of the people who have requested the appropriation and for whose benefit the appropriation is made.

Mr. Chairman, I now yield to the gentleman from Oklahoma.

Mr. DISNEY. The gentleman heard our colleague from Missouri [Mr. COCHRAN] discuss the matter of placing this idea in the Comptroller's hands.

Mr. KEEFE. I did.

Mr. DISNEY. What is the gentleman's judgment on that as compared with the proposition of having it right here in the Capitol under the control of Congress?

Mr. KEEFE. In response to the gentleman I may say I have repeatedly advocated ever since I have been a member of the Appropriations Committee and have had an opportunity to observe the work of the subcommittees that we should have attached to that committee itself under the specific direction of the committee some experts who could sit in and go through these departments, and sit in the Budget hearings if necessary, auditors who can examine these accounts and tell us whether it is necessary that they should have this number of employees or that number of employees, and what the employees are doing, and give us information that we cannot get from the cross-examination of these Bureau heads who come before the committee. It is one of the most vital necessities of this Congress that such assistance should be given to the Appropriations Committee.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. BENDER] for 5 minutes.

Mr. BENDER. Mr. Chairman, before I proceed with my remarks I desire to congratulate the present occupant of the chair, who comes from Ohio, for I unstand it is the first time that an Ohioan has occupied this chair since Nick Longworth was Speaker and presided while the House considered a bill in Committee.

Mr. DISNEY. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield.

Mr. DISNEY. Certainly the gentleman from Ohio [Mr. HARLAN] has presided many times; and the gentleman from Ohio [Mr. HARTER].

Mr. BENDER. I am glad to hear that. I was misinformed. I meant no reflection on any other Member; I merely wanted to congratulate the chairman and the Speaker for his selection of an Ohioan as Chairman of the Committee of the Whole to preside over these proceedings.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. BENDER. I yield.

Mr. McCORMACK. I was just going to say there is no more gracious Member of the House than the gentleman who occupies the chair at the present time.

PLOW-UNDER PROGRAM NEEDED

Mr. BENDER. I want to proceed for a few minutes on the question raised by the gentleman from Oklahoma—economy in government. Last Friday evening I met a responsible official of the Government who made the statement that we could get along with about half the people now occupying fine-cushioned seats in these buildings scattered around Washington. I agree with him.

As for Oklahoma, I call your attention to an editorial in today's Washington News headed "The cold winds of Oklahoma." I read:

> Nothing funnier has happened in Washington in a long time than the arm-waving act which the Senator from Oklahoma put on the other day.

Mr. MONRONEY. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MONRONEY. Mr. Chairman, I am forced to make the point of order that the statements in the editorial would be out of order in the House of Representatives under the rule forbidding mention in debate of the other body or a Member thereof.

The CHAIRMAN. The gentleman from Ohio will proceed in order.

Mr. BENDER. Under the circumstances, although I have not mentioned the Senator's name, I shall have to ask the Membership of the House to read this editorial. I am sure it will be in order for them to read it in their homes or on the floor some time today

On every occasion since I became a Member of this House when an appropriation bill was up for consideration I have offered amendments, on one occasion 39 times, cutting down nondefense, nonessential appropriations. Examine the record and you will find how few of the Members voted for these reductions. I am glad that Members on the majority side of the aisle are finally getting "religion" on nondefense appropriations. I am sure our people are becoming more tax conscious since they paid their last income tax and came to the realization that still greater tax increases are forthcoming. Letters are coming in by the hundreds objecting to sale taxes, pay-roll taxes, objecting to all kinds of taxes.

Americans have turned out in unprecedented numbers to pay their taxes to Uncle Sam this week. The millions of dollars paid in over the income-tax counters of the Nation will go far toward sinking Mr. Tojo's ships and ending Mr. Hitler's oratory.

It is significant that in this week when Mr. and Mrs. America were turning out

by the millions to pay their taxes, the House of Representatives took a step forward in the direction of economy. It was not a long step, to be sure, but it represented a beginning through a cut of $56,510,722 in the farm-supply bill.

Even though this slash was only a small part of the $771,000,000 involved in the measure, it gave the Senate its first opportunity to join with the House majority spokesmen in cutting down on an appropriation bill.

On these measures the slogan of every Congressman, Senator, and taxpayer must be, "Every little bit helps."

When the New Deal came into power the Department of Agriculture had approximately 27,000 employees. The farmers were raising too much food. In order to help them raise less food the personnel of the Department has been raised to 91,000.

Now that the farmer is asked for more food again, it will be interesting to see whether any of these people are turned off or even more added to help farmers do what they were already doing when there were only 27,000 employees.

With the Government bringing thousands of new employees weekly into Washington, a city already crowded almost to indecency, and a shortage of desk spaces for defense offices, it would seem that the 64,000 increase in Department of Agriculture employees might be reduced and the personnel turned over to defense offices and the desk space more usefully employed.

With farmers short of help, some of the employees in the office might do farmers more good milking cows and slopping hogs than by pushing pencils or waiting for orders. But, looking them over, one would wonder just what a farmer would do with many of them or what interest they would have in agriculture anyway.

So rapidly is the army of Federal jobholders growing under the stress, and in some instances the excuse, of the current war emergency that Frank R. Kent, the Baltimore Sun's noted political analyst, recently estimated a Federal roster of 2,000,000 civilian employees a year from now.

Mr. Kent pointed out—

It is distinctly an understatement to say that the civilian defense organization of today is several times as large as the civilian war organization of 1917–18, and is costing several times as much.

At the end of March 1940—

Mr. Kent recalled—

there were 949,229 civilians on the Federal pay rolls alone; on March 31, 1941, there were 1,202,347; on September 31 there were 1,444,985.

In other words, 500,000 persons have been added to the pay rolls in the last 18 months—more than 230,000 of them in the last 6 months. The number is increasing now at the rate of 50,000 a month. So, a reasonable estimate will put the total civilian pay roll a year from now at 2,000,000. That this is a reasonable estimate is attested by the expansion plans already revealed by various agencies.

One of these is the Contract Distribution Division of the Office of Production Management, headed by Mr. Floyd Odlum. Shortly, it is stated, Mr. Odlum, with a $23,000,000 budget, expects to have 4,000 men in the field, 200 field offices, 3 exhibit trains running through 27 States, and defense clinics in all major cities. Another is the Treasury, where a most enormous increase is necessitated by the new taxes. Many thousands of new clerks, inspectors, and agents will be necessary to collect the $5 tax on some 40,000,000 automobiles and to handle the returns and payments from the 20,000,000 individuals who never paid taxes before but are now brought in by the lowered exemptions of the new law.

Then there is the Civilian Defense Organization, nominally headed by Mayor LaGuardia, but largely, it seems, being run by Mrs. Roosevelt, around whom "social workers" cluster thicker than flies. At the disposal of the Civilian Defense Organization are many millions and its rapidly growing roll of employees extends from coast to coast. There are some who feel that there is building up here an organization which it will be difficult to uproot after the war—and that Mrs. Roosevelt, with, of course, the noblest of motives, is using it to extend her influence over women's activities in a quite extraordinary manner. Certainly, since she took hold in a big way the social workers are swarming as never before.

In fact, the idea has thoroughly percolated through the country that anybody who wants a job can get it in Washington now. And they are coming in from all directions—and getting on. Unchecked, the result inevitably will be a bureaucracy swollen to so huge a size that it cannot be supported and may precipitate chaos. Leaving out the men in the military, naval, and related branches, 1,449,000 civilians cited above means that 1 person in every 87 in the whole country is now on the Federal pay roll.

When to these are added Work Projects Administration, Civilian Conservation Corps, National Youth Administration, farm subsidies, social security benefits and pensions, it is conservative to say that 20,000,000 persons, or nearly one-sixth of the total population, are receiving Government pay, pension, or benefit checks. The Administration plans are not to reduce this number, but to increase it. With a half a million added to the Federal pay rolls in 18 months and with the rate of increase about 1,600 a day, it does not seem unfounded to feel that the dangers to democracy inside are not much less than those from outside. At any rate, there is the picture.

The tremendous influx of new Federal employes has compelled the national Government to begin the removal of many civilian agencies from Washington. With war needs commanding the day, the growth of our Federal bureaucracy will inevitably swell to unprecedented proportions.

In this mushroom era, the taxpayers of the Nation are entitled to one definite commitment by their Federal Government. Inefficiency and idleness in a defense industry would be intolerable. Equally, inefficient and unnecessary civilian employment must be intolerable in our governmental agencies during the war. No new workers should be added to national pay rolls whose presence is not dictated by absolute necessity.

Uncle Sam's taxpayers are determined to play fair with their country. Their country must play equally fair with them.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan [Mr. DINGELL]?

There was no objection.

Mr. DINGELL. Mr. Chairman, in reading the newspapers I was shocked to learn that two Nazi-German spies, one Peter Franz Erich Donay desecrating a uniform of an American soldier at Fort Jay, and another, Frederick Freundt, a traitorous naturalized American, were, upon apprehension and arraignment before United States Commissioner Edward Fay in Brooklyn, made eligible to release upon furnishing bail in the amount of $25,000, when they should have been shot on sight.

Think of it, the Federal courts coddling a pair of contemptible biped rodents who already confessed their guilt—instead of immediately turning these arch criminals over to the Army for summary court martial and execution.

This may be construed as a criticism of the court and if there is any misunderstanding on the point, I say to you that it is so intended.

Benedict Arnold who gave to the British the plans to a little blockhouse in New York which in the final analysis made no difference which side held it, was court-martialed and exiled. Major Andre, a Britisher, was executed. Today we treat a pair of slimy and venomous snakes in our midst as though they were petty law violators.

The wave of sabotage in every conceivable form, be it a mysterious crash of a bomber, the blowing up of an arsenal or the burning and sinking of the *Normandie* is due entirely to American indifference which permeates the entire American structure from worker to judge. We must all awaken to the danger if we are to master and overcome this dangerous element among us which seeks to destroy our Government. This is war, let us keep our eyes open, and when you catch a spy or a saboteur red-handed treat him roughly, and spying, sabotaging will cease forthwith.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, I rise at this time because of my interest in the very recent manifestation of economy I have seen here during the past few days on the part of some of the gentlemen who have voted for the building of these agencies of Government and for all the appropriations we now talk about as being wasteful. There is an old saying that "when the devil was sick the devil a saint would be." I am happy to see that some of the gentlemen are getting religion, even though the conversion is coming just a little late.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. WASIELEWSKI].

Mr. WASIELEWSKI. Mr. Chairman, I ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. WASIELEWSKI. Mr. Chairman, there is no reason under the sun why any industry engaged in a nonessential activity should be permitted to build up its inventory. It should be converted at once without delay.

In this morning's paper I noted a news item stating that the manufacture of the popular type of vending machines, which dispense beverage, cigarettes, food, candy, nuts, and chewing gum will be discontinued April 30 under an order issued by the War Production Board. Some 70 vending-machine plants are to be affected by the order. In 1941 these plants did a business of approximately $10,000,000. About 10 percent of these plants are already converted to direct war production, and another 10 percent partially converted.

Yesterday's paper carried an item setting forth that the manufacture of pinball machines, jute boxes, and other types of amusement machines were to be discontinued on May 1 under an order of the War Production Board. Some 30 plants employing 10,000 men are engaged in this industry, which did a $70,000,000 business in 1941.

Gentlemen, is there any reason why the manufacture of these pinball machines, juke boxes, beverage, cigarette, and chewing-gum machines should be protracted? These industries all use vital materials like copper, nickel, aluminum, and steel, which are so sorely needed in our defense production. Is there any reason why the skilled hands that manufacture these machines should not be put to war production at once? We cannot hope to win this war with pinball machines, juke boxes, beverage and chewing-gum machines.

W. P. B. should rescind its previous order and require immediate conversion of these industries. If they are converted at once, the vital materials that they use could be put into war machinery and they can be well on the way to mass war production before May 1. We need production now—May 1 may be too late.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. Chairman, I deeply regret that only 2 minutes are allowed to discuss this very important Disney proposal, which was ruled out on a point of order. I also regret that the parliamentary rules make it impossible to transfer from less essential functions money that might be spent in this all-important function of investigating the bureaus in regard to the items that are carried in appropriation bills.

The statement that there are 132 Capitol policemen was mentioned. I think that with the Army guarding the Capitol at night, we could devote a part of that money to hiring really expert accountants and investigators for the Committee on Appropriations. Real investigators and auditors are badly needed to aid our committees and to look under every chip, to find out whether or not money is being wasted.

The gentleman from Texas [Mr. LANHAM] has been active in this matter. I have had occasion to check numerous times with the General Accounting Office and with the Budget Bureau for information on these bureaus' accounts. I am frank to say that I believe this move would be effective to cut down expenditures by furnishing real information on expenditures. We must have expert witnesses available for the Committee on Appropriations so that we here shall have the ammunition, the know how, the "savvy" to know where these expenditures can be wisely cut and where waste is going on. Until we reach that point we shall never have an effective and an efficient appropriation for any of the departments, because the appropriations will be cut helter-skelter and without due consideration.

I regret that the parliamentary rules make it impossible to transfer funds from one less essential function to a more essential function, but I do hope that legislation will be passed giving the power to the Congress to acquire this needed information.

What the Congress needs is "showcase accounting" and coordination of our accounting so that we can find out how much money is spent by various departments for travel expenses, for communications, and how many employees each department has, and an expert's slant on whether they have more than are needed.

I feel such investigators and auditors could save hundreds of millions without interfering with essential functions of Government. We furnish our bureaus all the help they need and much is used to build up their case for more appropriations. The other side of the picture also needs help to make it possible to weigh these requests for money in their true merit of service.

The Clerk read as follows:

Capitol Power Plant: For lighting, heating, and power for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and the grounds about the same, Botanic Garden, legislative garage, and folding and storage rooms of the Senate, and for air-conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and for light and power therefor whenever available; personal and other services, engineering instruments, fuel, oil, materials, labor, advertising, and purchase of waterproof wearing apparel in connection with the maintenance and operation of the plant, $782,281, of which $69,000 shall be available immediately.

Mr. HOFFMAN. Mr. Chairman, I move to strike out the last word.

Mr. HOFFMAN. Mr. Chairman, several days ago Members rose in the House and displayed thousands of letters and telegrams from their constituents demanding that the House pass some legislation establishing a labor policy. In the noon edition of the Times-Herald I find a statement setting forth that the Speaker of the House told a press conference that indignation meetings have been held and are being scheduled throughout the Nation, which usually are resulting in mass criticism of the efforts of management, labor, and government in the war crisis. Over on the inside page there is a headline stating that "Roosevelt opposes move to abolish the 40-hour week."

The press carries the further information that the President, giving his views, said he could see no need for restrictive labor legislation. He viewed the labor situation in the defense factories as extremely satisfactory, the news item continues:

What we do need, more than additional legislation or anything else, Mr. Roosevelt asserted, is more enthusiasm in the whole war effort. He would like to see a few more parades, a few more bands playing.

In his press conference the Speaker is reported as having said that Congress was being swamped by letters and telegrams from every section of the country. Members of Congress know that quite well, and they also know that the senders of those letters and telegrams are in earnest and mean business, and that the people are fully aware of what is going on.

When the President said there is "an amazing state of public misinformation" he just proved that he does not know what the people are thinking or want. It may be true, as he stated, that some people think a man may not legally work more than 40 hours a week, but the vast majority know better. They also know that if men work more than 40 hours a week those men must be paid pay and a half for the extra time.

There is throughout these United States a growing resentment because of the excessive cost in the production of materials essential for the carrying on of the war.

The fact that those in the armed forces of the United States are serving in places of danger for a compensation which per month is no more than that paid per day to some of those engaged in industrial production and in most cases is far less per month than that received for a week's service of far shorter duration by industrial workers tends to create discontent and disunity.

The fact that drafted men are required to serve for $21 or $31 per month, 24 hours a day, 7 days a week, while industrial workers are required to be paid pay and a half for every hour over 40 hours worked in any 1 week has created a feeling of resentment throughout the country.

All efforts to remedy this situation have so far been blocked by a combination of union and administration pressure.

Remarks on the floor of the House during the past few days have indicated a growing desire on the part of the House to remedy this inequality, lessen this discontent, by adequate legislation.

The President has called on us time and again for an all-out united effort for production. I recall when the Speaker took the floor reading a letter from the President—and the incident was referred to the other night by the gentleman from Oklahoma [Mr. RIZLEY]—and told us that he would either lead or go along in an effort to give us legislation on labor. Shortly thereafter the House did pass such a bill and sent it over to the other body.

The thing I am getting at now is this. If the President wants a 24-hour day and a 7-day week, how can he ask that those who work more than 40 hours shall be paid pay and a half for all over the 40 hours? Our people are meeting and they are indignant. How can you get all-out

production at the lowest possible cost if we are going to pay these political allies of the administration pay and a half for every hour they work over the 40 hours? Is that fair to the boys in the ranks? I say it is not. I say, if the President would be consistent, let him demand the same service of these men who are staying at home that he is demanding of the men in the field. I would like to remedy that situation if I can.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. No; I cannot yield.

If we are to have the maintenance of the 40-hour week, if we are to have pay and a half for every hour that is worked by any man over the 40 hours a week, if we are to have double pay for Sundays and for holidays, and if that is the order of the administration, and if it is treason to question anything that the administration says, I will go along. Do you hear? I will go along, provided you will put through a bill which I dropped in the hopper this morning to give the armed men in the combat service, in the combat areas, the same pay, deducting a fair allowance for maintenance, that you give to the organized men in industry. Now, what is the matter with that, and why do I offer it?

I want to bring home to the administration, if I can or if that thing is possible, the inconsistency in its attitude, the unfairness in its conduct of drafting men for 24-hour, 7-day week service everywhere in the world, and then telling these men at home they need not work more than 40 hours to make the tools of war which the armed men must have if they are to succeed, unless they receive pay and a half for all time over 40 hours per week and double pay if they work on a Sunday or a holiday.

Inasmuch as the President still seems to feel that the 40-hour week should not be abolished for the duration of the war and that time and a half should be paid to men in defense industries for every hour they work over and above 40 hours per week; that the compensation of these workers should not be lessened, to call attention to the situation and to remedy the injustice, I introduced the bill to which I referred, calling for the payment of our armed forces in combat areas of compensation which will come somewhere near equaling that received by those who are working here at home, in places far from the danger zone.

[Here the gavel fell.]

The Clerk read as follows:

Salaries, Library, proper: For the Librarian, the Librarian Emeritus, Chief Assistant Librarian, and other personal services, including special and temporary services and extra special services of regular employees (not exceeding $5,000) at rates to be fixed by the Librarian, $1,422,935.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: On page 35, line 21, strike out "$1,422,935" and insert "$1,400,815."

Mr. DIRKSEN. Mr. Chairman, I feel extremely modest in offering an amendment to save $22,120. However, I am not insensible of the fact that $22,120 would be the aggregate of income taxes paid by 221 citizens of the United States who might in this calendar year pay $100 income tax each. We have become so insensible to money values because of the astronomical sums in which we have been dealing for a great many years, it must come as somewhat of a shock, I admit, when we undertake to save $22,120. The reason, however, for the amendment is that it will eliminate 12 positions which were allowed by the subcommittee. In the first instance, the Library asked for 136 and in the revised estimates I believe it was curtailed to 31. The subcommittee finally allowed 12. One of these is an emergency nurse, another one is an assistant law clerk, and three are additions in the Department of Orientalia in the Library of Congress.

Among other things they will do work in some of the so-called Indic study of material which has been assembled from Burma, from Thailand, from Malaya, from India, and elsewhere. It occurs to me that the daily newspapers, the magazines, and the microfilm which has been assembled from Burma and Siam can wait for a little while. This is as good a time as any to disallow the 12 additional positions that the Library is requesting at the present time. Seven other new positions are requested in the field of processing material for the processing of books. They have been in arrears for a long time over there, on processing, and is it not worth while to suggest that for the duration of this conflict they remain in arrears or at least for a little while longer? So I suggest to you, in all humility, that $22,120 is worth saving. It is more than chicken feed in the country from which I come.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. VAN ZANDT. If they want information from Burma and Thailand they should ask the doughboys who will come back from that part of the world in a few years.

Mr. DIRKSEN. That is a good suggestion.

Mr. O'NEAL. Mr. Chairman, I rise in opposition. The gentleman from Illinois desires to save money. I believe that it is proper to save where it is wisdom to save, and I also believe that it is wise to spend money where it is wisdom to spend. The committee in the hearings gave sincere study and thought to these positions which the gentleman seeks to strike from the bill. First is the nurse. There is one nurse in that building with the hundreds and thousands of people that go there. She cannot be on duty all of the time. We felt that as a matter of protection to the lives and the health of the people that another one is needed. If one is needed, certainly two are needed, because one cannot be on duty all of the time.

So far as the Orientalia Division is concerned, if the gentleman will read the testimony he will see that it is greatly needed. These scholars have familiarity with the languages and customs, and they maintain in the Library today a 24-hour service for the War and Navy Departments, and this Orientalia Division is doing a tremendous piece of war work. That sort of service is not available anywhere else. We thought certainly at this time when so little is known of the southeastern Pacific, when the requests are coming in for that sort of service, that we must provide these people to help out in that Division.

In the Processing Division this is an economy, according to the RECORD. They have accessions in the Library of about 600,000 different items each year. Those must be cataloged and made use of. There is duplication now. If this is allowed for the next year and for 2 years these extra assistants will have caught up with the work, and they will make it unnecessary to have two groups doing this work. They will be able to wipe out those functions we have added, and some of the excess employees in the Processing Division. These seven employees will save money, and ultimately save personnel. Although they asked for 166 new employees in the Library which was later reduced to 31, we allowed only 12, and in the opinion of the committee, after careful study we felt that these 7 should be allowed and that the other employees should be put on. I trust the amendment will be defeated.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois

The question was taken; and on a division (demanded by Mr. DIRKSEN) there were—ayes, 41, noes, 45.

So the amendment was rejected.

The Clerk read as follows:

General increase of Library: For purchase of books, miscellaneous periodicals and newspapers photo-copying supplies and photo-copying labor, and all other material for the increase of the Library, including payment in advance for subscription books and society publications and for freight, commissions, and traveling expenses not to exceed $5,000, including expenses of attendance at meetings when incurred on the written authority and direction of the Librarian in the interest of collections, and all other expenses incidental to the acquisition of books, miscellaneous periodicals and newspapers, and all other material for the increase of the Library, by purchase, gift, bequest, or exchange, $173,000, to continue available during the fiscal year 1944.

Mr. DIRKSEN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: Page 38, line 20, after the word "exchange", strike out "$173,000" and insert "$55,000."

Mr. DIRKSEN. Mr. Chairman, the amendment needs no extensive ventilation. The subcommittee reported $173,000 for increase in the Library of Congress. For 1942 that amount was $248,000. In 1942 it included $50,000 for the purchase of the Herndon collection of Lincolniana, so that from the Budget they asked the difference between $248,000 and $50,000, which is $198,000. That was scaled by the subcommittee to $173,000. The amendment on the desk would reduce the amount to $55,000. That would mean a saving of $118,000. The Librarian testified before the subcommittee that the basic cost of continuing the periodical subscriptions would be

$55,000 and the rest of the money will be used for microfilming, for the acquisition of books, and that $15,000 will be used for the recording of folk songs that the soldiers probably come in contact with in various areas of the country. It occurs to me at a time when we are in conflict, that every dollar must be saved, and that there is no justification for accessions to the Library now, and no justification for recording itinerant folk songs, and certainly we can save on the microfilming item. What is left is $55,000, which the Librarian said would be sufficient to continue the subscriptions for periodicals. The amendment, if adopted, will save $118,000, and certainly the library facilities of Congress will not be impaired.

Mr. MICHENER. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MICHENER. Did the subcommittee impress upon the Library the fact that these folk songs will keep until after the war and then if we ever did get more money, we might record them?

Mr. DIRKSEN. There was very meager testimony in the hearings, as the gentleman will ascertain if he investigates the printed record of the hearings. But it occurs to me these are things that can wait at this time. While there is only a modest amount involved, yet it is $118,000 and that will buy a first-class intercepter plane.

Mr. MICHENER. There is no question but what the gentleman reflects the views of the American people about elimination of these nonessential things. The very fact that we will have to borrow $15,000 and go out and sell bonds throughout the length and breadth of the land to raise the $15,000 to be used in the recording of folk songs is perfectly ridiculous. I would like to hear the explanation of the gentleman from Kentucky [Mr. O'NEAL] for placing an item of that kind in this bill.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr O'NEAL. Mr. Chairman, I rise in opposition to the amendment.

It is always interesting to hear criticisms where you have heard the testimony of witnesses as to certain subjects under discussion.

After you deduct $50,000 which they had for the purchase of the Lincoln collection, there was left $173,000. The committee, in the interest of economy, reduced that by $25,000. They have $25,000 less than their base estimate for this year.

I do not know what the attitude of the House will be with reference to using the Library to the best advantage and keeping it the greatest library in the world. Today the Congressional Library is the most serviceable, most useful, most wonderful, and the best library in the world. This is $113,000 simply to keep up what a great library needs, as the regular amount to provide periodicals, and other essential things they have need of, and to subscribe for necessary editions which come out from time to time—what one might term the regular and normal material. One hundred and thirteen thousand dollars is the amount that is needed to simply keep the regular accretions to the Library coming in. That is for many fields.

This is not just a local library. This Library is used by almost every library in the United States, by people everywhere in the United States, and the small amount here for acquisitions for the greatest library in the world is only $113,000. Then we give the Library $60,000 to take advantage of things which they can now acquire more advantageously than ever before. There are many books, there are many things that a library should have which can be acquired today at less cost, because of various reasons, than at other times. We felt that if we let the Library run along with $113,000, their normal amount required, and provide the greatest library in the world $60,000 for the acquisition of necessary books that come out and for rare books which they can pick up, it was nothing but fair and right that this Library, which belongs to all the people of the United States, should have this amount. We gave them a cut of $25,000. We thought that was adequate. We thought this great Library should have this small sum to improve collections and to expand them.

Mr. TABER. Will the gentleman yield?

Mr. O'NEAL. I yield.

Mr. TABER. There is an item here of $40,000 for microfilming, whatever that is. I do not know.

Mr. O'NEAL. That is part of the $113,000.

Mr. TABER. Could we not get along without that?

Mr. O'NEAL. I am sorry I do not have more time to explain this. There are thousands of important old newspapers over there used by students and which are splendid for reference. They are falling to pieces. They are rotting out. They take up a tremendous amount of room. By spending a little noney on microfilming you can reduce that whole newspaper to a very small size. You can make it much more readable and you can protect the information which it contains for all time to come. It is economy in that it saves space for the Library. It is more usable in the form of microfilm than it is as a rotting old newspaper. For that reason, in this $113,000 for continuous acquisition and for microfilming you are practicing direct economy in space, and certainly making it much more useful. This exact item may not apply to the microfilming of newspapers.

Mr. TABER. What about this item of $15,000 for this singing business?

Mr. O'NEAL. Of course, that is a question whether the gentleman feels it is worth while or not. Personally, I wish the members of this committee could go and hear the records, current records, current history in sound, and of life as it is today. To the historian it will be of tremendous importance. For instance, they plan to take this thing to all the Army camps. They intend to make records of the soldiers' songs and activities throughout the camps of America. This will be done in the A. E. F., in foreign fields. It is history. It depends upon what a man's interest is in history. It is current history of a type that no printed page can show, and as far as I am personally concerned, I think it is a most interesting contribution to history. Had we the songs, had we the campfire tales that happened during the Revolutionary War, I think it would be worth a great deal to us today.

I hope the amendment will be defeated.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I appreciate very much the good work the gentleman from Kentucky has done on this bill. He has brought it in, especially with reference to the items of the housekeeping of the House of Representatives, in such a careful manner that I do not see how there can be legitimate criticism of it. I am, however, very leery of some of the operations of the gentleman who is Librarian at the present time. He is the head of the Office of Facts and Figures, and he has been putting out press releases which will not hold water. He has gone into taking over radio programs and ruined them, and he has made a general mess of that situation. Now, when it comes to recording folk songs and that sort of thing I am quite leery of the gentleman. I am inclined to believe that this microfilming of these old newspapers, if there is any value in keeping them, might be all right; but I do believe that the folk-song business ought to be cut out. I am inclined to believe that we could save a very substantial amount on this and still allow them money enough to go ahead.

I hope a substantial cut will be made.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. DIRKSEN) there were—ayes 57, noes 45.

Mr. O'NEAL. Mr. Chairman, I ask for tellers.

Mr. MICHENER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MICHENER. Are we now voting on the $15,000 folk-song item?

The CHAIRMAN. The question is on the Dirksen amendment.

Mr. MICHENER. Is not that the $15,000 folk-song item?

Mr. TABER. That is included in it.

Tellers were ordered and the Chair appointed as tellers Mr. O'NEAL and Mr. DIRKSEN.

The Committee again divided and the tellers reported that there were—ayes 64, noes 42.

So the amendment was agreed to.

The Clerk read as follows:

To provide the Public Printer with a working capital for the following purposes for the execution of printing, binding, lithographing, mapping, engraving, and other authorized work of the Government Printing Office for the various branches of the Government: For salaries of Public Printer and Deputy Public Printer; for salaries, compensation, or wages of all necessary officers and employees additional to those herein appropriated for, including employees necessary to handle waste paper and condemned material for sale; to enable the Public Printer to comply with

the provisions of law granting holidays and half holidays and Executive orders granting holidays and half holidays with pay to employees; to enable the Public Printer to comply with the provisions of law granting leave to employees with pay, such pay to be at the rate for their regular positions at the time the leave is granted; rental of buildings and equipment; fuel, gas, heat, electric current, gas and electric fixtures; bicycles, motor-propelled vehicles for the carriage of printing and printing supplies, and the maintenance, repair, and operation of the same, to be used only for official purposes, including operation, repair, and maintenance of motor-propelled passenger-carrying vehicles, for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer; freight, expressage, telegraph and telephone service, furniture, typewriters, and carpets; traveling expenses, including not to exceed $3,000 for attendance at meetings or conventions when authorized by the Joint Committee on Printing; stationery, postage, and advertising; directories, technical books, newspapers and magazines, and books of reference (not exceeding $500); adding and numbering machines, time stamps, and other machines of similar character; rubber boots, coats, and gloves; machinery (not exceeding $300,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; for expenses authorized in writing by the Joint Committee on Printing for the inspection of printing and binding equipment, material, and supplies and Government printing plants in the District of Columbia or elsewhere (not exceeding $1,000); for salaries and expenses of preparing the semimonthly and session indexes of the CONGRESSIONAL RECORD under the direction of the Joint Committee on Printing (chief indexer at $3,480, one cataloger at $3,180, two catalogers at $2,460 each, and one cataloger at $2,100) and for all the necessary labor, paper, materials, and equipment needed in the prosecution and delivery and mailing of the work in all, $6,985,000 to which sum shall be charged the printing and binding authorized to be done for Congress including supplemental and deficiency estimates of appriations; the printing, binding, and distribution of the Federal Register in accordance with the act approved July 26, 1935 (44 U. S. C. 301-317) (not exceeding $220,000); the printing and binding for use of the Government Printing Office; the printing and binding (not exceeding $2,000) for official use of the Architect of the Capitol upon requisition of the Secretary of the Senate; in all to an amount not exceeding $3,985,000: *Provided*, That not less than $3,000,000 of such working capital shall be returned to the Treasury as an unexpended balance not later than 6 months after the close of the fiscal year 1943: *Provided further*, That notwithstanding the provisions of section 73 of the act of January 12, 1895 (44 U. S. C. 241), no part of the foregoing sum of $3,985,000 shall be used for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) and no part of any appropriation shall be obligated after the date of the enactment of this act for printing the Yearbook of Agriculture for 1942.

Mr. TARVER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TARVER. Mr. Chairman, I make a point of order against the language contained in the proviso beginning on line 21, page 44, and ending with line 3 on page 45, and particularly to that portion of the proviso which reads as follows:

And no part of any appropriation shall be obligated after the date of the enactment of this act for printing the Yearbook of Agriculture for 1942.

Mr. O'NEAL. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield.

Mr. O'NEAL. So far as the second part of that proviso is concerned we are perfectly willing to concede the point of order if the gentleman will not ask that the entire section be stricken out.

Mr. TARVER. In my opinion, the language of the proviso is subject to a point of order on the ground of inclusion in the proviso of the language on which I am submitting the point of order, and I think the entire proviso should be stricken. I do not understand that the proviso itself can stand up in any particular if it contains language which is legislative in character.

Mr. O'NEAL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. Does the gentleman from Georgia yield the floor?

Mr. TARVER. No; I have not yielded the floor. I desire to ask that the Chair rule on the point of order I submitted against the language in question which proposes to limit the expenditure of funds which are not carried in this appropriation bill but which we appropriated in the legislative appropriation bill for the year 1942. It therefore proposes to change existing legislation not by way of limitation under the terms of the Holman rule. It is therefore out of order under the point of order I have submitted, and the entire proviso is also out of order in view of the inclusion therein of the legislative matters to which I have made reference.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order?

Mr. O'NEAL. Mr. Chairman, we are perfectly willing to concede the point of order to the second part of the proviso. If the Chair holds that the entire proviso must be stricken, then I will offer an amendment to take care of the situation.

The CHAIRMAN. The Chair sustains the point of order on the ground that if part of a proviso is faulty the entire proviso falls.

The point of order is sustained.

Mr. O'NEAL. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. O'NEAL: Page 44, line 21, after the figures "1943", insert: "*Provided*, That notwithstanding the provisions of section 73 of the act of January 12, 1895 (44 U. S. C. 241), no part of the foregoing sum of $3,985,000 shall be used for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture)."

Mr. O'NEAL. Mr. Chairman, I would just like to make the statement that the first half is for the yearbook for 1943.

Mr. TARVER. Mr. Chairman, I rise in opposition to the amendment.

Mr. O'NEAL. Mr. Chairman, I reserve the balance of my time, if the gentleman cares to rise in opposition.

The CHAIRMAN. The gentleman cannot reserve the balance of his time.

Mr. O'NEAL. I thought the gentleman from Georgia acceded to that request.

Mr. TARVER. I have not that power even if I were willing.

Mr. O'NEAL. Mr. Chairman, the amendment that is now being offered is what was in the bill with reference to the 1943 appropriation for the Agricultural Yearbook. There were two provisions put in by the Committee on Appropriations with reference to the Agricultural Yearbook. One was to stop the printing of the 1942 yearbook, and that was the part of the bill which was stricken from the bill by the point of order offered by the gentleman from Georgia. It so happened that that point was tied up with the 1943 appropriation for the same purpose, so when one part went out it carried both provisions with it.

I then offered this amendment, which merely replaces in the bill the part dealing with the 1943 appropriation for the Agricultural Yearbook and omitted the part for 1942. So what is before you now is an amendment which by way of limitation does not allow any of the funds in this bill to be used for Agricultural Yearbooks furnished to the Congress for the year 1943. It will effect a saving of $130,000 to $150,000. The gentleman from Georgia, as I understand it, wishes recognition against this provision. The gentleman is interested in retaining the Agricultural Yearbook for 1943, and I presume he is opposing this amendment. The amendment now offered is the action of the subcommittee and the action of the full committee, which will save, as I say, from $130,000 to $150,000, and we thought in the interest of economy the House would be very willing not to have the yearbook for 1943.

Mr. O'NEAL. I yield to the gentleman yield?

Mr. O'NEAL. I yield to the gentleman from Minnesota.

Mr. KNUTSON. The last few editions of the Yearbook have not been agricultural. The one for 1941 deals almost altogether with the showing of how the climate affects human behavior or something along that line.

Mr. O'NEAL. From synthesis to synthesis?

Mr. KNUTSON. Well, something like that; yes, sir.

Mr. TABER. Will the gentleman yield?

Mr. O'NEAL. I yield to the gentleman from New York.

Mr. TABER. I think the gentleman is doing a fine service in offering this amendment, and I think it ought to be adopted because the people generally feel that at such times as these we can get along without anything that is not absolutely necessary.

Mr. NORRELL. Will the gentleman yield?

Mr. O'NEAL. I yield to the gentleman from Arkansas.

Mr. NORRELL. I am in favor of the gentleman's amendment, but I would like

to know whether there is a corresponding decrease in that part of the agricultural appropriation bill having to do with the services of people who prepare this book.

Mr. O'NEAL. This only deals with the printing done by the Government Printing Office for the House of Representatives.

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. O'NEAL. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. As I understand it, the price of these books is $1.25 if anyone wants to buy them from the Government Printing Office; is that right?

Mr. O'NEAL. I think it is $1.25. I am not sure about that, but there is a price.

Mr. TARVER. One dollar and seventy-five cents.

Mr. MICHENER. Will the gentleman yield?

Mr. O'NEAL. I yield to the gentleman from Michigan.

Mr. MICHENER. If the gentleman's amendment is defeated and if this Agricultural Yearbook is to be sent out, will the gentleman accept an amendment providing that every Member who sends out one of these Agricultural Yearbooks must accompany it with a statement that the money has been borrowed and a bond issued to pay for it?

Mr. O'NEAL. I may say to the gentleman from Michigan that I would never be in favor of any sort of proposal like that. We ought to deal with it frankly and fairly, take it or leave it, and not do it some clever way.

Mr. MICHENER. This would give the farmer who gets the book for nothing the truth as to who is paying for it.

Mr. KEEFE. Will the gentleman yield?

Mr O'NEAL. I yield to the gentleman from Wisconsin.

Mr. KEEFE. I was in attendance at another meeting of a subcommittee of the Appropriations Committee for the last few moments. As I understand it, the provision in this appropriation bill which was voted in there by the subcommittee to eliminate the funds for the printing of the Agricultural Yearbook for the next fiscal year was tied up with the amendment which the gentleman offered in the committee to strike out the appropriation for this year, and as a result a point of order was raised against both?

Mr. O'NEAL. That is correct.

Mr. KEEFE. And the gentleman has offered an amendment to carry out the purpose of the full Appropriations Committee to strike out the appropriation for the publication of this yearbook for the next fiscal year?

Mr. O'NEAL. For 1943, 1 year instead of 2 years.

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Kentucky [Mr. O'NEAL] and I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia [Mr. TARVER]?

There was no objection.

Mr. TARVER. Mr. Chairman, I am in thorough sympathy with all the advocates of economy who are acting in good faith. I think my own congressional record demonstrates the truth of that statement. This, in my judgment, is something that it would be unreasonable to do, and after I have told you why I think it would be unreasonable to do it, if you see proper to adopt the amendment which has been offered by the gentleman from Kentucky that, of course, is your affair. I would have no quarrel with anybody who might be in accord with that viewpoint.

The gentleman from Kentucky comes from the city of Louisville. All of his farmers are residents of that city and its environs. The other two members of his subcommittee on this side of the House, the gentleman from South Carolina [Mr. HARE] and the gentleman from Washington [Mr. LEAVY] are opposed to this amendment and have so advised me. The gentleman from South Carolina made a speech on the subject earlier in the afternoon.

Mr. O'NEAL. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield to the gentleman from Kentucky.

Mr. O'NEAL. I may say to the gentleman that we have some excellent city farmers there, but also in my district are 60,000 dirt farmers.

Mr. TARVER. I am very interested to know that. I am sure if the gentleman would confer with his dirt farmers regarding the desirability of continuing the distribution of this yearbook he would have a very different opinion from that which he apparently now entertains.

Let us understand this situation. The funds for getting up the yearbook, preparing the material, and so forth, are carried in the agricultural appropriation bill. They are not carried in this bill. Part of the work has already been done on the 1943 yearbook with funds which have been made available in the appropriation bill for the fiscal year 1942.

When the agricultural appropriation bill for the fiscal year 1943 was in the House the other day an amendment offered by the gentleman from Illinois [Mr. DIRKSEN] was adopted which cut down the funds of the Office of Information from $1,500,000 to $1,000,000, cutting out $500,000 of those funds.

In the argument on that amendment it was contended by some Members that the Agricultural Yearbook would be one of the things to go. The preparation of the Agricultural Yearbook provided for in the bill amounted in cost to $25,000. That was all that was in the agricultural appropriation bill for that purpose. The adoption of the $500,000 cut by the House did not cut out the Agricultural Yearbook any more than it cut out any other particular item provided for in the appropriation for the Office of Information, because the amendment did not designate what particular objectives carried out by the Office of Information should be abandoned in the event of the adoption of the amendment.

The bill has gone to the Senate. It will probably be some time yet before final action on the bill is completed. I submit that if in the final action on the bill we provide funds for preparing the material for the Agricultural Yearbook of 1943, it will be a rather foolish matter to provide in this bill that that information could not be printed. It seems to me that before you carry any direct inhibition in any other legislation against the printing of the Agricultural Yearbook of 1943, you ought to wait until the Congress has first determined whether it will authorize the preparation of the material for that yearbook or not.

The gentleman has pointed out that he has eliminated from this appropriation the funds which would be necessary in order to print some 246,700 copies of the yearbook, which would be printed if the appropriation were made therefor in this bill, but it certainly occurs to me that if you finally decide to have the material prepared, and that is a matter for your determination in connection with the agricultural bill, then you ought not to be hampered by a limitation placed in another bill before you have made that decision to the effect that none of that material should be published.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield briefly for a question only.

Mr. VORYS of Ohio. As I understand, these books are for sale and they are also given away by Congressmen at present.

Mr. TARVER. Yes.

Mr. VORYS of Ohio. Would there not continue to be yearbooks printed up and sold for $1.75 each, even though this fund were stricken out?

Mr. TARVER. No. If you strike this out, the Agricultural Year Book of 1943 will not be printed. There will not be any available by purchase. The Department of Agriculture will not have any. The statute law, enacted in 1895, 47 years ago, provided for the printing of a certain number of copies, 30,000, I believe, for the Department of Agriculture, and a certain number of copies for the use of the Members of the House and the Senate. That amount has been cut during the last 6 years to where the total printed for the House and the Senate has been 231,600, and the total printed for the Department of Agriculture has been 15,000. That is all provided for in the legislative appropriation bill, if it is provided for at all. If you do not provide any money in the legislative appropriation bill for printing the yearbook, then there will not be any book printed which anybody can have given to them or can buy or secure possession of in any other way.

There are people who do not think this yearbook is any good. I hold a copy of it here in my hand. You will find on page 10 of the index that part 3 of the book deals with information concerning small grains, sorghum, cotton, tobacco, vegetable crops, fruit and nut crops, sugarcane, sugar beets, forage crops, grazing, and quite a number of other subjects which are of tremendous interest to agriculture.

I find that the vocational agricultural students in my congressional district like to have these yearbooks. They use them as textbooks. I place them in libraries when they are requested by school libraries for the use of students. This appropriation provides only about 400 of

these yearbooks for each congressional district, and when you have 14 counties, as I have, that is slightly less than 30 to a county. I cannot furnish them to all of these schools that are teaching vocational agriculture. My supply is just about exhausted.

I cannot see why you want to save $130,000, which is the total amount involved here, or about 50 cents for each book which, when sold, retails at $1.75, and stop that service entirely.

Mr. LUTHER A. JOHNSON. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield.

Mr. LUTHER A. JOHNSON. My personal experience is that I have requests from vocational agricultural classes and farmers which far exceed the quota allotted me and I always exceed my quota.

Mr. TARVER. I thank the gentleman.

I wish to point out also that you carry in this bill $222,000 for this Federal Register, two copies of which come to my office and to your offices every day. It is not worth anything in the world to me. I throw it in the wastebasket. I had a letter the other day from a Federal circuit judge stating that he had been trying for 2 months to get them to stop sending it to him and asking me to call up the Archivist and try to get him to stop sending it, but after two attempts I had to desist because they insisted on sending it anyway.

We have in this bill $1,000,000 to print the CONGRESSIONAL RECORD. I am sure a great many more people read this book than read the CONGRESSIONAL RECORD.

You carry in this bill everything that is provided for the Members of Congress, their mileage and their salaries and everything, undiminished. You have, as a matter of fact, added a little something to it because you provide that they may get special-delivery stamps, which they have never had before. You have not economized on yourselves in any way in this bill. You have made some economies, but not at the expense of the Members of Congress. Now, when you come to the question of something which is for the benefit of the farmers you want to make a record of economy by saving $130,000. There was not a single witness who appeared before this subcommittee to discuss the Agricultural Yearbook. You can read those hearings from front to back and there is not a word said about the Agricultural Yearbook by anybody. No representative of the Department of Agriculture was called. The Public Printer was not asked about it when he was on the stand testifying before the committee. Yet without any evidence whatever, a matter which is to be determined in the pending agricultural appropriation bill is sought to be predetermined here and a limitation adopted which would make ineffective your decision to have this 1943 yearbook prepared with funds provided in the agricultural appropriation bill if that shall be your decision. I think this would be unwise and I hope the amendment will not be adopted.

PRINTING OF YEARBOOK DIRECTED BY LAW

In 1895 the Congress directed that the Yearbook of Agriculture be printed. It is part 2 of the Annual Report of the Secretary of Agriculture as specified in section 241, title 44, United States Code. The language of the section follows, with that part pertaining to the Yearbook of Agriculture:

UNITED STATES CODE—TITLE 44, SECTION 241

Sec. 241. Agriculture Department; report of Secretary

The Annual Report of the Secretary of Agriculture shall be submitted and printed in two parts as follows: Part 1, which shall contain purely business and executive matter which it is necessary for the Secretary to submit to the President and Congress; part 2, which shall contain such reports from the different bureaus and divisions, and such papers prepared by their special agents, accompanied by suitable illustrations as shall, in the opinion of the Secretary, be specially suited to interest and instruct the farmers of the country, and to include a general report of the operations of the Department for their information. In addition to the usual number, there shall be printed of part 1, 1,000 copies for the Senate, 2,000 copies for the House, and 3,000 copies for the Department of Agriculture; and of part 2, 110,000 copies for the use of the Senate, 360,000 copies for the use of the House of Representatives, and 30,000 copies for the use of the Department of Agriculture, the illustrations for the same to be executed under the supervision of the Public Printer, in accordance with directions of the Joint Committee on Printing, said illustrations to be subject to the approval of the Secretary of Agriculture; and the title of each of the said parts shall be such as to show that such part is complete in itself. (Jan. 12, 1895, ch. 23, sec. 73, 28 Stat. 612.)

Note that the law prescribes a total of 470,000 copies to be printed for distribution by Members of Congress. The edition actually printed is less than half that number. In 1933 the Joint Committee on Printing, at the suggestion of the Secretary of Agriculture, directed that thereafter the number of copies of the yearbook printed for congressional distribution should be 54,500 for Members of the Senate and 177,200 for Members of the House, a total of 231,700.

The Department at the same time reduced its purchase of yearbooks from 30,000 to 15,000.

SALES OF THE YEARBOOK IN THE PAST 2 FISCAL YEARS

According to the records of the Superintendent of Documents, the yearbook sales in the past 2 fiscal years have been:

Fiscal 1941, $8,698.

Fiscal 1940, $7,378.

Figures are not available for the years before fiscal 1939, as the records were not kept in a form that makes it possible quickly to separate the figures on yearbook sales. The Superintendent of Documents states that his general impression is that the sales of the yearbooks are trending upward year by year. This is in spite of the fact that the number of books available for free distribution to constituents of Congressmen has not altered. It has remained at 231,700 for the past 6 years. The increase in sales evidently means an increasing demand for the information in the yearbooks which cannot be satisfied by the congressional distribution.

SALES OF THE 1941 YEARBOOK, "CLIMATE AND MAN"

This book was not available until late December. In the less than 3 months which have elapsed since that time the sales have amounted to $2,433.25. The record so far indicates a continuation in the upward trend of sales indicated by the figures for the past 2 years.

1942 AND 1943 YEARBOOKS OF AGRICULTURE GEARED INTO WAR EFFORT

The point should be emphasized that the 1942 and 1943 yearbooks are practical manuals dealing directly with things the farmer has to do in connection with the food-for-freedom campaign. These yearbooks take quite a long time to prepare, and it is not easy to swing them over in the middle of the job. But beginning with the 1942 yearbook, they have been swung over and geared into the war effort. They can be just as valuable here as they have been in the past when we were not engaged in war. There can be no question about their value in the past—the tremendous demand for them proves that. We do not want to waste that value, and the prestige the yearbooks have attained. We want to make full use of that value and prestige in new ways.

1942 YEARBOOK OF AGRICULTURE ANSWERS FARMERS' URGENT QUESTIONS

The articles in the 1942 yearbook were prepared by specialists who have sought to answer the questions and problems uppermost in the minds of farmers at this time, as indicated by requests for assistance received by the Department.

1942 YEARBOOK OF AGRICULTURE—HOW FARMERS NEED IT BECAUSE OF LACK OF VETERINARIANS

By virtue of its broad scope and the practical information contained, the 1942 Yearbook is certain to be valuable in supporting the food-for-freedom program.

The chairman of the committee that planned the book is Dr John R. Mohler, Chief of the Bureau of Animal Industry, well known to Members of Congress for efficiency and economy in dealing with livestock problems and for sound judgment as an administrator.

With the present increased numbers of livestock—particularly hogs and poultry now being raised—the dangers of disease are increased. The number of practicing veterinarians is inadequate to cope with extensive outbreaks. There are only 8,000 practicing veterinarians in the United States, one to every 25,000 head of livestock, excluding poultry. Stockmen themselves must use disease-prevention measures. This yearbook gives clear direction for such measures for all the important animal diseases.

Congressmen receive a heavy mail on animal-disease matters, indicating the desire of livestock producers for just the information contained in the yearbook. They need this ammunition for fighting disease.

1942 YEARBOOK OF AGRICULTURE PAYS FOR ITSELF IN ANIMALS SAVED

Diseases are constantly threatening and ravaging birds and flocks—thus performing sabotage, so to speak. This book will be a weapon of defense on the food front.

The wartime food value of even one hog, sheep, or head of cattle saved through the counsel of this book would pay for several copies.

1942 YEARBOOK OF AGRICULTURE—DISEASE MEANS LOSS OF PRODUCTION

Keeping animals healthy is just as important as keeping human beings healthy in this war. When you are engaged in an all-out production effort, you cannot afford to be sick yourself; and the farmer cannot afford to have sick animals on his hands. Some of the diseases that hit farm animals have an 80- to 90-percent mortality. They are as bad as typhus fever among human beings, or worse. But practically any disease is bad, whether it has a high mortality or not. The common cold of human beings does not have a high mortality, but when a million men are away from work even 1 day with colds, that means a million production days lost. It is the same with livestock; even a minor disease, when it is widespread, means an enormous production loss—and right now we cannot afford those losses.

The 1942 yearbook, Keeping Livestock Healthy, tells farmers how to avoid these losses. It will be the only complete book on the disease of all kinds of livestock available to farmers. It is a valuable part of the war effort.

1942 YEARBOOK OF AGRICULTURE—45 OF EVERY 100 PIGS DIE

All the text for the 1942 yearbook has been prepared and about two-thirds of the type has been set. To abandon it now would mean the waste of the work and printing costs that have already gone into it.

A book of this kind is certain to be a valuable animal health guide during the war period and afterward. Surveys have shown that publications are the cheapest and most effective means of distributing this type of information.

In the case of pigs alone, information in this yearbook can effect an immense saving. Losses of pigs are far greater than is commonly realized. Only about 55 of every 100 pigs born reach market. By following the practices recommended in the yearbook, farmers can cut this loss materially.

1943 YEARBOOK OF AGRICULTURE—FARMERS MUST FEED THEMSELVES

The 1943 yearbook is planned as a complete manual of the home production of all kinds of food products. We want every farm home in this country to produce as much of its own food as possible, because the more the farmers can feed themselves, the more their strictly commercial production will be available to feed the people in our own cities and our Allies abroad. On many a highly commercial farm, there is little or no production for home use. The farmer who has never kept chickens or a cow or run a vegetable garden needs good plain material on how to do it. That is what the 1943 yearbook will give him.

1943 YEARBOOK OF AGRICULTURE AS USEFUL AS A COOKBOOK

The 1943 yearbook on home food production not only tells how to raise your own products but how to can, dry, process, and store them. It tells how to plan production so that the needs of the family will be met without any waste. It tells enough about nutrition, in plain and simple language, so that the farm wife can emphasize the production of those things that are especially important for her family's health and handle the products so their health values will not be lost. Such a book in the farm home ought to be just about as useful as a cookbook, with the added value that it will give a tremendous boost to our food-for-freedom effort.

1943 YEARBOOK OF AGRICULTURE A HOW-TO-DO-IT BOOK

About half the material for the 1943 yearbook on home production has already been written. Almost all of it is being written in the States, by people familiar with local conditions and local needs. It is being written in plain and simple language—it is how-to-do-it stuff, as brief and plain as possible. No such complete manual on home production, covering vegetables, fruits, poultry, and poultry products, dairy products, hogs and pork products, and even the fish and game available to the farmer, has been prepared before. Farmers want to know, What can we do to produce more of our own food, and how can we do it? This book answers those questions.

Mr. KEEFE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, because I was privileged to discuss this matter when the agricultural appropriation bill was before the House and some considerable publicity, at least through the Middle West, was given to the remarks which I made at that time, I feel under some compulsion to say something in reference to the pending amendment. At no time have I ever attempted to deprecate the material which is found in this Agricultural Yearbook. I could not do so, because in my busy experience as a Member of Congress I have not had time to read it, and certainly a person would have to have a lot of leisure time if he ever attempted to read the last issue of the Agricultural Yearbook or any issue that I have ever heretofore seen. There is no doubt but what it contains a great deal of statistical material of some value to the people who see fit to use it. The simple question, however, is this: Can we not dispense with this nonessential expenditure during the war period? I have letter after letter from farmers in my district who read in the newspapers the statements which I made when the Agricultural Yearbook question was before us a week or so ago. Without fail, every single one of them who has written me on the subject says, "Yes; the yearbook is all right; it is a good thing if you have got time to read it, but we can afford to suspend the publication of that book now."

It is not necessary during this emergency, and when the people of this country are being called upon to make sacrifices of all kinds, and when there is a demand for a curtailment of the use of paper such as we see coming throughout the country every day, it seems to me that in the interests of just common decency we can suspend, not necessarily permanently prohibit, the use of 1 ton of paper for each Member of Congress, to be distributed or scattered throughout his district, 400 copies to a Member. I doubt whether the 400 people who get them ever make satisfactory use of the reading material that is contained therein. It has become so voluminous that you would have to be an agricultural expert teacher in order to make the best use of it. If it is so valuable, then it would seem to me that people who are so interested could afford to pay $1.75 for a copy. It seems to me the public is demanding that we make some curtailments.

Mr. VORYS of Ohio. Would the gentleman be willing to try the experiment here that he tried in his agricultural meetings, knowing that the yearbook is in the office of every one of us, and ask for a showing of hands as to how many of us have read it?

Mr. KEEFE. Yes; but I would not want to humiliate anybody.

Mr. TARVER. And does the gentleman not think that those who have not read it ought not to vote to condemn it?

Mr. KEEFE. I think the gentleman's statement is very good as a general proposition, but I do not understand that anyone who is speaking in favor of this amendment has condemned this yearbook. The gentleman is drawing a red herring across the trail when he makes that kind of statement. That is not the issue. I have repeatedly said that I have not condemned what is in this yearbook. I am not in position to do it, because I have not had the time to read it, but I do know that there is a unanimous demand throughout this country that we stop these unnecessary expenditures, and I am surprised that the distinguished gentleman from Georgia [Mr. TARVER] has not based his judgment on this matter on the fact that it is information necessary for national defense, as almost everything else is alleged to be. I have not heard him make that argument yet, but perhaps he will now do it, with his usual facility.

Mr. TARVER. I think that the 1942 yearbook with its contents in advising the farmer how to increase the production of food is a necessary element of the war progress.

Mr. KEEFE. But if we have to wait for the farmers of America to read that book before producing food, then we will have a famine in this country before the war is over.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FULMER. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. O'NEAL. Mr. Chairman, let me see if we cannot arrange upon some time for debate. I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in 6 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FULMER. Mr. Chairman, I do not think I shall take the 5 minutes allotted to me. It is very interesting to see this so-called economy block go into action just as soon as you mention the word "farmer." I say to you that perhaps around the first of 1943 or perhaps the first of 1944, those of you who are trying to economize on the farmers of this country will some day wake up to the sad

realization that you are not going to have even a normal production. I say to you that the most important part of our national defense program is agriculture, and unless we in this country are able to produce food and fiber to take care of 130,000,000 people in this country and millions of our Allies, because many in the various countries today are starving, you will never win this war.

One of the finest pieces of work that is being done in agriculture is being done by the young boys and girls and the various agricultural students of the Nation. Those who are attending agricultural colleges and who are going back to the farm and who will remain on the farm. The production goal that is suggested by the Secretary of Agriculture, and that is outlined in these books, is very necessary to carry on the victory program. This amendment that you propose will save only the small amount of $130,000. The gentleman from Wisconsin [Mr. KEEFE] who just spoke did not hesitate to vote on that bill yesterday, in which you are going to spend millions on one of the silliest bills ever before Congress.

Oh, yes; I know that you had to vote for that; a great many have told me; but when you get through with it the cost and the number of officers' salaries will make the W. C. D. look like a joke. Appropriations will be coming in here, and the gentleman will have to vote for millions because it is in the name of national defense. Go ahead and vote this small amount out; cancel the sending out of these books; but I say to you there is a sad day facing the country and the Congress, because thousands are leaving the farms, for two reasons. One is because of better pay in other lines, and the other is because the family on the farm cannot exist for the prices they receive for that which they produce.

Mr. BENDER. They would rather go on the W. P. A. than stay on the farm?

Mr. FULMER. Yes, because of the difference between what they get on the farm and the W. P. A. I have been farming all my life. I have been engaged in business and banking. I have one of the best farms in South Carolina. I cannot compete with W. P. A. or any other agency or line of business. I do not believe any farmer can do it, but when you mention the farmer's name on the floor of this House the economy bloc immediately begin to stab this innocent group, the most patriotic group in this country, in the back.

Mr. KEEFE. Will the gentleman yield?

Mr. FULMER. I yield.

Mr. KEEFE. You have been a successful farmer, have you not?

Mr. FULMER. I have had to take part of my salary all the years to pay the expenses of my farm up until the past few years.

Mr. KEEFE. I presume if the gentleman had studied this yearbook and its previous issues, he would have been a very successful farmer and he would have been making money.

Mr. FULMER. No; I do not have to study this book, but there are millions that could profit by the contents of the yearbook, especially the ones that have been issued during the last few years.

Mr. KEEFE. I have never criticized the yearbook, but when the gentleman referred to my vote yesterday, does the gentleman appreciate that there was not a dollar requested in that bill yesterday?

Mr. FULMER. Oh, no; but does the gentleman have any idea we are not going to have requests for millions before it is through with?

Mr. KEEFE. But when that request comes in that will be the time to talk about it, and not now.

Mr. FULMER. I can assure the gentleman, the House, and the country that the gentleman will vote for these appropriations when they come in.

Mr. BROWN of Georgia. Will the gentleman yield?

Mr. FULMER. I yield.

Mr. BROWN of Georgia. It is my understanding that this book has been printed annually since 1895?

Mr. FULMER. Yes.

Mr. BROWN of Georgia. All through the other war. I further understand that the vocational schools of this country use this book as a textbook.

Mr. FULMER. Absolutely. All of the county agents and those connected with the agricultural programs. I hope the amendment will be voted down, because of the pitiful amount that is involved.

Mr. JOHNS. Mr. Chairman, will the gentleman yield?

Mr. FULMER. I yield.

Mr. JOHNS. I was interested in what the gentleman had to say about the conditions of agriculture in 1942 and possibly 1943. Is it not a fact that today we have the largest surplus of butter and cheese in storage that we have had at any time in several years?

Mr. FULMER. Yes, and the gentleman should be thankful, because look at the price you people are receiving for these products.

We have a surplus of cotton, wheat, and corn, and before this war is over millions of our people and millions of our allies are going to thank God that this administration established the ever-normal granary.

The CHAIRMAN. The gentleman from Ohio [Mr. VORYS] is recognized for 1 minute.

Mr. VORYS of Ohio. Mr. Chairman, I have gone through this book, Climate and Man, very carefully, and I want to say that after doing so I feel that those of you who have not read it are competent to vote on whether this very interesting and abstruse volume on Climate and Man should be furnished free, not often to dirt farmers but probably as a textbook, as one free textbook to various institutions and libraries. I feel certain that this very interesting compilation of facts about clouds, how to live in the Tropics, what to wear in the Arctic, why it is hot, why it is cold or wet or dry, and about geology and a lot of other things would be worth your while to read, since you have got a copy free. But I certainly cannot see that it is going to have anything to do with winning this war to have a few favored farmers and friends and teachers in each Congressman's district get this thing for nothing.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. O'NEAL].

The question was taken; and on a division (demanded by Mr. TARVER) there were ayes 80 and noes 34.

So the amendment was agreed to.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: On page 45, line 3, after "1942", insert *"Provided further.* That no part of this appropriation shall be used to pay the salary of any person who shall perform any service or authorize any expenditure in connection with the printing and binding of part 2 of the annual report of the Secretary of Agriculture (known as the Year Book of Agriculture) for 1942."

Mr. TARVER. Mr. Chairman, I make a point of order against the amendment. There are no funds carried in this bill for the purposes which are inhibited by the gentleman's amendment. It would be nugatory and of no effect, and I can conceive of no rule under which it might be in order.

Mr. DIRKSEN. I think the amendment will speak for itself. I think it is a limitation and would be germane and in order, irrespective of whether any funds are carried, but the fact of the matter is that the yearbook is not printed ordinarily until after the first of the year. Consequently the personnel and salaries for clerical work and mechanical work in the Government Printing Office is done after the beginning of the fiscal year 1943. I therefore regard it as a proper limitation and in order.

Mr. TARVER. An amendment has already been adopted which prevents the use of any funds in the bill for the printing of the 1943 yearbook.

Mr. DIRKSEN. But this is for the yearbook of 1942, which was stricken out by the gentleman's amendment.

Mr. TARVER. So far as the 1943 yearbook is concerned, if you are going to put one limitation in you might as well put in a half a dozen, but I cannot see the necessity for it. This bill carries no funds for the 1942 yearbook.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. DIRKSEN. No. I think the amendment speaks for itself, Mr. Chairman, and is a very proper limitation.

The CHAIRMAN (Mr. THOM). The Chair thinks that the limitation is a valid one, and, therefore, the point of order is overruled.

Mr. DIRKSEN. Mr. Chairman, I shall take but a moment in support of my amendment. It requires nothing more than to say that all of the language in the original proviso was stricken out on the point of order. If this amendment is adopted it will bring within the purview of the interdiction just adopted the yearbook, 1942, as well as the yearbook, 1943.

Mr. TARVER. Mr. Chairman——

The CHAIRMAN. The Chair will state that all debate on this amendment has been exhausted.

Mr. TARVER. On this amendment?

The CHAIRMAN. Yes; on this paragraph and all amendments thereto.

Mr. TARVER. The amendment could not have the effect the gentleman from Ilinois has stated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. TARVER) there were—ayes 73, noes 28.

So the amendment was agreed to.

The Clerk read as follows:

No part of any money appropriated in this act shall be paid to any person employed in the Government Printing Office while detailed for or performing service in the executive branch of the public service of the United States unless such detail be authorized by law.

Mr. NORRELL. Mr. Chairman, I ask unanimous consent to extend my remarks at this point and to include therein an editorial.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. NORRELL. Mr. Chairman, the primary concern of the people of the United Nations is to win this war. If we fail to win we lose everything.

Great responsibility rests upon each and every individual of this Nation, as well as the other nations who are fighting as our allies. However, I desire at this time to emphasize the responsibility resting upon those of our citizens who are engaged in the publication of the newspapers so essential in the maintenance of the home front during the war. No greater responsibility rests upon any group of citizens engaged in civilian activity than that which rests upon our newspapers.

To date I think these papers have fully discharged their obligations to the United Nations in the promotion of our war efforts and I think that they will continue to do their best. Surely if our Government is to continue, their responsibility must be well performed.

The war has adversely affected the newspapers in many ways. I quote two outstanding examples: First, advertising revenue has decreased; second, they have to pay more for materials such as ink, paper, labor, and equipment. Much has been said recently about a shortage of paper, yet in each day's mail from Washington these newspapers throughout the Nation receive tons of press releases concerning the Army, Navy, Treasury, Marines, civilian defense, bonds and stamps, and dozens of other agencies with reference to their individual departmental work—in fact most all of the departments have their public relations divisions working overtime sending out what might be termed as propaganda mail to sell the functions of that department to the public. There are too many of them and they are not properly coordinated and harmonized. I believe it is a great waste of time and material, since practically all of their releases ultimately find their way to the wastebasket, resulting in a waste of paper when it is said that a shortage is imminent, to say nothing of the waste of money in the preparation of the articles and distributing the same.

The only way these editors can earn a living is through charging for their services, and I see no reason why a limited sum of money should not be appropriated, as is done in England and Canada, to pay for the display of any necessary and worthwhile advertising. Other individuals and firms rendering service in the war effort receive compensation for such services, but the newspapers do not receive reimbursement even for the ink and paper they use, much less for the labor necessary in setting up the type and in the printing of the same.

It also appears that some of the printing of the Government could now be done by the various job printers throughout the Nation. There must be a place in the economic picture of this Nation during the emergency for the small-town newspapers and job printers.

Many of our country newspapers now are gradually being liquidated because of the lack of advertising, and the fact that they have to pay too much for their materials. Two daily newspapers in my congressional district have recently closed their doors because of lack of sufficient earnings to continue to operate, and there are other country printers over this Nation standing idle at the present time while the Government Printing Office is forced to pay large sums of money in overtime for work. I do not believe that these newspapers desire any special favors; they only want equal treatment from their Government.

I hope that two things may be done: First, that many of the releases from the various Government departments will be stopped during this emergency, and thereby not only save a large quantity of paper and printer's ink, as well as the taxpayers' money; and I also hope that the Congress may soon provide sufficient appropriations to defray the expenses of doing the necessary advertising in the newspapers of this Nation and in providing that the surplus of printing matter at least be given to the country printers of this Nation.

In conclusion, I desire to include an editorial prepared by Hon. Walter Sorrells, one of the great news writers of the South, who is engaged as editorial writer for the Pine Bluff Commercial. The Pine Bluff Commercial is one of the leading dailies of Arkansas, and the following editorial appeared in that newspaper under date of March 5:

[From the Pine Bluff (Ark.) Commercial of March 5, 1942]

WHAT DO YOU THINK?

(By Walter Sorrells)

There might be a paper shortage, but the editors of this country will never be convinced of it.

No government on earth, even a democratic government, not even ours, with a past record of stumble-bug mistakes, would permit tons and tons of paper to be consumed by bureaucratic propaganda hand-outs, if there was a shortage of paper.

Every agency of the Government now is highly staffed with writers, turning out yards and yards of copy, extolling the many and varied virtues of the respective agencies, consuming paper by the trainloads.

Ninety-nine percent of it going in the covered several days ahead of the respective waste-paper basket. That which is news is Federal agency release by the great news-gathering agencies of the Nation which serve practically all newspapers in the country.

For instance, the Associated Press will carry a story involving some phase of governmental activity on Thursday, and the next Monday the Commercial will receive a big fat envelope containing the same information, except greatly expanded in manner and paper.

If there is a shortage of paper, or if there is likely to be a shortage of paper, then why in the name of God will the administration in Washington permit it to be wasted by hundreds of Federal agencies trying to justify their continued existence with a lot of slop that goes in the waste-paper basket?

Until the Government stops littering up my desk with the kind of bunk now being sent out, which is not only burdening the postal facilities but costing the taxpayers thousands of dollars, and wasting tons of paper, I shall pay no attention to the talk about a threatened paper shortage.

Many of these agencies ought to be abolished anyway, but if the Government insists on "doing business as usual" by financing social reforms undertaken in the last decade, then let them stand on their merits and conserve the paper being wasted trying to convince the taxpayers of their worth and continued existence.

Outside the public relations offices of the armed forces, which are doing, we think, a good job of servicing the papers with news of local interest, the news-gathering agencies supported by the papers of the Nation are fully equipped, at a cost of millions of dollars to the subscribers, to handle anything of news value.

No; there must not be a paper shortage. There is at least none in the Commercial office, where each day begins with a confetti shower of propaganda.

Mr. Chairman, I wanted to offer an amendment to this section, asking that a portion of this appropriation be made available for use with the newspaper and job printers throughout this Nation, but it would be ruled out of order, because it would be considered legislation on an appropriation bill. I admit that this would be the parliamentary situation, but I am going to do my best to see that the proper authorization is made for such purposes in future legislative bills.

I thank you.

The Clerk concluded the reading of the bill.

Mr. O'NEAL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 6802) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1943, and for other purposes, directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. O'NEAL. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. TARVER. Mr. Speaker, I demand a separate vote on the O'Neal amendment on page 44, line 21.

The SPEAKER. The question is on the remaining amendments.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment upon which the gentleman from Georgia demands a separate vote.

The Clerk read as follows:

Amendment offered by Mr. O'NEAL: On page 44, line 21, after "1943:" insert: "*Provided further*, That notwithstanding the provisions of section 73 of the act of January 12, 1895 (44 U. S. C. 241), no part of the foregoing sum of $3,985,000 shall be used for printing and binding part 2 of the Annual Report of the Secretary of Agriculture (known as the Yearbook of Agriculture)."

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. TARVER) there were—ayes 85, noes 31.

Mr. TARVER. Mr. Speaker, I object to the vote on the ground there is not a quorum present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 233, nays 100, not voting 98, as follows:

[Roll No. 44]

YEAS—233

Allen, Ill.	Curtis	Hess
Allen, La.	D'Alesandro	Hill, Colo.
Andersen, H. Carl	Davis, Ohio	Hinshaw
Anderson, Calif.	Dewey	Hoffman
Anderson, N. Mex.	Dirksen	Holbrock
Andresen, August H.	Disney	Holmes
Angell	Ditter	Hope
Arends	Domengeaux	Houston
Barnes	Dondero	Hunter
Bates, Mass.	Doughton	Jarman
Baumhart	Downs	Jenkins, Ohio
Beckworth	Duncan	Jenks, N. H.
Beiter	Durham	Jennings
Bender	Dworshak	Johns
Bennett	Eaton	Johnson, Ill.
Blackney	Eberharter	Johnson, Ind.
Bland	Edmiston	Johnson, W. Va.
Boehne	Elston	Jones
Bolton	Engel	Jonkman
Boren	Fellows	Kean
Bradley, Mich.	Fenton	Keefe
Brooks	Fish	Kefauver
Brown, Ohio	Fitzgerald	Kelly, Ill.
Bryson	Fitzpatrick	Kilburn
Bulwinkle	Flaherty	Kilday
Burgin	Fogarty	Klein
Butler	Folger	Knutson
Canfield	Forand	Kunkel
Capozzoli	Ford, Leland M.	Lambertson
Carlson	Ford, Miss.	Landis
Carter	Ford, Thomas F.	Lane
Chapman	Gamble	Lanham
Chenoweth	Gathings	LeCompte
Chiperfield	Gearhart	Lesinski
Clason	Gifford	Ludlow
Cluett	Gillette	Lynch
Cochran	Gillie	McGregor
Coffee, Nebr.	Gore	McIntyre
Cole, N. Y.	Graham	McLaughlin
Collins	Guyer	McLean
Colmer	Gwynne	Maas
Cooley	Haines	Maciora
Copeland	Hall, Leonard W.	Mahon
Costello	Halleck	Martin, Mass.
Cox	Hancock	May
Cravens	Harness	Meyer, Md.
Crawford	Harris, Ark.	Michener
Crosser	Harris, Va.	Mills, Ark.
Crowther	Hart	Mills, La.
Culkin	Harter	Monroney
	Hartley	Mott
	Heffernan	Murray
		Myers, Pa.
Norrell	Rockwell	Thomason
O'Brien, N. Y.	Rodgers, Pa.	Tibbott
O'Leary	Rogers, Mass.	Tinkham
Oliver	Rogers, Okla.	Traynor
O'Neal	Rolph	Van Zandt
Pace	Russell	Voorhis, Calif.
Paddock	Sabath	Vorys, Ohio
Patton	Schuetz	Wadsworth
Pearson	Scott	Ward
Pheiffer, William T.	Secrest	Wasielewski
Pittenger	Shafer, Mich.	Weiss
Plauché	Shanley	Welch
Ploeser	Smith, Maine	Wheat
Plumley	Smith, Ohio	Whittington
Powers	Smith, Va.	Wickersham
Priest	Smith, Wis.	Wigglesworth
Rabaut	Somers, N. Y.	Williams
Randolph	Spence	Wilson
Reece, Tenn.	Springer	Winter
Reed, Ill.	Stearns, N. H.	Wolcott
Reed, N. Y.	Stefan	Wolfenden, Pa.
Rees, Kans.	Stevenson	Wolverton, N. J.
Rich	Sullivan	Young
Rizley	Taber	Youngdahl
Robertson, Va.	Talle	Zimmerman
Robinson, Utah	Thill	
	Thomas, N. J.	

NAYS—100

Arnold	Hare	Poage
Bates, Ky.	Harrington	Ramsay
Bell	Healey	Rankin, Miss.
Bradley, Pa.	Heidinger	Rankin, Mont.
Brown, Ga.	Hill, Wash.	Richards
Burch	Hobbs	Robertson, N. Dak.
Burdick	Hull	Robsion, Ky.
Camp	Imhoff	Sanders
Cartwright	Izac	Sauthoff
Casey, Mass.	Jackson	Schulte
Clark	Johnson, Luther A.	Sheppard
Claypool	Johnson, Okla.	Short
Coffee, Wash.	Kerr	Sikes
Cooper	Kinzer	Smith, Pa.
Courtney	Kirwan	Snyder
Creal	Kopplemann	South
Cullen	Lea	Sparkman
Cunningham	Leavy	Steagall
Dickstein	McCormack	Sutphin
Dingell	McGehee	Tarver
Drewry	McMillan	Tenerowicz
Elliott, Calif.	Manasco	Terry
Ellis	Mansfield	Thom
Flannagan	Martin, Iowa	Vincent, Ky.
Fulmer	Moser	Weaver
Gehrmann	Mundt	Wene
Gerlach	Murdock	Whelchel
Gibson	Nelson	Whitten
Gilchrist	Nichols	Woodruff, Mich.
Gossett	O'Connor	Wright
Granger	O'Hara	
Grant, Ala.	Patrick	
Green	Peterson, Fla.	
Gregory	Peterson, Ga.	
Hall, Edwin Arthur	Pierce	

NOT VOTING—98

Andrews	Hendricks	Patman
Baldwin	Hook	Pfeifer, Joseph L.
Barden	Howell	Ramspeck
Barry	Jacobsen	Rivers
Beam	Jarrett	Rockefeller
Bishop	Jensen	Romjue
Bloom	Johnson, Calif.	Sacks
Boggs	Johnson, Lyndon B.	Sasscer
Boland	Kee	Satterfield
Bonner	Kelley, Pa.	Scanlon
Boykin	Kennedy, Martin J.	Schaefer, Ill.
Buck	Kennedy, Michael J.	Scrugham
Buckler, Minn.	Keogh	Shannon
Buckley, N. Y.	Kleberg	Sheridan
Byrne	Kocialkowski	Simpson
Byron	Kramer	Smith, Wash.
Cannon, Fla.	Larrabee	Smith, W. Va.
Cannon, Mo.	Lewis	Starnes, Ala.
Case, S. Dak.	McGranery	Stratton
Celler	McKeough	Sumner, Ill.
Clevenger	Maciejewski	Sumners, Tex.
Cole, Md.	Magnuson	Sweeney
Davis, Tenn.	Marcantonio	Talbot
Day	Mason	Thomas, Tex.
Delaney	Merritt	Tolan
Dies	Mitchell	Treadway
Douglas	Norton	Vinson, Ga.
Eliot, Mass.	O'Brien, Mich.	Vreeland
Englebright	O'Day	Walter
Faddis	Osmers	West
Gale	O'Toole	White
Gavagan		Woodrum, Va.
Grant, Ind.		Worley
Hébert		

So the amendment was agreed to.

The Clerk announced the following pairs:

General pairs:

Mr. Barden of North Carolina with Mr. Treadway.
Mr. Hébert with Mr. Engelbright.
Mr. Kocialkowski with Mr. Bishop.
Mr. Lewis with Mr. Mason.
Mr. Boland with Mr. Baldwin.
Mr. Gavagan with Mr. Rockefeller.
Mr. Cannon of Missouri with Mr. Vreeland.
Mr. Davis of Tennessee with Mr. Jensen.
Mr. Keogh with Mr. Gale.
Mr. Ramspeck with Mr. Day.
Mr. Cole of Maryland with Mr. Case of South Dakota.
Mr. Rivers with Mr. Andrews.
Mr. Satterfield with Mr. Osmers.
Mr. Hook with Mr. Simpson.
Mr. Starnes of Alabama with Mr. Johnson of California.
Mr. Patman with Mr. Sumner of Illinois.
Mr. Martin J. Kennedy with Mr. Douglas.
Mr. Hendricks with Mr Clevenger.
Mr. Sumners of Texas with Mr. Stratton.
Mr. Kleberg with Mr Howell.
Mr. Buck with Mr. Jarrett.
Mr. Thomas of Texas with Mr. Talbot.
Mr. Boykin with Mr. Buckler of Minnesota.
Mr. Boggs with Mr. Marcantonio.
Mr. Cannon of Florida with Mr. Buckley of New York.
Mr. McKeough with Mr. Dies.
Mr. Barry with Mr. Jacobsen.
Mr. Kee with Mr. Celler.
Mr. Bloom with Mr. Romjue.
Mr. Bonner with Mr. Kelley of Pennsylvania.
Mr. Michael J. Kennedy with Mr. Eliot of Massachusetts.
Mr. Delaney with Mr. Faddis.
Mrs. Norton with Mr. Walter.
Mr. Woodrum of Virginia with Mr. Merritt.
Mr. McGranery with Mrs. Byron.
Mr. Scanlon with Mr. Byrne.
Mr. Joseph L. Pfeifer with Mr. Sheridan.
Mr. Beam with Mr. O'Toole.
Mr. O'Brien of Michigan with Mr. Magnuson.
Mr. Maciejewski with Mr. Tolan.
Mr. West with Mr. Kramer.
Mr. Larrabee with Mr. Smith of West Virginia.
Mr. Sweeney with Mr. Scrugham.
Mr. Sacks with Mr. Mitchell.
Mr. White with Mr. Schaefer of Illinois.
Mr. Smith of Washington with Mr. Worley.
Mrs. O'Day with Mr. Lyndon Johnson.
Mr. Sasscer with Mr. Shannon.

Mr. ROBERTSON of North Dakota changed his vote from "yea" to "nay."

The doors were opened.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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.

INCREASE OF DEBT LIMIT OF THE UNITED STATES

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 6691) to increase the debt limit of the United States, to further amend the Second Liberty Bond Act, and for other purposes, with Senate amendment thereto, disagree to the Senate amendment, 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 North Carolina [Mr. DOUGHTON]?

There was no objection; and the Speaker appointed the following conferees on the part of the House: Messrs. DOUGHTON, CULLEN, COOPER, CROWTHER, and KNUTSON.

EXTENSION OF REMARKS

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein two short articles, one from the American Federationist and the other an article from the Washington Post.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. SCHULTE]?

There was no objection.

Mr. CASEY of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Worcester Daily Telegram.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. CASEY]?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a statement made today to the press by the Speaker of the House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Valparaiso Vidette-Messenger.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. HALLECK]?

There was no objection.

Mr. TABER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a press release I gave out today.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. TABER]?

There was no objection.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a bulletin.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. HINSHAW]?

There was no objection.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include two different articles.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. SABATH]?

There was no objection.

Mr. GOSSETT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. GOSSETT]?

There was no objection.

PROFITEERING

Mr. GOSSETT. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. GOSSETT]?

There was no objection.

Mr. GOSSETT. Mr. Speaker, it is not my practice to insert newspaper editorials in the CONGRESSIONAL RECORD. However, a short editorial in yesterday's Washington News is worthy of reproduction just here:

DON'T TELL MAC ARTHUR

"So live that you can look MacArthur in the eye."

Leaders of the United Auto Workers have just won an arbitration decision in Detroit. It gives them double time in all General Motors plants when the men work on Sundays or holidays, even though this work is merely part of a 40-hour week.

Where would they look if they met MacArthur?

One of the parties seriously affected by this agreement was evidently overlooked or misrepresented in the arbitration award. The American taxpayer is taken for a ride whenever double time is paid for work in war production. In addition to suspending the 40-hour week for the duration, this Congress should immediately enact laws to eliminate all excess profits by industry. Profiteering out of the blood, sweat and tears of this emergency by industry, labor or anyone else is a crime against American civilization.

EXTENSION OF REMARKS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a speech made by Donald Nelson.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana [Mr. BROOKS]?

There was no objection.

LEAVE OF ABSENCE

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Florida [Mr. PETERSON]?

There was no objection.

Mr. PETERSON of Florida. Mr. Speaker, the gentleman from Florida [Mr. CANNON] was taken suddenly ill on Tuesday, a week ago with pneumonia. He was taken to the hospital at that time and has been unable to attend up until this time. I am glad to inform the House, however, that he is well on the road to recovery.

I ask unanimous consent that the gentleman from Florida [Mr. CANNON] may be excused from attendance as of Tuesday, a week ago.

The SPEAKER. Is there objection to the request of the gentleman from Florida [Mr. PETERSON]?

There was no objection.

EXTENSION OF REMARKS

Mr. SANDERS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a resolution adopted by the Louisiana Automobile Dealers Association.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

BETHLEHEM SHIPBUILDING YARDS, SAN FRANCISCO

Mr. ROLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROLPH. Mr. Speaker, last Saturday Donald M. Nelson telegraphed the workers in Bethlehem Shipbuilding Yards, San Francisco, as follows:

I have been told of your "Give a Sunday" plan. That's the spirit it takes to produce the stuff it takes to win this war. Our goal is continuous operation of the yards 24 hours a day 7 days a week achieved through some form of the rotating shift. Go to it.

The telegram was sent because more than 5,000 of the shipyard workers are willing to give our Government a Sunday's work. These men are offering their services for a day without pay as a contribution to speed the construction of vitally needed ships.

The Bethlehem plant in San Francisco was originally the Union Iron Works where the famous battleship *Oregon* of Spanish-American War days was built.

The shipyard is in my congressional district, and I want the whole country to know of the unselfish patriotic devotion of these ship workers.

STATE SALES TAX BILL

Mr. McGREGOR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McGREGOR. Mr. Speaker, I desire to enter my protest against the passage of H. R. 6750. I have the highest regard for the distinguished chairman and the members of the Ways and Means Committee, but to allow this bill to come on the floor in its present form is, in my opinion, an error as the bill is an encroachment on State rights.

I fully agree that the Federal Government must have some control over State activities in the present emergency, but I certainly cannot reconcile its control of the disposition and uses of the taxes which the State levies.

The great State of Ohio has cooperated and will continue to cooperate in every way with the Federal Government in the prosecution of the war, yet we feel that it is absolutely essential that we maintain our State and local governments. We are administering our sales and use taxes in complete harmony with the War and Navy Departments, and these taxes are imposing no burden on the Federal Government in its war effort. To prohibit Ohio, as this bill would do, from taxing personal property of those having war

contracts, to prohibit Ohio from levying her public utility excise taxes, and to prohibit Ohio from taxing gasoline and liquid fuel used on the highway will deal a serious and unnecessary blow to our State and local governments.

The passage of this bill in its present form will mean an annual loss of revenue to Ohio of over $25,000,000. Of this amount over $11,000,000 annually will be lost to local government in personal property, gasoline, and public-utility excise taxes. It will so reduce gasoline taxes as to make it impossible to properly maintain our highways which are essential for defense. Ohio knows more about the maintenance and construction of Ohio highways than anyone else and, therefore, the system of highway transportation should not be crippled partially or in any degree by the removal of the gasoline and liquid fuel taxes and the motor vehicle license fees as provided in House bill 6750.

Law enforcement is more necessary in wartime than at any other time. If trucks and passenger cars carrying defense workers or products are to be permitted to operate without identification tags, these operations can enter the field of criminal activities and enforcement will break down when it is most needed.

It seems to me that with one hand Washington is pouring money into the States and municipalities — building houses for defense workers, providing money for schools, sewer and water system expansion—and with the other hand, through the Doughton bill to exempt war contractors and subcontractors from various State taxes, is proposing to dry up sources of State revenue and make the subdivisions of Government still less able to take care of their own needs.

I contend that the passage of this bill, in its present form, will impair State and local revenues so that they cannot be replaced. Certainly it would seem unwise during this time of emergency to upset orderly tax structures when the energy and intelligence of national and local officials should be devoted to defense efforts.

EXTENSION OF REMARKS

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the New Orleans Item.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE MARCH OF THE LAST COMRADE IS OVER

Mr. WHEAT. 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. WHEAT. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein an article from the Decatur Review.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WHEAT. Mr. Speaker, the Grand Army of the Republic was founded in Decatur, Ill., on April 6, 1866, by organizing the first encampment of the G. A. R., which was named Dunham Post, No. 1, District of Macon, Department of Illinois, which post has continued to be active until Monday, March 16, 1942, when with the passing of its last member, Comrade C. H. Collins, the affairs of the founding post of the Grand Army of the Republic were brought to a close.

Dunham post was organized on April 6, 1866, on the anniversary of the Battle of Shilo, in which Dr. B. F. Stephenson, its founder, and nearly all of the charter members had taken an active part.

Dr. B. F. Stephenson, Springfield, Ill., had the idea an organization should be created to handle the affairs of the veterans of the Civil War, but unable to get sufficient support for his idea in Springfield he discussed his idea with his friends and comrades in Decatur, Ill., who saw merit in the idea, and thus arose the official organization of the Grand Army of the Republic.

Listed as charter members were Capt. M. F. Kanan, Maj. George R. Steele, George H. Dunning, Col. Isaac C. Pugh, Lt. Col. John H. Nale, J. T. Bishop, C. Riebsame, Dr. J. W. Routh, B. F. Sibley, I. N. Coltrin, Joseph Prior, and A. Toland.

These 12 members gathered around a table on which was placed the Bible, and in the presence of the flag, together with the assistance of a gavel which was later to gain fame, held their first meeting, electing the following officers:

District officers: Commandant, Col. Isaac C. Pugh; quartermaster, Lt. Col. John H. Nale; adjutant, Dr. J. W. Routh.

Dunham Post, No. 1, officers: Post commander, Capt. M. F. Kanan; post adjutant, Maj. George R. Steele; post quartermaster, George H. Dunning; officer of the day, C. Riebsame; officer of the guard, J. T. Bishop; post surgeon, Dr. J. W. Routh.

The G. A. R. became a national organization, and according to the records of the Veterans' Administration, there are at present 1,120 Civil War veterans as of February 28, 1942, in the United States.

The gavel used by this post has a particularly interesting history. It was used at three national conventions of the G. A. R., by Presidents of the United States, Presidents William McKinley, Theodore Roosevelt, and Franklin D. Roosevelt, who were guests at these conventions. This gavel, together with the Bible, flag, and table, all of which were used by the 12 charter members founding the G. A. R. have been preserved by Dunham post until their use in the last rites over the remains of C. H. Collins, who at the time of his death was the only surviving member of the founding post of the Grand Army of the Republic.

The sounding of the gavel at the close of this service not only marked the passing of an honored soldier, but forever closed Dunham Post, No. 1, Decatur, District of Macon, Department of Illinois, which gave birth to the Grand Army of the Republic.

Mr. Speaker, the following article appeared in the Decatur Review on this subject:

[From the Decatur (Ill.) Review of March 16, 1942]

DECATUR G. A. R. POST CLOSED IN COLLINS FUNERAL

Comrade C. H. Collins was buried yesterday.

Funeral services were held in the First Methodist Church and with the services the final chapter of Dunham Post, the first Grand Army of the Republic post in the Nation, was written. Comrade Collins was the last Macon County Civil War veteran.

To Dr. Thomas B. Lugg, pastor of the First Methodist Church, who delivered the funeral sermon, went the unusual honor of closing the post. He performed the task with the words:

"I declare this Dunham Post of Macon County, Ill., closed forever."

Assembled near the pulpit at the church were the table around which the founders of the post gathered, the gavel with which the meeting in 1866 was called together, the Bible used in the lodge room, and a flag that belonged to the post.

CLOSE OF NOTABLE ERA

"We do honor to Mr. Collins and, at the same time, we commemorate the achievements of a great body of loyal and brave men in a rather significant way here this afternoon," Dr. Lugg said. "We come to the close of a great historical era. The G. A. R. was organized with the first chapter of 12 men here at the city of Decatur in 1866."

A particularly impressive part of yesterday's service was the reading by Rev. Mr. Lugg of a service used at the end of each meeting of the Dunham post. The service opened with three knocks of the gavel and those in attendance rose at a single knock of the gavel at the close of the meeting. This ritual was reenacted at the church.

The old gavel is a historic piece in itself. It was used at three G. A. R. national conventions by Presidents of the United States. Presidents William McKinley, Theodore Roosevelt, and Franklin D. Roosevelt all used it.

TWENTY-THREE ORGANIZATIONS REPRESENTED

Attending the funeral were members from 23 local patriotic organizations. Flowers from friends of Mr. Collins and from organizations were banked behind the coffin at the church and at the cemetery.

The traditional G. A. R. service given Union Army veterans was read by five Spanish-American War veterans, who also fired a salute at the graveside. Spanish-American War veterans who took part in the service were Charles Krohn, Ed Duvall, Everett Beeman, Earl Seiberling, and Theodore Maxey.

Among the 400 persons attending the service was Hiram H. Schumate, of Riverton, 94-year-old commander of the State G. A. R. organization. Serving as his escorts for the day were Commander Curtis Funkhouser, of the local chapter of the Veterans of Foreign Wars, and Commander Wilbur Lytle, of the Castle Williams post, American Legion.

FLAG GIVEN TO GRANDSON

Mayor Charles E. Lee and the city commissioners attended the services.

A flag that was placed over the Union soldier's coffin was furnished by the Government. At the conclusion of the service, it was given to Ralph D. Collins, a grandson of the veteran.

Music for the service was furnished by Harry Barber and Freeman Wilmeth. Taps was sounded by Lewis Grubb, bugler for the Veterans of Foreign Wars post.

The burial service, permitted on Sunday as a special tribute to Mr. Collins, was closed with the words:

"The march of the last comrade is over."

EXTENSION OF REMARKS

Mrs. BOLTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an article.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mr. GAMBLE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article on labor legislation, by Mark Sullivan, appearing in this morning's Washington Post.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a poem by the gentleman from Alabama, Mr. LUTHER PATRICK, entitled "MacArthur and the Star-Spangled Flag."

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DITTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein the scholarly address delivered by the distinguished majority leader, the Honorable JOHN W. MCCORMACK, of Massachusetts, at the Founders' Day convocation at Boston University, at which time there was conferred upon the majority leader the honorary degree of doctor of laws.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a memorandum of an address scheduled to be delivered today by Mr. A. P. Nonweiler before the small business conference at Chicago, relating to the problems of small business.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. WIGGLESWORTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the fuel situation in New England, and to include in that connection a telegram sent to the Secretary of the Interior and a public statement, both signed jointly by the six New England Governors.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. SOUTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief editorial.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article by Roger Babson.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent that at the conclusion of the special order this afternoon I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ORGANIZING OF FARMERS IN THE UNITED STATES

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, it is my considered opinion that loyal labor and responsible unionism in the United States do not approve of efforts in the war period to bring about a highly organized campaign to enroll within any labor organization those groups not now holding membership.

The United Mine Workers, through a branch of that organization, is carrying forward a high-pressure campaign to organize all the dairy farmers of the Nation. In the expression of one of the organizers, uttered yesterday, they mean to expand the drive to cover all the farmers of the United States.

Mr. Speaker, I believe firmly in workers organizing for their benefit and mutual well-being. They have this right, and it is also a responsibility. I shall fight with them to keep this power. Now, however, we should bend every effort to produce—not use the war to organize.

EXTENSION OF REMARKS

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a letter on national defense by Mr. Fred C. Bernhard, of Des Moines, Iowa.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein an address recently made by the Attorney General, Hon. Francis Biddle, at the Founders' Day celebration of the Boston University School of Law.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. Under previous order of the House, the gentleman from Arkansas [Mr. GATHINGS] is recognized for 20 minutes.

Mr. GATHINGS. Mr. Speaker, with our country engaged in a fight for its very existence, in which we have drafted the flower of our youth into the armed forces, there is no place for disputes, labor stoppages, and strikes in defense industries. The munitions of war must be produced in ever-increasing numbers in order to meet the needs of our Army, the Navy, and our allies in the fight against the Axis Powers. The people of America have not been complacent about the existing conditions with respect to the precious hours lost due to strikes in defense plants in the past several months. They have, on the other hand, continuously urged the President, the Congress, labor, and management to take the necessary steps to stop strikes for the duration of the emergency.

To my way of thinking, a man who would walk away from his employment in a defense plant that is engaged in the construction of ships, airplanes, tanks, munitions, or other essentials for the successful prosecution of the war is guilty of an act unbecoming an American. The worker is not responsible for the greater part of the loss of the productivity of the defense plants due to strikes, since a great number of the strikes have been caused by disputes between unions on the question of which union should be given the right to organize a specific group of workers of the plant and a dispute over the closed-shop issue and other causes. Mr. Speaker, I can see no place under our system of government that would compel a man to pay initiation fees to a union before he can work in a defense plant to produce war supplies for his country.

Mr. NORRELL. Mr. Speaker, will the gentleman yield?

Mr. GATHINGS. I yield to my friend and colleague from Arkansas.

Mr. NORRELL. I want to take this opportunity to compliment the gentleman for his vigorous efforts to stop strikes and to have continuous production in this country. I know of no Member of the House who has done more. In that connection may I ask the gentleman if he knows anything the House can do that has not been done to remedy this situation?

Mr. GATHINGS. Yes; I will say to the gentleman that a little further along in my remarks I am going to discuss that very proposition. There have been two bills introduced in the House this week by the gentleman from Virginia [Mr. SMITH], and I do hope that those bills receive immediate attention and consideration at the hands of the House. I want to say to the gentleman that he, too, has supported all measures providing for continuous, uninterrupted, and maximum production in our war effort.

On September 8, 1939, the President declared a limited national emergency. On May 27, 1941, the President declared an unlimited national emergency existed and called for a continuous production along the assembly lines of all the defense plants of the country. In the month of June 1941, following the President's declaration in May of the same year, there

were 1,375,000 man-days, not hours, lost in national defense industries in this country due to strikes. In July 1941, the second month after the declaration of an existence of a national emergency, there were 1,300,000 man-days lost due to the existence of strikes. Nor have these strikes ceased since the attack made on Pearl Harbor on December 7, 1941. In the month of January 1942 there were 155 strikes, involving 32,500 workers, with 390,000 man-days lost. According to the information that I have obtained, the number of strikes rose appreciably in February 1942, involving the loss in man-hours of 2,028,824 in war industry strikes alone.

Mr. CASEY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GATHINGS. I yield.

Mr. CASEY of Massachusetts. In view of the fact that a speaker made the statement this morning that as of March 17, in the entire country, there were only 100 on strike out of 6,000,000 working on war production, does not the gentleman think he is tilting at windmills in making these remarks? Never before has labor been so coordinated and working in such unison for a total, all-out effort against totalitarian nations. Why should we keep agitating the subject?

Mr. GATHINGS. I want to say to the gentleman that these figures I have were obtained from the labor branch of the War Production Board, and if we have lost 1 hour, if we have lost 1 minute, due to strikes, that ought to be stopped and stopped now by this Congress. I will ask the gentleman to help us to do it.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. GATHINGS. I yield to the gentleman.

Mr. RANDOLPH. Instead of tilting at windmills the American people are determined that the windmills continue to turn in our war industries. It is also noteworthy to recognize that the head of the C. I. O., Mr. Murray, and the head of the A. F. of L., Mr. Green, had to take occasion yesterday, after a conference at the White House, to once again reassure the country that now they were against strikes in defense plants, and promised to see to it that none occur.

Mr. GATHINGS. Regardless of what has been said on the part of those leaders, I say that the strikes continue and such strikes must be stopped, and I am mighty glad to get the reaction of the distinguished gentleman from West Virginia, who is a member of the Labor Committee of the House. I recognize that you speak as a friend of labor who for 9 years has fought for the workingman.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. GATHINGS. I yield.

Mr. HOFFMAN. Whether any time is now being lost by strikes, is it not a fact that at the present time these unions and their members are demanding that if they work 1 hour more than 40 hours a week to support our armed forces, they must be paid pay and a half for every extra hour, and if they work on Sundays or holidays, they insist upon double pay? What kind of patriotism is that?

Mr. GATHINGS. I am going to get to that very thing if I am given the opportunity. I appreciate the remarks of the gentleman.

In the month of April 1941 the Military Affairs Committee of the House investigated the strike situation and called before it all of the Government officials in charge of the labor and production program. Let us see the feeling of those officials on this important issue. I have here questions and answers taken from the hearings on the inquiry as to national defense construction before the House Military Affairs Committee. The first witness was Mr. John D. Biggers, Director, Division of Production, Office of Production Management. On page 46 of the hearings Mr. COSTELLO asked the question and continues:

> The reason I asked that is because legislation looking to that end has been introduced in Congress, and I am interested in knowing whether your organization approves such legislation or not.
>
> Mr. BIGGERS. I think that is a very interesting and important question, and I would prefer that you take it up with Mr. Knudsen and Mr. Hillman, who have the direct responsibility of handling this situation and of finally determining the policies, I being their subordinate.

On page 65 of the hearings, Mr. SPARKMAN, of Alabama, asked Mr. William H. Davis, Chairman of the National Defense Mediation Board, the following question:

> Mr. SPARKMAN. Do you believe that it would be wise to enact legislation which would cover all of those cases?
>
> Mr. DAVIS. No, sir; I do not.

On page 116 of the hearings, Mr. THOMASON, of Texas, asked Mr. Sidney Hillman, the then Associate Director of Office of Production Management, the following question:

> Mr. THOMASON. Do you think any legislation is necessary along that line?
>
> Mr. HILLMAN. I believe, Congressman, that we will get better results without legislation That is my considered judgment. I believe that the Mediation Board, if we cannot handle it the other way, is amply prepared to handle it.

On page 173 of the hearings, Mr. FADDIS, of Pennsylvania, asked Secretary Francis Perkins the following question:

> Mr. FADDIS. You say you can think of no legislation which Congress might enact that might help out the present situation?
>
> Secretary PERKINS. I cannot think of any: no, sir.

On page 231 of the hearings, Mr. SHAFER, of Michigan, asked Mr. William Knudsen, who was Director of Office of Production Management at that time, the following question:

> Mr. SHAFER. Do you think there should be a law, or that it would be necessary to have a law to accomplish that?
>
> Mr. KNUDSEN. If it cannot be arranged in any other way, there should be a law; yes, sir.

Mr. THOMASON asked Mr. John O'Brian, general counsel for O. P. M. on page 236 of the hearings this question:

> Mr. THOMASON. I would appreciate any statement you care to make s to whether or not legislation is needed or advisable at this time in the present crisis in order to solve this unfortunate labor situation that has developed within the last few weeks, affecting the national-defense program
>
> Mr. O'BRIAN. My views on that subject are entirely in accord with those Mr. Knudsen has expressed. I would approach that with hesitation. As counsel for the Office of Production Management, I do not advise on matters of policy, but matters of policy are disposed of by the Secretary of War, the Secretary of the Navy, Mr. Knudsen, and Mr. Hillman.

Mr. THOMASON asked Mr. Donald Nelson, who was director of purchases, O. P. M., at that time, the following question found on page 243 of the hearings:

> Mr. THOMASON. Now, in connection with management, and you as a businessman know what is meant by that particular designation, this committee was commissioned to find out if legislation is needed to cure this situation and if it requires legislation, in your opinion, will you give us the benefit of your ideas, from the standpoint of big business, and I use that term in no critical sense at all?
>
> Mr. NELSON. I understand. Of course, my theory is, and I have followed this question of these relationships with labor for a great many years, and I have always deplored the theory of trying to settle labor difficulties by legislation, I feel that public opinion is the thing that in the final analysis will adjust labor disputes.

Now this testimony was given, bear in mind, in April 1941, when there were 7,800,000 man-days lost due to strikes. Mr. Knudsen was the only one of those called before us to testify on the need for strike legislation who finally admitted that a cooling-off period was desired. There are those who have eyes but cannot see and ears but cannot hear. What are we coming to in America when we sit idly by and not attempt to remedy the situation? And let me say that I cast no reflection on Mr. Nelson as Director of W. P. B. as I believe he is conscientiously trying to get results. I believe that the immediate removal of Madam Frances Perkins as Secretary of Labor and the removal of Sidney Hillman, Director of the Labor Division of the War Production Board, would bring unity out of chaos and restore confidence in the people of the country that Washington intends to see this thing through. These offices should be filled by public-spirited men who will deal with the problems facing their departments realistically, and who would not have the interest of either labor or management at heart, but only the welfare and future of 130,000,000 people. This is no time to expound social theories and social gains. We must lend our every effort to the one and only great problem with which we are confronted, the successful prosecution of this war.

Mr. Speaker, I have fought for months to stop these strikes. I was one of the first outspoken Members of Congress to denounce national defense production delays and tie-ups of the program, due to the walk-outs from any cause in defense plants.

On Friday, August 22, 1941, at Huntsville, Ala., I said:

> If we don't stop strikes we'll never lick Hitler. Labor unions must be curbed to a certain extent or else this Nation will fall as did France. Our Nation has failed to enact any legislation to stop strikes in defense plants.

These quotations were carried in the Huntsville Times on Sunday morning, August 24, 1941. The Huntsville paper

had this further to say with regard to my remarks on the strike situation:

A young Arkansas Congressman made the welkin ring and drew shouts of approval that made the rafters almost rattle when he denounced strikes in defense industries, Friday night, before a crowd that filled the ballroom of the Russel-Erskine Hotel here.

He hit straight from the shoulder, pulled no punches, in saying that national defense is gravely imperiled by this unending series of walk-outs and stoppages of production.

And every word was so.

In a speech at Vanndale, Ark., on September 18, 1941, as quoted by the Wynne Daily Star-Progress, I said:

A Federal law is needed to curb strikes which are holding up defense work.

Further, the paper quoted me as saying that millions of working hours had been lost because of strikes.

In the Lepanto News Record of September 26, 1941, in an address before the Annual Terrapin Derby at Lepanto, Ark., on September 24, I was quoted as saying:

It is time to call a definite halt on the strikes.

During the captive coal mine dispute in which John L. Lewis was adamant in his demands for a union shop, which resulted in a general strike involving 53,000 coal miners, I wrote the President of the United States on November 15, 1941, and asked for his support of legislation that would put an end to work stoppages in defense plants. I quote from the letter:

DEAR MR. PRESIDENT: The strike situation continues to imperil the safety and security of our country, and it is even more serious today than when I discussed this matter with you a few days ago. I feel that I am expressing the views of practically the unanimous citizenship of the First District of Arkansas, which I have the honor to represent, when I say that strikes and work stoppages in plants filling defense contracts must end, and now, if Hitlerism is to be defeated. The American people's patience is wearing to a very thin edge when labor leaders of the John L. Lewis stripe continue to sabotage the defense efforts of this country. We all realize that labor has certain rights and that these rights are to be protected, but in these critical times some legislative safeguard regarding strikes should be thrown up, particularly in reference to our defense program. I am of the firm belief that the great mass of defense workers is primarily interested in the advancement of the defense program. The mail that I am receiving from my district and the State of Arkansas discloses that the people demand action at once against the further encroachment of labor gangsters in connection with our defense efforts.

I do not favor recessing or adjournment of the Congress until drastic strike legislation shall have been enacted. I urge that you confer with Speaker SAM RAYBURN and Majority Leader JOHN W MCCORMACK and demand the immediate passage through Congress of urgent legislation that will assure continued and uninterrupted production of direly needed essentials in our national defense program. I am confident that without your full and complete support, it would be difficult—and probably impossible—to enact this needed legislation, since every effort that we Members of Congress, who have worked tirelessly for several months in behalf of proposals to prevent the loss in production by strikes, has been futile.

According to the figures which I have obtained from the Department of Labor, there was a loss of 15,750,000 man-days due to strikes for the first 7 months in the year 1941. The war goods that would have been produced had there been no strikes during 1941 would have prevented many of the successes of the Hitler advance and furnished needed weapons to the armed forces of the United States.

I listened with great interest to the speech of Hon. SAM RAYBURN on the floor of the House during the debate of the neutrality repeal bill He quoted a letter from you which said, "This Government proposes to see this thing through." I am wholeheartedly in accord; but the people are interested in being assured that no interruptions through labor disputes will continue in the future. A specific request on your part to congressional leaders for the passage of a bill to stop defense strikes would unify America for the great trials and sacrifices that lie ahead.

With the hope that you will give this matter your immediate attention, I am,

Sincerely yours,

E. C. GATHINGS.

We, who are Members of the House of Representatives, while we have met with reversals at times, have passed many important measures through the House which would, in my opinion, assure continuous production of war needs and stop the strikes, only to find that our efforts have been thwarted by a recalcitrant Senate and an administration that has turned a deaf ear to our urgent pleas for action to stop these strikes. Let us review some of the accomplishments that have been made by the House of Representatives in dealing with this and kindred issues. Here is the record:

On June 3, 1940, H. R. 9766, a bill for the deportation of Harry Bridges, passed the House of Representatives by a vote of 329 to 42. The bill was transmitted to the Senate, where no action was taken on it and where it died with the end of the Seventy-sixth Congress.

On June 7, 1940, H. R. 9195, known as the Smith amendments to the Wagner Labor Act, passed the House of Representatives by a vote of 258 to 128. The bill went to the Senate, where it was sent to the Committee on Education and Labor; it remained there and died with the end of the Seventy-sixth Congress. This bill was designed to correct mistakes and errors in the Wagner Labor Act.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. GATHINGS. Yes.

Mr. RANDOLPH. Without attempting to point the finger of criticism at any other body or individual that voted on the subject of the deportation of Harry Bridges, I think that in the years to come the action of the House of Representatives on two occasions in voting for the deportation of this man will stand to the credit of the Members who did so.

Mr. GATHINGS. I appreciate this expression on the part of the gentleman from West Virginia and believe with you that a vote to deport an alien agitator is commendable in any Member.

On October 6, 1941, H. R. 1644, for the deportation of Harry Bridges, was passed by an overwhelming vote in the House and was sent to the Senate, where it is still before the committee there.

On December 3, 1941, H. R. 4139, known as the Smith antistrike bill, passed the House by a vote of 252 to 136. It immediately went to the Senate and has remained there in committee ever since. This bill requires an initial 30 days' notice of intention of defense plant employees to strike or of defense contractors to conduct a lock-out. It provides for a secret ballot of employees in a plant under Government supervision before a strike can be called; freezes closed- and open-shop conditions as they now exist in a defense plant; prohibits violence or intimidation of workers on defense contracts, interference with those desiring to work or use of nonemployees to picket or break strikes; outlaws jurisdictional walk-outs, labor boycotts, or sympathy strikes; violation of any of these restrictions were made subject to the injunctive power of the courts, and violation of injunctions would be subject to contempt of court action; violators further lost status under the National Labor Relations Act, and forfeit the right to Federal relief money or benefits under the Social Security Act, including unemployment compensation; unions which knowingly permitted felons, members of the Communist Party, the Young Communist League, or the German-American Bund to serve as officers lose Wagner Act status; labor unions compelled to register with the N. L. R. B. a full statement of membership, officers, dues, fees, and finances, under penalty for failure of losing Wagner and Norris-LaGuardia Act rights—Ramspeck bill features retained—give the National Defense Mediation Board statutory powers, with the right to take jurisdiction in disputes without certification and authority to stay strikes 60 days during mediation.

On February 27, 1942, an amendment for the suspension of the 40-hour week during the period of the war was defeated in the House by a teller vote of 226 to 62.

I supported and voted for all of these measures.

The gallant soldiers in Australia and on the island of Corregidor are not asking for a 40-hour week. The farmer has no 40-hour-week law. He must now put in a longer and a harder day than ever before because his sons are being drafted and his hired men are being lured away to jobs in defense plants where they will receive higher wages. He will patriotically do the very best that he can to produce food and fiber with which to win the war. Last week I drew a petition to be circulated urging immediate action by the committee in charge of the bill on the suspension of the 40-hour-week law. I am delighted that since the introduction by the gentleman from Virginia [Mr. SMITH] of two 40-hour suspension bills this week, it is needless to proceed further with the petition. One of the bills applies to Navy contracts and is before the Committee on Naval Affairs. The other bill applies to war contracts and is before the Committee on Military Affairs. The gentleman from Georgia, Chairman VINSON, of the Naval Affairs Committee, has set Thursday of this week for hearings on this legislation. I have conferred with the gentleman from Kentucky, Chairman MAY, of the Military Affairs Committee, with respect to the bill before his committee and have been assured by him that the matter would

receive immediate attention in his committee.

With our way of life and our very existence hanging by a thread, it is essential that the 40-hour-week law be suspended for the duration of the war. This, in my judgment, is the only way to outstrip the Axis in the production of war materials. I recently read in the Washington papers a statement of Admiral Thomas C. Hart which attributed Japan's sweeping successes thus far to "the same old thing," supremacy in the air through all of the fighting. Our boys are crying for more guns, more ships, more planes, and more ammunition. Every work hour and every workday must be utilized to the fullest in order to place in the hands of the fighting forces of this country the weapons necessary to bring victory. Social gains should be relegated to oblivion while we are engaged in the greatest battle our country has ever faced for the preservation of liberty and freedom. The Smith bills should be enacted into law without further delay, and excess profits on war contracts should be eliminated.

Mr. HARRIS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. GATHINGS. Yes; I yield to the gentleman from Arkansas.

Mr. HARRIS of Arkansas. We have all noted the bringing of General MacArthur out of the Philippines and putting him in command of the Southwest forces. That will be a stabilizing influence on the people of the United States. Does the gentleman not think that if we could by some action assure the production of matériel to send to our soldiers that it would have an additional stabilizing influence on the people of the whole Nation?

Mr. GATHINGS. I think so, and Mr. Speaker, I thank the gentleman for his contribution.

I yield back the remainder of my time.

The SPEAKER. Under previous order of the House, the gentleman from Texas [Mr. BECKWORTH] is recognized for 10 minutes.

PRODUCTION IN THE WAR EFFORT

Mr. BECKWORTH. Mr. Speaker, for many months I have been devoting much time, attention, and effort to the problem of delays in our national defense and offense program.

The President of the United States announced the policy of our Government with reference to delays many months ago.

I herewith submit a letter written by the Secretary of Labor, November 27, 1940:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, November 27, 1940.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN BECKWORTH: Your letter to the President concerning the strike at the Vultee airplane plant, Downey, Calif., was referred to me so that you might be informed as to what the Government was doing to bring about a settlement. John R. Steelman, Director of Conciliation of this Department, settled the controversy yesterday, and work has been resumed in the plant.

As you know, the President announced yesterday, following a conference with Army, Navy, and labor representatives, that it is the policy of the Government to keep factories engaged in defense work open and that the problem of dealing with the labor situation in connection with national defense is under daily consideration.

Very truly yours,
FRANCES PERKINS.

Some 4 months after November 27, 1940, because numerous delays were transpiring, I requested the Chief Executive to state to me whether or not in his opinion the authorities of our Government possessed power to prevent strikes and delays. The two letters which follow verify this fact:

THE WHITE HOUSE,
Washington, April 19, 1941.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN BECKWORTH: I have your letter of April 9, 1941, inquiring as to the authority now possessed by the Federal Government to terminate delays resulting from industrial disputes in the event the Conciliation Service and the National Defense Mediation Board are unable to effect a settlement.

I have asked the Secretary of Labor to go into this question and to reply to your inquiry.

Sincerely,
FRANKLIN D. ROOSEVELT.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, April 23, 1941.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN BECKWORTH: The President has referred to me for reply your letter dated April 9 inquiring as to the authority now possessed by the Federal Government to terminate delays resulting from industrial disputes which the Conciliation Service and the National Defense Mediation Board are unable to settle.

I have asked the Solicitor of Labor to go into this matter and as soon as his investigation is completed I shall be glad to communicate further with you.

Sincerely,
FRANCES PERKINS.

The question often has been asked, "Do the authorities of our Government have the power to prevent these delays?" Mr. Gerard D. Reilly, the Solicitor of Labor, answered this question in a letter to me, written May 8, 1941. He concludes by saying:

And, finally, for the occasional situation in which both prevention and impartial mediation are unsuccessful, the Government has authority to step in and act directly to assure resumption of production or an adequate alternative source of supply.

After I received the statement by Mr. Reilly, written May 8, 1941, which concludes with the above-quoted statement, I asked the Secretary of Labor whether or not she concurred with Mr. Reilly. She answered my inquiry May 10, 1941, with the following letter:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, May 10, 1941

The Honorable LINDLEY BECKWORTH, M. C.,
House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN BECKWORTH: I have your inquiry with regard to my concurrence in the opinion in the memorandum which I sent you yesterday, the memorandum having been prepared by the Solicitor of the Department.

In response to your original inquiry I asked the Solicitor to make a study of the various possible types of authority available to the Federal Government to bring about termination of delays resulting from industrial disputes which it was assumed had not been or could not be settled by the Conciliation Service and the Defense Mediation Board.

Mr. Reilly, Solicitor of the Department of Labor, made a report summing up a variety of powers and remedies which the Government has under existing law. It is in no way a statement of views or private opinions, but an exploration of all of the legal powers which the Government has under a variety of statutes. I believe this to be a correct summary.

Sincerely yours,
FRANCES PERKINS

The official communications to which I have referred clearly state the President announced November 26, 1940, "that it is the policy of the Government to keep factories engaged in defense work open," and according to the Secretary of Labor and the Solicitor of Labor, that "the Government has authority to step in and act directly to assure resumption of production."

To be as certain as possible concerning the need of additional legislation, I again wrote the President and the Secretary of Labor letters November 7, 1941; I wrote still another similar letter to the Secretary of Labor November 18, 1941. The answers to my letters follow:

THE WHITE HOUSE,
Washington, November 18, 1941.

Hon. LINDLEY BECKWORTH,
House of Representatives,
Washington, D. C.

MY DEAR MR. BECKWORTH: Your letter to the President of November 7 has been received, as well as the extension of your remarks in the CONGRESSIONAL RECORD.

The President is giving very thoughtful consideration to all suggestions for legislation which will overcome delays in the production program due to any cause.

Thank you for your letter.

Very sincerely yours,
EDWIN M. WATSON,
Secretary to the President.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, November 19, 1941.

The Honorable LINDLEY BECKWORTH, M. C.,
House of Representatives,
Washington, D. C.

MY DEAR CONGRESSMAN BECKWORTH: I have your letter of November 18 and note that you are asking me a question: "Is it still your opinion that no legislation is needed to prevent delays in national defense industries?"

All suggestions for legislative remedies are being given close consideration for practicality, administrative possibilities, constitutional effects, as well as for desirability.

Yours very truly,
FRANCES PERKINS.

Obviously, from the foregoing communications the authorities of the executive branch of our Government refer only to the fact that consideration is being given the question of delay. This has been the situation for more than 15 months, according to the record, as here portrayed. And the situation has not changed, according to the press today, March 18, 1942. I quote the second paragraph of a front-page story concerning strikes which appeared in the Washington Post today:

Telling reporters at his press conference of conversations earlier in the day with his union labor war cabinet, Mr. Roosevelt said he did not believe the country needed further legislation at this time, since such things should not be rushed when they are going pretty well

This same news story is partly headlined with the words, President Defends 40-Hour Week.

Although the authorities of the Executive branch of our Government have made the positive statements they have power to insure uninterrupted production, many Members of the House of Representatives, being anxious to provide our armed forces with an abundance of arms, ammunition, and implements of war, and feeling that delays and strikes should completely cease, have endeavored constantly to enact legislation to make as certain as possible that no slow-down or let-up in production would characterize our war effort. I am glad to say I have had a part in each of these efforts to prevent delays, as the CONGRESSIONAL RECORD will disclose. I wish to refer to some examples of the efforts which some of the Members of the House have made. On July 29, 1941, I was one of the 114 Members of the House of Representatives who voted for legislation to prevent delays in our national defense program; however, 255 Members of the House voted a different vote to that cast by me. On December 3, 1941, more than 3 months ago, the House passed a strong bill designed to prevent delays; I supported the bill which passed by a vote of almost 2 to 1 The bill, if enacted into law, would be very effective, but it has never been acted on by the Senate. Besides provisions with reference to the closed shop, labor-leader racketeering, and jurisdictional strikes, and so forth, the bill contains a section that deals with the problem of extortionate fees which are being charged those sincere and patriotic citizens who demand the right to work.

House Members frequently inquire as to why the Senate does not consider the bill we sent them more than 3 months ago. I cannot answer this question; however, I wish to insert in the RECORD at this point an excerpt from a news item which appeared in the Washington Post March 5, 1942. The pertinent portion reads:

Secretary of Labor Perkins will be called before the Senate Education and Labor Committee next week 'for information" on the defense labor situation, Chairman ELBERT D. THOMAS of Utah disclosed last night.

Senator THOMAS of Utah said Miss Perkins was invited "merely because we wish to keep ourselves informed" and not because the committee was contemplating any labor legislation.

THOMAS personally opposed legislation as "untimely" and said there was no likelihood of the House-approved Smith bill, drastically regulating unions during the emergency, ever clearing his committee

"If the committee reported it and it passed the Senate, I think the House would repudiate its former approval when it went back to them," said THOMAS. "My opinion is that things are proceeding satisfactorily under the National War Labor Board."

Many of the American people are in accord with the sentiment expressed in the telegram I herewith quote:

CARTHAGE, TEX., *March 16, 1942.*

Hon. LINDLEY BECKWORTH:

Six million Texans expect General MacArthur to be saved. War profits and 40-hour weeks for management and labor must go by the board. Let's do something about it.

R. G. BROWN.

I now strongly urge the Senate to consider the legislation which we sent them more than 3 months ago.

Work is the secret weapon of any nation. All of our plants must operate not merely 40 hours per week, but to the fullest capacity, the type of capacity described and urged by Production Director Donald M. Nelson, March 10, 1942, in the following news item:

[From the Washington Post of March 11, 1942]

BLASTS PART-TIME USE

The public, Nelson said, is far from complacent and wants production with such "intensity of feeling" that it will make sure it gets it "one way or another."

Indicating the possibilities of the drive he announced last week to raise existing production rates by 25 percent, Nelson said that if all equipment now involved in war production were used 24 hours a day, 7 days a week, "we would practically double the man-hours" now going into military production.

Nelson noted that 20 percent of American war plants now operate only 5 days or 5½ days a week. Many plants, he added, closed on Sundays. In many others, the second shift uses only 40 percent of the plant facilities, and the third shifts use only 20 percent.

This, he concluded, means that thousands of machines needed for munitions work now stand idle part or all of every week end and from 8 to 16 hours every week day.

In another illustration, the production boss said that if the facilities of all the Nation's 31 aircraft engine and propeller plants were used to the same extent as those of the three with the best records, production could be increased immediately by 25 percent.

Similarly, if all of America's 153 machine-tool factories operated at the same level of utilization as the top three, machine-tool output would be stepped up by 45 percent he said.

I desire to say, on February 27, 1942, I was one of the 62 Members of Congress who by standing vote supported legislation to permit people to work more than 40 hours per week in national defense industries throughout the duration of the war.

The people of this Nation at this very moment are praying to God to give them enough strength to work not just 40 hours per week, but enough strength to work as many hours of every day, week, and month as is needed to defeat the Axis Powers.

Not long ago the Congress of our Nation approved an appropriations bill for approximately $32,000,000,000, the largest ever passed by Congress; this bill constitutes the major answer of the greatest democracy, America, to the dictators and oppressors of people. By it and similar bills we are evidencing that we had rather have victory at any cost than peace at any price. Deplorable it is that some unjustifiable waste and extravagance have characterized our defense and victory effort up to now; nothing is more reprehensible than war profiteering. It is my sincere hope that not one penny of the $32,000,000,000 or sums to be later appropriated will be wasted and that the small businessman who is now faced with the greatest difficulties ever confronted by him will be permitted to participate in our all-out program of production to the end that delivery of arms, ammunition, and implements of war may be hastened and that President Roosevelt's policy enunciated January 6, 1942, when he delivered his most recent message to Congress may be carried out. His words were:

We must convert every available plant and tool to war production. That goes all the way from the greatest plants to the smallest—from the huge automobile industry to the village machine shop.

May this policy soon be carried out.

Paraphrasing lines we all often have heard, I would say in this day of mechanized warfare that—

Heights of nations reached and kept
Were not attained by sudden flight
But they while other nations slept
Were toiling onward in the night.

Indeed, the people of our Nation in this uncertain and tragic hour must be toiling onward in the night.

EXTENSION OF REMARKS

Mr. THILL. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a letter and some brief news articles.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. HOOK, for 10 days, on account of important business.

To Mr. SHANLEY (at the request of Mr. DOWNS), for today, on account of official business.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1564. An act for the relief of Pauline Caton Robertson;

S. 1669. An act for the relief of James Franklin Smith;

S. 1777. An act for the relief of Robert Lee Phillips and for the six minor children of Robert Lee Phillips and the late Estelle Phillips, namely, Robert Lee Phillips, Jr.; James Rudolph Phillips; Katherine Phillips; Richard Eugene Phillips; Charles Ray Phillips; and David Delano Phillips;

S. 1898. An act for the relief of the heirs of Mrs. Nazaria Garcia, of Winslow, Ariz.;

S. 1906. An act for the relief of the estate of O. K. Himley; and

S. 2063. An act to authorize certain officers and enlisted men of the Army of the United States to accept emblems, medals, orders, and decorations that have been tendered them by governments of the Western Hemisphere.

ADJOURNMENT

Mr. O'NEAL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until tomorrow, Thursday, March 19, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds on

Thursday, March 19, 1942, at 10 a. m., for consideration of H. R. 6483. The hearing will be held in room 1304, New House Office Building.

COMMITTEE ON IRRIGATION AND RECLAMATION

The Committee on Irrigation and Reclamation will meet at 10: 30 a. m., Thursday, March 19, room 353, House Office Building, for the further consideration of H. R. 6522.

COMMITTEE ON THE JUDICIARY

On Saturday, March 21, 1942, at 10 a. m., hearings will be resumed on H. R. 6444, to provide for the registration of labor organizations, business and trade associations, and so forth, before subcommittee No. 3 of the Committee on the Judiciary. The hearings will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Tuesday, April 14, 1942. Business to be considered: Hearings along the line of the Sanders bill, H. R. 5497, and other matters connected with the Federal Communications Commission.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1514. A communication from the President of the United States, transmitting emergency supplemental estimates of appropriations, totaling $17,579,311,253, fiscal year 1942, to remain available until June 30, 1943, for the military activities of the War Department, together with five drafts of proposed provisions (H. Doc. No. 680); to the Committee on Appropriations and ordered to be printed.

1515. A letter from the Secretary of War, transmitting a draft of a proposed bill to increase the monthly maximum number of flying hours of air pilots, as limited by the Civil Aeronautics Act of 1938, because of the military needs arising out of the present war; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAY: Committee on Military Affairs. H. R. 6738. A bill to limit the initial base pay of $21 per month for enlisted men in the Army and Marine Corps to those of the seventh grade; without amendment (Rept. No. 1908). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANDOLPH: Committee on the District of Columbia. H. R. 6782. A bill to authorize the Commissioners of the District of Columbia to assign officers and members of the Metropolitan Police force to duty in the detective bureau of the Metropolitan Police Department, and for other purposes; without amendment (Rept. No. 1909). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 6156. A bill to amend section 321, title III, part II, Transportation act of 1940, with respect to the movement of Government traffic; without amendment (Rept. No. 1910). 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. BALDWIN:

H. R. 6806. A bill providing for the registration of women between the ages of 18 and 65 under the Selective Training and Service Act of 1940; to the Committee on Military Affairs.

By Mr. MAAS:

H. R. 6807. A bill to establish a Women's Auxiliary Reserve in the Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. HOFFMAN:

H. R. 6808. A bill to in part compensate the men in the armed forces of the United States who are serving in combat units in combat areas; to the Committee on Military Affairs.

By Mr. CELLER:

H. R. 6809. A bill for the better assurance of the protection of persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. VAN ZANDT:

H. Res. 460. Resolution that the manuscript entitled "Benefits Available to Officers and Enlisted Men and Their Dependents, Under Laws Administered by the Veterans' Administration," be printed as a public document; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Indiana:

H. R. 6810. A bill granting a pension to Amelia Branson; to the Committee on Invalid Pensions.

By Mr. REECE of Tennessee:

H. R. 6811. A bill for the relief of Fred Henry; to the Committee on Claims.

H. R. 6812. A bill for the relief of Robert C. Duff; to the Committee on Military Affairs.

PETITIONS, ETC.

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

2575. By Mr. DIRKSEN: Petition of 150 citizens of Delavan, Ill., advocating the enactment of Senate bill 860; to the Committee on Military Affairs.

2576. By Mr. LUTHER A. JOHNSON: Petition of Datus E. Proper, executive vice president, Texas Good Roads Association, Austin, Tex., opposing House bill 6750; to the Committee on Rules.

2577. By Mr. KRAMER: Petition of the Board of Supervisors of the County of Los Angeles, Los Angeles, Calif., requesting the Work Projects Administration in Washington to fully utilize, consistent with the interests of the national defense, various Work Projects Administration music projects to the end that their personnel may not be unwisely dispersed; to the Committee on Ways and Means.

2578. Also, petition of the Lions Club of Los Angeles, Calif., demanding that all Japanese, both alien and American, be immediately removed from Pacific coast areas and from defense areas of the Territory of Hawaii, to prevent sabotage and espionage; to the Committee on Military Affairs.

2579. By Mr. McGREGOR: Petition of Richard F. Farley, of Mount Vernon, Ohio, and approximately 70 other residents of Knox County, Ohio, urging the immediate passage of Senate bill 860, known as the Sheppard bill, to preserve the health, welfare, and safety of our armed forces by preventing the sale of beer in our Army camps and the sale of hard liquor and the establishment of houses of prostitution in the vicinity of Army camps; to the Committee on Military Affairs.

SENATE

THURSDAY, MARCH 19, 1942

(Legislative day of Thursday, March 5, 1942)

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

The Chaplain, the Very Reverend ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God and Heavenly Father, who dost suffer us to be tempted in order that we may be strong: Lay not more upon us than Thou wilt enable us to bear, and if Thou sendest weakness, yet, for Thy mercy's sake, deny us not the comfort of true patience, since the fretfulness of our spirits is frequently more hurtful than the heaviness of our burdens. And, as Thy servant asked of old, do Thou, O Christ, teach us to serve Thee as Thou deservest; to give and not to count the cost; to fight and not to heed the wounds; to toil and not to seek for rest; to labor nor to seek reward save that of knowing that we do God's will.

Holy Spirit, whose guidance we invoke, take from our hearts all semblance of self-pity or excuse; enlighten our minds with Thy vision of honor, purity, and love; give to our whole being the power so to fight our besetting sin that, though we be scarred, we may win the victory of our Master, Jesus Christ, to whom with Thee and the Father be the loyalty and devotion of our lives, now and forever. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, March 18, 1942, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 6691) to increase the debt limit of the United States, to further amend the Second Liberty Bond Act, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DOUGHTON, Mr. CULLEN, Mr. COOPER, Mr. CROWTHER, and Mr. KNUTSON were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 6802) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1943, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to